

WALNUT CREEK PLANNING COMMISSION
STAFF REPORT

AGENDA: MARCH 12, 2009

ITEM NO. 5a

ORIGINATED BY: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING

SUBJECT: **DRAFT LOCUST STREET/MT. DIABLO BOULEVARD SPECIFIC PLAN AND FINAL ENVIRONMENTAL IMPACT REPORT (WO 708-134) - PUBLIC HEARING** to provide recommendations to the City Council on adoption of the Specific Plan and certification of the Final Environmental Impact Report.

ZONING: Pedestrian Retail (PR)

GENERAL PLAN LAND USE: Pedestrian Retail

CEQA STATUS: Final Environmental Impact Report and Mitigation Monitoring Program completed. Public Review Period: January 5, 2009 – February 18, 2009

STATEMENT OF ISSUES:

The City of Walnut Creek, with assistance from the consulting firm Roma Design Group, has prepared the Draft Locust Street/Mt. Diablo Boulevard Specific Plan. The Specific Plan was created to provide a comprehensive vision and site-specific land use plan that supports and extends the policy direction of *General Plan 2025* for the Specific Plan area in the Traditional Downtown (Attachment 1).

The Draft Environmental Impact Report (SCH# 2008092054) analyzed the potential environmental impacts that could result with the implementation of the Specific Plan and identified mitigation measures for all potentially significant impacts. After completion of a 45-day public comment period that ended on February 18, 2009, the Final Environmental Impact Report was prepared. The Final EIR includes a response to the one comment received during the comment period, minor technical corrections to the Draft EIR, as well as a Mitigation Monitoring Program (Attachment 2).

Following a positive recommendation to the City Council from the Planning Commission, the City Council will consider adoption of the Specific Plan at a public hearing tentatively scheduled in May, 2009.

STAFF RECOMMENDATION:

Review and consider the Draft Locust Street/Mt. Diablo Boulevard Specific Plan and Final Environmental Impact Report prepared for the Specific Plan, along with any public testimony, and adopt the attached resolution (Attachment 4) recommending certification of the EIR, approval of the Mitigation Monitoring Program, and adoption of the Specific Plan to the City Council.

DISCUSSION:

Background: On January 6, 2004, the City Council authorized the work program and budget for preparation of a Precise Plan (now called a Specific Plan) for a 1½-block area that is within and directly adjacent to the Traditional Downtown area, focusing on the Locust Street/Mt. Diablo Boulevard intersection. The Council selected an Advisory Committee composed of various stakeholders in the study area, such as property owners and business owners, as well as other interested residents and members of commissions. The Advisory Committee held numerous public meetings with staff and the consultants in 2004 and 2005. The Committee provided

Draft Locust Street/Mt. Diablo Blvd. Specific Plan and Final Environmental Impact Report

oversight of the initial phase of the planning process and provided direction as plan options were developed and a project plan was ultimately selected.

As the work of the Advisory Committee was nearing completion, Planning staff that had been working on the Specific Plan were re-deployed to work on the preparation of the new General Plan. As a result, completion of the draft Specific Plan was delayed for about 18 months while the General Plan process was completed and implemented through the end of 2006. In 2007, work began again to complete a draft Specific Plan. The Administrative Draft Locust Street/Mt. Diablo Boulevard Specific Plan was released for public review on January 4, 2008, and the Draft Locust Street/Mt. Diablo Boulevard Specific Plan was published on October 17, 2008.

The following study sessions/public hearings were held to provide input on the Administrative Draft Specific Plan: Design Review Commission (January 16, 2008); Transportation Commission (January 17, 2008); Planning Commission (February 21, 2008); and City Council (March 4, 2008). Stakeholders, including property owners and business owners in the Specific Plan area, and other interested persons also attended these meetings and provided comments on the Administrative Draft Plan. Copies of the minutes of all 2008/2009 meetings are included as Attachment 3.

Based on the results of those study sessions, the Administrative Draft Plan was revised, and a final Draft Locust Street/Mt. Diablo Boulevard Specific Plan was completed and reviewed by the Planning Commission on October 23, 2008. A Draft Environmental Impact Report (Draft EIR) was prepared, and published on January 5, 2009 for the required 45-day public comment period. The comment period ended on February 18, 2009. As explained in more detail below, only one comment was submitted during the comment period.

On February 3, 2009, the City Council held a study session/public hearing to consider and take comments on the draft Specific Plan as well as the Draft EIR. The City Council provided a number of comments and questions, but did not request any additional revisions to the draft Specific Plan at that time.

Boundaries: The Specific Plan area contains 24 parcels located on two adjacent blocks, totaling 5.3 acres, all zoned Pedestrian Retail (P-R) and all located in the Mt. Diablo Redevelopment Area. Four parcels are located on the block adjacent to the South Locust Street garage, and were previously identified as the Locust /Mt. Diablo Corner Site (“Opportunity Site”) in the East Mt. Diablo Blvd. Specific Plan (1996). This site includes the Mark Morris Tire parcel, the Walnut Creek Automotive parcel and the “Locust St. Post Office” building, all under different ownership. It also includes the 15-car surface parking lot that the City owns at the corner of N. Main Street and Mt. Diablo Boulevard.

Seven additional parcels are located across Locust Street on the block bounded by N. California Blvd., Cypress Avenue, Locust Street and Mt. Diablo Blvd. This area includes the Chevron gas station, McDonald’s restaurant, Big 5 sporting goods store, Z Gallerie, a converted Victorian house used for commercial/office uses, and the Home Chef building (formerly the Masonic Lodge). Several of these sites, such as Z Gallerie, have redeveloped and have become attractive additions to the downtown area. The Specific Plan seeks to integrate possible redevelopment of surrounding opportunity sites with the existing Traditional Downtown businesses by

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continuation of frontage improvements and participation in new parking and loading solutions for the area.

Environmental Impact Report: The Final Environmental Impact Report (EIR) is a programmatic analysis of the potential environmental impacts of the Specific Plan. It evaluates the physical and land use changes that could occur with adoption and implementation of the plan (the goals, objectives, policies, development standards, and design guidelines). The EIR addresses land use, transportation, parking, infrastructure and similar issues associated with future development in the Specific Plan area.

Preparation of the Specific Plan and completion of comprehensive environmental review of potential new development supports new development in the Specific Plan area that meets the City's vision. The certified EIR is intended to eliminate or streamline the CEQA process for future development within the six identified Opportunity Sites. New projects that are consistent with the Specific Plan will have sufficient environmental analysis and public review to meet these CEQA requirements with little or no further environmental review. Issues such as traffic, parking and visual impact have been evaluated and any necessary mitigation measures established. In this way, preparation of a Specific Plan and companion EIR provide a strong incentive for future development that is consistent with the City's vision, streamlining the approval process.

After the City Council certifies the EIR, subsequent development projects in these areas will require no further environmental review, or only limited environmental review of site-specific conditions that require physical investigation of the site, such as potential soil contamination.

The 45-day public review and comment period for the Draft EIR ended on February 18, 2009. One comment was received during the comment period. A response to that comment is included in the EIR. In addition, Caltrans submitted a comment on February 19, 2009, after the comment period closed. Although lead agencies must respond to comments received during the comment period, lead agencies may, but are not required to respond to late comments. Pub. Res. Code Section 21091(d)(2)(A); 14 Cal. Code Regs. Sections 15088(a), 15207. The City has prepared a response to the Caltrans comment and included it as Attachment 5, but the response is not included in the Final EIR. The Final EIR will be certified and the Mitigation Monitoring Plan approved by the City Council prior to adoption of the Specific Plan.

Project Description: The Specific Plan was created to provide a comprehensive vision and site-specific land use plan that supports the policy direction of *General Plan 2025* for the study area. The intent of the Specific Plan is to encourage public and private reinvestment and development in the area, to provide landowners with a level of certainty regarding public policies and land use plans for the identified Opportunity Sites, and to identify desirable new public amenities within the area, such as the proposed new parking garage.

The Specific Plan has investigated architectural and design solutions for redevelopment of six Opportunity Sites and tested them for economic feasibility. The Specific Plan establishes recommendations and/or requirements for frontage improvements, open space areas, public amenities, site design and land uses that would be implemented in the study area.

The draft Specific Plan was developed with input from multiple public hearings/study session

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and the direction of the City Council and commissions. The most significant and consistent direction that staff received was that the Specific Plan needed to be flexible, to ensure it would be sufficiently responsive to changing economic conditions and business development needs over time. The Specific Plan includes policies related to studying the possible re-use of the Commercial Lane area for increased pedestrian use, most likely in conjunction with the redevelopment of the Mark Morris/Walnut Creek Automotive Opportunity Site. Other policies encourage environmentally friendly or “green” redevelopment in this area.

Implementation: When the City Council conducts final public hearings to consider adoption of the Specific Plan and certification of the EIR, the Council will also be requested to adopt revisions to *General Plan 2025* that implement the Plan’s policies. The following amendments to the General Plan would be adopted concurrently with the Specific Plan to implement the vision for the future development of the Specific Plan area:

Floor Area Ratio. The majority of the Specific Plan area has a General Plan Floor Area Ratio (FAR) of 2.0. Opportunity Site 3 (Future Parking Garage Site), Opportunity Site 4 (Chevron Gas Station Site) and Opportunity Site 5 (McDonald’s Restaurant Parcel) currently have a maximum FAR of 1.25. The Specific Plan recommends that the maximum FAR on Opportunity Site 5 (McDonald’s Restaurant Parcel) be increased from 1.25 to 2.0.

Building Height Limit. The northern portion of the Chevron Gas Station parcel, which is a part of Opportunity Site 3, as well as all of Opportunity Site 5 (McDonald’s Restaurant Parcel) currently have a maximum building height limit of 50-feet. The Specific Plan recommends that the maximum building height limit on Opportunity Site 5 and Opportunity Site 3 be increased to 70-feet. This building height limit increase is consistent with the maximum building height limits allowed by voter-approved Measure A for these land areas.

Building Step-Back Definition. The majority of the Specific Plan area has a 35/50-foot building height limit. The 35/50-foot building height limit allows a maximum building height of 35-feet along the street frontages. The building can then be stepped back a certain distance and then increase in height to a maximum of 50- feet in the interior of the site. The Specific Plan defines building step-backs from the face of the building as a minimum 10-foot step-back above a 35-foot maximum building height along street frontages.

