

4.9 Land Use and Planning

This section describes the regulatory framework and existing conditions related to land uses in the Project Site and vicinity, and the potential for the Project to result in environmental impacts related to land use, and land use plans and policies. To the extent that physical impacts may result from land use policy conflicts, such physical impacts are analyzed as appropriate under other resource area sections in Chapter 4. Consistency with General Plan goals and policies related to other resource areas, such as in Section 4.7, *Hazards and Hazardous Materials*, and Section 4.4, *Cultural Resources*.

4.9.1 Environmental Setting

Project Site and Surroundings

The Project Site is located in the downtown Walnut Creek, in central Contra Costa County. The City of Walnut Creek is located at the foot of Mount Diablo, approximately 23 miles east of San Francisco and 70 miles southwest of Sacramento. Regional access to the Project Site is provided by Interstate 680 (I-680), approximately one mile from the Project Site, and by State Route 24 (SR 24), approximately one-half mile from the Project Site. The Walnut Creek BART Station is approximately three-quarters of one mile north of the site.

The Walnut Creek General Plan 2025 (General Plan) identifies the Project Site as being in the designated Core Area, which is roughly bounded by Walden Road to the north, the I-680/South Main Street interchange to the south, I-680 to the west and a regional bicycle, pedestrian and equestrian trail, Iron Horse Regional Trail, to the east. The Core Area functions as a City and regional economic and cultural center, with approximately 8.4 million square feet of intensive regional- and local-serving commercial uses, including retail, office, service, and ancillary uses, as well as mixed-use and high density residential development. At the center of the Core Area is an 18-block shopping, dining and entertainment area depicted in the General Plan as the Pedestrian Retail District. According to local brokers, downtown Walnut Creek has roughly 2.5 million square feet of retail space (John Cumbelich & Associates, 2011).

As depicted in Figure 1-1 in Chapter 1, *Introduction*, the Project Site is within the Pedestrian Retail District. This district, bounded by Civic Drive, Newell Avenue, California Boulevard and Broadway, is composed of two distinct areas: the Traditional Downtown/North of Mt. Diablo area and the Broadway Plaza/South of Mt. Diablo area. The Traditional Downtown is located along Locust and North Main Streets, south of Civic Drive and north of Mt. Diablo Boulevard. This small area is characterized by a regular street grid, small parcels, narrow lot widths, older buildings, mature trees and sidewalk seating. This higher density area is occupied by smaller locally-owned businesses in continuous retail frontages with few surface parking lots. By contrast, the Broadway Plaza/South of Mt. Diablo area, which includes the Project Site, is characterized by a more irregular street pattern, larger parcels, newer and larger-scale development, parking structures, and a significant percentage of national retailers.

Immediately north of the Project Site is the Traditional Downtown area described above. To the west, across South Main Street, are existing retail uses. To the east, across South Broadway, is a Safeway grocery store, office buildings and the Vic Stewart's restaurant. To the south, across Newell Avenue, are services and retail uses in front of professional offices that extend well to the south. There is a Whole Foods market at the southwest corner of South Broadway and Newell Avenue. Kaiser Hospital and Las Lomas High School are each approximately one quarter of one mile from the Project Site, on South Main Street. The closest residential uses are approximately 300 feet east of the Project Site, on Holcolmb Court. Additional residential uses are in the Alma Park neighborhood off of S. California Boulevard, three blocks west of the Project Site. There are also several apartment and condominium projects on the hills east of South Broadway single family neighborhoods further east.

Project Site

The Project Site, which currently consists of the Broadway Plaza Shopping Center, is in an area generally bounded by South Main Street to the west, Newell Avenue to the south, South Broadway to the east and Mt. Diablo Boulevard to the north (see Figure 3-1 in Chapter 3, *Project Description*). Broadway Plaza is a regional shopping center which contains Nordstrom, Macy's, Neiman Marcus, Crate & Barrel, David M. Brian, and another 75 to 80 national retailers, specialty shops, services, restaurants and cafes. Broadway Plaza has an open air format with several in-line and free-standing buildings of various sizes.

The Project Site currently contains more than two dozen buildings dating back to the early 1950s. With minor exceptions, all buildings fronting on public streets are built to the property lines with no setback. There are several approved encroachments for canopies, overhangs and other pedestrian-friendly elements.

The Project Site also contains Broadway Plaza Street, a two-lane public road that is owned in fee by the City, and that has 63 metered on-street parking spaces as well as commercial and pedestrian loading areas. This street has taken on varying alignments since its original construction in the early 1950s and currently consists of a two-lane public road that generally runs north/south, provides service access to Neiman Marcus and Macy's and has limited connections for automobiles to access the five-story garage along South Main Street and/or the Macy's parking garage. There are three parking structures on the Project Site including the aforementioned five-story garage and two two-story garages that are internally connected and share access. There are also two small surface parking areas on the Project Site.

