

**NORTH DOWNTOWN SPECIFIC PLAN PROJECT
CEQA FINDINGS**

STATE CLEARING HOUSE NO. 2018012020

**PURSUANT TO SECTION 15091 AND 15093 OF THE STATE CEQA
GUIDELINES AND SECTION 21081 OF THE PUBLIC RESOURCES CODE**

LSA

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TABLE OF CONTENTS

1.0 INTRODUCTION	1
1.1 Statutory Requirements For Findings	1
1.2 Record of Proceedings	2
1.3 Organization/Format of Findings	3
2.0 NORTH DOWNTOWN SPECIFIC PLAN PROJECT	3
2.1 Project Objectives	3
2.2 Project Description	4
2.2.1 Regional Location and General Setting	4
2.2.2 Specific Plan Purpose and Authority	4
2.2.3 Specific Plan Area-Wide Policies	4
2.2.4 Specific Plan Development Projections	6
2.3 Alternatives	7
3.0 EFFECTS DETERMINED TO BE MITIGATED TO LESS-THAN-SIGNIFICANT LEVELS	7
3.1 Air Quality	8
3.2 Greenhouse Gas Emissions	10
3.3 Noise and Vibration	12
3.4 Hazards and Hazardous Materials	15
4.0 EFFECTS DETERMINED TO BE LESS THAN SIGNIFICANT OR NOT SIGNIFICANT	16
4.1 Aesthetics/Visual Resources	16
4.2 Agricultural and Forestry Resources	16
4.3 Biological Resources	17
4.4 Cultural Resources	17
4.5 Geology and Soils	18
4.6 Hydrology and Water Quality	19
4.7 Land Use and Planning	20
4.8 Mineral Resources	21
4.9 Population and Housing	21
4.10 Public Services	21
4.11 Recreation	22
4.12 Tribal Cultural Resources	23
4.13 Utilities and Service Systems	23
5.0 FEASIBILITY OF PROJECT ALTERNATIVES	24
5.1 Project Alternatives	24
5.1.1 No Project Alternative	24
5.1.2 Reduced Development Alternative	26
6.0 SIGNIFICANT EFFECTS THAT CANNOT BE MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL	27
7.0 STATEMENT OF OVERRIDING CONSIDERATIONS	28
8.0 CONCLUSION	29

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1.0 INTRODUCTION

1.1 STATUTORY REQUIREMENTS FOR FINDINGS

The California Environmental Quality Act (CEQA), (Cal. Pub. Res. Code, §21080) and the CEQA Guidelines (Cal. Code Regs., Title 14, §15063) state that if it has been determined that a project may or will have significant impacts on the environment then an Environmental Impact Report (EIR) must be prepared. Accordingly, an EIR has been prepared by the City of Walnut Creek (hereafter referred to as "the City") to evaluate potential environmental effects that may result from implementation of the proposed North Downtown Specific Plan Project (hereafter referred to as the proposed project). The EIR has been prepared in accordance with the California Environmental Quality Act of 1970, as amended (Cal. Pub. Res. Code, §21000 et seq.), and implementing State CEQA Guidelines (Cal. Code Regs., Title 14, §15000 et seq.).

In accordance with CEQA Guidelines Section 15090, the City, as Lead Agency for the project, certifies that:

- a. The Final EIR for the proposed project has been completed and processed in compliance with the requirements of CEQA;
- b. The Final EIR was presented to the City Council, as the decision-making body for the proposed project, and the City Council reviewed and considered the information contained in the Final EIR prior to approving the proposed project; and
- c. The Final EIR reflects the City's independent judgment and analysis. The City has exercised independent judgment in accordance with Public Resources Code Section 21082.1(c) in retaining its own environmental consultant and directing the consultant in the preparation of the EIR as well as reviewing, analyzing, and revising material prepared by the consultant.

These CEQA findings of fact (hereafter referred to as "Findings") and mitigation monitoring and reporting program (MMRP, Chapter 5 of the Response to Comments Document) have been prepared in accordance with CEQA and the CEQA Guidelines. The purpose of these Findings is to satisfy the requirements of Public Resources Code Section 21081 and Sections 15090, 15091, 15092, and 15097 of the CEQA Guidelines, in connection with the approval of the proposed project. Before approving a project, an EIR must be certified pursuant to Section 15090 of the CEQA Guidelines. Prior to approving a project for which an EIR has been certified, and for which the EIR identifies one or more significant environmental impacts, the approving agency must make one or more of the following Findings, accompanied by a brief explanation of the rationale, pursuant to Public Resources Code Section 21081 Section 15091 of the CEQA Guidelines, for each identified significant impact:

1. Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

It is recommended that one or more of the specific written Findings above be adopted regarding each significant impact associated with the proposed project. Those Findings are presented here, along with a presentation of facts in support of the Findings. Concurrent with the adoption of these Findings, the City Council will adopt the MMRP, presented as a separate document. Section 15092 of the CEQA Guidelines states that after consideration of an EIR, and in conjunction with the Section 15091 findings identified above, the lead agency may decide whether or how to approve or carry out the project. Per Section 15093, the lead agency may approve a project with unavoidable adverse environmental effects only when it finds that specific economic legal, social, technological, or other benefits of the proposed project outweigh those effects. Section 15093 requires the lead agency to document and substantiate any such determination in a "statement of overriding considerations" as a part of the record. Unavoidable adverse environmental effects associated with the proposed project were identified in the EIR, and a Statement of Overriding Considerations has been prepared and is included in Section 7.0 of this document.

It is recommended that the City Council expressly finds the Final EIR for the proposed project reflects the City's independent review and judgment, as required by CEQA. In accordance with the provisions of CEQA and the CEQA Guidelines, it is recommended that the City Council adopt these Findings as part of its certification of the Final EIR.

1.2 RECORD OF PROCEEDINGS

For purposes of CEQA and the Findings set forth herein, the record of proceedings for the City's decision on the project consists of: a) matters of common knowledge to the City, including, but not limited to, federal, State and local laws and regulations; and b) the following documents which are in the custody of the City:

- Draft North Downtown Specific Plan;
- Notice of Preparation and other public notices issued by the City in conjunction with the project (see Appendix A of the Draft EIR for the Notice of Preparation);
- The Public Review Draft EIR and supporting documentation prepared for the proposed project (Appendix A through D of the Draft EIR), dated June 2018;
- All written and verbal comments submitted by agencies, organizations and members of the public during the public comment period and responses to those comments (see Response to Comments Document, dated April 2019);
- The Mitigation Monitoring and Reporting Program (see Chapter 5 of the Response to Comments Document for the Mitigation Monitoring and Reporting Program);
- The Staff Report for the City Council;

- All Findings and resolutions adopted by the City in connection with the project, and all documents cited or referred therein;
- All final reports, studies, memoranda, maps, correspondence, and all planning documents prepared by the City or the consultants to each, or responsible or trustee agencies with respect to: a) the City's compliance with CEQA; b) development of the project; or c) the City's action on the project; and
- All documents submitted to the City by agencies or members of the public in connection with development of the project.

1.3 ORGANIZATION/FORMAT OF FINDINGS

Section 2.0 of these Findings contains a summary description of the project, sets forth the objectives of the project, and briefly describes alternatives evaluated in the Draft EIR. Section 3.0 identifies the potentially significant effects of the project which were determined to be mitigated to a less-than-significant level. All numbered references identifying specific mitigation measures refer to numbered mitigation measures found in the Draft EIR. Section 4.0 identifies the project's potential environmental effects that were determined not to be significant, and do not require mitigation. Section 5.0 discusses the feasibility of project alternatives. Section 6.0 identifies the significant effects that cannot be mitigated to a less-than-significant level; Section 7.0 identifies the Statement of Overriding Considerations, and Section 8.0 provides a conclusion.

2.0 NORTH DOWNTOWN SPECIFIC PLAN PROJECT

This section lists the objectives of the proposed project, provides a brief description of the project, and lists the project alternatives evaluated in the Draft EIR.