Building Setback. General Plan 2025 establishes the building setback requirements for all the parcels with street frontage in the Specific Plan area. These setback requirements do not address the need to define an appropriate sidewalk width, which has become essential for these highly used pedestrian areas. The Specific Plan recommends that the General Plan building setback requirements within the Specific Plan area be revised. Building setbacks in this area will be revised to require that new development maintain a minimum 12-foot to 15-foot public sidewalk from curb to building face, depending on the location.

In addition to the General Plan amendments noted above, the future implementation of Opportunity Site 4 – Option B (Chevron gas station site) will also require a future General Plan amendment, zoning amendment and revision to the Mt. Diablo Redevelopment Plan. Opportunity Site 4 – Option B was added to allow the existing gas station to remain and upgrade if Chevron agrees to dedicate a portion of the site needed to construct the new parking garage. Although the gas station is a long-standing use, it is not currently a permitted land use in the

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General Plan, the Redevelopment Plan or the zoning district. In Option B, the Specific Plan would allow redevelopment and reinvestment in a portion of the existing gas station site to facilitate the construction of the new parking garage on Opportunity Site 3. Implementation of Option B will require an amendment to these regulations that would make the gas station a permitted land use.

The regulatory changes necessary to implement Option B would not be adopted at the same time as the Specific Plan. Instead, staff recommends that the City and Chevron consider entering into a Development Agreement at a future time. Such an agreement would ensure that the necessary regulatory amendments would be made if Chevron dedicates the 12,500 square foot surface parking area that is currently used for surface parking as well as the necessary access easements for the future parking garage. Chevron has expressed support for the addition of Option B and has agreed to work with staff to implement it after adoption of the Specific Plan.

At the February 3, 2009 study session, the City Council directed staff to research methods to recapture some or all of the costs of preparing the Specific Plan and/or the EIR from future developers in the Specific Plan area. Staff will provide some alternative methods and a recommendation to the City Council at the adoption hearing.

COMMISSION ACTION REQUIRED:

Move to adopt the attached resolution recommending that the City Council certify the Final Environmental Impact Report, approve the Mitigation Monitoring Program, and approve the Draft Locust Street/Mt. Diablo Boulevard Specific Plan.

ATTACHMENTS:

1. Draft Locust Street/Mt. Diablo Boulevard Specific Plan (provided to Commissioners). The Draft Plan is available for review on the City of Walnut Creek website: www.walnut-creek.org on the Planning and Zoning home page.
2. Final Environmental Impact Report on the Draft Locust Street/Mt. Diablo Boulevard Specific Plan (provided to Commissioners). The Final Environmental Impact Report and Mitigation Monitoring Plan are available for review on the City of Walnut Creek website: www.walnut-creek.org on the Planning and Zoning home page.
3. Meeting Minutes: Design Review Commission - January 16, 2008, Transportation Commission - January 17, 2008, Planning Commission – February 21, 2008 and October 23, 2008, and City Council – March 4, 2008 and February 3, 2009.
4. Resolution recommending approval of the Specific Plan and certification of the Final EIR to the City Council.
5. Caltrans comment received February 19, 2009 and response.

Prepared by Victoria Walker, Interim Planning Manager

Attachment 2 – Final Environmental Impact Report and Mitigation Monitoring Program

The Final Environmental Impact Report and Mitigation Monitoring Program were not completed at the time of staff report printing. A copy of each document will be provided to each Planning Commissioner in advance of the March 12, 2009 meeting, as well as posted on the City's website. Copies of these documents will also be made available to the public at the 03.12.09 hearing.

Attachment 3 – Draft Locust Street/Mt. Diablo Boulevard Specific Plan

Meeting Minutes

Design Review Commission - January 16, 2008
Transportation Commission – January 17, 2008
Planning Commission – February 21, 2008 and October 23, 2008
City Council – March 4, 2008 and February 3, 2009

COMMISSION CONSIDERATIONS

a. Administrative Draft Locust Street/Mt. Diablo Boulevard Precise Plan – Study Session/Public Hearing to provide input to the Planning Commission and City Council on the first draft of the Locust Street/Mt. Diablo Boulevard Precise Plan.

Victoria Walker, Assistant Planning Manager, provided the summary of the staff report.

COMMISSION QUESTIONS

Ms. Walker confirmed for Commissioner Bassett that the Plan anticipates that all new development would be at the initiative of the private sector. The public parking garage would be a City-initiated and funded project. She said that details such as roof terraces were not yet planned.

Commissioner Gorny asked whether trucks were limited to specific times in the Commercial Lane/Duncan Arcade at present. Ms. Walker said no and that the property owners did not want limits on the hours for loading and unloading.

Commissioner Bassett suggested that the area not mimic the traditional downtown if it would be detrimental to the economics of neighboring businesses. Commissioner Bassett expressed concern over whether future owners would allow pedestrian traffic.

Ms. Walker stated that this plan was more specific than prior plans, noting that there will be sufficient open space, compatible architecture and respect of pedestrian circulation. Ms. Walker confirmed that there have been discussions of a bridge, possibly crossing over Commercial Lane.

Commissioner Gorny asked about the Chevron site on California Street. Ms. Walker commented that Chevron would like to add a mini mart to their site. However, mini marts are not allowed under existing zoning codes. Commissioner Gorny asked about residential parking and Ms. Walker stated that there would be a parking garage.

Commissioner Gorny stated that the gateway (p43) needs to be developed more. Ms. Walker noted that height limit and parcel aggregation were discussed during General Plan meetings. Commissioner Gorny asked about "green" and "sustainability," and Ms. Walker said they had not been discussed yet.

Commissioner Kilian commented that the fringe areas were weak. He expressed concern over a crosswalk (shown on page 48) would create a traffic issue. Ms. Walker said that a "mid-street" crosswalk on Mt. Diablo would probably slow traffic down. She said the sidewalks would be wide and the paving patterns would be the same as downtown. Commissioner Kilian commented that there was little verbiage for landscape guidelines.

Commissioner Gorny suggested changing or adding an entrance for the parking structure from Mt. Diablo Street to the California Street side.

Vice Chair Kremin stated that she would like the Design Review Commission to review the draft Environmental Impact Report.

Vice Chair Kremin opened the Public Hearing.

PUBLIC HEARING

Pat Gaffney, 1201 Alta Vista, encouraged the use of Commercial Lane as a Paseo to enhance pedestrian circulation and not strictly as a service alley. He commented that he had written a letter to the Commission regarding Commercial Lane. He suggested improving Commercial Lane to include ornamental paving; design new buildings to face the new Paseo with retail shops; and encourage property owners of existing buildings to renovate facades.

Frank Bryant, former member of the Advisory Committee, said the report speaks more of details than the architecture. He said to avoid having a horizontal line of all the buildings at a 50 foot height, and pay attention to pedestrian's sight line. Mr. Bryant suggested flexibility for developers to change the setbacks, and the blade signs should coordinate with the awnings.

David Harrison, partner in Patson Company, said he purchased the Mark Morris site. He said he supports the plan document as a framework for downtown. He said the plan is very precise and may be too precise to allow flexibility in design. He referred to the standards on page 25 of the plan, saying "mandatory" does not give developers enough room to design, and it is too restrictive. Mr. Harrison confirmed for Commissioner Kilian that Mr. Gaffney's remarks referred to the back of the stores.

Michael Fredrick, 71 Willow Avenue, said he sat on the Advisory Committee. He said he likes the Gaffney Paseo idea with entrances to the shops. He said the bridge walkway was a good idea and big trucks on Commercial Lane was still okay. He said he does not approve of a mid-street crosswalk on Mt. Diablo Boulevard.

COMMISSION COMMENTS

Commissioner Bassett gave a brief history of past developments, commenting that specific guidelines can preclude good design.

Commissioner Gorny agreed and said the plan needs some flexibility, but that minimum requirements need to be made clear. He encouraged design sketches be brought before the Design Review Commission before engineering of the project. He suggested looking at connecting this area to Broadway Plaza to have the same feel.

Commissioner Kilian said the plan should have a dual layer, with the City getting what they desire while at the same time, the developer has flexibility. He said he is supportive of the direction the plan is going.

Vice Chair Kremin commented that it was well-written, but over designed. She said she would like to see inclusion of "green" and C.3 elements. She said she would also like to see some elements of "Crime Prevention through Environmental Design".

Vice Chair Kremin left the meeting and Commissioner Kilian presided over the remaining of the meeting.

WALNUT CREEK TRANSPORTATION COMMISSION
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January 17, 2008
7:00 pm

COMMISSIONERS PRESENT: Chair Brian Krcelic
Vice Chair Kish Rajan
Emily Chang
Laurie Kozisek
Paul Meyerhofer

COMMISSIONERS ABSENT: None

STAFF PRESENT: John Hall, Transportation Planning Manager
Victoria Walker, Assistant Planning Manager

1. OPENING:

Chair Krcelic called the Transportation Commission meeting to order at 7:04 p.m. in the Third Floor Conference Room, City Hall.

2. PUBLIC COMMUNICATIONS:

None.

3. APPROVAL OF MINUTES:

None.

4. PUBLIC HEARINGS:

None.

5. COMMISSION CONSIDERATIONS:

- a. **Administrative Draft Locust Street/Mt. Diablo Boulevard Precise Area Plan
– Staff will present Plan to the Committee.**

Victoria Walker, Assistant Planning Manager presented the Staff Report on the Locust Street/Mt. Diablo Boulevard Precise Plan. She explained the first phase of review of the draft plan, and explained that this was a study session.

PUBLIC COMMENT:

Resident Pat Gaffney felt unsure about the image of Mt. Diablo Boulevard as a historic gateway. He suggested that developing the Commercial Lane area with a Paseo would be more convenient for pedestrian circulation and business owners. His personal concept included ornamental paving, improving the façade, new buildings with cafés and shops all centered around a roomy new Paseo.

Transit Operator David Cameron felt that wider sidewalks were needed; he asked about 18 foot sidewalks as a compromise. He expressed concerns with pedestrian and high school traffic on California Blvd. and. He suggested more bus shelters downtown.

COMMISSIONER COMMENTS:

Commissioner Kozisek felt that changing Commercial Lane to a paseo would be difficult given all of the obstacles.

Commissioner Chang felt that the fountain at Broadway Plaza was more welcoming than the Plaza Escuela.

