

**WALNUT CREEK CITY COUNCIL
RESOLUTION NO. 10-35**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WALNUT CREEK
CERTIFYING THE ENVIRONMENTAL IMPACT REPORT AND ADOPTING A
MITIGATION MONITORING AND REPORTING PROGRAM
FOR THE LOCUST STREET / MT. DIABLO BOULEVARD SPECIFIC PLAN**

This resolution: (1) certifies that the Locust Street / Mt. Diablo Boulevard Specific Plan Environmental Impact Report (SCH# 2008-09-2054) has been completed in accordance with the provisions of the California Environmental Quality Act and state and local guidelines; (2) makes certain findings and determinations relative thereto; and (3) adopts a mitigation monitoring and reporting program for the Locust Street / Mt. Diablo Boulevard Specific Plan (WO 708-134).

The City Council of the City of Walnut Creek hereby resolves as follows:

SECTION 1. INTRODUCTION AND BACKGROUND OF LOCUST STREET / MT. DIABLO BOULEVARD SPECIFIC PLAN AND CEQA PROCESS.

1. The City of Walnut Creek ("City") has drafted the Locust Street / Mt. Diablo Boulevard Specific Plan ("Project" or "Specific Plan") for a key portion of the Traditional Downtown north of Mt. Diablo Boulevard, as depicted more particularly in Figures 2 and 3 of the Specific Plan ("Project Area"). The Project addresses approximately 5.3 acres that include several significant vacant and transitional commercial properties that offer opportunities for infill development. The primary goal of the Project is to "maintain and enhance the viability of downtown Walnut Creek as a regional, as well as a local, retail destination."
2. The City, as lead agency, has determined that approval and implementation of the Project constitutes a "project" as defined by the California Environmental Quality Act ("CEQA"), Public Resources Code sections 21000 *et seq.*, and the CEQA Guidelines, 14 Cal. Code Regs. sections 15000 *et seq.*
3. During the initial processing of the Project the City determined that the Project could have potentially significant effects on the environment, requiring the preparation of an Environmental Impact Report ("EIR"). The Draft EIR, the Final EIR, and all the appendices comprise the "EIR" referenced in these findings.
4. On September 11, 2008, the City issued an Initial Study pursuant to CEQA Guidelines section 15063 and distributed a Notice of Preparation ("NOP") for the EIR pursuant to CEQA Guidelines section 15082 requesting input from agencies and the public regarding the appropriate scope of the EIR. On September 12, 2008, the State Clearinghouse ("SCH") within the Governor's Office of Planning and Research published the NOP and assigned the Project SCH identification number 2008-09-2054.
5. The City circulated the NOP for a period of 30 days, pursuant to CEQA Guidelines sections 15082(a), 15103, and 15375.
6. Pursuant to CEQA Guidelines section 15082, the City solicited comments from potential responsible agencies, including details about the scope and content of the environmental

information related to the responsible agency's area of statutory responsibility, as well as the significant environmental issues, reasonable alternatives and mitigation measures that the responsible agency would have analyzed in the Draft EIR. One agency, the California Department of Transportation ("Caltrans"), responded with written comments.

7. On October 23, 2008, the Walnut Creek Planning Commission ("Planning Commission") held a public study session to review the Project.
8. On December 30, 2008, pursuant to Public Resources Code section 21092, the City made the Draft EIR available for public review and filed a Notice of Completion ("NOC") with SCH. The City also provided the NOC to all individuals who previously requested such notice and published the NOC in a newspaper of general circulation in the Project Area. The entire Draft EIR was posted on the City's website, and copies of the document were available for public review at City Hall.
9. SCH circulated the Draft EIR for a 45-day public review and comment period that began on January 5, 2009 and closed on February 18, 2009.
10. The City received one written comment letter, from a private citizen, on the Draft EIR during the public comment period. The City also received a written comment from Caltrans after the close of the public review and comment period for the Draft EIR.
11. The City prepared a full and complete response to the issues raised in the public comment received on the Draft EIR and distributed the response in accordance with Public Resources Code section 21092.5.
12. On February 3, 2009, the Walnut Creek City Council ("City Council") held a study session to review and receive comments on the Project.
13. On March 6, 2009, a Planning Commission staff report that included corrections and clarifications to the Draft EIR was made available for review is deemed a part of the Final EIR.
14. On March 11, 2009, the Final EIR was made available for public review. The Final EIR includes the public comments, the responses to the comments, including comments received at the City Council study session, and minor corrections and clarifications to the Draft EIR. The entire document was posted on the City's website, and copies of the Final EIR were available for public review at City Hall.
15. On March 12, 2009, the Planning Commission held a public hearing on the Project and Final EIR prepared for the Project. At the hearing, the Planning Commission adopted a resolution recommending that the City Council certify the EIR and approve the Project.
16. On April 15, 2010, the City Council held a study session to receive public comment and to provide feedback and direction on the Project.
17. A staff report and attachments were provided to the City Council prior to its hearing on the matter, and the errata and clarifications attached thereto are made a part of the Final EIR.

18. At all public meetings during the preparation of the Project, City staff provided information about the Project, the potential environmental impacts, and the CEQA review process. At each meeting, members of the public had the opportunity to ask questions and express their concerns and interests regarding the Project.
19. The City Council has reviewed and considered all evidence both orally and in writing and intends to make certain findings in compliance with CEQA, which are more fully set forth in this resolution.

SECTION 2. ENVIRONMENTAL IMPACT REPORT

2.1 Statutory Requirements for CEQA Findings.

1. CEQA and the CEQA Guidelines require that no public agency approve or carry out a project for which an EIR has been certified that identifies one or more significant effects of the project on the environment unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale of each finding. Public Res. Code § 21081; 14 Cal. Code Regs. § 15091. The possible findings, which must be supported by substantial evidence in the record, are as follows:
 - (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
 - (2) Changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
 - (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.
2. For those significant effects that cannot be mitigated to below a level of significance, the public agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.
3. In addition, CEQA requires a lead agency to make a finding that the EIR reflects the lead agency's independent review and judgment. In accordance with CEQA and the CEQA Guidelines, the City Council expressly finds that it has independently reviewed and analyzed the Locust Street / Mt. Diablo Boulevard Specific Plan EIR (SCH# 2008-09-2054) and that the document reflects the City's independent judgment and analysis.
4. The Locust Street / Mt. Diablo Boulevard Specific Plan EIR is a program EIR that presents a programmatic analysis of the Project. It evaluates the physical and land use changes that could occur with adoption of the Project, as well as with potential development that could occur consistent with the Project. This program EIR is, therefore, adequate for the whole of the Project, including adoption and implementation of the Project. In accordance with the provisions of CEQA and the CEQA Guidelines, the City Council adopts these Findings as part of its certification of the Locust Street / Mt. Diablo Boulevard Specific Plan EIR.