2.1 PROJECT OBJECTIVES

The following are the primary objectives of the proposed project:

- Reinforce and further expand Walnut Creek's position as a major employment, retail commercial, and housing center, and as a cultural destination in the San Francisco Bay Area.
- Plan new economic and land use policies that lead to an increase in employment opportunities in close proximity to the Walnut Creek BART Station and downtown.
- Harness and direct the market demand for more urbanized development near the Walnut Creek BART station, while also preserving and enhancing the strong sales tax base in the area, especially the auto sales and service uses which are concentrated within the Plan Area.
- Support and expand existing transit, bicycle and pedestrian transportation to manage traffic congestion, serve a diverse population, improve overall health, and build a resilient local transportation system.

- Expand upon concepts of the North Main Street/Ygnacio Valley Road (NMS/YVR) Specific Plan, which was adopted in 2002 prior to the arrival of denser and more urbanized residential development in areas in and near the NMS/YVR Specific Plan Area.
- Direct and facilitate reinvestment and redevelopment within this portion of the Core Area of the City and identify new infrastructure improvements needed to expand access to a broad range of transportation options, including walking, bicycling, and transit, and create a safe and healthy urban environment.
- Identify where optimal non-vehicular transportation connections should occur, and create and implement land use policies that take full advantage of the Plan Area’s proximity to the Walnut Creek BART station and the traditional downtown.
- Ensure that the change from commercial land uses to multi-family residential land uses occurs in a responsible and fiscally sustainable manner.

2.2 PROJECT DESCRIPTION

The proposed project analyzed in the Draft EIR for the North Downtown Specific Plan is described below.

2.2.1 Regional Location and General Setting

The City of Walnut Creek is located at the foot of Mount Diablo in Contra Costa County, approximately 23 miles east of San Francisco. The City is surrounded by Pleasant Hill and Concord to the north, Lafayette to the west, Alamo to the south, and Mount Diablo to the east. The Plan Area consists of 191 acres located on the western edge of the City.

2.2.2 Specific Plan Purpose and Authority

The Specific Plan shall guide all land use and development decision-making processes for the Plan Area. The Specific Plan does not replace or augment building safety codes or other non-planning related codes. All applications for new construction, substantial modifications to existing buildings, and changes in land use shall be reviewed for conformance with this Specific Plan. The Specific Plan would be adopted under the authority of the City’s Zoning Ordinance, which establishes specific plans as tools to regulate land use and development.

2.2.3 Specific Plan Area-Wide Policies

The vision for the Specific Plan is that the Plan Area becomes better connected and integrated with Walnut Creek’s traditional Downtown, the BART station, Civic Park, Iron Horse Trail, surrounding neighborhoods, and the region. It will continue to be an important jobs center and location for automobile sales and service, while also continuing to evolve into a vibrant mixed-use district that integrates housing, retail, restaurant, civic, hospitality, arts and entertainment uses.

North Downtown will feature well-designed public plazas that attract community members of all ages and will encourage physical activity, civic events, and informal social gathering. Street trees, landscaping, pedestrian-scale lighting and public art will beautify the streets and public spaces.

Streets will be designed for all ages, abilities, and modes including pedestrians, bicyclists, transit, and vehicles. Ygnacio Valley Road will continue to be a major vehicular route of regional significance with improved facilities for pedestrians and bicyclists. Enhanced east-west and north-south connections will provide a diverse network of blocks, streets, and pathways, making it easier, safer, and more comfortable for workers, residents, and visitors to get around and through North Downtown. As described below, the Specific Plan provides key features for the following topics:

- Land Use
- Development Standards
- Mobility
- Infrastructure

2.2.3.1 Land Use

The proposed land use concept aims to create a more walkable area that is an extension of the traditional downtown with a focus on mixed use development with housing or office over ground-floor retail businesses south of Ygnacio Valley Road, the continuation of office and Auto Sales and Services north of Ygnacio Valley Road.

2.2.3.2 Development Standards

The Development Standards chapter includes standards and guidelines that would apply to future public improvements and private development within the Plan Area, addressing both the design of new buildings and renovations of existing structures.

2.2.3.3 Mobility

The Mobility chapter describes the future transportation network for all modes of travel within the Plan Area. The mobility chapter includes key features and policies related to the circulation network, street and intersection design concepts, parking, and transportation demand management. The Specific Plan includes several new bicycle, pedestrian, and multi-use facilities. These new facilities would complete the transportation network within the Plan Area, allowing more travel by foot and bicycle.

2.2.3.4 Infrastructure

The Infrastructure chapter establishes policies for the improvement and provision of utilities and public services taking into consideration the long-term development objectives to support development associated with the Specific Plan. The Infrastructure chapter identifies improvements to the underground utility infrastructure including municipal water and sewer that may need to be made as individual projects within the Plan Area are completed. These improvements include upsizing 6-inch water mains to 8-inch mains and the upsizing and replacement of approximately 5,670 linear feet of wastewater mains and would be completed by the East Bay Municipal Utility District (EBMUD) and Central Contra Costa Sanitary District (CCCSD). The infrastructure improvements identified would generally occur in the southern portion of the Plan Area.

2.2.4 Specific Plan Development Projections

The City has prepared growth projections to identify potential future development that would likely occur under the Specific Plan by 2038. For the purposes of evaluating the potential effects of the Specific Plan, these projections have been translated into equivalent estimates of the number of housing units, jobs, and population to occur by 2038, shown in Table 2-A. These future projections were identified by the City based on a parcel-by-parcel analysis of the potential development sites in the Plan Area that have the highest likelihood of being redeveloped over the approximately 20-year time horizon of the Specific Plan. However, some implementation programs and improvements may happen more slowly and occur after the year 2038, as described in Chapter 7, Implementation of the Specific Plan. The existing baseline for this data is 2017, when traffic counts were taken and the existing conditions analysis for the Specific Plan began. This EIR analyzes the potential environmental effects of the project development build-out shown in Table 2-A. For the purposes of the analysis, the following entitled projects within the Plan Area were assumed to be part of the existing conditions:

- Riviera Apartments and Condos, multiple addresses: 138 residential units
- TRG Bayrock Apartments, located at 2211 North Main Street: 52 residential units
- Marriot Hotel, located at 2050 North California Boulevard and 2047 North Main Street: 160 hotel rooms
- F&M Bank, located at 1823 and 1871 North Main Street: 5,505 square feet of retail space
- 1716 Lofts, located at 1716 North Main Street: 48 residential units and 2,640 square feet of retail space

Table 2-A: Walnut Creek North Downtown Specific Plan Area Projections

Units	Existing Conditions (2017 Baseline)	2038 Projections	Net Difference (Specific Plan Study Option – 2017 Baseline)
Population	1,595 ^a	3,115 ^a	1,519
Housing Units	944	1,843	899
Jobs	13,039	16,585	3,546

Source: Raimi + Associates, North Downtown Growth Projection Assumptions Memo (December 7, 2017); Table compiled by LSA (2018)

Note: While the NOP will be circulated in 2018, the City is using a Year 2017 Baseline.

^a These projections were calculated using an assumed average household size of 1.69 persons, as described below.

The population projections shown in Table 2-A were calculated using an assumed average household size of 1.69 persons.¹ Employment projections were calculated using standard assumptions of one job per 500 square feet of retail space, one job per 250 square feet of office space, 0.9 jobs per hotel

¹ Raimi + Associates, 2016. *North Downtown Specific Plan Existing Conditions Report, Market and Economics, Table 1*. October 19.

room,¹ one job per 463 square feet of general light industrial,² and one job per 600 square feet of auto retail or service.³

2.3 ALTERNATIVES

The following two alternatives were evaluated within the EIR:

- The CEQA-required **No Project alternative** assumes that the Specific Plan would not be adopted and future development within the Plan Area would occur under the General Plan 2025 adopted in April of 2006 and evaluated in the Final Environmental Impact Report. It is projected that this alternative would result in 280 new housing units (for a total of 1,224 housing units), 563,000 square feet of new office space, 2,006 square feet of new retail space, and 22,298 square feet of new auto sales and service space. At buildout, the No Project alternative would result in the addition of 2,259 new jobs (for a total of 15,332 jobs) and 474 new residents (for a total of 2,069 residents). The No Project alternative does not include the new goals and guidelines of the Specific Plan that would provide environmental and community benefits.
- The **Reduced Development alternative** assumes that the growth in the Plan Area at buildout would need to be approximately 40 percent to half the amount identified for the Specific Plan in order to reduce two of the four significant and unavoidable transportation impacts to a less-than-significant level. To achieve a lower amount of growth under this alternative, proposed maximum Floor Area Ratios (FAR) identified in the Draft Specific Plan would be reduced by about half, but in no case would be less than what is currently allowed per the General Plan and Zoning. It is projected that this alternative would result in approximately 911 new future residents (for a total of 2,506 residents), 539 new housing units (for a total of 1,483 units) and 2,127 new jobs (for a total of 15,166 jobs). The Reduced Development alternative would follow the same land use plan as proposed in the Draft Specific Plan. In addition, it would include the new goals, policies, and design guidelines of the Draft Specific Plan, but not development standards that support additional height and development intensity.