Chair Krcelic felt that an additional signal on N. California was needed. He also felt that the Duncan Arcade should be improved. He was in favor of the wider sidewalks and felt that Locust was a good location for bicycle lockers/parking. He was in favor of any 'Green' developments, and any open space on top of parking structures.

b. Commission 2008 Priorities – Review and prioritization of issues for Committee consideration in 2008.

Planning Manager John Hall explained that their goal for this meeting was to go over the list from the previous meeting and come up with the top priorities that the Transportation Commission would like to focus on in the coming year.

1. Review major development projects
2. Support alternative to the Single Occupant Vehicle
3. Pedestrian friendly downtown
4. Improve downtown parking

Mr. Hall asked that the major development projects be lumped with the CIP.

6. COMMISSION AND STAFF BRIEF ANNOUNCEMENTS OR BRIEF REPORTS ON HIS OR HER ACTIVITIES:

a. City Council meeting on the Proposed Development Project the Walnut Creek BART Station.

Chair Krcelic reported that at that meeting the following items were discussed:

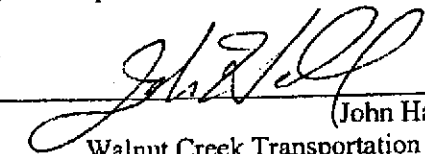
- BART transit hub
- Bicycle and pedestrian issues
- Taxi drop-off/shuttle to downtown
- Environmental Process to eventually start
- Asked BAC to attend

Commissioner Rajan reported on the joint meeting with the Planning Commission.

Commissioner Meyerhofer reported on the Bicycle Master Plan. He added they were making good progress.

7. ADJOURNMENT:

Chair Krcelic adjourned the meeting at 9:10 p.m.



John Hall, Secretary
Walnut Creek Transportation Commission

PUBLIC HEARING

1. **ADMINISTRATIVE DRAFT LOCUST STREET/MT. DIABLO BOULEVARD PRECISE PLAN – STUDY SESSION /PUBLIC HEARING** to provide input to the City Council on the first draft of the Locust Street/Mt. Diablo Boulevard Precise Plan. (Continued from January 24 and February 7, 2008)

Victoria Walker, Assistant Planning Manager, provided the staff report, including a brief history of the precise plan advisory committee, the objectives, regulations, opportunity sites and public improvements of the Locust Street precise plan. Ms. Walker reported on the comments from the Transportation Department and Design Review Commission.

COMMISSION QUESTIONS

Commissioner Gerstner asked about any major retail companies relocating to the project site. Ms. Walker said that having a major retailer in the plan area had been discussed, but national retailers generally need a larger floor plate than what is available in the plan area, although the L shaped building on the Mark Morris site is large. She said that the advisory team had discussed whether a large national retailer be a focus or whether to have the Locust Street project designed more like the traditional Main Street.

Commissioner Gerstner referred to page 38-39 of the plan regarding the ground floor retail in the parking structure. Ms. Walker stated the ground floor retail is proposed to front site #4. Commissioner Gerstner asked about the 3-foot window height. Ms. Walker stated that the 36 inches refers to the columns and base element, and the actual window can come down to eight inches at the lowest.

Commissioner Moore asked if the Subdivision Map Act was specific on the hierarchy of General Plan, specific plan, and zoning ordinance. He asked if this plan were to be changed would it need to be amended like a General Plan. Mr. Valle-Riestra stated that there is no procedure to amend a precise plan. He said there would need to be a consistency with the General Plan and zoning. The Commission discussed the need for flexibility and yet remaining consistent in the plan. Mr. Moore referred to page 25, development standards, stating the need for a variance to the zoning ordinance for any changes.

Commissioner Gerstner asked about future decisions should a plan be presented that is good, but is not lined up with the precise plan. Ms. Walker stated that the development standards are intended to be adopted with an overlay zone as noted on page 25 of the plan. She said that the remainder of the plan would have the weight of a specific plan.

Commissioner Francois asked about conceptual schematics prior to implementation of the plan. Ms. Walker noted that three renderings are currently being prepared and should be ready for the final draft release. Commissioner Francois asked about Measure A's height limit of 89 feet and the precise plan height limit at 60 feet. Ms. Walker stated that there would be no value to have a building at 89 feet adjacent to traditional downtown. She said that the 60 foot step-up was more appropriate. She commented that in the middle of the block, such as where the proposed parking garage is, that 70 feet might be appropriate. Commissioner Francois asked about vehicular access to the parking garage. Ms. Walker said that access would come from three locations, a new

Commercial Lane off Cypress, driveway by Big 5 (old Granger Street) off Mt. Diablo, and off California Blvd.

Commissioner Malkovich asked about the financial cost on the garage as it involves three different property owners. Ms. Walker stated that in 2006, the cost would have been 10.5 million dollars. She noted that the site is encumbered with numerous easements with the three owners. She confirmed for Commissioner Malkovich that the project is not dependent on the parking garage. She said that the Mark Morris site could provide parking for its tenants. She said that most sites could park themselves, except for city-owned parking lot.

Chair Jorgensen asked about the underground parking ramps on site #2, referring to page 32 of the draft. Ms. Walker said that there is an existing driveway off Locust Street. She said that the post office building is not part of the plan for site #2 at the present time.

It was noted that copies of the draft plan were available on the City's website and available for sale at the Planning Department.

Chair Jorgensen opened the public comment period, noting that speakers would be limited to three minutes each.

PUBLIC COMMENTS

Pat Gaffney, 1201 Alta Vista, encouraged transforming Commercial Lane into a paseo to enhance pedestrian circulation. He suggested realigning Commercial Lane for better use of trucks, use pavers for 250 feet, and design new buildings to face the new paseo. He said that the service facilities, such as trash bins, utilities, and service docks need to be screened. Chair Jorgensen asked Mr. Gaffney what he envisioned for the paseo. Mr. Gaffney said it would be accessible from all angles, near Duncan there could be a plaza with a fountain and benches.

Diane Zimmerman, 2999 Oak Road, representing the McDonalds Corporation, stated that McDonalds would like to be a part of the redevelopment, and would prefer the 89 foot height limit. She said the floor area ratio (FAR) is more burdensome to development. She said the McDonalds site is less than the stated 28,000 square feet as there are two easements.

Ms. Walker confirmed for Chair Jorgensen that a McDonalds restaurant would be allowed, but not a drive-thru or free-standing building. She said that the advisory committee had not considered an 89 foot height on the McDonalds' site. She said that if residential is not counted, the 89 foot height limit would allow a bigger building than what is shown in the plan. Commissioner Gerstner asked if McDonalds would be agreeable to being a tenant in one of the buildings and Ms. Zimmerman said McDonalds would be interested.

Stephen Abrams, Abrams Associates Traffic Engineering, 1660 Olympic Blvd, stated that the plan is an impressive vision. He said the plan needs flexibility to allow future commissions to make decisions on new projects and that Walnut Creek is open to any reasonable proposal that meets the stated goals. He said the mid-block parking structure may not be the best idea.

Marie Estorge, 3335 Freeman Road, said she was concerned that a lot of the family-oriented stores were closing. She said she would like to see businesses that are functional, fun, and sell everyday necessities for families.

David Harrison, partner in Patson Companies, 340 Pine Street, San Francisco, owner of the Mark Morris site. He said he supports the plan guidelines, but believes the plan is too specific. He said he wrote a letter regarding building flexibility into the plan so amendments would not be needed. He asked that the City not force height reduction on the corner building or force the shape of the L shaped pasco. He asked that the City allow in-lieu parking, not lock in window size, not require four sides of retail on the small building, and adjust language regarding upper floor usage. He suggested putting "sell at full market value" back in the document.

Commissioner Moore stated that he appreciated Mr. Harrison's letter regarding allowing more flexibility. Mr. Harrison noted that it is a possibility that the post office building could become part of site #2.

Dianne Forde, 162 Briar Place, owner of the House of Bagels building, said her building is one-story and is being closed in with taller buildings. She said she is concerned about too many tall buildings being allowed and the fear of losing the downtown charm. Ms. Forde said the owner of the Peets building added a second story. She said there used to be a driveway, but it was built on, and on the other side of the Peets building the walkway and a square have been eliminated. Commissioner Moore commented that the status quo in light of way-finding is difficult and awkward and there needs to be some changes.

Ms. Walker stated that the design guidelines for the secondary area, which is where Ms. Forde's property is located, would be to keep the character as is.

Jason Hill, Cricktown Associates, 1375 Locust Street, said that the plan is attractive. He said that 7-8 condos plus retail space is non-feasible for his investment property. He said that he would need a considerable amount of additional rentable square footage on his site in order to go along with the City's plan.

Rick Ysunza, 1421 S. Villa Way, said he was impressed with the plan. He is concerned with the visual impact. He suggested the building on site #1 have parallel walls for a rectangle shape which would open up the corner. He suggested a 35 foot height step-back to the 60-foot buildings. He said there are parking garages downtown and suggested providing signage directing drivers to the garage locations.

Michael Carilli, 1327 N Main Street, said he formerly sat on the steering committee and gave a brief background. He said the underground parking may not be feasible due to the water table. He said he would like to see more flexibility in the plan. He suggested making Commercial Lane pedestrian oriented with truck delivery during certain early morning times.

Pete Johnson, 1701 Lilac Drive, said to make the parking lot by the La Fogata Restaurant as a pocket park.

The Commission took a brief break.

Public comment continued.

Jon Licht, 829 Foxtail Place, owner of Davidson and Licht, said he was interested in purchasing site #2, but it had too many restrictions on it. He said it would be a good idea to allow local

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businesses to purchase site #1 (parking lot by La Fogata). Chair Jorgensen asked if Mr. Licht owned property in the project site and what his thoughts were regarding Commercial Way. Mr. Licht said he owns the building that houses Tomatina's on Main Street. He said the pedestrian emphasis is good on Commercial Lane, making it a gathering place for families and children.

Commissioner Francois asked about the sale of city owned property. Mr. Valle-Riestra said that the only requirement is that the City gets fair market value, whereas a redevelopment agency can offer the property for less. He said site #1 is not owned by a redevelopment agency. Ms. Walker stated that site #1 must be sold at fair market value and it does not go to open bid.

Commissioner Gerstner asked about fair market value and competitive bidding. Mr. Valle-Riestra stated that if the goal is to maximize the value of return, then competitive bidding is the way to go. He said if the goal is to comply with the law which calls for fair market value, but making sure it is sold to a developer subject to restrictions to ensure the project is meeting other goals then that would be a fair market value.