5. The Locust Street / Mt. Diablo Boulevard Specific Plan EIR concludes that the Project would have less than significant impacts in the areas of land use planning and policy; aesthetics; population and housing; transportation, traffic, and parking; air quality; global climate change and greenhouse gases; noise; geology, soils and seismicity; hazards and hazardous materials; hydrology and water quality; public services; utilities and service systems; agricultural resources; biological resources; cultural resources; and recreation. Prior to mitigation, however, potentially significant impacts would occur in the areas of air quality, noise, and cultural resources. Mitigation measures are provided that would reduce each of those impacts to a less than significant level.
6. In conjunction with its adoption of these Findings, approval of the Project, and revisions to General Plan 2025 that implement the Project's policies, the City Council has reviewed and considered a substantial amount of material including, but not limited to, the following:
 - Locust Street / Mt. Diablo Boulevard Specific Plan Final EIR and Draft EIR and all appendices and technical reports thereto;
 - Comments and responses to comments on the Locust Street / Mt. Diablo Boulevard Specific Plan Draft EIR, including a list of all persons, organizations, and public agencies commenting;
 - Locust Street / Mt. Diablo Boulevard Specific Plan Initial Study / Environmental Review Checklist;
 - Minutes of the Walnut Creek Planning Commission meetings;
 - Planning Commission Resolution No. 3496, adopted on March 12, 2009;
 - Staff reports to the Planning Commission and City Council;
 - Information submitted by members of the public at and before meetings of the Planning Commission and City Council;
 - All attachments and documents incorporated by reference identified in the above-referenced items; and
 - Matters of common knowledge and matters within the expertise of the Planning Commission and City Council, including the General Plan, the EIR certified for the General Plan, the Municipal Code, and the physical attributes of the downtown area.

The City Council and Planning Commission also have available to them all materials to be included in the record of proceedings pursuant to Public Resources Code section 21167.6(e):

- All project application materials.

- All staff reports and related documents prepared by the respondent public agency with respect to its compliance with the substantive and procedural requirements of this division and with respect to the action on the project.
- All staff reports and related documents prepared by the respondent public agency and written testimony or documents submitted by any person relevant to any findings or statement of overriding considerations adopted by the respondent agency pursuant to this division.
- Any transcript or minutes of the proceedings at which the decision-making body of the respondent public agency heard testimony on, or considered any environmental document on, the project, and any transcript or minutes of proceedings before any advisory body to the respondent public agency that were presented to the decision-making body prior to action on the environmental documents or on the project.
- All notices issued by the respondent public agency to comply with this division or with any other law governing the processing and approval of the project.
- All written comments received in response to, or in connection with, environmental documents prepared for the project, including responses to the notice of preparation.
- All written evidence or correspondence submitted to, or transferred from, the respondent public agency with respect to compliance with this division or with respect to the project.
- Any proposed decisions or findings submitted to the decision-making body of the respondent public agency by its staff, or the project proponent, project opponents, or other persons.
- The documentation of the final public agency decision, including the final environmental impact report, mitigated negative declaration, or negative declaration, and all documents, in addition to those referenced above, cited or relied on in the findings or in a statement of overriding considerations adopted pursuant to this division.
- Any other written materials relevant to the respondent public agency's compliance with this division or to its decision on the merits of the project, including the initial study, any drafts of any environmental document, or portions thereof, that have been released for public review, and copies of studies or other documents relied upon in any environmental document prepared for the project and either made available to the public during the public review period or included in the respondent public agency's files on the project, and all internal agency communications, including staff notes and memoranda related to the project or to compliance with this division.
- The full written record before any inferior administrative decision-making body whose decision was appealed to a superior administrative decision-making body prior to the filing of litigation.

2.2 Organization and Format of CEQA Findings.

In compliance with the provisions of CEQA and the CEQA Guidelines, the Findings are organized as follows:

- Effects found not to be significant;
- Effects that were determined to have been mitigated to below a level of significance;
- Cumulative effects determined not to be significant; and
- Feasibility of project alternatives.

Each of these categories is accompanied by the following: a discussion of significant effects; project design features, standard conditions, regulations, and mitigation measures relevant to the specific effects being considered; findings; and facts in support of those findings.

2.3 Effects Not Meriting Detailed Environmental Review in the EIR.

At the initiation of the environmental review process, the City determined that there would be no significant effect for the following four resources, which did not warrant further evaluation in the EIR:

- Agricultural Resources—The Project Area is located within an urbanized area and does not include any existing agricultural use or existing zoning for agricultural use. Additionally, the Project area and vicinity are designated by the California Department of Conservation as urban and built-up land, defined as “land occupied by structures with a building density of at least one unit to one and one-half acres,” as indicated on the Important Farmland Map for the County of Contra Costa. Implementation of the Project would not convert any farmland to non-agricultural use and, conflict with any property subject to a Williamson Act contract. Therefore, implementation of the Project would have no impact on agricultural resources.
- Biological Resources—The Project Area is comprised of approximately 5.3 acres of urban development in downtown Walnut Creek. The Project area has a long history of disturbance; there is no native vegetation in the Project area; the Project area does not include any riparian habitat, jurisdictional wetlands, or sensitive natural community types; the Project area is not located near undeveloped areas, open space or waterways; the Project area is not located within and would not conflict with any Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, the Project would have no impact on biological resources.
- Cultural Resources—The Project Area contains several buildings that are significant to Walnut Creek’s early history, but due to later alterations those buildings do not retain sufficient integrity to qualify as “historical resources” for CEQA purposes pursuant to CEQA Guidelines section 15064.5 The Project would also allow development in the immediate vicinity of two buildings that are presumed historical resources for CEQA purposes and such development could result in a potentially significant adverse impact to historic resources; however, implementation of the Project would be subject to

existing policies and regulations that will avoid or reduce adverse impacts to historic resources. In addition, there would be a less than significant impact to archaeological resources, paleontological resources, and human remains because implementation of the Project would be subject to existing policies and regulations and Mitigation Measure CR-1. Therefore, the Project would have no impact on cultural resources.