A more detailed description of these alternatives and required Findings are set forth in Section 5: Feasibility of Project Alternatives.

3.0 EFFECTS DETERMINED TO BE MITIGATED TO LESS-THAN-SIGNIFICANT LEVELS

The Draft EIR identified certain potentially significant effects that could result from the project. However, the City finds for each of the significant or potentially significant impacts identified in this section that based upon substantial evidence in the record, changes or alterations have been required or incorporated into the project which avoid or substantially lessen the significant effects as identified in the Final EIR and, thus, that adoption of the mitigation measures set forth below will reduce these

¹ The Natelson Company, Inc., 2001. *Employment Density Study: Summary Report*. Prepared for the Southern California Association of Governments. October 31.

² United States Green Building Council, 2008. *Building Area Per Employee By Business Type*. May 13.

³ United States Green Building Council, 2017. *Appendix 2. Default occupancy counts*.

significant or potentially significant effects to less-than-significant levels. Adoption of the recommended mitigation measures will effectively make the mitigation measures part of the project.

3.1 AIR QUALITY

Construction of individual projects associated with implementation of the Specific Plan would generate air pollutant emissions that could violate air quality standards.

- Mitigation Measure AIR-1:** Consistent with the Basic Construction Mitigation Measures required by the BAAQMD, the following actions shall be incorporated into construction contracts and specifications for the project:
- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
 - Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - A publicly visible sign shall be posted with the telephone number and person to contact at the City of San Carlos regarding dust complaints. This person shall respond and take

corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

Findings for Impact AIR-1: Mitigation Measure AIR-1 requires project contractors to comply with BAAQMD guidance for construction dust suppression measures. The purpose of these measures is to reduce the amount of dust and particulate matter in the ambient air as a result of any construction or construction related activities by requiring actions to prevent, reduce, or mitigate dust and particulate emissions. Implementation of the identified mitigation measure would reduce the impact to a less-than-significant level. Pursuant to CEQA Guidelines Section 15091(a)(1), the City finds that Mitigation Measure AIR-1 will be incorporated into the project via conditions of approval, and will reduce construction dust impacts to a less-than-significant level.

Construction of new projects associated with implementation of the Specific Plan could result in exposure of sensitive receptors to substantial pollutant concentrations.

Mitigation Measure AIR-2: All proposed development projects associated with implementation of the Specific Plan which would include construction activities within 1,000 feet of a residential dwelling unit, shall conduct a construction health risk assessment to assess emissions from all construction equipment during each phase of construction prior to issuance of building permits. Equipment usage shall be modified as necessary to ensure that equipment use would not result in a carcinogenic health risk of more than 10 in 1 million, an increased non-cancer risk of greater than 1.0 on the hazard index (chronic or acute), or an annual average ambient PM_{2.5} increase greater than 0.3 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$).

Findings for Impact AIR-2: Mitigation Measure AIR-2 requires a health risk assessment for all projects associated with implementation of the Specific Plan which would include construction activities within 1,000 feet of a residential dwelling unit. The purpose of this measure is to ensure that construction impacts do not adversely affect sensitive receptors. Implementation of the identified mitigation measure would reduce the impact to a less-than-significant level. Pursuant to CEQA Guidelines Section 15091(a)(1), the City finds that Mitigation Measure AIR-2 will be incorporated into the project via conditions of approval, and will reduce the impacts related to exposure of sensitive receptors to a less-than-significant level.

Implementation of the Specific Plan could result in exposure of sensitive receptors to substantial pollutant concentrations.

Mitigation Measure AIR-3: For residential or other sensitive use projects proposed within 500 feet of I-680, and/or any of the stationary sources identified in Table 4.3.F, the City of Walnut Creek shall require an evaluation of potential health risk exposure. The applicant for a sensitive use project within the Plan Area shall prepare a report using the latest BAAQMD permit data and roadway risk estimates to determine impacts to future residents. The report shall outline any measures that would be incorporated into the project necessary to reduce carcinogenic health risk of to less than 10 in 1 million, reduce the non-cancer risk of to less than 1.0 on the hazard index (chronic or acute), and ensure the annual average ambient PM_{2.5} increase is less than 0.3 µg/m³. Measures to reduce impacts could include upgrading air filtration systems of fresh air supply, tiered plantings of trees, and site design to increase distance from source to the receptor.

Findings for Impact AIR-3: Mitigation Measure AIR-3 requires an evaluation of health risk exposure for projects proposed within 500 feet of I-680, and/or any of the stationary sources identified in Table 4.3.F of the Draft EIR. The purpose of this mitigation measure is to reduce impacts from toxic air contaminants and the individual and cumulative level for future sensitive receptors in the area to a less-than-significant level. Pursuant to CEQA Guidelines Section 15091(a)(1), the City finds that Mitigation Measure AIR-3 will be incorporated into the project via conditions of approval, and will reduce the impacts related to exposure of sensitive receptors to a less-than-significant level.

3.2 GREENHOUSE GAS EMISSIONS

Construction of proposed projects associated with the Specific Plan would produce substantial greenhouse gas emissions.

Mitigation Measure GHG-1a: Implement Mitigation Measure AIR-1.

Mitigation Measure GHG-1b: Project contractors shall ensure the following measures are implemented through all construction contracts and specifications for projects associated with the proposed Specific Plan:

- The idling time of diesel powered construction equipment shall be minimized to 2 minutes.
- Low volatile organic compounds (i.e., reactive organic gases) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings) shall be used.

- All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of nitrogen oxide (NOx) and particulate matter.
- All contractors shall use equipment that meets the most recent CARB certification standard for off-road heavy-duty diesel engines.
- The project contractor shall use construction equipment that utilizes cleaner fuel and equipment, including equipment upgrades and/or equipment that uses renewable electricity and fuels.
- The project contractor shall prepare a waste plan prior to the issuance of building permits. The waste plan should show that it complies with State and local law and appropriate agencies should review the waste plan prior to approval.

Finding for Impact GHG-1:

Mitigation Measures GHG-1a and GHG-1b would require projects associated with the Specific Plan to implement all feasible measures recommended by the BAAQMD to reduce construction-related greenhouse gas emissions. The purpose of these mitigation measures is to ensure all feasible means to reduce greenhouse gas emissions during construction projects associated with the Specific Plan are implemented to the extent feasible. Pursuant to CEQA Guidelines Section 15091(a)(1), the City finds that Mitigation Measures GHG-1a and GHG1b will be incorporated into the project via conditions of approval, and will reduce the impacts related to exposure of sensitive receptors to a less-than-significant level.

Long-term operation of the projects associated with the Specific Plan could generate substantial greenhouse gas emissions from area and mobile sources as well as indirect emissions from sources associated with energy consumption, potentially in conflict with the City's Climate Action Plan.

Mitigation Measure GHG-2:

Prior to approval, the Specific Plan shall include policies to require implementation and compliance with the following applicable CAP measures. Individual projects proposed under the Specific Plan would also be required to show consistency with the CAP. Inclusion of the following CAP measures as Specific Plan policies is considered to be applicable, feasible, and effective in reducing greenhouse gas emissions generated by the project:

- Work with partners to educate and inform the community about ways to improve energy efficiency, including behavioral

changes, appliance purchases and rebates, maintenance practices, and more.

- Reduce landfill waste and increase promotion of recycling and composting through an expanded public education campaign, community-wide incentives, and continued partnership with the Bay Area's Green Business Program.
- Investigate local partnerships or creation of a forum to promote and equip local green businesses (for example, through the Chamber of Commerce).

