

INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

1. **Project titles:** Amy's Drive-Thru Restaurant / Sherwin-Williams Paint Store & Parking Area Alterations / Lot 3 Grading
2. **Lead agency name and address:** City of Walnut Creek
1666 North Main Street
Walnut Creek, CA 94596
3. **Contact person and phone number:** Alan B. Carreon. Associate Planner
(925) 943-5899 ext. 2210
4. **Project location:** 1510 Second Avenue (APN 171-092-023)
1530 Second Avenue (APN 171-092-024)
2717 North Main Street (APN 171-092-025)
5. **Project Sponsor's Name and Address:** Hall Equities Group
1855 Olympic Blvd, Suite 300
Walnut Creek, CA 94596
Contact: Reed Onate, Vice President
6. **General Plan Designation:** Service Commercial (SC)
7. **Zoning:** Service-Commercial (S-C)
8. **Description of project:**

The Project consists of three components. The first phase would preserve a two-story, 18,000 square-foot building occupied by Masses Sports Bar & Grill on Lot 1, develop a new 4,037 square-foot, one-story retail building for Sherwin-Williams Paints on Lot 2, and grade Lot 3 in preparation for Amy's Drive-Thru Restaurant. The initial scope also includes:

 - Landscaping and additional on-site parking for the Masses Building and requisite parking for Sherwin-Williams;
 - A driveway and drive aisle from Second Avenue;
 - An eight-foot tall, sound-attenuating masonry wall along the west property line; and,
 - The preliminary grading and drainage design in anticipation of redevelopment of all three lots.

Subsequently on Lot 3, the latter phase consists of a new 3,950 square-foot, one-story restaurant building with one drive-up service lane, parking, and landscaping. A minimum of 79 parking stalls are required. The drive-up lane proposes two drive-up lanes and order kiosks that merge into a single lane. As proposed, approximately 12 vehicles could be accommodated in the drive-up lanes.
9. **Surrounding Land Uses and Setting:**

The 2.42-acre site is located at the northwest corner of Second Avenue and North Main Street, and abuts the Contra Costa Canal to the north and three single-family homes on Vartan Court to the west. To the south across Second Avenue are vehicle-related uses and to the east across North Main Street are vehicle service and retail uses including two other paint stores (Benjamin Moore and Kelly-Moore).

The site is characterized by the two-story building occupied by Masses Sports Bar & Grill on the northernmost lot (Lot 1) and a former single-family home on the southernmost lot (Lot 3) that sits atop a knoll fronting Second Avenue which has previously been converted to retail use. To the west of the former home is a two-story office building. Behind the Masses building and extending along the north property line is a one-story, multi-tenant building currently occupied by service uses. Parallel to the west property line is a vacant service building designed with raised loading platforms. At the center of the site on Lot 2, where Sherwin Williams is proposed, is a vacant 2,143 square-foot, single-story concrete building. In sum, the proposed Project reflects a net decrease of 11,726 square feet of commercial floor area on the 2.42-acre site.

10. Other public agencies whose approval is required: None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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|--|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the

earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.



I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

/S/ Alan B. Carreon

Signature

August 19, 2019

Date

ALAN B. CARREON
Printed Name

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.

- b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
 - 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
 - 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
 - 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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I. AESTHETICS -- Would the project:

a) Have a substantial adverse effect on a scenic vista? (2, 3, 6; Page 4-29 Figure 14). There are no scenic vistas identified in the area.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (1,2,3, 6; Page 4-28 Figure 13).

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: North Main Street is not designated a State Scenic Highway.

c) In non-urbanized area, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? (2, 3, 6; Figures 13 and 14)

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: The proposed project including building architecture/design, height, massing, coloring and materials as well as site layout, grading, landscaping and lighting will be subject to review and approval by the Design Review Commission to ensure compatibility with the visual character of the site and its surroundings.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? ? (2,3,4,5)

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: Site and project lighting will be subject to review by the Design Review Commission and Traffic Engineering staff to ensure that the intensity, placement and use of fixtures are appropriately designed to ensure safe light levels while avoiding light and glare on adjacent residential properties.

II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (4)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: There is no designated farmland in Walnut Creek.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (4, 9)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: This land is not designated for agricultural uses in the zoning ordinance or through a Williamson Act contract.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Result in the loss of forest land or conversion of forest land to non-forest use?