- Mineral Resources— The Project Area is not designated as an area of significant mineral deposits and, consistent with the EIR prepared for General Plan 2025, implementation of the Project would not result in significant impacts to mineral resources.

No evidence was found during the preparation of the EIR, nor was any testimony submitted during the public review period for the Draft EIR, to contradict these conclusions.

2.4 Location and Custodian of Documents.

The City Clerk located on the third floor of City Hall, 1666 N. Main Street, Walnut Creek, is the custodian of documents contained in the record of proceedings for this Project and the CEQA analysis that accompanies it. Documents are available for inspection during normal business hours.

2.5 Mitigation Monitoring and Reporting Program.

A Mitigation Monitoring and Reporting Program (“MMRP”) is required where significant effects have been identified and mitigation measures are required to reduce those effects to less than significant levels. The MMRP explains how the mitigation measures included in the EIR will be enforced. No permit shall be issued for any development within the Project Area absent compliance with the requirements of the MMRP.

2.6 Project Objectives.

The Project’s primary goal is to “maintain and enhance the viability of downtown Walnut Creek as a regional, as well as a local, retail destination” by maintaining and enhancing “Walnut Creek’s vibrant downtown core as a lively and walkable pedestrian retail district.” Consistent with that goal, the Project’s objectives pertain to Land Use and Urban Design, and Circulation and Parking.

The Project’s Land Use and Urban Design objectives are as follows:

- **Objective LU-1 – Link the North and South Sides of Mt. Diablo Boulevard:** Create a stronger pedestrian and activity connection between the Traditional Downtown, the Broadway Plaza shopping area and the retail district south of Mt. Diablo Boulevard, by infilling underutilized sites along N. Main Street, Locust Street and N. California Boulevard with compatible retail frontage, and by introducing public amenities such as plazas and appropriate upper-floor uses. Enhance pedestrian crossing locations at Mt. Diablo Boulevard to reduce the barrier effect of this large street.

- **Objective LU-2 – Infill Development Opportunities:** Provide opportunities for infill development that are both financially feasible, and respectful of the smaller scale and character of the shops and buildings in the Traditional Downtown.
- **Objective LU-3 – Heart of the Community:** Enhance the downtown as the ‘social heart’ of the community, and as a venue for urban recreation and relaxation for residents of all ages.
- **Objective LU-4 – Retails and International Dining Mecca:** Promote and reinforce the Specific Plan area and the Traditional Downtown as a vibrant retail and international dining destination.
- **Objective LU-5 – Pedestrian Orientation:** Require street-level uses, including outdoor dining and cafés that will provide activity and visual interest at the sidewalk level. Minimize blank walls, parking and other inactive uses that discourage pedestrian activity. Facilitate the development of new publicly accessible restrooms in the Specific Plan area.
- **Objective LU-6 – Upper-Level Mixed-Use:** Promote upper level land uses, including retail, office, hotel and limited residential that enliven and complement the downtown as a retail destination.
- **Objective LU-7 – Town Scale:** Preserve and enhance the character of the Traditional Downtown, which is associated with smaller parcels, a diversity of architectural styles, a strong pedestrian orientation and a human scale.
- **Objective LU-8 – Sidewalks, Crosswalks, Paseos and Setbacks:** Enhance pedestrian accessibility and safety through completion of new mid-block crosswalks, conversion of Commercial Lane (from Duncan Arcade to Mt. Diablo Boulevard) to a multi-purpose paseo, and provision of appropriate sidewalk dimensions and building setbacks within the Specific Plan area.
- **Objective LU-9 – Preservation:** Provide for the preservation and/or rehabilitation of historic or locally important structures throughout the Specific Plan area.
- **Objective LU-10 -Downtown Hotel.** Facilitate the potential for development of a small hotel within the Specific Plan area to continue the expansion of the Traditional Downtown as an arts and culture destination, and to enhance economic vitality in the Core area.
- **Objective LU-11 – Sustainability:** Encourage zero-energy building design and full use of roof tops. Promote development patterns and building designs that reduce auto dependency and that foster energy conservation and resource protection.
- **Objective LU-12 – Mt. Diablo Boulevard Gateway.** Create a prominent downtown gateway statement on the east side of Mt. Diablo Boulevard and California Boulevard intersection, which should include a special treatment of the median area.

The Circulation and Parking objectives are as follows:

- **Objective CIRC-1 – Pedestrian Network:** Expand and reinforce a pedestrian-scaled network of sidewalks, paseos, plazas and courtyards in the Specific Plan area.
- **Objective CIRC-2 – Public Parking:** Augment the supply of off-street garage parking north of Mt. Diablo Boulevard to improve ease of public parking, to encourage visitors to "park once and walk", to support existing and future retail uses in the Traditional Downtown, to intercept traffic entering the downtown, and to allow properties to improve or redevelop modestly without the burden of on-site parking.
- **Objective CIRC -3- Commercial Lane Enhancements:** Encourage the redevelopment of Commercial Lane between the Duncan Arcade and Mt. Diablo Boulevard into a multi-purpose paseo. Improve Commercial Lane to provide more efficient service vehicle access to existing and future businesses.
- **Objective CIRC-4– Service Access:** Provide access to parking and services from alleys, wherever possible, to minimize interruptions of the sidewalk and to maintain the continuity of retail frontage.

2.7 CEQA Findings.

The City adopts the conclusions and analyses of the EIR (including the errata and explanatory materials submitted with the May 18, 2010 staff report), which are summarized below. The City's findings and conclusions are based upon the entire administrative record, and reference to any specific piece of evidence is not meant to exclude other relevant evidence in the EIR and in the rest of the record.

Effects Determined Not To Be Significant.

This section of the findings summarizes the potential effects found not to be significant upon implementation of the proposed Project.