Finding for Impact GHG-2: Mitigation Measure GHG-2 would ensure the implementation of measures from the CAP applicable to reduce greenhouse gas emissions. The purpose of this mitigation measure is to ensure the Specific Plan would be compliant with the CAP. Pursuant to CEQA Guidelines Section 15091(a)(1), the City finds that Mitigation Measure GHG-2 will be incorporated into the project via conditions of approval, and will reduce the impacts related to exposure of sensitive receptors to a less-than-significant level.

3.3 NOISE AND VIBRATION

The Specific Plan allows the development of residential land uses in an area that is considered a conditionally acceptable noise environment based on the City's Noise and Land Use Compatibility Guidelines for residential land uses.

Mitigation Measure NOI-1: In order to comply with the City's noise and land use compatibility standards, prior to project approval, new development proposed under the Specific Plan shall require an acoustical analysis for all noise-sensitive projects located in an area with noise levels greater than 65 dBA Ldn. All new residential land uses shall be designed to maintain an interior standard of 50 dBA L-dn in bedrooms and 55 dBA Ldn in other rooms. Noise reduction measures to achieve this noise level could include forced air ventilation so that windows can remain closed and/or upgraded wall and window assemblies.

Finding for Impact NOI-1: Mitigation Measure NOI-1 requires that new development under the Specific Plan shall require an acoustical analysis for all noise-sensitive projects located in an area with noise levels greater than 65 dBA Ldn. The purpose of this mitigation measure is to demonstrate compliance with the City's noise and land use compatibility standards. Pursuant to CEQA Guidelines Section 15091(a)(1), the City finds that Mitigation Measure NOI-1 will be incorporated into the project via conditions of approval, and will reduce construction noise impacts to a less-than-significant level.

Construction activities associated with implementation of the Specific Plan could create significant short-term vibration impacts on nearby sensitive land uses.

Mitigation Measure NOI-2: Any projects associated with the Specific Plan that would require pile driving located within 100 feet of any structure, shall develop a vibration control plan by the project applicant and approved by the City prior to initiating any pile driving activities. The plan shall be implemented before, during, and after pile driving activity. The plan shall consider all potential vibration-inducing activities that would occur and require implementation of sufficient measures to prevent exposure of nearby sensitive receptors to vibration levels in excess of the FTA threshold of 94 VdB (0.2 in/sec PPV). The plan shall identify minimum setback requirements for pile driving activities for the purpose of preventing damage to nearby structures and preventing negative human response. The setback requirements shall be established based on the proposed construction activities and locations and the maximum allowable vibration levels identified for the site. Factors to be considered include the specific nature of the vibration producing activity, local soil conditions, and the fragility/resiliency of the nearby structures.

When the final schedule of pile driving activities has been determined, all sensitive receptors within 300 feet of pile driving activities shall be notified of dates in which these activities would take place.

Finding for Impact NOI-2: Mitigation Measure NOI-2 requires any projects associated with the Specific Plan that would require pile driving located within 100 feet of any structure to develop a vibration control plan. The purpose of this mitigation measure is ensure that the exposure of sensitive receptors to excessive groundborne vibration levels is sufficiently mitigated to be less than significant. Pursuant to CEQA Guidelines Section 15091(a)(1), the City finds that Mitigation Measure NOI-2 will be incorporated into the project via conditions of approval, and will reduce construction noise impacts to a less-than-significant level.

Noise from construction activities associated with new development within the Plan Area would result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

Mitigation Measure NOI-3: The following standard measures to minimize construction noise impacts shall be implemented by all development projects proposed under the Specific Plan:

- Equip all internal combustion engine driven equipment with intake and exhaust mufflers which are in good condition and appropriate for the equipment.
- Locate stationary noise generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
- Utilize "quiet" air compressors and other stationery noise sources where technology exists.
- When necessary, temporary noise control blanket barriers should shroud pile drivers or be erected in a manner to shield the adjacent land uses. Such noise control blanket barriers can be rented and quickly erected.
- Foundation pile holes should be pre-drilled to minimize the number of impacts required to seat the pile. The pre-drilling of foundation pile holes is a standard construction noise control technique. Pre- drilling reduces the number of blows required to seat the pile.
- Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler) and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.
- Ensure that all general construction related activities are restricted to 7:00 a.m. and 6:00 p.m. Monday through Friday. No construction activities shall be permitted on Saturday, Sunday, or holidays.

Finding for Impact NOI-3:

Mitigation Measure NOI-3 requires measures to minimize construction noise impacts be implemented for all development projects proposed under the Specific Plan. The purpose of this mitigation measure is to reduce potential construction-period noise impacts to a less-than-significant level. Pursuant to CEQA Guidelines Section 15091(a)(1), the City finds that Mitigation Measure NOI-3 will be incorporated into the project via conditions of approval, and will reduce construction noise impacts to a less-than-significant level.

3.4 HAZARDS AND HAZARDOUS MATERIALS

Construction activities associated with future development projects could result in accidental releases of hazardous materials.

Mitigation Measure HAZ-1a: If the site of a future development project within the Plan Area is suspected to contain hazardous building materials, the project applicant shall submit a comprehensive assessment report to the Bureau of Building, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACMs), lead-based paint, polychlorinated biphenyls (PCBs), and any other building materials or stored materials classified as hazardous materials by State or federal law. If lead-based paint, ACMs, PCBs, or any other building materials or stored materials classified as hazardous materials are present, the project applicant shall submit specifications prepared and signed by a qualified environmental professional, for the stabilization and/or removal of the identified hazardous materials in accordance with all applicable laws and regulations. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable regulatory agency.

Mitigation Measure HAZ-1b: If the site of a future development project within the Plan Area is suspected to be contaminated or potentially contaminated based on the results of past environmental investigations of the site or nearby properties, known historic land uses on-site or in the site vicinity (e.g., gas stations/auto service facilities, dry cleaners, industrial or agricultural land uses, or placement of fill material), or listing of the site or nearby properties on the State Water Resources Control Board GeoTracker database or the Department of Toxic Substances Control Envirostor database, the project applicant shall submit a Phase I Environmental Site Assessment report, and Phase II Environmental Site Assessment report if recommended by the Phase I report, for the project site for review and approval by the City. The report(s) shall be prepared by a qualified environmental assessment professional and include recommendations for remedial action, as appropriate, for hazardous materials. Any remedial activity shall be conducted under the oversight of an appropriate regulatory agency. The project applicant shall implement the agency-approved cleanup plan and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable regulatory agency.

Finding for Impact HAZ-1: Mitigation Measures HAZ-1a and HAZ-1b require comprehensive assessment reports for future development projects within the Plan

Area that are suspected to contain hazardous building materials and a Phase I Environmental Site Assessment, and Phase II Environmental Site Assessment is recommended by the Phase I, if the site of a future development project is suspected to be contaminated. The purpose of these mitigation measures is to ensure hazardous building materials are abated properly in accordance with applicable guidance and ensure the stabilization and/or removal of the identified hazardous materials in accordance with all applicable laws. Pursuant to CEQA Guidelines Section 15091(a)(1), the City finds that Mitigation Measures HAZ-1a and HAZ-1b will be incorporated into the project via conditions of approval, and will reduce hazardous materials impacts to a less-than-significant level.

4.0 EFFECTS DETERMINED TO BE LESS THAN SIGNIFICANT OR NOT SIGNIFICANT

The City finds that, based upon substantial evidence in the record, as discussed below, the following impacts associated with the project identified in the EIR are not significant or are less than significant, and do not require mitigation. Chapter VI, Other CEQA Considerations, of the Draft EIR also provides a detailed analysis of the less-than-significant impacts of the proposed project.

4.1 AESTHETICS/VISUAL RESOURCES

Compliance with General Plan goals, policies, and actions, the Zoning Ordinance, and the City's Design Review Process would ensure that future development associated with the Specific Plan maintains and protects views of scenic vistas. There are no State Scenic Highways located within the Plan Area. The Specific Plan includes development standards and guidelines for new lighting within the Plan Area. Specifically, Guideline 4.67 would ensure that night lighting and security lighting is not directed to neighboring parcels and that the overall intensity of the site lighting is not excessive. Guideline 4.65 in the Specific Plan would also discourage night-time lighting in the predominantly residential areas of the Plan Area (i.e., south of Ygnacio Valley Road and outside the Arts and Entertainment District).