Mr. Valle-Riestra confirmed for Commissioner Gerstner that sites #1 and #2 could be developed by different individuals. Ms. Walker confirmed for Commissioner Gerstner that the City does not envision sites #1 and #2 be an integrated unit.

Chair Jorgensen closed the public comment period.

COMMISSION COMMENTS

Commissioner Gerstner stated that the precise plan needs to be more flexible than it is currently designed. He said that if the plan locks-in the manner in which things are going to be developed, then the City may forego opportunities. He said that as a whole, the precise plan is a well-thought out plan. He said he would like to see more emphasis on public space, such as a larger plaza as suggested by Mr. Gaffney. He said he agreed that signage leading to the parking structures needs to be considered.

Commissioner Powell agreed that more open space is needed. He said he likes the idea of delivery during certain hours on Commercial Lane and then closed except for pedestrian travel. He said that the owner of parcel #2 should not get priority in obtaining parcel #1. He suggested that the paseo from Cypress into the parking garage could be a walking path or paseo as it appears there are too many entrances/exits to the parking garage. He agreed with the speaker that tall buildings give a closed in feeling, so setbacks on the buildings should be considered.

Commissioner Malkovich supports the idea of the paseo as suggested by Mr. Gaffney. He said that site #1 is not appropriate for open space. He said he would like a traffic study in regards to the entrances/exits to the parking garage as two may be enough. He encouraged Mr. Harrison to continue working with the post office to include that building with site #2. He said he agrees with the speakers that flexibility is needed with all six sites being evaluated as a whole, so there isn't an overabundance of retail.

Commissioner Moore complimented the committee on providing a readable document. He said that it should be confirmed that this precise plan is akin to a specific plan and that any amendments to the plan would be handled the same way that a specific plan would be amended. He referred to page 25 while stating that the plan needs flexibility to allow a valid project to

MINUTES

depart from the precise plan without an amendment to the General Plan. He noted that Mr. Harrison spoke on one option, that of allowing the City Council to make a specific finding where appropriate that the proposed plan may depart the precise plan, but still follows the major goals of the precise plan. Commissioner Moore stated that the plan needs to recognize the property owners in the secondary areas and be sensitive to them.

Commissioner Francois applauded the City in having the foresight to undertake the process of long-range planning. He said that there needs to be flexibility, but with caution. He said that the design for site #2 could be L shaped or another design, but that a big box retail would not be appropriate and not consistent with the plan vision. He said that some consideration might be given to a mix of local and national businesses. He noted that the project site needs to be consistent with the downtown, but still need to adjust the building height to blend with Broadway Plaza. Commissioner Francois said he would like to see mid block pedestrian crossing on Mt. Diablo and on California Blvd.

Commissioner Francois commented that economic incentives should be considered, as the one speaker noted that it might not be economically feasible for him to build on his site. He said that site #1 and site #2 should be handled separately and site #1 sold with competitive bidding. He said that site #1 is not appropriate for open space, but was unsure of what iconic element would work on that corner.

Chair Jorgensen asked staff if parking were not built on site #2, would the EIR be affected. Ms. Walker said that if there were no parking on site, there would be fewer vehicles traveling to/from site. Ms. Walker described the process of deciding the capacity of parking sites and in-lieu fees. Mr. Jorgensen asked if it would be viable for site #2 not to have parking on site. Ms. Walker said it could be possible, but the effect on parking in the vicinity would need to be considered and a decision as to where in-lieu parking would come from. Ms. Walker said that the issue of in-lieu parking being the right solution would be a policy issue.

Ms. Meyer stated that the current proposed precise plan is the maximum amount of traffic impacts associated with the maximum amount of parking that could be provided to meet the maximum development potential.

Chair Jorgensen said he would prefer a parking garage with a smaller footprint. He said he favors alleys which provide means of deliveries and pedestrian possibilities. He said that the alley way from Cypress could go all the way through and there would be a possibility of an alley east and west. He said that retail on Commercial Lane near Mt. Diablo on sites #1 and #2 would be a good opportunity. He said that rear entries to restaurants might be a possibility. He said that things need to be kept in scale and not to repeat the largeness of Olympic Place. He said he would like to see language in the plan giving City Council some flexibility in decisions.

Commissioner Powell stated he has concerns about a mid block crossing on Mt. Diablo due to the amount of traffic. Chair Jorgensen and Commissioner Gerstner discussed congestion should a light be installed on Mt. Diablo.

The Commissioners commented on the Application as follows:

Commissioner Simmons: He had no objections to a 16-foot wide road, but the Commission did not have the authority to change the conditions of approval. He was amenable to using the condition as stated by Mr. Carreon to move forward on the Application. He felt the church had met as many requirements as they feasibly could.

Commissioner Jorgensen: He applauded staff for the contact with all parties and staying on the issue. He felt the trail improvements would have to be addressed separately. He was saddened by the Applicant's comments regarding the cost of the ADA improvements and hoped that they would make the improvements the best way possible, not just the easiest. Seeing no nexus to continue the item, he reluctantly supported the Application.

Commissioner Moore: He concurred with the comments made by Commissioner Simmons. He felt there was need for a multi-use room and that there would be no increase in traffic. He was a fan of churches in residential areas and their being a part of the community. He supported the Application.

Commissioner Powell: He was supportive of the project, but wished it had been "cleaner" and that issues with the EBRPD and the Fire Department had been presented to the Commission sooner. He wanted to get everything cleared up with the easement issues.

Commissioner Francois: Agreed with the comments of previous Commissioners.

Vice Chair Malkovich: He was in favor continuing the item and concurred with Commissioner Powell's comments. He did not like creating an "If...then..." resolution where conditions of approval were tenuous and circumstantial.

Chair Gerstner: He agreed with comments made by Commissioner Simmons. The residents of Corvey Court had not voiced support for the widening of the road, and he felt a narrower road was preferable as it naturally slowed traffic. He was supportive of the project, and felt the nexus between the church and the widening of the road was very tenuous and only because of the JMMC easement. He felt it would be good to move the trail off of private property, though it had nothing to do with the Application.

The Commission discussed bringing back the Application as a consent item with cleaner conditions after the Fire Department's consent could be attained. No voting took place and staff was directed to bring the item back to the Commission with a new set of conditions.

- b. DRAFT LOCUST STREET/MT. DIABLO BOULEVARD SPECIFIC PLAN - STUDY SESSION/PUBLIC HEARING on the Draft Locust Street/Mt. Diablo Boulevard Specific Plan Comments provided.

The staff report was given by Assistant Planning Manager, Victoria Walker.

Ms. Walker reiterated the following changes to the staff report:

- Staff and City Council wished to see more flexibility in redevelopment regulations, emphasizing that the specific plan is primarily a guidance document with the exception of the implementation regulation changes. She noted that the plan was a vision of how things could be redevelopment, not "set in stone".
- Specific guidelines were questioned by various Commissions regarding issues such as window height, percentages of clearance, etc; Ms. Walker restated that these were only recommendations, not absolute requirements
- A condition regarding the proceeds from the sale of Opportunity Site 1 going towards the development of a new parking garage had been removed.
- Option B, allowing the Chevron gas station to stay and redevelop with a development agreement with the City for acquiring that piece of property was added.
- Two sites had their height specifications increased from 60 feet to 70 feet.
- The McDonald's land FAR had been increased from 1.25 to 2.00 with no requirement for plan compliance.
- Setbacks had been established more clearly for the size of buildings and sidewalk widths with the allowance if there needs to be a variation for a particular development the approving body could grant that variation.
- Policies were added regarding Commercial Lane and studying it in the future as a possible pedestrian paseo.
- Policies regarding sustainability were also added.

Commissioner Simmons asked the following questions of staff: on which sites were the height restrictions increased, and what were the "exceptional public amenities" required for granting a General Plan amendment regarding height increase.

Ms. Walker indicated Sites 3 and 5 as those with increased height limits. She explained that in addition to providing an EIR and insuring that the City goals for redevelopment were met, a paseo and access easement were to be added to the McDonald's site with a portion of the property at the paseo to be open, possibly a plaza, and a large redevelopment of Site 2 (formerly Mike Morris Auto) would create a large public amenity with a paseo and public plaza with a possible dining area.

Commissioner Jorgensen asked the following questions of staff: what was the current height of the Cost Plus building; was it staff's intention to create a parallel height across the street at the Chevron site; had staff considered an "Option C" in which the Chevron station would be enveloped into a project on the site; what was the advantage to the "L-shape" of the passage on Site 2 and was this set in stone; would there be store access on Commercial Lane and would this still qualify as a public amenity.

Ms. Walker stated that the Cost Plus building was 35 feet tall and it was staff's intention to create a parallel on the Chevron site. The possibility of enveloping the Chevron gas station had been discussed, but Chevron no longer creates those types of facilities and it was not a model they wished to pursue. The "L-shape" passage was not set in stone, but the plan asks for a "good pedestrian element". There would be no access to stores on the plaza, and it was for the Design Review Commission to determine the passage as a public amenity. She noted the paseo and plaza were modeled after the Va de Vie site.

Commissioner Francois asked the following questions of staff: could Site 2 be used in place of Site 5 as a possible hotel location; is the square footage the same on both Sites 2 and 5; in addition to Commissioner Jorgensen's comments on a possible "Option C", could the City provide additional incentives (eg, increased FAR) so that Chevron might want to develop the site for some other use; once the plan is adopted, what is the Planning Commission's role in the development process; and is Site 5 the only area where a General Plan amendment would be required.

Ms. Walker explained that in the proforma done on Site 2, the consultant felt that there was not enough space for the desired number of units for a boutique hotel developer. Measure A does not allow building above 50 feet on Site 2. Site 5 has the opportunity to go higher and thus, create more density. Sites 2 and 5 have the same basic site square footage of 28,000 square feet, but Site 5 could potentially develop up to 80,000 square feet. The specific plan does allow for City Council to create incentives for particularly valuable or appealing projects, but because of the configuration of the Chevron site, parking constraints would make increasing the FAR less profitable, though it was still a possibility to add development space. After the plan is approved, Planning Commission may make recommendations to City Council regarding General Plan amendments. However, the sites will essentially be ready to go directly to Design Review Commission, with the exception of the Option B scenario that would require further General Plan amendment and review through the Planning Commission. Site 5 would be granted height and FAR increases through the adoption of the specific plan and no further amendments would be needed.