Land Use And Policy

Finding: Implementation of the Project would not result in land use and policy impacts associated with the following thresholds:

- Physically divide an established community.
- Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan or zoning code) adopted for the purpose of avoiding or mitigating an environmental effect.
- Conflict with any applicable habitat conservation plan or natural community conservation plan.

Facts in Support of Finding: The Project Area is part of an established larger community, and new development or redevelopment anticipated to occur with implementation of the Project will not divide this community. The policies, development standards, and design guidelines that will be adopted as part of the Project build upon those in General Plan 2025 and the Zoning Ordinance, and align with the City's existing Design Review Guidelines, to ensure that new development is compatible with the existing larger community. The Project Area is not located within a habitat or natural community conservation plan area and will therefore have no impact to such plans since none exist in the Project Area. In addition, implementation of the Project will facilitate the Specific Plan's goal of maintaining and enhancing Walnut Creek's downtown core as a lively and walkable pedestrian retail district. This goal is consistent with those expressed in General Plan 2025, which designates the Project Area as a Pedestrian Retail district and calls for new development to focus on retail and restaurant activities. The Project's proposed use of upper building levels for office and residential use, and expansion of off-street parking, are also consistent with the Pedestrian Retail district land use designation. As discussed in more detail in the EIR, amendments to General Plan 2025, the Zoning Ordinance, East Mt. Diablo Specific Plan, and the Mt. Diablo Redevelopment Plan will be adopted to ensure consistency between the Project and the City's existing land use plans and policies.

Aesthetics

Finding: Implementation of the Project would not result in aesthetic impacts associated with the following thresholds:

- Have a substantial adverse effect on a scenic vista.
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.
- Substantially degrade the existing visual character or quality of the site and its surroundings.
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.
- Cast shadows that substantially impair the beneficial use of any public park, plaza, or open space area.

Facts in Support of Finding: Implementation of the Project will involve amendments to General Plan 2025 to increase certain maximum building heights within the Project Area, as set forth more particularly in the Specific Plan, but those height increases will not substantially obstruct existing views of Mt. Diablo from any public areas or viewsheds. The Specific Plan also proposes land use and urban design policies to ensure that implementation of the Project will not adversely affect scenic vistas. Implementation of the Project will not damage scenic resources within a state scenic highway because there are no such highways near the Project Area. The Specific Plan includes policies and development and design standards to promote human-scale development, with an emphasis on building façade treatments and appropriate materials, and incorporating pedestrian amenities, including landscaping, all of which will enhance the existing visual character

and quality of the Project Area. Although implementation of the Project may increase light and glare, it would not create new substantial sources that would adversely affect daytime or nighttime views in the Project Area. There are no existing public parks, plazas, or open space areas within or in proximity to the Project Area that could be adversely affected by shadows that may occur with implementation of the Specific Plan.

Population, Housing and Employment

Finding: Implementation of the Project would not result in population, housing, and employment impacts associated with the following thresholds:

- Induce substantial unexpected population growth, or growth for which inadequate planning has occurred, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).
- Displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere.
- Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

Facts in Support of Finding: The Project would not induce substantial unexpected population growth for which adequate planning has occurred. Although implementation of the Project is expected to generate an estimated 425 net new jobs and to increase population by approximately 100 persons, this growth is not substantial, and it is expected that most new employees that may result from implementation of the Project would be existing residents of Walnut Creek, central County, and the east Bay, and would not relocate to Walnut Creek or the region. In addition, General Plan 2025 adequately plans for additional commercial, residential, and other development, and the City's Growth Limitation Program limits commercial growth to a rate that has been adequately planned for. The Project would connect to existing water, sewer and drainage lines within the streets fronting the Project site and these lines have adequate capacity. Although the project would include transportation system improvements, as described in the mitigation measures, they do not constitute major transportation systems that would be growth inducing. There is no existing housing or resident population within the Project Area and no housing resident population would be displaced by implementation of the Project.

Transportation and Parking

Finding: Implementation of the Project would not result in transportation and parking impacts associated with the following thresholds:

- Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections).
- Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways.

- Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.
- Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
- Result in inadequate emergency access.
- Result in inadequate parking capacity.
- Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).

Facts in Support of Finding: Project generated traffic would increase the volume-to-capacity ratio by less than the significance standard. With implementation of the Project, all study intersections would operate within the Level of Service (“LOS”) standard adopted for the Core Area during AM and PM peak hours, except for the intersection of Olympic Boulevard / I-680 Northbound ramps, which is projected to operate at LOS F under the existing plus approved Project conditions. The addition of Project traffic would result in a negligible change in average operating speed and delay during AM and PM peak hours, and would not cause the roadway to operate at a level of service worse than the standard, LOS E, identified for the Core Area. The Project Area is more than 5 miles from Buchanan Field Airport in Concord, the nearest public airport, and is not near any private airports. The Project would not involve redesign or reconfiguration of roadways, would not introduce any incompatible uses, and would not affect emergency access. General Plan 2025 contains a policy supportive of a highly walkable downtown, and implementation of the Project would contribute to that walkability through pedestrian-scaled blocks, building/site orientation, urban design, and landscaping. Implementation of the Project would also provide a parking supply well in excess of the total peak parking demand.

Air Quality

Finding: Implementation of the Project would not result in air quality impacts that exceed the following thresholds:

- Conflict with or obstruct implementation of the applicable air quality plan.
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).
- Expose sensitive receptors to substantial pollutant concentrations.
- Create objectionable odors affecting a substantial number of people.

Facts in Support of Finding: The Project is consistent with General Plan 2025, which includes transportation control measures that conform with those identified in the Clean Air Plan prepared by the Bay Area Air Quality Management District, Association of Bay Area

Governments, and Metropolitan Transportation Commission. Exhaust emissions from passenger vehicle travel associated with implementation of the Project were calculated using the URBEMIS model, which shows that emissions from NO_x, PM₁₀, ROG, and CO will be below the level of significance. There are no known sensitive receptors located within or in the immediate vicinity of the Project Area. Land uses included in the Specific Plan are retail, office, and residential or hotel uses, which are not generally odor-emitting uses. Although retail uses may include restaurants that can potentially emit objectionable odors, all food service activities would be subject to the existing requirements of

BAAQMD Regulation 7 – Odorous Substances, which specifies standards for the discharge of odorous substance (e.g., dilution rates, method of sample collection, and analysis).