Although future development allowed by the Specific Plan could change the existing visual character on individual project sites, the existing urban character of the Plan Area as a whole would remain unchanged. Given that the Specific Plan promotes infill and transit-oriented development and provides standards and guidelines for new development, future development is expected to remain consistent with and not degrade the existing visual character of the Plan Area through compliance with the City's Design Guidelines and General Plan. Therefore, the City finds that impacts associated with aesthetics would be less than significant.

4.2 AGRICULTURAL AND FORESTRY RESOURCES

The Plan Area is located within a developed urban area in the City of Walnut Creek. The Plan Area does not contain any land that is designated as Open Space—Agriculture in the City's General Plan. The

California Department of Conservation's Farmland Mapping and Monitoring Program designates that site as Urban and Built-Up Land. Therefore, implementation of the Specific Plan would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use; would not conflict with existing zoning for agricultural use, a Williamson Act contract, forest land or timberland; and would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland or forest land to non-agricultural or non-forest use. Therefore, there would be no impact to agricultural and forestry resources with implementation of the Specific Plan.

4.3 BIOLOGICAL RESOURCES

The Plan Area is almost entirely developed with buildings, roads, and landscaping. Stormwater drains into the City's storm sewer system located throughout the Plan Area into Walnut Creek, located along the southeastern edge of the Plan Area. This segment of the creek historically provided habitat for steelhead and Chinook salmon, but two flood control drop structures north of the Plan Area (one between Willow Pass Road and Highway 242 and one south of Bancroft Road) limit anadromous fish migration.

A database and literature review was completed in order to determine if the baseline conditions for biological resources in the Plan Area have changed since publication of the General Plan 2025 and its associated EIR that was published in 2005. No new biological resources were identified in the Plan Area that were not previously reported in the General Plan or General Plan EIR. The CNDDDB does not show any extant occurrences of special-status species within the General Plan Area. No special-status plants and wildlife have been identified or are expected to occur in the Plan Area due to the lack of suitable habitat.

Existing policies and actions of the General Plan 2025 would apply to future proposed projects in the Plan Area. No program-level mitigation measures for biological resources in the Plan Area are proposed as no new impacts have been identified.

Street trees that are protected by the City Tree Protection Ordinance (Chapter 8 of the City Municipal Code) and that may be removed as part of the project will require a Tree Removal Permit from the City. The City may need to implement the in-lieu fee and/or tree replacement requirements provided in the Ordinance. Ordinance-protected trees are trees that are 9 inches in diameter or 28 inches in circumference, or larger, when measured at 4.5 feet above natural grade. Trees that are considered as "Highly Protected Trees" may require additional fees or mitigation, including replacement of trees at greater than a 1:1 ratio. These trees include valley oak (*Quercus lobata*), blue oak (*Q. douglasii*), coast live oak (*Q. agrifolia*), California black oak (*Q. kelloggii*), canyon live oak (*Q. chrysoleis*), interior live oak (*Q. wilizeni* var. *wilizeni*), madrone (*Arbutus menziesii*), California buckeye (*Aesculus californica*), California black walnut (*Juglans hindsii*), and grey pine (*Pinus sabiniana*).

4.4 CULTURAL RESOURCES

LSA conducted a records search update at the NWIC and NAHC, and a literature review, to determine if the baseline conditions for cultural resources in the Plan Area have changed since publication of the General Plan 2025 and its associated EIR that was published in 2005. No new

cultural resources were identified in the Plan Area that were not previously reported in the General Plan or General Plan EIR. The literature review completed for this Specific Plan study confirmed the potential for unrecorded archaeological and paleontological deposits in the Plan Area.

Undiscovered archaeological and paleontological deposits may exist within the Plan Area. Such deposits could be obscured by existing development and/or Holocene-age alluvial deposition that buried former living surfaces and associated archaeological deposits. General Plan Policy 24.1 and Actions 24.1.1 and 24.1.2 would require a review of all major projects in the Plan Area and stoppage of construction if cultural resources are identified during project ground disturbance. This policy and these actions would mitigate potential impacts from Specific Plan implementation to archaeological and paleontological deposits by assessing their potential occurrence on a project-specific basis and through work stoppage and implementation of appropriate General Plan policies and actions in the event that such resources are identified during construction.

No recorded, historically significant, built-environment cultural resources were identified in the Plan Area, although a review of online assessor's parcel data indicates that buildings 50 years old or older exist in the Plan Area. Should their demolition or alteration be proposed, these buildings would need to be evaluated on a project-specific basis for their historical significance under appropriate State and federal criteria. Action 16.1.1 of the General Plan would develop an inventory of architecturally significant properties and landmarks. Through implementation of this action, architecturally and historically significant built-environment resources in the Plan Area—should these exist—would be recorded and managed on a project-specific basis.

In summary, existing policies and actions of the General Plan would apply to the development undertaken in the Plan Area. No program-level mitigation measures for cultural resources in the Plan Area are proposed as no new impacts that were not addressed in the General Plan have been identified.

4.5 GEOLOGY AND SOILS

Any projects that trigger the grading permit requirements under the City of Walnut Creek's Municipal Code, Title 9, Chapter 9, will need to include a soils and engineering geology report, which contains a qualitative and quantitative description of the geology of a project site, recommendations regarding the proposed development, and conclusions and recommendations regarding grading procedures and design criteria. Most projects that include any grading or excavation within the Plan Area would be required to obtain a grading permit and to prepare a site-specific soils and engineering geology report as a part of the application. With implementation of the actions from the Walnut Creek General Plan, the requirement for soft story retrofits of existing buildings during redevelopment projects, and the requirement for a site-specific geotechnical report under the Municipal Code, the potential for new development within the Plan Area to expose people or structures to seismic-related adverse effects is less than significant.

Compliance with the requirements of the Construction General Permit, the Walnut Creek Municipal Code, and Action 32.1.4 in the Walnut Creek General Plan would ensure that potential impacts related to erosion and loss of topsoil are less than significant.

Landslide hazards within the Plan Area are considered negligible. Compliance with General Plan actions would further reduce the potential for landslide hazards to result in adverse impacts within the Plan Area. Groundwater pumping is not proposed as a component of the North Downtown Specific Plan. The Plan Area is mapped as having low to moderate liquefaction hazard. Lateral spreading toward unsupported slopes can be caused by ground shaking and resulting liquefaction. Since the Plan Area is relatively flat and is not mapped as an area with high liquefaction hazard, lateral spreading is unlikely to occur. In addition, most projects that would involve any grading would be required to submit a soils and engineering geology report, as discussed above. The City of Walnut Creek's Municipal Code, Title 9, Chapter 9, will ensure that design and grading recommendations relevant to liquefaction and lateral spreading are implemented through a project's grading permit application. Compliance with the Walnut Creek Municipal Code and General Plan Actions 1.1.1, 1.1.4, and 1.2.1 would ensure that impacts related to expansive soils are less than significant. Therefore, impacts related to unstable soils would be less than significant.

The Plan Area would be served by a municipal sewer system and would not use septic tanks or alternative wastewater disposal system.

4.6 HYDROLOGY AND WATER QUALITY

Construction activities for future development projects allowed by the Plan that disturb more than 1 acre of land would be required to comply with the requirements of the Construction General Permit. Construction activities subject to the Construction General Permit include clearing, grading, excavation, and stockpiling. In accordance with the Construction General Permit requirements, a SWPPP would be developed and implemented to identify all potential pollutants and their sources, including a list of BMPs to reduce discharges of construction-related stormwater pollutants. The SWPPP would include a detailed description of controls to reduce pollutants and outline maintenance and inspection procedures. The SWPPP would be required to be kept onsite and be made available to Regional Water Board inspectors. Typical sediment and erosion BMPs include protecting storm drain inlets, establishing and maintaining construction exits, and perimeter controls. The SWPPP would also define proper building material staging areas, paint and concrete washout areas, proper equipment/vehicle fueling and maintenance practices, controls for equipment/vehicle washing, and allowable non-stormwater discharges, and would include a spill prevention and response plan.