Commissioner Malkovich asked the following questions of staff: was there still no interest from the owner of the post office building on Locust Street to be included in the redevelopment of Site 2; had staff considered a larger retailer for Site 2; could staff clarify the differing numbers of exits on the proposed parking structure drawings; and asked for corrections to be made to Figure 26 showing existing crosswalks on Cypress Street.

Ms. Walker explained the owner of the post office building did not wish to be included in the redevelopment of Site 2 and it was not a requirement to aggregate the buildings on that site in the plan. The Advisory Committee had not wanted a large retailer on that area of the traditional downtown. They felt that smaller, incremental retail spaces were more in keeping with the character of the area and had a more organic appearance. The optimal number of entrances to the proposed garage was three, but McDonald's needed to give access to land for the third entrance to be feasible. The drawings indicated two entrances to be built initially, with a third added when possible.

Chair Gerstner asked the following questions of staff: would the "zig zag" crosswalk shown on Mt. Diablo Boulevard be metered or activated by the pedestrian using it; and was there adequate space in the median for the pedestrian to wait or would lanes need to be narrowed to accommodate this.

Ms. Walker deferred to Transportation Manager, John Hall. Mr. Hall explained that staff was still studying the various options of traffic control in relation to the surrounding development and congestion at intersections. He felt more study was still needed. He indicated that there was adequate space in the median for pedestrian refuge, but a few trees may need to come down so that oncoming traffic could see pedestrians clearly.

Commissioner Simmons asked Mr. Hall various questions regarding signal synchronization on Mt. Diablo Boulevard.

Mr. Hall elaborated by saying signals on Mt. Diablo were coordinated during the day time, five days a week, though the crosswalk at Liberty Bell Plaza was not synched to this pattern.

Commissioners offered suggestions and comments on traffic signaling studies regarding crosswalks, synchronization, and possible scramble phases implemented at some intersections.

Commissioner Moore asked Mr. Hall why traffic seemed to naturally slow on Locust Street. Mr. Hall explained that because Locust Street became a dead-end at Target and Plaza Escuela and due to several mid-block pedestrian crosswalks, traffic was naturally pacified.

Chair Gerstner asked the following questions of staff: what is the height of the office building on the corner of Olympic and Mt. Diablo Boulevard; would the developments on Sites 3 and 5 be potentially 15-20 feet lower than the office building mentioned; what was the primary reason for increasing the height on the two sites, the potential hotel, parking garage or both; how many stories or levels of parking could the City potentially get out of the height increase; and what were the thoughts on the different possible uses of the proposed paseo on Commercial Lane.

Ms. Walker explained that the office building in question was 89 feet high and that the redevelopment on Sites 3 and 5 would be 15-20 feet lower, but they would not have the same space for set back. The motivation for increasing height came from wanting to maximize the potential for the garage while still staying within the character of the surrounding area. The height increase also served to add incentive for redeveloping the site. She clarified that Measure A was not just at 89 feet, but also up to 6 stories, or whichever was lower. In the plan, the proposed development doesn't reach 70 feet, since that height is not needed to create 6 stories. Parking garages are held to different standards, as one level of parking equates 3/4 of a story, so 8 levels were attainable within 70 feet, and more levels of parking were possible on the site within the height requirement. As to the possible paseo on Commercial Lane, various scenarios were being studied, including use of bollards to close the area for special events or certain hours of the day. It was determined that more study was needed, as the development of Site 2 would impact the use of Commercial Lane.

Commissioner Jorgensen asked for clarification on a developer's ability to choose a parking strategy for their project or pay an in-lieu fee instead, and whether the proposed garage on Site 3 would mitigate parking needs for Site 2.

Ms. Walker stated that it was ultimately up to City Council to grant an in-lieu parking fee to a developer. Currently Municipal Code requires all developers to self-park their projects, with underground parking being the favored option, though other options were plausible. She noted that, while the proposed garage was large, it would not create enough new spaces to mitigate the parking requirements of Site 2.

Chair Gerstner opened the Public Hearing.

The following members of the public spoke:

David Harrison of Patson Development, owner of property within Site 2 and former developer of the Barnes & Noble project, thanked Ms. Walker for her flexible but clear report.

Alex deTouris, a resident of Walnut Creek since 1979, spoke about his experience raising a family in Walnut Creek and the changes in the City he had seen over the years. He felt that the City did not address the issue of architecture uniformity, citing the Apple store and California Pizza Kitchen as examples of architecture that did not "fit" in Walnut Creek's character. He felt the Broadway Pointe project was an example of architecture that was "timeless" and ties the old with the new, and so better suited for Walnut Creek.

Chair Gerstner explained that the Planning Commission only dealt with land-use issues and had no jurisdiction over design elements. Commissioner Moore thanked Mr. deTouris for his comments and encouraged him to stay in touch with the City and perhaps get involved with a Design Review subcommittee.

Pat Gaffney, a resident of Walnut Creek, spoke on the importance of not missing the opportunity to redevelop Commercial Lane, citing the City of Santa Barbara's pedestrian masterplan, that employed a network of paseos, courtyards and other pedestrian elements, as a good example creating continuity and uniformity within the City. He also spoke about his suggestions made in his letter to the Commission regarding the possible uses for the proposed paseo at Commercial Lane. He suggested that Commercial Lane redevelopment should happen gradually in stages and involve the various property owners over time.

Primo Facchini, a resident of Walnut Creek, stated that since 1984 he had been asking the City to create an Historical Preservation Ordinance, and hearing upon discussion of historical buildings, he wondered if creating such an ordinance was eminent.

Chair Gerstner closed the Public Hearing.

The Commissioners commented on the Application as follows:

Commissioner Malkovich: He thanked Ms. Walker for her tremendous report. He felt the height of the proposed garage should be maximized at 70 feet. He appreciated Mr. Gaffney's suggestions and was in favor of implementing them. He thanked all speakers present at the hearing.

Commissioner Francois: He felt this session was more than a great start on the redevelopment planning. He felt it was important to emphasize in the plan that property owner involvement in redevelopment was voluntary, but that they might get higher and better use from their property under the new plan. He felt there was some language in the current plan that suggested, unintentionally, that involvement with redevelopment was being enforced rather than encouraged, and asked that staff look at that language. He suggested that the real estate figures in the plan be updated. He asked staff to look at

any possible incentives to add to redeveloping the Chevron site, such as an increased FAR.

Ms. Walker asked the Commission to give their opinions on implementing Option B, or some enhanced version of it.

Commissioner Malkovich was supportive of redeveloping the Chevron site partially, with a smaller gas station, noting the usefulness of the current gas station.

Commissioner Francois felt that Option A was most desirable solution, but he was comfortable with Option B as an alternative.

Commissioner Powell: He voiced his support for the plan. He appreciated the thoughtful comments of Mr. Gaffney and supported his suggestions. He had no problem with Option B and felt it was a good alternative. He felt that a small gas station might provide a nice balance to the redevelopment of the site.

Commissioner Moore: He felt it was a great, visionary plan. He voiced appreciation for the input of former Commissioner and colleague, Frank Bryant, in creating the plan. He favored Option B, though would like a portion of the Chevron property to be used towards the proposed garage. He felt that promoting a positive pedestrian atmosphere was important and should be promoted.

Commissioner Jorgensen: He wished the language regarding Commercial Lane as a public amenity was stronger, particularly in its connection to Sites 1 and 2, and the potential for retail activity along the proposed paseo. He felt that alleyways and smaller areas of the City were opportunities for more retail space, and this concept could help foster an "arts district", though not necessarily in the areas discussed in this plan. He wished for the City to create a great variety of areas for pedestrians to explore and wished for the language in the policies regarding circulation reflected that sentiment more strongly. He voiced his support for the plan. He felt the proposed garage should not cover the entire site, but have more movement created among the surrounding buildings through pedestrian alleyways or by incorporating a retail use on the first level. He asked staff to consider more options for the layout of the garage.

Ms. Walker noted that the garage design was not permanent, other than the shown access points. Further study was needed as to its configuration.

Commissioner Simmons: He thanked Ms. Walker for her work and Mr. Hall for his input. He generally liked the plan, particularly its flexibility. He expressed concern that the plan would not be coming back to the Planning Commission after its approval. He felt the language regarding parking on Site 1 ought to state that on-site surface parking was not an option, due to the site's location and small configuration. He commented on some of the traffic congestion problems on Mt. Diablo Boulevard and suggested that staff consider turning Commercial Lane into a curb cut, wherein a delivery truck would not have through access and accessed the area by backing into it. He preferred Option A, but was comfortable with Option B, as long as plans for the proposed parking garage were clear. He asked staff to reconsider language in the plan regarding widening Commercial Lane so that WB40-size trucks could access the area, stating that this did not emphasize pedestrian use. He commented in looking at Walnut Creek from a higher vantage point he noticed gray rooftops everywhere and suggested that the City

encourage public amenities by creating other active areas in rooftop spaces. He suggested combining Sites 5 and 6 to add additional units to the proposed hotel.

Chair Gerstner: He was generally supportive of the plan. He recognized that a lot of work and thought had been put into the plan, and appreciated that previous concerns regarding flexibility had been addressed. He also supported maximizing space for the proposed garage. He felt that building out every corner was not always the best use for development sites, and so did not feel Option A was the best choice. He supported Option B even with some of its complications. He was intrigued by the paseo idea and was supportive of its pedestrian friendliness. He was not clear on how best to phase in redevelopment of Commercial Lane but would like it to be made functional and friendly.

5. **COMMISSION CONSIDERATIONS**

None.

6. **CORRESPONDENCE**

None.

7. **STAFF'S BRIEF ANNOUNCEMENTS OR BRIEF REPORTS ON HIS OR HER ACTIVITIES**

Ms. Walker announced there will be a special joint meeting with the Design Review Commission on October 29 at 5:00 PM to tour the completed stormwater control system project at North Creek Church and new autolifts at the Iron Horse Condominiums.

8. **COMMISSIONERS' BRIEF ANNOUNCEMENTS OR BRIEF REPORTS ON HIS OR HER ACTIVITIES**

Commissioner Powell announced that the Downtown Business Association will hold a second Wine Walk on November 5.

The Commission clarified that the next meeting would be held on November 13, not the dates shown on other agendas.

9. **ADJOURNMENT**

Chair Gerstner adjourned the meeting at 9:53 PM.

---- NEXT MEETINGS: November 13, 2008

Approved:

housing immediately adjacent to neighbors were built instead, it would provide a higher level of protest from the neighborhood. He supports the project and would like to keep the unit count at 65, stating he hadn't heard a compelling reason to reduce it to 63.