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? (N/a)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: There is no designated farmland in Walnut Creek.

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>a) Conflict with or obstruct implementation of the applicable air quality plan? (6a; Table 47,16, 54)</p> <p><u>Comment:</u> The air quality/emissions analysis prepared for the Project modeled construction-related and operational emissions in using the Californian Emissions Estimator Model (CalEEMod) and all emissions would fall below BAAQMD thresholds of significance. Refer to Source List No. 54.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>b) 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? (6a; Table 42 and Table 47, 16, 54)</p> <p><u>Comment:</u> The cumulative net increase of criteria pollutants estimates that the Project would contribute 8.4 of the 22 in 1 million cancer risk which considers stationary sources plus roadway traffic levels. The resulting Project and cumulative health risk is below the BAAQMD thresholds of 10 in 1 million and 100 in 1 million, respectively. Refer to Source List No. 54.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>c) Expose sensitive receptors to substantial pollutant concentrations? (1,16, 54)</p> <p><u>Comment:</u> According to the air quality/emissions analysis prepared for the Project, the increase of concentrated pollutant levels is less than significant. Best management practices are required of all projects to control fugitive dust. These practices include dampening of soil while grading, dampening of soil stockpiles, and regular sweeping of adjoining rights-of-way to reduce tracked dirt and/or mud. Refer to Source List No. 54.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? (1, 5, 54)</p> <p><u>Comment:</u> The Project proposes a restaurant and a retail paint store. Potential odors from construction activities are expected to be temporary. Cooking hoods and vents trap suspended odor-producing particulates and is not expected to generate odors affecting a substantial number of people. The paint store is a retail use and involves no on-site manufacture or application of coatings. Refer to Source List No. 54.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

IV. BIOLOGICAL RESOURCES -- Would the project:

<p>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (1,2,3, 6a; Figure 28 and Pages 199 through 220, 47) No special status species are identified apply to the Project site. The existence of special status animal species are presumed to have been extirpated as a result of urbanization of the area and previous disturbance of the site.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (2,3, 6a; Figure 28 and Table 40 and 41, 47)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The site and vicinity do not contained any riparian habitats or other sensitive natural communities.

c) Have a substantial adverse effect on federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (1,2,3, 6; Figure 5, 47). The Project site is an existing developed commercial site within a previously urbanized area. There are no federal protected wetlands in the area.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (2, 3, 6; Figure 5, 6a; Figure 28 and Table 40 and 41, 47)

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comment: According to the environmental impact report prepared for General Plan 2025, the project site is an existing commercially-zoned property within an urbanized area and not proximate to open grass lands, oak woodland, riparian or other wildlife habitats where endangered, rare, threatened biological resources are typically found. The project site has historically been used for commercial purposes. The existence of special status plant species are presumed to have been extirpated as a result of urbanization of the area and previous disturbance of the site.

The suitability of habitat and existence of special-status animal species on the project site are deemed as unlikely due to the project's location, historical level of human disturbance, and lack of habitat connectivity. However, raptors, passerine (birds), and bats may use the Project site for foraging and breeding. Various bird specimens were observed on the Project site by staff. No bats were observed. As with other Projects involving building demolition and tree removal (similar to environmental determinations for Applications No. Y11-093, and Y15-108), a preconstruction survey by a competent biologist will be required to identify to address potentially nesting and/or roosting raptors, passerines, and bats and implement best management practices which would reduce impacts of the Project to a less than significant level. Refer to Section IV, Analysis.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (6; Page 4-47, 8, 40, 47)

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: Title 3 Chapter 8 (Preservation or Trees on Private Property) of the Municipal Code provides for procedural requirements for the preservation, protection, or removal of all trees which measure nine inches or more in diameter when measured 54 inches above the highest adjacent grade. The ordinance also

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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provides the administrative and adjudicative procedures for the removal of species deemed "Highly Protected". No additional mitigation is warranted as existing administrative mechanisms are adequate to address the potential removal of trees.