Global Climate Change and Greenhouse Gases

Finding: Implementation of the Project would not result in global climate change and greenhouse gas impacts that exceed the following thresholds:

- The project’s potential conflicts with the 44 early action strategies identified by CARB.
- The relative size of the project in comparison to the state-wide estimated GHG emissions reduction goal of 174 million metric tons of CO₂e by 2020 and in comparison to the size of major facilities that are required to report GHG emissions (25,000 metric tons of CO₂e per year).
- Conflict with the state goal of reducing GHG emissions in California to 1990 levels by 2020, and to 80 percent of 1990 levels by 2050, as set forth by the timetable established in AB 32.
- The basic parameters of a project to determine whether its design is inherently energy efficient.

Facts in Support of Finding: The early action strategies adopted by the California Air Resources Board are almost entirely targeted at emissions from fuel production and storage, transportation of goods, cement plants, or energy facilities, and the strategies that address light-duty motor vehicles are directed towards regulatory agencies rather than land use development. Implementation of the Project would generate a net increase of 4,772 metric tons of CO₂e emissions per year, which is only about 20 percent of the threshold reporting limit of 25,000 metric tons of CO₂e emission per year. Mobile equipment emissions would be approximately 1,197 metric tons during the estimated peak year of construction. The Project will incorporate sustainable elements and strategies, such as Objective LU-10, which states that the Specific Plan will “promote development patterns and building designs that reduce auto dependency and that foster energy conservation and resource protection.”

Noise

Finding: Implementation of the Project would not result in noise impacts that exceed the following thresholds:

- Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.
- For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels.

Facts in Support of Finding: Exterior noise levels will be within the conditionally acceptable limits established in General Plan 2025. In addition, residential uses built under the Specific Plan are expected to be apartments without substantial shared, outdoor exterior use areas. The Building Division will require all apartments to meet state interior noise standards. Implementation of the Project will decrease daily vehicle trips distributed over the local street network and therefore decrease local roadside noise levels. In addition, the Project Area is not located within an airport land use plan or within two miles of a public airport, public use airport or private airstrip, therefore the Specific Plan would have no impact as a result of exposing residents or workers to excessive noise levels.

Geology, Soils, and Seismicity

Finding: Implementation of the Project would not result in geology, soils, and seismicity impacts that exceed the following thresholds:

- Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
 - Strong seismic ground shaking.
 - Seismic-related ground failure, including liquefaction.
 - Landslides.
- Result in substantial soil erosion or the loss of topsoil.
- Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.
- Be located on expansive soil, as defined in Section 1802A.3.2 of the 2007 California Building Code, the most recent version of the Code, creating substantial risks to life or property.

- Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.

Facts in Support of Finding: There are no active faults within or immediately adjacent to the Project Area that present a significant hazard of rupture. The effects of groundshaking can be minimized through appropriate structural design, as required by current building codes. Incorporating seismic design criteria into building foundations and structural design can effectively reduce the potential for significant damage. Existing General Plan 2025 policies and building code requirements will require the preparation of site-specific geotechnical investigations that include recommendations to reduce the potential impacts from ground shaking to less than significant levels. According to mapping prepared by ABAG, the Project Area contains a low susceptibility for liquefaction. Nevertheless, geotechnical investigations will be required to identify any seismic and geological hazards and appropriate site-specific engineering recommendations will become part of project design.

Hazards and Hazardous Materials

Finding: Implementation of the Project would not result in hazardous materials impacts that exceed the following thresholds:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area.
- For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area.
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

Facts in Support of Finding: The Project Area is not located within the area of an airport land use plan or near a public airport or private airstrip, and will not change or obstruct the existing street pattern. In addition, the Project will not expose people or structures to a significant risk associated with wildland fires. Established protocols, including General Plan 20205 Policies 3.5 and 3.6 and their corresponding Actions, will minimize potential exposure to workers, the public, and the environment by requiring that environmental investigations be conducted prior to construction of new development or redevelopment. Adherence to these existing General Plan 20205 policies, along with all existing federal, state, and local regulations, will ensure that potential environmental impacts are less than significant. Construction activities associated with implementation of the Project, including transport and disposal of hazardous waste, will comply with all applicable regulatory requirements and policies. Construction activities associated with implementation of the Project will also adhere to construction best management practices. No school is located within one-quarter mile of the Project Area. The limited quantities of hazardous materials involved in implementing the Project will comply with applicable regulatory requirements and safety standards that ensure protection of human health and the environment. Businesses that operate in the Project Area will be required to prepare and submit a Hazardous Materials Business Plan to the City to ensure that employees are adequately trained to handle hazardous materials and specify how employees shall respond to any reasonably foreseeable upset and accident conditions. Existing federal, state, and local regulations regarding the storage, handling, disposal, and transport of hazardous materials and wastes, including those specific to gas stations with ancillary auto repair services, will continue to apply to ensure protection of human health and the environment.

Hydrology, Water Quality, and Flooding

Finding: Implementation of the Project would not result in hydrology, water quality, or flooding impacts that exceed the following thresholds:

- Violate any water quality standards or waste discharge requirements.
- Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.
- Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

- Otherwise substantially degrade water quality.
- Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.
- Place within a 100-year flood hazard area structures which would impede or redirect flood flows.
- Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.
- Inundation by seiche, tsunami, or mudflow.