All future development projects allowed by the Plan, including those disturbing less than 1 acre of land and creating or replacing less than 10,000 square feet of impervious surface, would be required to comply with policies and actions in Chapter 4, Built Environment, of the City's General Plan to protect water quality. Title 9, Chapter 9 of the Walnut Creek Municipal Code requires projects exceeding certain criteria to obtain a grading permit and prepare a soils and engineering geology report that contains slope control measures to minimize the adverse effects of grading and soil erosion. Section 9.16-105 of the City of Walnut Creek's Municipal Code requires a stormwater control plan for each new development project that is subject to the MRP requirements to be submitted to address both the construction and post-construction phase impacts on stormwater quality.

The Plan Area is almost entirely developed with impervious surfaces. The proposed project would not significantly alter the amount of impervious area, and therefore would not interfere

substantially with groundwater recharge. In addition, the Plan Area is served by the East Bay Municipal Utilities District (EBMUD). Based on the existing conditions (largely covered with impervious surfaces) and required implementation of General Plan policies and actions that would tend to encourage infiltration of rainwater, impacts on groundwater resources under the proposed project would be less than significant.

Existing stormwater regulations regarding construction and post-construction stormwater requirements under the Construction General Permit and MRP, respectively, include requirements for new development. Requirements for implementation of a SWPPP address potential construction-phase stormwater impacts for future development projects allowed by the Plan that disturb more than 1 acre of land. Potential impacts related to stormwater quality and increased runoff volumes during operation of new developments are addressed by provisions of the MRP for future development projects allowed by the Plan that create or replace 10,000 square feet or more of impervious surface.

Since the Plan Area is relatively flat and already largely covered with impervious surfaces, substantial changes to drainage patterns and potential increases in flooding are not anticipated. Existing stormwater regulations regarding post-construction stormwater requirements under the MRP include requirements for new development creating or replacing more than 10,000 square feet of impervious surface.

Development under the proposed project may result in new sources of various stormwater pollutants that may be deposited on impervious surfaces, such as sediment, metals, organic compounds such as pesticides, polynuclear aromatic hydrocarbons and oil and grease, pathogens, nutrients, and trash and debris. Such pollutants may also be present in non-stormwater discharges, such as runoff from irrigation and residential car washing. If not properly controlled, the discharges of these pollutants into receiving waters could adversely affect water quality and beneficial uses.

The Construction General Permit and MRP include requirements for new development (described in detail above). In addition, Chapter 4, Built Environment, of the City's General Plan contains policies and actions to control stormwater runoff and minimize the potential for associated pollution effects.

Development under the proposed project could place new development within the 100-year flood hazard zone mapped by FEMA. In addition, the southeastern portion of the Plan Area is within the mapped inundation area for Lafayette Reservoir. However, as determined by the EIR for the Walnut Creek General Plan, inundation related to dam failure is not considered a significant impact. Walnut Creek is generally at low risk to seiche and tsunami according to Walnut Creek General Plan EIR. In addition, since the Plan Area is not located close to the shoreline areas and at a relatively higher elevation, the Plan Area is not considered vulnerable to extreme high tides or sea level rise.

Therefore, potential impacts related to hydrology and water quality would be less than significant.

4.7 LAND USE AND PLANNING

The Specific Plan would not physically divide an established community. In addition, the Specific Plan would not conflict with the Zoning Ordinance or any General Plan policies adopted for the

purpose of avoiding or mitigating an environmental effect, as both would be amended concurrently with the Specific Plan. There are no habitat conservation or natural community conservation plans adopted for the Plan Area. Therefore, the City finds that impacts related to land use and planning would be less than significant.

4.8 MINERAL RESOURCES

The Plan Area is located in a developed urban area in the City of Walnut Creek and mineral exploration and extraction is not performed in the project vicinity. There are no natural gas, oil, or geothermal resources located in or adjacent to the Plan Area. Implementation of the Specific Plan would not result in a mineral resources impact.

4.9 POPULATION AND HOUSING

Full buildout of the Specific Plan would account for approximately 9 percent of the population growth accounted for by the General Plan and 7 percent of the population growth already accounted for by ABAG. Therefore, the Specific Plan would not result in substantial population growth within the City, beyond that which is already planned, nor would it substantially alter the location, distribution, or density of the population of the City.

Sponsors of new projects that displace current residents would be required to comply with the Relocation Assistance Ordinance. The City's Commercial Development Affordable Housing Fee would also provide funding for affordable housing with commercial development, so the potential loss of affordable housing through infill development would be replaced. Additionally, consistent with the Housing Element, any new office development within the Golden Triangle would be required to include a housing component. Additionally, Policy 2.1 in Chapter 4, Development Standards, of the Specific Plan provides opportunities for greater development potential, including increased floor area and/or building height, in exchange for developer-provided community benefits, which includes the provision of affordable housing beyond what is already required by the City's inclusionary housing ordinance.

Development associated with the Specific Plan could result in the development of up to 899 new residential units over the next 20 years, and the addition of approximately 1,519 residents. Because some existing housing could be removed as a part of redevelopment of sites within the Plan Area, existing residents could potentially be displaced. However, as discussed above, replacement housing would not be required outside of the Plan Area. Additionally, the Specific Plan and existing City policies promote infill development, provide relocation assistance to displaced low-income residents, and require the construction or funding of affordable housing as a part of residential, office, or commercial development. Therefore, the City finds that impacts related to population and housing would be less than significant.

4.10 PUBLIC SERVICES

As development associated with the Specific Plan is completed, the WCPD and BARTPD would maintain a similar number of sworn police officers to residents and riders and would continue to provide adequate police services to the Plan Area. Additionally, future development under the

Specific Plan would be subject to project-level environmental review to further evaluate potential impacts related to police protection services as development is proposed within the Plan Area.

While Specific Plan projected growth could increase the number and frequency of calls for service, Fire Station 1 is located within the Plan Area; therefore, response times for many calls from the Plan Area would be expected to fall within the CCCFPD's goal of 5 minutes. In addition, General Plan Action 4.2.1 in Chapter 6, Safety and Noise, requires the City to submit all new development or redevelopment plans to CCCFPD for review. Consequently, future development allowed by the Specific Plan would undergo plan review by the CCCFPD to ensure adequate fire protection services and emergency access can be provided prior to development. The review would also ensure conformance with the California Building Code and California Fire Code.

Development allowed by the Specific Plan could include up to 899 new residential units. Applying a student generation rate of 0.2 kindergarten through eighth grade students for every unit, and 0.17 high school students for every unit, development associated with the Specific Plan would be expected to generate approximately 180 students in kindergarten through eighth grade and 153 high school students. While development associated with the Specific Plan would generate new students in both the Walnut Creek School District and Acalanes Union High School District, possibly requiring the expansion of school facilities, such development would be subject to the Mitigation Fee Act. The payment of such fees is deemed to fully mitigate the impacts of new development on school facilities, per California Government Code Section 65995.

If it is determined that expanded or new police facilities, fire stations, or schools would be required, this impact would be project-specific, as it cannot be known at what time or location these facilities would be required, or what the nature of the improvements would be. Any new or expanded facilities would require permitting and review in accordance with CEQA, which would ensure that any environmental impacts are disclosed and mitigated to the extent possible.

While development associated with the Specific Plan would increase the use of parks and recreation facilities within the City, this increase would be incremental compared to the existing use. Additionally, residents of the Plan Area would be expected to use open space provided by the City, as well as regional recreational facilities and open spaces in the vicinity of the Plan Area. Therefore, the City finds that impacts related to public services would be less than significant.

4.11 RECREATION

As noted above, development associated with the Specific Plan would increase the use of parks and recreation facilities within the City. However, this increase would be incremental compared to the existing use. Additionally, residents of the Plan Area would be expected to use open space provided by the City, as described above, as well as regional recreational facilities and open spaces in the vicinity of the Plan Area.

Additionally, continued implementation of the parkland dedication requirements established in the Municipal Code would ensure that additional parkland is provided as development occurs in the City. Therefore, the City finds that impacts related to recreational facilities would be less than significant.