Mayor Regalia agrees with the statements made by her colleagues. She also appreciates the diverse demographics planned for in the project, noting specifically the plans to create a safe environment for children. She stated this is an attractive project and noted that providing garage parking, instead of carports, makes it more functional. She supports the 65 units as the City is committed to providing more housing in order to meet our housing mandates.

Motion by Skrel, second by Rainey, carried unanimously, ADOPT RESOLUTION NO. 08-11 adopting the Mitigated Negative Declaration and approving a tree removal/dripline encroachment permit; and INTRODUCE AND WAIVE FURTHER READING of the Planned Development Ordinance establishing use and development regulations for the Walden Park Commons development with 65 units.

YEAS: Silva, Abrams, Rainey, Skrel, Mayor Regalia.

The Council recessed at 8:45 p.m. and reconvened at 8:54 p.m.

b. **LOCUST STREET/MT. DIABLO BLVD. PRECISE PLAN**

Assistant Planning Manager Victoria Walker reported the Administrative Draft Locust Street/Mt. Diablo Boulevard Precise Plan was reviewed at study sessions by the Design Review Commission (January 16, 2008), the Transportation Commission (January 17, 2008), and the Planning Commission (February 21, 2008) to provide input to the City Council. After receiving City Council comments tonight, the Plan would be revised as directed and a Draft Locust Street/Mt. Diablo Boulevard Precise Plan and Draft Environmental Impact Report (DEIR) would be prepared and distributed for public review. Final public hearings on the Draft Precise Plan and DEIR would be held before the Planning Commission and City Council in early summer.

Staff also requested approval of an addendum to the consultant services agreement with Roma Design Group (ROMA) for preparation of the Locust Street/Mt. Diablo Blvd. Precise Area Plan and Environmental Impact Report (EIR).

Jim Adams, Roma Design Group, presented details of the project.

The City Council asked questions of the staff and the consultant regarding points presented and clarifying the intent and scope of the plan; the methodology for selecting which properties were included was also questioned.

The Mayor opened the public hearing and invited public comment. Property owners in the proposed project areas were given 5 minutes for comment. Council asked questions throughout the comment period.

Ian Paget of Patson Development Company representing the Mark-Morris site or Building 2 in the plan, stated they are very impressed with the vision of the advisory committee for the specific site and David Gold of Morrison & Forester representing Patson Companies stated

their agreement with the specific plan's vision; however he requested consideration for alternative site plans that might be proposed in the future and referenced the letter they had submitted with the staff report. *Michael Frederick*, property owner, stated concern that the historical ordinance has not been addressed in the plan, he is interested in learning more about the the proposed Paseo concept and agrees with using the FAR. *Pat Gaffney* presented the paseo concept for Commercial Lane (drawing is included in the staff report). *Garo Keadjian*, property owner, spoke in support of the paseo concept and expressed interest in discussing further opportunities for the area. *Diane Zimmerman*, representing McDonald's, noted McDonald's only has one location in Walnut Creek and they don't want to relocate. *Michael D. Geronimo*, Miller Starr Regalia, also representing McDonald's spoke of the need for affordable eating establishments in Walnut Creek and outlined how it could be a compatible use on this site. He stated a request for a higher FAR and higher height limit. *John Cumbelich* stated he would be marketing the project for Patson, when it is developed, he noted for the record that discussions with all adjacent property owners have occurred. *Mark Hall*, Hall Equities Group, asked why a specific plan is needed for the area stating it is extremely detailed and too precise to allow for market flexibility, he referenced specifically the wording on page 19 of the draft plan. *John Licht*, Davidson and Licht, would like the Council to ensure that individual landowners have an opportunity to bid on the remaining pieces of property in Downtown Walnut Creek and are not constrained by a complicated process and tight time frames. He noted that the the Paseo is conceptually a good idea.

The Mayor closed the public comment portion of the hearing and Council asked additional questions of the staff and consultant and provided their comments.

Councilmember Rainey stated the plan is a guideline and expressed a desire for the language in the plan to reflect more flexibility noting the intent of the specific plan is to save time and effort and guide developers while encouraging their creativity. She would be interested in exploring Commercial Lane as a Paseo. She commented that service oriented uses are needed (Chevron and McDonalds) and the parking garage is also needed to support development in this area but it requires public/private cooperation to meet the goal.

Councilmember Silva stated there is a need to find the balance between creating a vision and pre-designing the sites. She stressed the importance of this specific plan in ensuring the continuous vitality of our traditional downtown. She would prefer to incent to success rather than regulate success and is concerned with specifying too much of the plan. She suggested additional plan objectives might include encouraging the development of a small downtown hotel and preserving the views of Mt. Diablo in the forefront of the plan. She stated there is a mixed message about land assembly in the plan, noted a tension between the desire to encourage assembly but then actually proscribing it at some Sites. She would recommend encouragement rather than requirement. She also suggested looking at the width of sidewalks. She would be interested in seeing more incentives for Site 2. She would be willing to make trade-offs with regard to Site 5. She noted that Site 6 is missing any incentives for the landowner.

Mayor Pro Tem Skrel stated there would be more opportunities for comment before this plan is finalized. He noted that page 16 of the draft plan references information from 2003 in the discussion of the downtown residential market and suggested this be updated. Page 18 references Mt. Diablo Boulevard traffic and suggested it is time to consider significant changes in downtown traffic patterns for coming into downtown Walnut Creek. He stated he doesn't see the need for specificity for sidewalks; the implementation section looks good on paper, but

noted there is very little in the Specific Plan regarding economic feasibility. He questioned where the incentive for participation in the plan is. He noted that a hotel on Site 5 could have spectacular views. He would like to look at additional height variances on some of the Sites. He asked staff to investigate a faster process for Sites 1 and 2.

Councilmembers concurred that they would not like the proceeds from the sale of Site 1 to be pre-determined in the plan, but would like to leave it's future usage including when, who, or how it is sold to be removed from the plan.

Councilmember Abrams concurs with Councilmember Silva's block-by-block comments. He noted the issue of parking needs discussion, and questioned if parking needs to be considered for the overall project or addressed on a site-by-site basis. He would prefer the plan to evolve over time as it develops in order to allow the City and the Developers to adjust to changing needs. He specifically would like more flexibility to move parking depending on what development is proposed.

Victoria Walker clarified that the plan is designed around our current in-lieu parking requirements and changes in strategy would require a Council policy change.

Councilmember Rainey stated she likes Site 3 for a parking structure and queried if it would be possible to add more levels and protect our views at the same time. She noted the other option is to build parking underground but realizes that is very expensive.

Mayor Regalia stated that housing is the focus now, but it won't be forever, and commented that we need to think of future needs for the downtown, perhaps office uses. She agrees we need to allow more flexibility in the plan. She would like to ensure roofline variations along Mt. Diablo Boulevard and encouraged the use of step backs. She likes the idea of having changes of scenery and including nice places to walk. She noted the interest in the Paseo concept for Commercial Lane from the property owners.

Community Development Director Valerie Barone summarized comments from Council: Build in more flexibility in the plan and include incentivization; go to 89' height limit on Site 5 for a hotel, mixed use or a combination; look for more ways to be flexible in how parking is resolved by not presupposing a private parking garage on Site 3 and build in flexibility for other parking solutions; don't tie Site 1 to any predetermined position for sale and use; perhaps allow a higher height on the parking garage; evaluate the Paseo concept on Commercial Lane; and investigate allowing Site 1 and 2 to proceed more quickly in an earlier project.

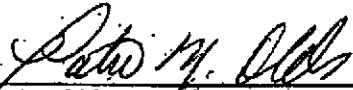
Motion by Rainey, second by Silva, carried unanimously, DIRECT STAFF to prepare a final Draft Precise Plan and Draft Environmental Impact Report based on direction based on direction received in this meeting; APPROVE Addendum No. 2 to the Consultant Services Agreement with Roma Design Group for the preparation of the Locust Street/Mt. Diablo Boulevard Precise Plan; and APPROVE a transfer of \$40,000 from the Community Development Professional Services Account (010 260 6410) to the Planning Division Consultant Services Account (010 260 6415) for the preparation of the Locust Street/Mt. Diablo Boulevard Precise Plan and authorize expenditure of \$5,000 of the Precise Plan contingency fund as part of the Precise Plan Consultant Services Agreement.

YEAS: Silva, Abrams, Rainey, Skrel, Mayor Regalia.

5. **COUNCILMEMBER & STAFF ANNOUNCEMENTS OR BRIEF REPORTS ON ACTIVITIES**


Councilmembers provided brief reports on their activities.

6. **ADJOURNMENT at 11:04 p.m.**



Patrice M. Olds, CMC
City Clerk of the City of Walnut Creek

Approved:


Gwen Regalia
Mayor of the City of Walnut Creek

CITY COUNCIL MEETING

**TUESDAY, FEBRUARY 3, 2009
CITY HALL
1666 N. MAIN STREET, WALNUT CREEK**

COUNCILMEMBERS:

**RAJAN
SIMMONS
SILVA
MAYOR PRO TEM RAINEY
MAYOR SKREL**

CITY COUNCIL SPECIAL MEETING - City Manager's Conference Room - 3rd Floor

1. CLOSED SESSION

Following the opportunity for public comment, the City Council reconvened in closed session:

- a. pursuant to Government Code section 54957.6 to confer with its designated representative, Assistant City Manager Lorie Tinfow, regarding labor negotiations with the General Management Unit, Professional Employees' Group, General Employees' Unit, Civilian Police Unit and the Confidential Unit.

2. ADJOURNMENT OF SPECIAL MEETING

**CONCURRENT MEETINGS: CITY COUNCIL REGULAR MEETING &
REDEVELOPMENT AGENCY REGULAR MEETING - Council Chamber - 1st Floor**

1. OPENING

- a. PLEDGE OF ALLEGIANCE
- b. ROLL CALL - all Councilmembers were present.
- c. PRESENTATION: Clay Arts Guild

Kathy Nelson, Manager of Arts Programs in the Arts Recreation and Community Services Department and Florence McAuley provided information on the Clay Arts program and detailed contributions from the Clay Arts Guild.

2. CONSENT CALENDAR

Motion by Silva, second by Simmons, **carried unanimously**, to APPROVE the following Consent Calendar items a, b, d and e:

YEAS: Mayor Skrel, Rainey, Rajan, Silva, Simmons.