According to the applicant's Arborist Report, dated February 13, 2019, a total of 31 trees were evaluated – 16 of which are offsite. In combination, 11 trees are designated as Highly Protected specimens. Disposition of the trees is subject to review per the City's Tree Preservation Ordinance.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (6; Page 3-1, 47)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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V. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? (2, 6; Table 20, 19). The Project site contains no potentially significant historical resource.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? (3, 19)

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: All site development permits issued by the City are subject to a general condition which requires developers who unearth potential archaeological resources to halt work and consult an archaeologist for recommended mitigation measures which are then to be followed. No project specific mitigation measures are deemed necessary in this area.

c) Disturb any human remains, including those interred outside of formal cemeteries? (1, 2, Refer to b, above.)

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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VI. ENERGY. -- Would the project:

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: The proposed restaurant and retail use are not land uses which are typically associated with wasteful, inefficient, or unnecessary energy consumption.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? Comment: All new development is required to comply with adopted energy efficiency standards including water and landscape efficiency standards, power, heating, and cooling. The restaurant will also voluntarily install solar energy panels to offset electrical energy consumption.

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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VII. GEOLOGY AND SOILS -- Would the project:

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. (6; Page 6-2, Figure 2 and Page 6-3 Figure 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking? (6; Figure 6-2) <u>Comment:</u> All parts of Walnut Creek can be expected to experience some level of seismic ground shaking during the life of a structure.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? (6; Pages 6-1 to 6-4 and Figures 2 and 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides? (6; Pages 6-1 to 6-4 6-10 and Figure 6-4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? (3,21,24)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) 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? (6; Figure 6-4 . Refer to a)iii, above.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (21,27)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) 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? (N/a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VIII. GREENHOUSE GAS EMISSIONS – Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (1, 3, 5, 54) <u>Comment:</u> Refer to Sections III.a) and III.b) and Source List No. 54.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (1, 3, 5, 54) <u>Comment:</u> Refer to Sections III.a) and III.b) and Source List No. 54.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

IX. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (1, 6; Page 6-9 to 6-10, 54) <u>Comment:</u> The manufacture, packaging, handling, transport of paints and solvents is regulated by Federal and State laws.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? ? (1, 6; Page 6-9 to 6-10, 54) <u>Comment:</u> The BAAQMD regulates the emission of organic compounds including VOCs under Regulation 8. Regulation 8 Rules 1 and 2 list general emissions standards for operations involving VOCs. Regulation 8 Rules 3 and 49 prohibits the sale, application, or manufacture of architectural coatings and hand-held aerosol paint products with a VOC content in excess of certain limits, respectively. The Sherwin Williams paint store is required to comply with all BAAQMD rules, including these four rules specific to VOCs. Consistent with Contra Costa County Fire Protection District requirements, Sherwin-Williams Paints facility is required to incorporate fire sprinklers, fire alarms, and consider and review high-pile storage safety systems. The transport of paints and solvents are regulated by material handling standards of Federal and State agencies.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (1, 4, 9) <u>Comment:</u> There is no existing or proposed school located within one-quarter mile of the project site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (51)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (N/a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (24)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? (2, 3, 6; page 6-10 to 6-11, Figure 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
X. HYDROLOGY AND WATER QUALITY -- Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? (24)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? (1, 3, 6; Page 4-47 to 4-54)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) result in a substantial erosion or siltation on- or off-site (3, 24);	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite (3, 6; Pages 6-4 to 6-8, Page 6-8 Figure 5);	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff (3, 6; Pages 6-4 to 6-8, Page 6-8 Figure 5); or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) impede or redirect flood flows? (3, 6; Pages 6-4 to 6-8, Page 6-8 Figure 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? (1, 4, 6; Page 6-1 to 6-16 and Figure 5, 6a; Page 197)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? (1, 4, 6; Page 6-1 to 6-16 and Figure 5, 6a; Page 197)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

XI. LAND USE AND PLANNING - Would the project:

a) Physically divide an established community? (2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? (2, 3, 6, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XII. MINERAL RESOURCES -- Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (6; Page 5-22)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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XIII. NOISE -- Would the project result in:

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (1, 2, 3, 6; Page 6-17 to 6-19, Page 6-19 Figure 8, 6a Page 243 to Page 264, 39)

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: The City's Zoning Ordinance requires that all commercial land uses which abut residential uses erect up to an eight-foot tall solid masonry wall for the purposes of sound attenuation. The Project includes an 8-foot tall masonry wall along its western property line that is shared with existing residential uses. The wall will screen sensitive receptors from Project noise as well as noise emanating from Interstate 680 which is located approximately ¼ mile to the east. Figure 31 (General Plan 2025 EIR) depicts the Project site at the 70 dBA noise contour line. The addition of a solid masonry wall is expected to reduce the noise level exposure of the adjoining residential uses by at least 5 dbA which would be further consistent with the conditionally acceptable noise level range shown in Figure 8 of the General Plan.