4.12 TRIBAL CULTURAL RESOURCES

No recorded, historically significant, built-environment cultural resources were identified in the Plan Area, although a review of online assessor's parcel data indicates that buildings 50 years old or older exist in the Plan Area. Should their demolition or alteration be proposed, these buildings would need to be evaluated on a project-specific basis for their historical significance under appropriate State and federal criteria. Action 16.1.1 of the General Plan would develop an inventory of architecturally significant properties and landmarks. Through implementation of this action, architecturally and historically significant built-environment resources in the Plan Area—should these exist—would be recorded and managed on a project-specific basis. Additionally, consultation requests were sent to Native American tribes traditionally and culturally associated with the area, and none of the tribes contacted requested consultation. Therefore, the City finds that impacts related to tribal cultural resources would be less than significant.

4.13 UTILITIES AND SERVICE SYSTEMS

At full buildout, the Specific Plan could generate a total water demand of approximately 2.60 mgd, which represents a net increase of 0.35 mgd as compared to the existing demand of 2.25 mgd within the Plan Area. As noted above, EBMUD's water demand in 2015 was approximately 190 mgd. Therefore, full buildout of the Specific Plan would represent approximately 0.8 percent of the projected increase in demand. EBMUD projects that under a multiple dry year scenario of three consecutive drought years, there is a projected 2040 shortfall for water supply of approximately 48,000 acre-feet. However, EBMUD has completed, or is in the process of developing or expanding, a number of water supply projects to ensure that EBMUD would have sufficient water supply during a multiple-dry year scenario. Additionally, EBMUD has confirmed that there are no known capacity or condition issues within the existing water system in the Plan Area.

Full buildout of the Specific Plan would generate a wastewater discharge of approximately 2.40 mgd, a net increase of 0.31 mgd compared to the existing 2.09 mgd of wastewater currently generated within the Plan Area. Therefore, full buildout of the Specific Plan would reduce the available capacity of the WWTP to 21.69 mgd, a reduction of approximately 1.4 percent.

Solid waste in the Plan Area would be transferred to the Keller Canyon Landfill, via the Contra Costa Transfer and Recovery Station, for disposal. The Keller Canyon Landfill has a maximum daily throughput of 3,500 tons and has a remaining capacity of over 63.408 million cubic yards. As described in Chapter 3.0 of the Draft EIR, Project Description, buildout of the Specific Plan could result in the addition of 899 new residential units, approximately 1,519 new residents, and approximately 3,546 new jobs. Therefore, at buildout, the Specific Plan would have a service population of 3,275, and the total solid waste generated would be approximately 15,392.5 pounds per day. Solid waste from the Specific Plan buildout service population could reduce the permitted daily throughput at Keller Canyon by approximately 7.6 tons, or 0.22 percent.

The Plan Area is currently served by energy and telecommunications providers. Proposed development within the Plan Area is not anticipated to result in a significant increase in electrical or gas demand, however, any new or redevelopment with additional electrical or gas loads will need to be approved by PG&E. Policy IF 1.5 of the Specific Plan would require any new or redeveloped areas

to coordinate with the appropriate agency to provide electric, gas, and telecommunication service to the proposed site.

Individual development projects associated with the Specific Plan would be subject to Title 24, California's Energy Efficiency Standards and would use energy efficient models and systems whenever possible and incorporate new technologies as they become available, per Specific Plan Policy IF 1.6. The level of public energy required to serve the Specific Plan buildout service population would not be expected to violate applicable federal, State, or local statutes and regulations relating to energy standards or exceed PG&E's service capacity or require new or expanded facilities.

Therefore, the City finds that impacts related to Utilities and Service systems would be less than significant.

5.0 FEASIBILITY OF PROJECT ALTERNATIVES

5.1 PROJECT ALTERNATIVES

The Final EIR included two alternatives: the No Project alternative; and the Reduced Development alternative. The City hereby concludes that the Final EIR sets forth a reasonable range of alternatives to the proposed project so as to foster informed public participation and informed decision-making. Further, the City finds that the alternatives identified and described in the Draft EIR were considered, and finds them to be infeasible for the specific economic, social, or other considerations set forth below pursuant to CEQA Section 21081.

5.1.1 No Project Alternative

The No Project alternative, as required by CEQA, assumes that the Specific Plan would not be adopted and future development within the Plan Area would occur under the General Plan 2025 adopted in April of 2006 and evaluated in the Final Environmental Impact Report. It is projected that this alternative would result in 280 new housing units (for a total of 1,224 housing units), 563,000 square feet of new office space, 2,006 square feet of new retail space, and 22,298 square feet of new auto sales and service space. At buildout, the No Project alternative would result in the addition of 2,259 new jobs (for a total of 15,332 jobs) and 474 new residents (for a total of 2,069 residents). The No Project alternative does not include the new goals and guidelines of the Specific Plan that would provide environmental and community benefits.

Findings for the No Project Alternative: Development of the No Project alternative would preserve the existing conditions of the Plan Area. The No Project alternative would not result in the Plan Area becoming better connected and integrated with Walnut Creek's traditional Downtown, the BART station, Civic Park, Iron Horse Trail, surrounding neighborhoods, and the region. Implementation of the No Project alternative would not create an important jobs center and location for automobile sales and service, while also allowing the area to continue to evolve into a vibrant mixed-use district that integrates housing, retail, restaurant, civic, hospitality, arts, and entertainment uses into cohesive neighborhoods.

As development under the No Project alternative would be less than the Specific Plan, two significant unavoidable impacts, related to intersection #3 LOS and travel speeds on Ygnacio Valley Road segments, would be avoided or reduced to a less-than-significant level under this alternative. Development under this alternative generates lower traffic volumes that would not trigger a significant impact under Near Term conditions at Intersection #3, Penniman Way/Lawrence Way/I-680 Northbound, and do not trigger a significant impact under Near Term conditions by decreasing the average travel speed on eastbound Ygnacio Valley Road in the PM peak hour below the City standard.

The air quality, greenhouse gas emissions, and noise impacts associated with the implementation of the Specific Plan would still occur under this alternative. However, due to the reduced amount of development, these impacts would be less severe as compared to the Specific Plan due to the decreased amount of development, and mitigation measures would still reduce these potential impacts to a less-than-significant level. Implementation of the No Project alternative would result in less severe air quality, greenhouse gas emissions, and noise impacts as compared to the Specific Plan. The hazardous materials impact associated with the implementation of the Specific Plan (accidental release of hazardous materials) would still occur under this alternative. The identified mitigation measure would reduce this potential impact to a less-than-significant level. Implementation of the No Project alternative would result in a hazardous materials impact similar to the proposed project.

Although the No Project alternative would meet some of the objectives of the proposed project, albeit to a lesser degree, this alternative would not meet the following objectives because there would not be an emphasis on providing mixed-use development or the identification of the Special Districts and lack of development guidelines:

- Harness and direct the market demand for more urbanized development in the 191-acre area near the Walnut Creek BART station, while also preserving and enhancing the strong sales tax base in the area, especially the auto sales and service uses which are concentrated within the Plan Area.
- Direct and facilitate reinvestment and redevelopment within this portion of the Core Area of the City and identify new infrastructure improvements needed to expand safe access to a broad range of healthy transportation options, including walking, bicycling, and transit.
- Identify where optimal non-vehicular transportation connections should occur, and create and implement land use policies which take full advantage of the Plan Area's proximity to the Walnut Creek BART station and the traditional downtown.
- Ensure that the change from commercial land use to multi-family residential land use occurs in a responsible and fiscally sustainable manner.

This alternative would only partially achieve the benefits of the proposed project, and for this reason and given the discussion above, the No Project alternative is determined to be infeasible.

5.1.2 Reduced Development Alternative

The Reduced Development alternative assumes that the growth in the Plan Area would need to be approximately 40 percent to half the amount identified for the Specific Plan in order to reduce two of the four significant and unavoidable transportation impacts. To achieve a lower amount of growth under this alternative proposed maximum FAR identified in the Draft Specific Plan would be reduced by about half, but in no case would be less than what is currently allowed per the General Plan and Zoning. It is projected that this alternative would result in approximately 911 new future residents (for a total of 2,506 residents), 539 new housing units (for a total of 1,483 units) and 2,127 new jobs (for a total of 15,166 jobs). The Reduced Development alternative would follow the same land use plan as proposed in the Draft Specific Plan. In addition, it would include the new goals, policies, uses, and some design guidelines of the Draft Specific Plan, but would reduce the FAR allowed under the Specific Plan by approximately half. The reduction in development potential would also result in the exclusion of any design guidelines or development standards that would require additional height and development intensity to be achieved, such as the private open space requirements, and many of the frontage requirements and guidelines that support a more compact development pattern. In addition, the community benefits program to allow greater development potential in exchange for community amenities such as plazas and affordable housing may not be feasible under this alternative due to the reductions in development needed to reduce significant traffic impacts.