Facts in Support of Finding: The Project Area is not located in a 100-year flood hazard area and would not locate housing within such an area. The Project Area is also not located adjacent to any substantial water bodies, so the probability is high that an ocean-borne seiche or tsunami wave would dissipate prior to reaching Walnut Creek and result in inundation. Therefore, there would be low risk of inundation by seiche or tsunami or resulting mudflow in the Project Area. Compliance with the conditions of the NPDES permit would reduce the intensity of impacts regarding water quality standards and waste discharge requirements. Because implementation of the Project is not expected to increase impervious surfaces within the Project Area, potential impacts to water quality associated with increased impervious surfaces are not expected to occur. For the same reason, implementation of the Project is not anticipated to reduce groundwater recharge associated with construction of impervious surfaces, and would not generate additional stormwater runoff that would exceed the capacity of any existing or planned stormwater conveyance. Development proposed under the Specific Plan will be required to obtain a NPDES permit for construction activities and implement a Stormwater Pollution Prevention Plan for construction and operation of the Project. The SWPPP would identify pollution sources that could potentially affect the quality of stormwater discharge and reduce the level of pollutants in stormwater during construction and operation through the implementation of BMPs. Groundwater levels will not be affected because the Project Area is not supplied by groundwater and no additional groundwater would be pumped as a result of implementation of the Project. Implementation of the Project will also require compliance with Contra Costa Clean Water Program policies and procedures, including C.3 requirements, to maintain drainage, stormflow, and water quality at acceptable levels. Implementation of the Project will not include any construction activities along the alignment of an existing or proposed levee or dam, and would not disrupt any levee or dam located within the Project Area or elsewhere.

Public Services and Recreation

Finding: Implementation of the Project would not result in public services and recreation impacts that exceed the following thresholds:

- Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios,

response times or other performance objectives for any of the following public services:

- Police Services
 - Fire Protection
 - Schools Facilities
 - Parks
 - Other Public Facilities
- Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
 - Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

Facts in Support of Finding: Implementation of the Project would generate additional calls for police services and a need for additional patrol time, and the continued growth of the City may generate a need for five full-time police employees over the next two budget cycles. The addition of five employees, however, will not require the construction of new or altered police facilities. Similarly, implementation of the Project will cause an incremental increase in calls for fire and emergency medical services, but will not significantly affect Contra Costa County Fire Protection District response times, nor require additional staff, equipment, or facility expansion. Fire sprinklers will be provided throughout new or redeveloped buildings, and existing fire flow and pressure in the Project Area are adequate to accommodate future development. The small increase in school-age children and the timeframe for the generation of new students is not expected to impact the capacity of existing school facilities within the local school districts or require additional or expanded school facilities. Implementation of the Project will not increase the use of nearby parks and recreational facilities so as to cause their substantial physical deterioration. The City currently exceeds the goal of five acres of parkland per 1,000 persons, and implementation of the Project is not expected to reduce this ratio or result in the need for construction or expansion of recreational facilities or parks.

Utilities and Service Systems

Finding: Implementation of the Project would not result in utilities and service systems impacts that exceed the following thresholds:

- Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.
- Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

- Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed.
- Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.
- Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.
- Comply with federal, state, and local statutes and regulations related to solid waste.

Facts in Support of Finding: At least half of the waste generated by implementation of the Project would be expected to be diverted from landfill disposal by recycling in accordance with the City's construction debris ordinance. The Keller Canyon Landfill has a remaining capacity of 50 million tons and the Central Contra Costa Solid Waste Authority (CCCSWA) does not anticipate the need for a new landfill within the next 20 years. Although additional wastewater generated by implementation of the Project is expected to be handled adequately by the existing sanitary sewer system in the area, CCCSD will require the existing 6-inch line in Locust Street to be replaced with an 8-inch line if the line is tapped for connections. The replacement of the line would be similar to routine upgrades. The wastewater expected to be generated with implementation of the Project will be well within the 14.7 million gallon per day remaining available dry weather capacity of CCCSD's wastewater treatment plant. Wastewater from implementation of the Project will not contain any unusual pollutants and will not result in any change in the quality of treated effluent discharged to Suisun Bar or in the ability of the CCCSD to continue to meet RWQCB treatment standards. East Bay Municipal Utility District's water supply is adequate to meet existing and projected demand through 2030 under normal conditions and up to two years of drought. The existing capacity of the Walnut Creek water treatment plant is adequate to meet existing demand and proposed improvements to be completed in 2010 will adequately address future demand through 2030. The water distribution system in downtown Walnut Creek is generally in good condition and additional distribution capacity is not expected to be needed. Although construction of a parking garage or other buildings in the west side of the Specific Plan Area will require relocation of an existing inadequate 12-inch storm drain pipe and construction of a new drainage system within Mt. Diablo Boulevard, such construction activities would be temporary and would be similar to routine upgrades. In addition, implementation of the Project will result in an incremental increase in the demand for gas and electrical power, but the level of energy required of developments within the Project Area will represent a small percentage increase in demand and is not expected to violate applicable federal, state, and local statutes and regulations regarding energy standards, exceed PG&E's service capacity, or require new or expanded facilities.

Effects Determined To Be Mitigated to Below a Level of Significance

This section sets forth the effect of the Project that are determined to be below a level of significance and identifies one or more of the required findings that states the facts in support of those findings with respect to each effect.

Air Quality

Significant Effects: When compared to existing conditions, the Project has the potential to result in significant impacts associated with air quality. These impacts, which are listed below, would be mitigated to a level less than significant with the implementation of mitigation measures.

- Impact AIR-1: Violate any air quality standard or contribute substantially to an existing or projected air quality violation or result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

Finding: Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding: The significant effects associated with air quality can be mitigated to a level less than significant with implementation of the following mitigation:

- Mitigation Measure AIR-1: Implement control measures for remediation and construction related air emissions. The project applicant shall ensure that the contractor reduces particulate emissions by complying with the Bay Area Air Quality Management District ("BAAQMD"). During construction, the project applicant shall require the construction contractor to implement the following measures required as part of BAAQMD's basic and enhanced dust control procedures required for construction sites. These include:

Basic Controls that Apply to All Construction Sites

- a) Water on a continuous and as-needed basis (at least twice daily) all earth surfaces during cleaning, grading, earthmoving and other site preparation activities. Watering should be sufficient to prevent airborne dust from leaving the site.
- b) Use watering to control dust generation during demolition of structures or break-up of pavement.
- c) Cover all trucks hauling construction and demolition debris, including soil, sand and other loose material from the site.
- d) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- e) Sweep daily (with water sweepers or vacuum/street sweepers) all paved access roads, parking areas and staging areas at construction sites.

- f) Sweep streets daily (with water sweepers or vacuum/street sweepers) if visible soil material is carried onto adjacent paved roads.