The site preparation phase of the Project (demolition and grading) would likely result in the noisiest activity. However, this noise, as well as construction noise (pneumatic nailers, saws, compressors, mixers, etc.) will only be allowed during allowed weekdays (excluding holidays) from 7 AM to 6 PM. No project specific mitigation measures are deemed necessary in this area.

b) Generation of excessive groundborne vibration or groundborne noise levels? (1, 3)

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: The proposed land uses are not typically associated with groundborne vibration or groundborne noise. Also see a), above.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (N/a)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XIV. POPULATION AND HOUSING -- Would the project:

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (1, 3)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (2, 3)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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XV. PUBLIC SERVICES

a) 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 public services:

Fire protection? (28)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Police protection? (26)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Schools? (33, 34, 35)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Parks? (6; Chapter 3)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Other public facilities? (1, 2, 3, 24, 34)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XVI. RECREATION

a) Would the project 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? (5, 34)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (1)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XVII. TRANSPORTATION/TRAFFIC -- Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (1, 2, 25, 55)

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comment: See Section IV. Analysis for discussion.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? (1, 25, 6; Chapter 5, 55)</p> <p><u>Comment:</u> See Section IV. Analysis for discussion.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>c) 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? (N/a)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d) 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? (N/a)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>e) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (3, 25)</p> <p><u>Comment:</u> The Project is required to provide curb, gutter, and sidewalks along the Project site frontages and compliant ingress and egress driveways along North Main Street and Second Avenue. Adequate sight distances for oncoming vehicles and pedestrians will be provided by restricting on-street parking and limiting obstructions such as electrical transformers, shrubs and other landscaping to 30 inches in height when within a sight visibility triangle. Between the access driveway cut on Second Avenue and the west property line will be a five-foot wide, 23-foot long sidewalk to allow for pedestrians to avoid walking on the street since the residential property abutting the sidewalk (8 Vartan Court) does not provide curb, gutter, and sidewalk. The Project will also incorporate new street medians and turn pockets on North Main Street to allow vehicular movements into and out of the site thus avoiding conflicts due to the proximity of the signalized intersection at North Main Street/Second Avenue.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>f) Result in inadequate emergency access? (3, 24, 25, 26, 28)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>g) Result in inadequate parking capacity? (2, 3, 4, 8, 20, 25, 55)</p> <p><u>Comment:</u> The new land uses (Amy's Drive-Thru and Sherwin-Williams Paint) will provide the stalls required by the Municipal Code. The Masse's Sports Bar & Grill & Offices Building is legal non-conforming in terms of required parking (76) but will increase its parking capacity from approximately 23 stalls to 51 stalls. In accordance with Zoning Ordinance Section 10-2.3.202.A.2., the total required parking for Masses is not required because no alteration or addition to the building is proposed. No project specific mitigation measures are deemed necessary in this area.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>h) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (3, 6; Chapter 5, 8, 55)</p> <p><u>Comment:</u> The Project will provide required bicycle and pedestrian facilities in accordance with City requirements. Development of the</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

site will not conflict with or decrease the performance of required and future facilities in the area.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVIII. TRIBAL CULTURAL RESOURCES

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIX. UTILITIES AND SERVICE SYSTEMS -- Would the project:

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the waste water 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XX. WILDFIRE -- If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Note: Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.3, 21093, 21094, 21151, Public Resources Code; Sundstrom v. County of Mendocino, 202 Cal.App.3d 296 (1988); Leonoff v. Monterey Board of Supervisors, 222 Cal.App.3d 1337 (1990).