Findings for the Reduced Project Alternative: The circulation and infrastructure improvements identified in the Specific Plan and included as part of the Reduced Development alternative would allow the Plan Area to become better connected and integrated with Walnut Creek's traditional Downtown, the BART station, Civic Park, Iron Horse Trail, surrounding neighborhoods, and the region. However, because a lower amount of development would be allowed, fewer jobs would be created, and the Plan Area would not be as important a jobs center as under the proposed project. Additionally, because there would be fewer housing units, office and commercial uses, the area would be a less vibrant pedestrian-friendly mixed-use district that integrates housing, retail, restaurant, civic, hospitality, arts, and entertainment uses as envisioned under the Specific Plan.

While a trip generation estimate was not prepared for the Reduced Development alternative, it is estimated that development under this alternative would generate lower traffic volumes that are estimated to avoid or reduce to a less-than-significant level the significant impact under Near Term conditions associated with reduced level of service at Intersection #3, Penniman Way/Lawrence Way/I-680 Northbound, and the significant impact under Near Term conditions by decreasing the average travel speed on eastbound Ygnacio Valley Road in the PM peak hour to below the City standard. This finding is based on the finding for the No Project alternative, which also has substantially lower land use intensity and would not trigger these two significant impacts.

The air quality, greenhouse gas emissions, and noise impacts associated with the implementation of the Specific Plan would still occur under this alternative. However, due to the reduced amount of development, these impacts would be less severe as compared to the Specific Plan due to the decreased amount of development, and mitigation measures would still reduce these potential impacts to a less-than-significant level. Implementation of the Reduced Development alternative

would result in less severe air quality, greenhouse gas emissions, and noise impacts as compared to the Specific Plan.

The hazardous materials impact associated with the implementation of the Specific Plan (accidental release of hazardous materials) would still occur under this alternative. The identified mitigation measure would reduce this potential impact to a less-than-significant level. Implementation of the Reduced Development alternative would result in a hazardous materials impact similar to the proposed project.

Although the Reduced Development alternative would meet some of the objectives of the proposed project, it would not meet the following objectives to the same degree because less development would be allowed under this alternative:

- Reinforce and further expand Walnut Creek's position as a major employment, retail commercial, and housing center, and as a cultural destination in the San Francisco Bay Area.
- Plan new economic and land use policies that lead to an increase in employment opportunities in close proximity to the Walnut Creek BART station and downtown.
- Harness and direct the market demand for more urbanized development in the 191-acre area near the Walnut Creek BART station, while also preserving and enhancing the strong sales tax base in the area, especially the auto sales and service uses which are concentrated within the Plan Area.
- Expand upon the concepts of the North Main Street/Ygnacio Valley Road (NMS/YVR) Specific Plan, which was adopted in 2002 prior to the arrival of denser and more urbanized residential development in areas in and near the NMS/YVR Specific Plan Area.
- Direct and facilitate reinvestment and redevelopment within this portion of the Core Area of the City and to identify new infrastructure improvements needed to expand access to a broad range of transportation options, including walking, bicycling, and transit.

This alternative would only partially achieve the benefits of the proposed project, and for this reason and given the discussion above, the Reduced Development alternative is determined to be infeasible.

6.0 SIGNIFICANT EFFECTS THAT CANNOT BE MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL

This section identifies the significant and unavoidable impacts that require a statement of overriding considerations to be issued by the City, pursuant to Section 15093 of the CEQA Guidelines, if the project is approved. Based on the analysis contained in the Final EIR, the following impacts have been determined to be significant and unavoidable:

- The implementation of the Specific Plan is projected to significantly impact intersection #3, Penniman Way/Lawrence Way/I-680 Northbound On-Ramp, in the PM peak hour.
- The implementation of the Specific Plan is projected to significantly impact the average travel speed on eastbound Ygnacio Valley Road in the PM peak hour, causing it to drop from 15.9 mph to 14.6 mph.
- The implementation of the Specific Plan is projected to add traffic to freeway segments that currently operate below the Caltrans standard or are projected to operate below the standard without Specific Plan traffic.
- The implementation of the Specific Plan is projected to add traffic to freeway segments that currently operate below the Caltrans standard or are projected to operate below the standard under Cumulative No Project conditions.

7.0 STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological or other benefits of the project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological or other benefits of the project outweigh the unavoidable adverse environmental effects, those effects may be considered "acceptable" (CEQA Guidelines 15093(a)). CEQA requires the agency to state, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (CEQA Guidelines 15093(b)).

In accordance with the requirements of CEQA and the CEQA Guidelines, the City Council finds that the mitigation measures identified in the Final EIR and the Mitigation Monitoring Program, when implemented, will avoid or substantially lessen many of the significant effects identified in the Final EIR for the North Downtown Specific Plan project. However, significant impacts to transportation/traffic are unavoidable even after incorporation of all feasible mitigation measures. The Final EIR provides detailed information regarding this impact.

The City Council finds that all feasible mitigation measures identified in the Final EIR within the purview of the City will be implemented with the project, and that the remaining significant unavoidable effect is outweighed and found to be acceptable due to the following specific overriding economic, legal, social, technological, or other benefits based upon the facts set forth above, the Final EIR, and the record, because implementation of the Specific Plan will:

- Reinforce and further expand Walnut Creek's position as a major employment, retail commercial, and housing center, and as a cultural destination in the San Francisco Bay Area.
- Plan new economic and land use policies that lead to an increase in employment opportunities in close proximity to the Walnut Creek BART station and downtown.

- Harness and direct the market demand for more urbanized development near the Walnut Creek BART station, while also preserving and enhancing the strong sales tax base in the area, especially the auto sales and service uses which are concentrated within the Plan Area.
- Support and expand existing transit, bicycle and pedestrian transportation to manage traffic congestion, serve a diverse population, improve overall health, and build a resilient local transportation system.
- Expand upon the concepts of the North Main Street/Ygnacio Valley Road (NMS/YVR) Specific Plan, which was adopted in 2002 prior to the arrival of denser and more urbanized residential development in areas in and near the NMS/YVR Specific Plan Area.
- Direct and facilitate reinvestment and redevelopment within this portion of the Core Area of the City and to identify new infrastructure improvements needed to expand safe access to a broad range of healthy transportation options, including walking, bicycling, and transit.
- Identify where optimal non-vehicular transportation connections should occur, and create and implement land use policies that take full advantage of the Plan Area's proximity to the Walnut Creek BART station and the traditional downtown.
- Ensure that the change from commercial land uses to multi-family residential land uses occurs in a responsible and fiscally sustainable manner.

Considering all factors, the City Council finds that there are specific economic, legal, social, technological and other considerations associated with the project that outweigh the project's significant unavoidable effects, and the adverse effect is therefore considered acceptable.

8.0 CONCLUSION

The North Downtown Specific Plan Project Final EIR has been prepared pursuant to the CEQA Guidelines. The City Council has independently determined that the Final EIR fully and adequately addresses the impacts and mitigations of implementation of the proposed project. The number of project alternatives identified and considered in the Final EIR meets the test of "reasonable" analysis and provides the City Council with important information from which to make an informed decision. Substantial evidence in the record from technical sources demonstrates various benefits and considerations including economic, legal, social, technological, and other benefits which the City and community would achieve from the implementation of the project. The City Council has balanced these project benefits and considerations against the environmental impacts that would result from the project and has concluded that those impacts are outweighed by the project benefits. Upon balancing the environmental risk and countervailing project benefits, the City Council has concluded that the benefits that the City and community will derive from the implementation of the project outweigh those environmental risks. The City Council hereby finds that any residual or remaining effects on the environment resulting from adoption, implementation, and/or build-out of the proposed project are acceptable due to the benefits associated with implementation of the project.

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