Enhanced Controls that Apply to Sites Greater than 4 Acres

- g) All “Basic” controls listed above, plus
- h) Apply (non-toxic) soil stabilizers to previously graded portions of the site inactive for more than ten days, or cover or hydroseed these areas.
- i) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles of debris, soil, sand or other materials that can be blown by the wind.
- j) Limit traffic speeds on unpaved roads to 15 miles per hour.
- k) Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- l) Replant vegetation in disturbed areas as quickly as possible.
- m) Properly maintain all construction equipment.
- n) Reduce equipment idling time.
- o) Opacity is an indicator of exhaust particulate emissions from off-road diesel powered equipment. The project shall ensure that emissions from all construction diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately. Essentially any diesel construction equipment that produces dark emissions for three continuous minutes is out of compliance with this measure.
- p) The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g. compressors).
- q) Clear signage should be posted indicating that diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were on-site and away from residences.
- r) Properly tune and maintain equipment for low emissions.
- s) The applicant shall ensure that during renovation and demolition activities, removal or disturbance of any materials contains asbestos, lead paint or other hazardous pollutants will be conducted in accordance with BAAQMD rules and regulations as well as other applicable rules and regulations of other agencies.

Noise

Significant Effects: When compared to existing conditions, the Project has the potential to result in significant impacts associated with noise. These impacts, which are listed below, would be mitigated to a level less than significant with the implementation of mitigation measures.

- Impact NOI-1: Development of the Specific Plan will result in temporary noise or vibration impacts related to construction activities.
- Impact NOI-3: Operational activities (non-transportation) associated with the Specific Plan could affect residences developed as part of the Specific Plan.

Finding: Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding: The significant effects associated with noise can be mitigated to a level less than significant with implementation of the following mitigation:

- Mitigation Measure NOI-1: The construction contractor will conduct crack surveys before pile driving that could cause architectural damage to nearby structures. The survey will include any buildings within 50 feet of pile driving locations and within 100 feet of historical buildings or buildings in poor condition. The surveys will be done by photographs, video tape, or visual inventory, and will include inside as well as outside locations. All existing cracks in walls, floors, and driveways should be documented with sufficient detail for comparison after construction to determine whether actual vibration damage occurred. A post-construction survey should be conducted to document the condition of the surrounding buildings after the construction is complete. The construction contractor will be liable for construction vibration damage to adjacent structures.
- Mitigation Measure NOI-3a: All development under the Specific Plan shall be constructed to comply with the General Plan Standards in Tables IV.G-1 as well as the relevant noise insulation standards contained in Title 24 of the California Code of Regulations (Part 2, Appendix Chapter 12A).
- Mitigation Measure NOI-3b: Loading, unloading, opening, closing or otherwise handling boxes, crates, containers, building materials, garbage cans or similar objects, when such activities result in noise levels greater than 45 dBA for the one hour Leq (or the existing ambient noise level if the level is already above 45 dBA) at the exterior of noise sensitive receptors shall be prohibited between the hours of 10:00 p.m. and 6:00 a.m.
- Mitigation Measure NOI-3b: The project applicant shall incorporate the following design features into the final site plans:
 - Building equipment (e.g., HVAC units) shall be located away from off-site and onsite residences, on building rooftops, or within an enclosure that effectively blocks the line of site of the source from receivers.

- Truck delivery areas shall be located as far from residents as possible. To the extent feasible, project buildings shall be located such that they block noise related to truck deliveries and waste collection from residential or other sensitive receptors.

Significant Effects That Cannot Be Mitigated To Below a Level of Significance.

The City has attempted to avoid or minimize environmental impacts in the purpose of the Project (“to guide new development in a way that builds upon, enhances and expands the pedestrian-oriented retail district, while preserving the diverse and eclectic character of the Traditional Downtown”), to achieve a Project that is largely “self-mitigating.” Although the Initial Study and Draft EIR identified several significant impacts relating to air quality, cultural resources, and noise, the identified mitigation measures would reduce these impacts to a less than significant level. There would be no impacts that would not be mitigated to a less than significant level.

Project Alternatives

The City conducted a scoping process to determine the scope of the Project and the analysis to develop in the EIR. Through that process, three project alternatives, including the No Project Alternative, the Reduced Density / Height Alternative, and the Primary Study Area Buildout Alternative, were identified. The EIR compared and contrasted the potential environmental impacts of each of the alternatives.

These findings show that the selection of the Project has substantial environmental, planning, fiscal, and other benefits. In rejecting certain alternatives, the City has examined both the environmental impacts and the Project objectives and weighed the ability of the various alternatives to meet the objectives. The City finds, after due consideration of a reasonable range of alternatives (as set forth in the EIR and below), that there is no alternative (other than minimal development) that would avoid or substantially lessen the potentially significant impacts of the Project, the Reduced Height / Density Alternative, or the Primary Study Area Buildout Alternative. The City also finds that there is no alternative that would attain most Project objectives, as evidenced by the alternatives analysis contained in the Draft EIR. Accordingly, the No Project Alternative, Reduced Height / Density Alternative, and Primary Study Area Buildout Alternative are not feasible and are rejected for that reason.

1. Three project alternatives, including the No Project Alternative, the Reduced Density / Height Alternative, and the Primary Study Area Buildout Alternative, were analyzed in comparison to the Project in the Draft Environmental Impact Report.
2. The City Council finds that the Project comprises a feasible and reasonable method of achieving the Project objectives, which include the following:
 - LU-1 – Link the North and South Sides of Mt. Diablo Boulevard
 - LU-2 – Infill Development Opportunities
 - LU-3 – Heart of the Community
 - LU-4 – Retail and International Dining Mecca

- LU-5 – Pedestrian-Orientation
 - LU-6 – Upper-Level Mixed-Use
 - LU-7 – Downtown Scale
 - LU-8 – Sidewalks, Crosswalks, Paseos, and Setbacks
 - LU-9 – Preservation
 - LU-10 – Downtown Hotel
 - LU-11 – Sustainability
 - LU-12 – Mt. Diablo Boulevard Gateway
 - CIRC-1 – Pedestrian Network
 - CIRC-2 – Public Parking
 - CIRC-3 – Commercial Lane Enhancements
 - CIRC-4 – Service Access
3. The No Project Alternative assumes that the Project Area would remain in its present condition, with a small increment of additional growth over the next ten years. In particular, this Alternative would maintain the existing 2008 conditions within the Project Area, with a growth rate of 2 percent over the next decade. This Alternative also incorporates additional growth on Opportunity Sites 2 and 6 because it is expected that these two Opportunity Sites may redevelop over the next ten years even without adoption and implementation of the Project.