INITIAL STUDY SOURCE LIST

- 1) Project Application Information
- 2) Field Inspection/Investigation
- 3) Project Plans
- 4) Planner's Knowledge of Area
- 5) Experience with Other Projects of this Size & Nature
- 6) City of Walnut Creek General Plan 2025
- 6a) City of Walnut Creek General Plan EIR 2025
- 7) City of Walnut Creek General Plan Land Use Map 2025
- 8) City of Walnut Creek Zoning Ordinance
- 9) City of Walnut Creek Zoning Map
- 10) State of California, Special Studies Zones (Revised Official Map)
- 11) City Aerial Photos
- 12) East Bay Municipal Utility District
- 13) Central Contra Costa Sanitary District
- 14) Contra Costa County Flood Control District
- 15) Contra Costa Water District
- 16) Bay Area Air Quality Management District
- 17) Site Specific Geologic Report
- 18) Site Specific Arborist Report
- 19) Site Specific Archeological Reconnaissance
- 20) City Off-Street Parking Standards
- 21) USDA-SCS, "Soils of Contra Costa County"
- 22) Department of Fish and Game, Natural Diversity Database Maps and Reports
- 23) City of Walnut Creek Parks and Recreation Division
- 23a) City Arborist
- 24) City of Walnut Creek Engineering Division
- 25) City of Walnut Creek Transportation Division
- 26) City of Walnut Creek Police Department
- 27) City of Walnut Creek Building Division
- 28) Contra Costa County Fire Protection District
- 29) Contra Costa County Clean Water Program
- 30) City Standard Specifications
- 31) Caltrans Highway Design Manual
- 32) Caltrans Traffic Manual
- 33) Mount Diablo School District
- 34) Walnut Creek School District
- 35) Acalanes School District
- 36) County of Contra Costa
- 37) Association of Bay Area Governments (ABAG)
- 38) State Archaeological Clearinghouse, Sonoma State University
- 39) City of Walnut Creek Noise Ordinance
- 40) City of Walnut Creek Tree Preservation Ordinance
- 41) City of Walnut Creek Grading Ordinance
- 42) Uniform Building Code (UBC) and Appendices (as adopted by the City)
- 43) Contra Costa County Congestion Management Plan
- 44) Walnut Creek Municipal Code
- 45) Standard Design Review Conditions (DRC Resolution No. 1326)
- 46) Site Specific Noise Study
- 47) Site Specific Wildlife/Habitat Study
- 48) Site Specific Hydrology Report
- 49) Design Review Commission
- 50) Design Review Guidelines
- 51) Contra Costa Environmental Health Department
- 52) City of Walnut Creek Subdivision Ordinance
- 53) Valley Waste Management
- 54) Site Specific Air Quality/Greenhouse Gas Emissions, and Health Risk Assessment Report
- 55) Project Specific Traffic Impact Analysis

IV. ANALYSIS AND MITIGATION MEASURES:

BIOLOGICAL RESOURCES

Nesting Raptors and Passerines

Pursuant to the applicant's Biological Resources Assessment and previous discretionary development projects (Application No. Y11-093 (Brio Apartments) and Application No. Y15-108 (Secluded Woods Subdivision)), sites with buildings to be demolished and tree canopies on and in close proximity to the project site may provide suitable nesting habitat for raptor and passerine birds (such as barn owls, jays, juncos, wrens and towhees). Raptors are unlikely but could nonetheless occupy the property given the low activity level in recent years. All of these birds are protected from take pursuant to the Migratory Bird Treaty Act (50 CFR 10.13). Similarly, their eggs and young are further protected under California Fish and Game Codes Sections 3503, 3503.5. Any project-related impacts to these species would be considered potentially significant. Potential impacts to these species from the proposed project include disturbance to nesting birds, and possibly death of adults and/or young.

Roosting Bats

Pursuant to the previously named discretionary development projects above, bats may occur on the site and pursuant to the CEQA Guidelines, impacts from the proposed project may be concluded if present in tree roosts or roosts in the existing structures or trees. Pursuant to the CEQA Guidelines, impacts from the proposed project may be concluded if present.

The following mitigation measures are generally the same as previously identified for sites with similar tree canopies and/or structures to be demolished, and would reduce potential impacts to less than significant:

