

**WALNUT CREEK PLANNING COMMISSION
RESOLUTION NO. 3496**

**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 Jorgensen and seconded by Commissioner Malkovich.

Ayes: Jorgensen, Moore, Lawson, Powell, Malkovich, Gerstner
Noes: None
Absent: Francois
Abstain: None


VICTORIA WALKER, SECRETARY
Walnut Creek Planning Commission