- a. ACCEPTED Warrant Register.
- b. APPROVED CITY COUNCIL MINUTES of January 20, 2009.
- d. AWARDED CONTRACT 08-19, the Business License Counter Remodel project to Aitken Associates, for \$8,900 with a contingency and reserve not to exceed \$1,000; and AUTHORIZED the transfer of funds from Fund 650, Finance Equipment Replacement into Work Order CP 9510.

Agenda Report 2d - Business License Counter Remodel Project

- e. RESCINDED AWARD OF CONTRACT 08-01, the Arbolado Park Valve Replacement project from Ramirez Construction for \$21,000.02 and AWARDED CONTRACT 08-01, the Arbolado Park Valve Replacement project, to the second low bidder, Planned Environments, Inc., for \$26,580.98 with a contingency and reserve not to exceed \$2,500.

Agenda Report 2e - Arbolando Park Valve Repalcement Project

Mayor Pro Tem Rainey pulled item 2c to comment on the need for this service and introduced Paul Morrison, Executive Director of the Contra Costa Solid Waste Authority and Curt Swanson Division Manager of Environmental Services Division from Central Contra Costa Sanitary District to provide additional information. *Primo Facchini* spoke in support of the program.

- c. MEMORANDUM OF UNDERSTANDING with the Central Contra Costa Sanitary District

Motion by Rainey, second by Simmons, **carried unanimously**, to APPROVE A MEMORANDUM OF UNDERSTANDING with the Central Contra Costa Sanitary District for a six-month pilot program to collect and properly dispose of expired or unwanted pharmaceuticals and authorize the City Manager to sign the agreement.

YEAS: Mayor Skrel, Rainey, Rajan, Silva, Simmons.

Agenda Report 2c - Pharmaceutical Pilot Program

Visual of Pharmaceutical Container

3. **PUBLIC COMMUNICATIONS**

Sandra Scherer, Executive Director of Monument Crisis Center, thanked the City for the support they provide to the Center and acknowledged the grant from the Walnut Creek Chamber of Commerce.

4. **CONSIDERATION**

- a. STUDY SESSION - DRAFT LOCUST STREET / MT. DIABLO BOULEVARD SPECIFIC PLAN AND DRAFT ENVIRONMENTAL IMPACT REPORT (WO 708-134)

Victoria Walker, Interim Planning Manager, led the City Council through a study session on the the Draft Locust Street/Mt. Diablo Boulevard Specific Plan and Draft Environmental Impact Report in order to answer questions and provide an opportunity for Council and public comments on these documents.

The Council asked questions of staff regarding the plan and received answers from Ms. Walker, Interim Planning Manager Sandra Meyer and Transportation Planning Manager John Hall.

Public Comment:

Pat Gaffney spoke of the opportunity to develop Commercial Lane into a paseo and encouraged a strong council endorsement for this idea. *John Licht*, property owner backing up to Commercial Lane, concurred with Mr. Gafney and encouraged development of this area and stated his interest in partnering with the City in achieving these goals.

The Council asked for clarification on some of the points raised and provided summarizing comments.

Councilmember Simmons stated he appreciates the flexibility of the plan especially the use of guidelines rather than requirements. He likes the pedestrian nature of the proposal. He would prefer two entrances, not three, from the Cypress Street parking garage and sees this area as better suited as a pedestrian area. He would prefer not to see a General Plan amendment for the McDonald's site in order to retain flexibility to respond to a specific use application in the future. He supports the Commercial Lane proposal and encouraged staff to develop a process for how this might be accomplished.

Councilmember Rajan agrees with the Commercial Lane proposal, and stated the overall plan has great potential and is exceptionally well thought out. He noted the importance of this downtown area and the need to maximize commercial viability here while securing benefits for the City. He appreciates the opportunity for City landscaping and extending the sidewalks. He also prefers the third garage entrance be pedestrian and encouraged ways to include a large public gathering area for recreating. He stated that Opportunity Site Two is a transition from Broadway Plaza to the traditional downtown and noted that what develops here has great impact on the traditional downtown. He is comfortable with the General Plan amendment. He would prefer not want to make the plan overly proscriptive.

Councilmember Silva stated the specific plan provides a range of benefits as it comes to fruition over the next 20 years including: to provide more parking, more housing with fewer traffic impacts, more jobs, better vitality in the pedestrian retail district, more paseos and plazas, and additional opportunities for public art. She likes the flexibility inherent in the plan and encouraged sustainability, if financially feasible. She is comfortable with the General Plan amendment and is interested in ways to incentivize for a hotel use. She supports the phasing as proposed in the plan for the Commercial Lane evolution to stay flexible.

Mayor Pro Tem Rainey complimented the plan and agrees with the Commercial Lane proposals, wants to ensure the guidelines preclude a building with a big box wall effect along Mt. Diablo Boulevard and ensure breaks and height variations are compatible with other nearby developments. She noted the need to provide office space in downtown and

highlighted the nexus between office uses, jobs and economic vitality. She recommended not excluding office use on the site. She is okay with a General Plan amendment.

Mayor Skrel prefers keeping the option for Commercial Lane, advises not to commission a study yet, but he is in favor of moving forward with the concept. He is also okay with the General Plan amendment. He stated that access from Cypress Street would work better as pedestrian rather than vehicular. He is fine with option B. He encouraged staff to move expeditiously considering current economic times and stated we should provide incentives for all six sites.

Agenda Report 4a - Locust St./ Mt. Diablo Specific Plan

Council recessed for 10 minutes and reconvened at 9:10 p.m.

b. PROGRESS REPORT ON THE 2008-10 OPERATING BUDGET

Assistant City Manager Lorie Tinfow reported that the 2008-10 Operating Budget was adopted by the City Council on June 24, 2008. Since adoption of the Budget, national and local economies have worsened, negatively affecting several of the City's major revenue sources. She provided first quarter information on the projected finances of the City for fiscal year 2008-09 and best estimates of operations for fiscal year 2009-10, including information on operational savings, new revenue sources and one-time carryover funds that will address the impact on the budget for fiscal year 2008-09 and plans to begin to address the impact for fiscal year 2009-10. Finance Manager Fred Marsh responded to Council's questions regarding specific financial information.

Motion by Rajan, second by Silva, **carried unanimously**, to accept the report.

Agenda Report 4b - 2008-10 Budget Progress Report

c. SELECTION OF APPLICANTS TO BE INTERVIEWED FOR CONSIDERATION FOR 2009 COMMISSION APPOINTMENTS

City Clerk Patrice Olds reported that there are five openings on City commissions: Park, Recreation and Open Space (PROS) Commission – 2 seats; Transportation Commission – 2 seats; and Planning Commission – 1 seat. Council was presented with the applicants and selected the following applicants to be interviewed at a special meeting on Tuesday February 10, 2009:

Park, Recreation and Open Space

Steve Comfort

Karin Deas

Michele Lewandowski

Joe Stadum

Thomas Worthy

Carla Zambon-Ludwig

Transportation

Lance Bellamy

Cedric Cheng
Tina King Neuhausel
Thomas O'Toole
Thomas Worthy

Planning
Randy Jerome
Kristina Lawson
Scott Mac Cormac
Gregory Schniegenberg

Agenda Report 4c - 2009 Commission Appointments

Attachment 1 - Revised

5. **COUNCILMEMBER & STAFF ANNOUNCEMENTS OR BRIEF REPORTS ON ACTIVITIES**

Council provided brief updates on various meetings and activities.

6. **ADJOURNMENT**

The meeting was adjourned in memory of Stanford White, accomplished professor and previous Contra Costa Library Commissioner; and in memory of Bob Koop, Rossmoor resident, nationally recognized City Manager, and previous Walnut Creek City Commissioner. Both gentlemen contributed much to Walnut Creek and enriched the lives of its citizens through their commitment and involvement.

Patrice M. Olds
City Clerk of the City of Walnut Creek

Approved:

Gary Skrel
Mayor of the City of Walnut Creek

**WALNUT CREEK PLANNING COMMISSION
RESOLUTION NO.****Recommendation to the City Council on the
Locust Street/Mt. Diablo Boulevard Specific Plan
And Final Environmental Impact Report
W. O. 708-134****Section 1. Findings.**

1. On March 12, 2009, the Walnut Creek Planning Commission held a public hearing to review and consider the Draft Locust Street/Mt. Diablo Boulevard Specific Plan and Final Environmental Impact Report (EIR), (SCH#2008992054) prepared for the Specific Plan and to provide recommendations to the Walnut Creek City Council. After receiving public testimony, the Planning Commission recommended approval of the Draft Locust Street/Mt. Diablo Boulevard Specific Plan and certification of the EIR to the City Council.
2. The Specific Plan area comprises 5.3 acres (1.5 blocks) of land located between Mt. Diablo Boulevard, N. California Boulevard, Cypress Street and N. Main Street in Walnut Creek's Traditional Downtown.
3. An Advisory Committee, selected by the City Council, drafted the original version of the Specific Plan. The Advisory Committee was composed of various stakeholders in the Specific Plan area, such as property owners and business owners, as well as other interested residents and members of Commissions. The Advisory Committee held numerous public meetings with staff and the consultants in 2004 and 2005. The Committee provided oversight of the initial phase of the planning process and provided direction as plan options were developed and a project plan was ultimately selected.
4. The Administrative Draft Locust Street/Mt. Diablo Boulevard Specific Plan (then called "Precise Plan") was prepared and released for public review on January 4, 2008.
5. The following study sessions were publicly noticed and held to provide input on the Administrative Draft Specific Plan: Design Review Commission (January 16, 2008); Transportation Commission (January 17, 2008); Planning Commission (February 21, 2008); and City Council (March 4, 2008). Stakeholders, including property owners and business owners in the Specific Plan area, and other interested persons also attended these meetings and provided comments on the Administrative Draft Plan.
6. Based on the results of previous study sessions the Administrative Draft Specific Plan was revised, and a final Draft Locust Street/Mt. Diablo Boulevard Specific Plan was published on October 17, 2008.
7. On October 23, 2008, the Planning Commission held a study session and reviewed the Draft Specific Plan.