BR-4a.1 Mitigation Measures – Nesting Raptors and Passerines

1. In order to avoid impacts to potentially nesting raptor and passerine birds, a nesting survey shall be conducted (by a qualified biologist) 15 days prior to commencing with construction work (including tree or shrub removal) if this work were to commence between February 1st and August 31st. The nesting survey shall include examination of all structures, trees, shrubs and grounds of the entire project site, not just trees slated for removal. Typically, most passerine birds have completed nesting by July 15th, but this must be confirmed since in some instances, birds may nest later in the year.
2. If nesting passerines are identified during the surveys, the dripline of the nest tree must be fenced with orange construction fencing (provided the tree is on the project site), and a buffer (typically 50-foot for passerine birds and 200 feet for raptors) around the nest tree must be staked with bright orange lath or other suitable staking. The size of the buffer shall be ultimately determined by a qualified biologist. The biologist shall prescribe a buffer that allows sufficient room to prevent undue disturbance/harassment to the nesting birds. No occupied trees/shrubs/or ground cover shall be removed within the buffer, and similarly no construction or earth-moving activity shall occur within the buffer until it is determined by a qualified biologist that the young have left the nest and have attained sufficient flight skills to avoid project construction zones. If the nest is adjacent to the project site, then the buffer shall be demarcated (as indicated above) on the project site. Once the nesting cycle is completed (typically July or August), as verified by a qualified biologist, the nest site may be impacted pursuant to otherwise permitted project conditions. If more than 15 days elapse between the date of the nesting survey and the site grading and/or tree removal, the nesting survey shall be repeated until

the site no longer supports potential nesting habitat. Implementation of this mitigation measure would reduce impacts to nesting raptors and passerines to a level considered less than significant.

Mitigation Monitoring of Potentially Nesting Raptors and Passerines: The City's Planning and Building Divisions shall ensure that documentation is submitted to staff prior to issuance of a building permit.

BR-4a.2 Mitigation Measures – Roosting Bats

3. In order to avoid impacts to roosting bats, a tree and structure survey shall be conducted (by a qualified biologist) 15 days prior to commencing with construction work (including tree removal). The survey shall include examination of all trees within 100 feet of the entire project site, not just trees or structures slated for removal.
4. Both structure and tree canopies and understories shall be examined for evidence of bat roosting. If no bats are found, then there would be no further regard for bats.
5. If bats are found, a determination shall be made if young are present. If adults are found roosting but no maternal sites are found, then the adult bats can be flushed prior to the time the tree in question would be removed or disturbed. No other mitigation compensation would be required. If young are found roosting in any tree or structure, the dripline of the tree or structure must be fenced with orange construction fencing (provided the tree is on the project site), and a 50-foot buffer from the nest must be staked with bright orange lath or other suitable staking. No occupied trees/shrubs/or ground cover shall be removed within the buffer, and similarly no construction or earth-moving activity shall occur within the buffer until it is determined by a qualified biologist that the young have reached independence of the roost. If the tree or structure is adjacent to the project site, then the buffer shall be demarcated per above where the buffer occurs on the project site. Once the young have left the tree or structure, as verified by a qualified biologist, the tree or structure may be impacted pursuant to otherwise permitted project conditions. Implementation of this mitigation measure would reduce impacts to bats to a level considered less than significant.

Mitigation Monitoring of Roosting Bats: The City's Planning and Building Divisions shall ensure that proper documentation is submitted prior to issuance of a building permit.

TRANSPORTATION/TRAFFIC

Transportation/Traffic Setting

According to General Plan 2025, the intersection and arterial LOS standard is LOS D for collectors, arterials, and roadways of regional significance. All but one of the study intersections are located on one or more such roadways and thus fall under the standard of LOS D. For residential local streets and intersections, the LOS standard is LOS B. Only the intersection of Third Avenue & Baldwin Lane falls under the standard of LOS B.

An impact is considered significant at the study intersections if the addition of the traffic generated from the proposed project results in an increase in the average control delay of 5.0 seconds or greater above no project conditions at signalized intersections that fail to meet LOS standards under no project conditions.

There is no specified criteria for determining significant impacts to unsignalized intersections.

Contra Costa Transportation Authority CMP Intersections

In the project vicinity, N. Main Street and Geary Road/Treat Boulevard are designated as Routes of Regional Significance (RORS) and are part of the CCTA Congestion Management Program (CMP). CMP Monitoring intersections have separate LOS standards from those set by the City of Walnut Creek. The three study intersections designated for CMP monitoring, and their LOS standards, are:

- N. Main Street & Sunnyvale Avenue/I-680 Southbound Ramps (LOS F)
- N. Main Street & Geary Road/Treat Boulevard (LOS F)
- N. Main Street & San Luis Road (LOS E)

Under the CMP, the LOS standard at the non-CMP study intersections on Geary Road west of N. Main Street is LOS F, and the LOS standard at non-CMP study intersections on N. Main Street south of Geary Road/Treat Boulevard is LOS E. CMP monitoring is conducted using the methodology outlined in the CCTA Technical Procedures, currently HCM 2010 for intersections.