The City Council finds that this Alternative is infeasible and less desirable than the proposed Project and rejects this Alternative because it would not meet any of the objectives set forward for the Project. Furthermore, while the No Project Alternative would reduce or avoid the potentially significant impacts of the project, it is not necessary to adopt this alternative because the mitigation measures identified above and in the EIR would reduce all of the Project impacts to a less than significant level.

4. The Reduced Height / Density Alternative varies from the Project on Opportunity Sites 3 and 5. The maximum height of the new parking garage on Opportunity Site 3 would be reduced from 70 feet (or 335 spaces) to 60 feet (or 287 spaces). On Opportunity Site 5, this Alternative places 52 residential units, instead of 80,000 square feet of office, above the ground floor retail. The building height on Opportunity Site 5 also would be reduced from 70 feet to 60 feet and would maintain a maximum FAR of 1.25. Opportunity Site 5 parking would also be reduced by approximately 161 spaces (from 265 to 104) due to the change from office to residential use.

The City Council finds that this Alternative is infeasible and less desirable than the proposed Project and rejects this Alternative because it would result in a reduced benefit in terms of infill development, retail, and mixed-use opportunities. Furthermore, while the Reduced Height /

Density Alternative would slightly reduce the potentially significant impacts of the project, it is not necessary to adopt this Alternative because the mitigation measures identified above and in the EIR would reduce all of the Project impacts to a less than significant level.

5. The Primary Study Area Buildout Alternative varies from the Project on each of the six Opportunity Sites. Overall, a total of 46 residential units that the Project proposes on Opportunity Sites 2 and 6 would be replaced with a total of 55,500 square feet of new office uses. Above the ground-floor retail on Opportunity Site 5, this Alternative would introduce hotel uses (60 rooms) instead of 80,000 square feet of office uses. In addition, 62,000 of combined retail and office uses would be developed on Opportunity Site 3 with the new parking garage. Opportunity Sites 1 and 4 would experience more intense retail and office development. Overall, the Primary Study Area Buildout Alternative would create approximately 59,480 more square feet of total development (352,900 compared to 293,420) across the Opportunity Sites than would occur with implementation of the Project. All changes to maximum building heights and FAR, as well as all objectives, policies, development standards and design guidelines, would be adopted with this Alternative.

The Primary Study Area Buildout Alternative proposes a development program for Opportunity Site 5 (MacDonald's restaurant) that includes 16,000 square feet of retail development/hotel lobby on the ground floor and a total of 60 hotel rooms (19 rooms per floor on the second, third, fourth and fifth floors and 3 additional penthouse hotel rooms on a 6th floor). A 5-story building would likely accommodate only 57 hotel rooms on the upper floors.

A 6-story building is the maximum allowed under the limitations of Measure A. For purposes of analysis of the Primary Study Area Buildout Alternative, the taller 6-story building program was used, which was programmed as described above with retail on the ground floor, 60 hotel rooms and a 72-foot height limit.

The City Council finds that this Alternative is infeasible and less desirable than the proposed Project and rejects this alternative because the more intense development it supports would not fully enhance the connection between the Traditional Downtown, Broadway Plaza, and the retail district south of Mt. Diablo Boulevard, and thus would not reduce the barrier effect of the wide street, and because the development it supports would not be as respectful of the smaller scale and character of shops and buildings in the Traditional Downtown. This Alternative could also impair the ability to create a network of pedestrian paseos and plazas, would not provide a new parking garage to allow properties to improve or redevelop without the burden of on-site parking, and thus would not provide any new public parking or in-lieu parking opportunities, and would not provide on-site access to parking and services from alleys.

SECTION 4. DECISION.

Based on the testimony received by the Planning Commission and the City Council, the City Council's legislative review, and the findings set forth above:

1. The City Council hereby certifies that the Final Environmental Impact Report prepared for the Locust Street / Mt. Diablo Boulevard Specific Plan has been completed in compliance with the

requirements of the California Environmental Quality Act, the CEQA Guidelines, and the CEQA requirements of the City.

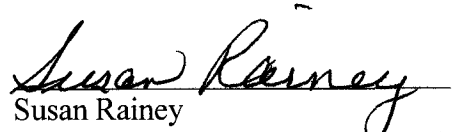
- 2. The City Council hereby adopts the Mitigation Monitoring and Reporting Program attached hereto as Exhibit A.
- 3. The City Council hereby adopts all of the mitigation measures discussed in this resolution as conditions of approval of the Project, and finds that they are feasible and that they will reduce potential environmental impacts to a level that is less than significant, or less than cumulatively considerable. These mitigation measures shall also be imposed and applied, as applicable, as conditions of approval at such time as additional permit approvals are sought as part of the Project, including but not limited to any Conditional Use Permit, Design Review Permit, Site Development Permit, Grading Permit, Building Permit, and Tree Removal Permit

SECTION 5. EFFECTIVE DATE.

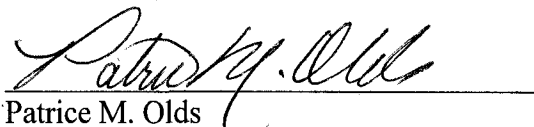
This resolution shall take effect immediately upon its adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Walnut Creek at a regular meeting thereof held on the 6th day of July 2010, by the following called vote:

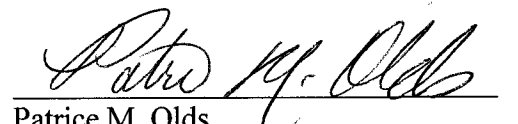
AYES:	Councilmembers:	Simmons, Skrel, Rajan, Silva, Mayor Rainey
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None


 Susan Rainey
 Mayor of the City of Walnut Creek

Attest:


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

I HEREBY CERTIFY the foregoing to be a true and correct copy of Resolution No. 10-35, duly passed and adopted by the City Council of Walnut Creek, County of Contra Costa, State of California, at a regular meeting of said Council held on the 6th day of July 2010.


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