8. On September 12, 2008, the State Clearinghouse published a Notice of Preparation stating that the City of Walnut Creek intended to prepare an environmental impact report on the Draft Locust Street/Mt. Diablo Boulevard Specific Plan. During the 30-day NOP period, only one comment was received (from Caltrans).
9. The environmental impacts of the entire project were evaluated in a Draft EIR published for public review and comment on January 5, 2009. The Draft EIR concludes that the project would have less than significant impacts in the areas of land use and policy; aesthetics; population and housing; transportation and parking; global climate change and greenhouse gases; geology, soils and seismicity; hazards and hazardous materials; hydrology and water quality; public services; utilities and service systems. Potential significant impacts would occur in the areas of air quality, cultural resources, and noise. Mitigation measures are provided that would reduce all of these impacts to a less-than-significant level.
10. A Notice of Completion and Environmental Document Transmittal was sent to the State Clearinghouse on December 30, 2008. The State Clearinghouse determined that the 45-day comment period for the Draft EIR began on January 5, 2009 and closed on February 18, 2009.
11. On February 3, 2009, the City Council held a study session on the Draft Specific Plan and Draft EIR.
12. On March 12, 2009 the Planning Commission held a public hearing on the Draft Specific Plan and EIR prepared for the Draft Specific Plan.
13. The EIR provides a response to the one comment that was received during the public comment period for the Draft EIR. The EIR also includes minor corrections to data (Errata) that were discovered in the Draft EIR. The Mitigation Monitoring Program was also presented as part of the CEQA documentation.
14. The majority of the Specific Plan area has a General Plan Floor Area Ratio (FAR) of 2.0. Opportunity Site 3 (Future Parking Garage Site) and Opportunity Site 5 (McDonald's Restaurant Parcel) currently have a maximum FAR of 1.25. The Specific Plan recommends that the maximum FAR on Opportunity Site 5 (McDonald's Restaurant Parcel) be increased from 1.25 to 2.0.
15. The northern portion of the Chevron Gas Station parcel (which is within Opportunity Site 3), and all of Opportunity Site 5 (McDonald's Restaurant Parcel) currently have a maximum building height limit of 50-feet. The Specific Plan recommends that the maximum building height limit on Opportunity Site 5 (McDonald's Restaurant Parcel) and Opportunity Site 3 (Future Parking Garage Site) be increased to 70-feet. This building height increase is consistent with the maximum building height limits allowed by the voter-approved Measure A for these land areas.

16. The majority of the Specific Plan area has a 35/50-foot building height limit. The 35/50-foot building height limit allows a maximum building height of 35-feet along the street frontages. The building can then be stepped back a certain distance and then increase in height to a maximum of 50-feet in the interior of the site. The Specific Plan defines building step-backs from the face of the building as a minimum 10-foot step-back above a 35-foot maximum building height along street frontages.

17. *General Plan 2025* establishes the building setback requirements for all the parcels with street frontage in the Specific Plan area. These setback requirements do not address the need to define an appropriate sidewalk width, which has become essential for these highly used pedestrian areas. The Specific Plan recommends that the General Plan building setback requirements within the Specific Plan area be revised. Building setbacks in this area will be revised to require that new development maintain a minimum 12-foot to 15-foot public sidewalk from curb to building face, depending on the location.

18. The Land Use Element of the General Plan designates the entire Specific Plan area with a Pedestrian Retail land use designations. The Specific Plan is consistent with the General Plan land use designation, with one exception. On Opportunity Site 4 – Option B (Chevron Gas Station Site), the gas station use would remain and the Specific Plan would allow redevelopment and reinvestment in a portion of the existing gas station site to facilitate the new parking garage shown in Opportunity Site 3. Implementation of Opportunity Site 4 – Option B will require an amendment to the General Plan Land Use Map, the Mt. Diablo Redevelopment Plan, and a rezoning of the site that would make the gas station a conforming land use. These revisions would occur after adoption of the Specific Plan, in conjunction with a future development agreement.

19. New development in the Specific Plan area will be required to meet the standards of the General Plan Growth Limitation Plan. The Growth Limitation Plan was established to meter the rate of new commercial and residential development in the City of Walnut Creek. This Plan limits the amount of commercial development permitted city-wide (outside of the Shadelands Business Park), to no more than 75,000 square feet per year from 2006 through 2015, allotting no more than 150,000 square feet in any 2-year period.

20. After receiving public testimony and reviewing and considering the Specific Plan and EIR, the Planning Commission recommended that the EIR be certified and the Draft Locust Street/Mt. Diablo Boulevard Specific Plan be approved. The Planning Commission then provided its recommendations and comments to the City Council for its consideration.

21. Based on the evidence presented at the public hearing on this item, and on investigations made by this Commission and on its behalf, the Walnut Creek Planning Commission hereby resolves that:

- a. Pursuant to the California Environmental Quality Act, 14 Cal. Code Regs. section 15025,

this Commission has reviewed and considered the EIR prepared for the Draft Locust Street/Mt. Diablo Boulevard Specific Plan and received public comment.

- b. The proposed Specific Plan is consistent with the General Plan and the spirit of Chapter 2, Title 10 of the Walnut Creek Municipal Code.
- c. The health, safety, welfare, and general prosperity of the residents of the City of Walnut Creek will be served by adoption of the Specific Plan because it will ensure this part of the Traditional Downtown area is redeveloped over time in an attractive and consistent manner which will connect the Main Street/Locust Street downtown retail district to the newer commercial area on the south side of Mt. Diablo Boulevard, will improve the safety, appearance and pedestrian movement along the Mt. Diablo Boulevard, N. California Boulevard, and N. Main Street corridor, and will encourage the appropriate and compatible development and additional parking opportunities in the area.

Section 2. Decision. Based on the findings set forth above the Walnut Creek Planning Commission hereby recommends to the City Council that the Final Environmental Impact Report prepared on the Draft Locust Street/Mt. Diablo Boulevard Specific Plan be certified and that the Draft Locust Street/Mt. Diablo Boulevard Specific Plan be approved.

Section 3. Effective Date.

This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED on March 12, 2009, by the Walnut Creek Planning Commission at a regular meeting thereof upon motion by Commissioner and seconded by Commissioner

Ayes:
Noes:
Absent:
Abstain:

VICTORIA WALKER, SECRETARY
Walnut Creek Planning Commission

Attachment 5 – Caltrans Comment and Response to Caltrans Comment

The Caltrans comment received on February 19, 2009 is attached.

The Response to this comment will be provided to Planning Commission and posted on the City website prior to the March 12, 2009 Planning Commission meeting. Copies will also be available to the public at the 03.12.09 meeting.

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 622-5491
FAX (510) 286-5559
TTY 711



*Flex your power!
Be energy efficient!*

February 18, 2009

CC024201
CC-4-9.119
SCH# 2008092054

Ms. Victoria Walker
City of Walnut Creek
1666 North Main Street
Walnut Creek, CA 94596

Dear Ms. Walker:

Locust Street/Mt. Diablo Boulevard Specific Plan Project – Draft Environmental Impact Report

Thank you for including the California Department of Transportation (Department) in the environmental review process for the Locust Street/Mt. Diablo Boulevard Specific Plan Project. The following comments are based on the Draft Environmental Impact Report (DEIR).

Lead Agency

As the lead agency, the City of Walnut Creek is responsible for all project mitigation, including any needed improvements to state highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. This information should also be presented in the Mitigation Monitoring and Reporting Plan of the environmental document. Required roadway improvements should be completed prior to issuance of the Certificate of Occupancy. Since an encroachment permit is required for work in the state right of way (ROW), and the Department will not issue a permit until our concerns are adequately addressed, we strongly recommend that the City of Walnut Creek work with both the applicant and the Department to ensure that our concerns are resolved during the CEQA process, and in any case prior to submittal of a permit application. Further comments will be provided during the encroachment permit process; see the end of this letter for more information regarding encroachment permits.

Forecasting

In comparison with the Institute of Transportation Engineer's (ITE) Standards trip generation rate, the forecasted trip volumes in table IV.D-7 (Page IV. D-27) and table IV. D8 (Page IV.D-30) are low. Please check and revise tables.

Ms. Victoria Walker
February 18, 2009
Page 2

Highway Operations

Please include the Synchro file analysis in the next submittal, specifically as it impacts State facilities. Please include State facilities/ramps at North Main Street in the analysis. It seems that 17% of trips generated travel North-South on California Boulevard, Main Street and Broadway. All these streets head to the Main Street on/off ramps. Please include in intersection #12 the South bound on-ramp(s) movement. Please provide the above for our review and comments


Encroachment Permit

Please be advised that any work or traffic control that encroaches onto the State right of way (ROW) requires an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to the address below. Traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process. See the website link below for more information. <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Michael Condie, District Office Chief
Office of Permits
California DOT, District 4
P.O. Box 23660
Oakland, CA 94623-0660

Please feel free to call or email Luis Melendez of my staff at (510) 286-5606 or Luis_Melendez@dot.ca.gov with any questions regarding this letter.

Sincerely,


LISA CARBONI
District Branch Chief
Local Development – Intergovernmental Review

c: State Clearinghouse



March 6, 2009

Lisa Carboni
District Branch Chief
Department of Transportation
111 Grand Avenue
PO Box 23660
Oakland, CA 94623-0660

Dear Ms. Carboni:

Thank you for your letter, dated February 18, pertaining to the Locust Street/Mt. Diablo Boulevard Specific Plan Draft Environmental Impact Report. Unfortunately, the letter arrived by fax on February 19, 2009, after the 45-day public comment period had expired. Though the City cannot include your comments in the Final Environmental Impact Report, City staff would like to respond to the points raised in the letter.

Regarding encroachment permits for work within the state right of way, the Specific Plan project area lies entirely outside any rights of way maintained by the Department of Transportation. Therefore, the City does not anticipate the need for any encroachment permits from CalTrans in order to implement the Locust Street/Mt. Diablo Boulevard Specific Plan.

The vehicle trip generation rates and forecasted trip volumes were prepared and analyzed by our traffic consultant, Dowling & Associates, to provide figures that would be applied to future retail development projects in the downtown area. Standard trip generation was reviewed, and the trip generation for the most appropriate land use category was recommended. A copy of the memorandum from Dowling & Associates is enclosed with this letter. Lastly, regarding highway operations and the distribution of trips for vehicles traveling north and south along California Boulevard, N. Main Street, and Broadway, a CD containing the SYNCHRO file analysis is also enclosed for your reference.

If you have any further questions regarding this project, please do not hesitate to contact me by phone at (925) 943-5829, or via email at walker@walnut-creek.org.

Sincerely,

 ON BEHALF OF
Victoria Walker
Interim Planning Manager