The projected-generated increase in traffic is considered to have a significant impact on a CMP facility if it meets either of the following criteria:

- If intersection operations degrade from an acceptable level (LOS E or better) to an unacceptable level (LOS F).
- For transportation facilities that fail to meet LOS standards (as defined above) under no project conditions, an increase in the volume/capacity ratio by 0.03 or greater above no project conditions is considered to be significant.

For the purposes of identifying significant impacts, the more conservative level of service standards established by the City of Walnut Creek have been applied to all intersections, including those on CMP roadways.

Caltrans endeavors to maintain a target LOS at the transition between LOS C and LOS D on all State highway facilities. However, Caltrans acknowledges that this may not always be feasible and recommends that the lead agency consult with Caltrans to determine the appropriate target LOS. Level of service is based on appropriate measures of effectiveness (MOEs) determined by the type of facility. For the purpose of this analysis, the significance criteria established by the City of Walnut Creek have been applied to identify potentially significant impacts at Caltrans-operated intersections. If an existing State highway facility is operating at less than the appropriate target LOS, the existing MOE should be maintained. This standard applies only to the study intersection of San Luis Road & I-680 Southbound Ramps.

The Draft Traffic Impact Study Report for Amy's Drive-Thru Restaurant, Sherwin-Williams Paint Store, and Site Improvements at N. Main Street & Second Avenue reviewed on-site circulation and access and evaluated the project's traffic impacts on the surround circulation network including the following intersection in the project vicinity:

1. North Main Street & Sunnyvale Avenue/I-680 SB Ramps (signal)
2. Buena Vista Avenue/Putnam Boulevard & Geary Road (signal)
3. Pioneer Avenue & Geary Road (signal)
4. North Main Street & Geary Road/Treat Boulevard (signal)
5. First Avenue & Buena Vista Avenue (all-way stop)
6. Second Avenue & Buena Vista Avenue (all-way stop)
7. Second Avenue & Baldwin Lane (uncontrolled)

8. Second Avenue & North Main Street (signal)
9. Third Avenue & Baldwin Lane (side street stop)
10. Third Avenue & North Main Street (side street stop)
11. San Luis Road & Buena Vista Avenue (all-way stop)
12. San Luis Road & I-680 SB on-off ramps (side street stop)
13. San Luis Road & North Main Street (signal)
14. North Main Street & Penniman Way/I-680 NB off-ramp (signal)

The Draft Traffic Impact Study evaluated the following scenarios:

- Existing conditions;
- Existing plus project conditions;
- Background (existing plus “Pipeline” projects) conditions;
- Background plus project conditions;
- Cumulative conditions; and,
- Cumulative plus project conditions.

Transportation and Circulation Impact - Discussion

The project will not cause traffic levels to exceed, either individually or cumulatively, including standards established by the County Congestion Management Agency for designated roads or highways. Project area intersections are expected to operate at either acceptable levels of service or the same deficient levels of service with and without the Project under all scenarios, except at the intersection of N Main Street/Second Avenue under the Cumulative plus Project scenario, where project-added trips result in a ***potentially significant impact*** according to the City’s criteria. Installation of a left-turn lane on the eastbound approach of Second Avenue at its intersection with North Main Street would mitigate the Project’s impact to operation at the intersection to less-than-significant.

Although traffic volumes generated by the project will contribute to the level of congestion and delays, the project’s share of trips added to the circulation network would be below levels of significance. The LOS for study area intersections will not be noticeably affected by the proposed project.

TX-17a.1 Mitigation Measure - Second Avenue Approach at North Main Street

1. Restripe the eastbound Second Avenue approach at North Main Street to add a left turn lane, resulting in one left turn lane and one right turn lane on the eastbound Second Avenue approach of the intersection. Implementation of this improvement would reduce the Project’s impact to operation at the intersection to ***less-than-significant***.

Mitigation Monitoring of Street Improvements at Second Avenue at North Main Street. The City’s Planning, Current Engineering, and Traffic Engineering Divisions will ensure that site development permit plans reflect the requirement herein and conducted in accordance with City standards.