The Broadway Plaza Fountain and gathering space is located within the northwest corner of the Project Site, on Parcel 9 (see Figure 3-2, in Chapter 3, *Project Description*). There are trees on the site and street trees within the public right-of-way. Creek easements for Las Trampas Creek and San Ramon Creek cross the Project Site. Las Trampas Creek easement extends through an underground box culvert from west of South Main Street beneath Broadway Plaza and through Parcel 2. San Ramon Creek enters the Project Site at Newell Avenue as an open channel, converts to an underground box culvert at the south end of Parcel 7A, and extends through the Project Site under the Macy's store, the existing two-level parking garage and Nordstrom. San Ramon Creek

then crosses under Mt. Diablo Boulevard to join Las Trampas Creek. Each of these creeks is a tributary to Walnut Creek. The presence of the creeks and creek easements on the Project Site is analyzed in Section 4.8, *Hydrology and Water Quality*.

With the completion of Neiman Marcus (on Parcel 2), the Project Site contains nearly 800,000 gross square feet of commercial uses, with over 600,000 square feet of that space in six stores: Nordstrom (on Parcel 3), Macy's (on Parcel 7A), Macy's Men/Juniors (on Parcel 1), Neiman Marcus (on Parcel 2), Crate & Barrel (on Parcel 1) and David M. Brian (on Parcel 1).

The majority of the Project Site (approximately 72 percent of the privately owned land in Parcels 1, 2, 3, 4, 5, 6, 7, 8, and 9) is owned by Macerich Northwestern. The remainder of the privately owned portions of the Project Site (Parcel 7A), which includes a Macy's Women's department store, a Goodyear tire store, and the Macy's Parking Garage, is owned by Macy's West Stores, Inc.

4.9.2 Regulatory Setting

Local

General Plan 2025

The General Plan, adopted by the City on April 4, 2006, establishes comprehensive, long-term land use policies for the City. The General Plan includes the following chapters that address the required general plan elements required by state law: Quality of Life, Natural Environment and Public Spaces, Built Environment, Transportation, and Safety and Noise. The Housing Element was adopted in 2009 under a separate update process and was certified by the California Department of Housing and Community Development in 2010.

The General Plan contains several goals, policies and actions regarding land use that are relevant to the Project, including the following (listed by applicable General Plan chapter):

Quality of Life

- **Goal 2:** Sustain the community's quality of life with a vigorous and diverse economy.
 - *Policy 2.1:* Promote Walnut Creek as a regional destination.
 - *Policy 2.6:* For areas designated for commercial or business use, plan for adequate sites that allow for expansion of local businesses.

Built Environment

- **Goal 2:** Encourage housing development that helps to reduce the increase in traffic congestion.
 - *Policy 2.1:* Develop flexible policies and regulations that facilitate new housing development.

Action 2.1.1: Permit multifamily housing in all commercial districts (except the Shadelands Business Park and Auto Sales and Service) through a conditional use permit, subject to project density and development regulations to protect existing urban form.

- **Goal 3:** Encourage housing and commercial mixed-use development in selected locations that enhances pedestrian access and reduces traffic.
 - *Policy 3.1:* Create opportunities for mixed-use developments.
- **Goal 5:** Require that infill development is compatible with its surroundings.
 - *Policy 5.1:* Require infill development to be compatible with adjacent and nearby uses.
- **Goal 6:** Maintain and enhance Walnut Creek’s thriving Core Area, while keeping the Pedestrian Retail District lively and walkable.
 - *Policy 6.1:* Retain and encourage a balance of local- and regional-serving retail businesses in the Core Area.
 - *Policy 6.2:* Focus development in the Pedestrian Retail District on retail and restaurants, and expand the area’s potential to host arts and cultural events.
 - Action 6.2.1: In the Pedestrian Retail District, require pedestrian-oriented uses at street level.
 - Action 6.2.2: Promote building layouts and designs that create pedestrian interest and encourage people to “park once and walk”.
 - *Policy 6.4:* Enhance the overall vitality of the Core Area south of Mount Diablo Boulevard.
- **Goal 9:** Manage the community’s orderly growth.
 - *Policy 9.1:* Meter out the amount of commercial development allowed annually.
 - Action 9.1.1: Limit the amount of commercial development permitted citywide, 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.
 - Action 9.1.2: Allow un-allocated commercial development square footage to be carried over to the next development cycle.

Existing General Plan Land Use Designation

The existing Pedestrian Retail (PR) General Plan land use designation for the Project Site is intended to “provide for a range of retail and personal service uses that are accessed by pedestrians.” Areas in the PR designation encompass the highest concentration of retail in Walnut Creek. Pedestrian activity, centralized parking, and ground floor retail uses are encouraged throughout this area. The PR designation states that “ground floor uses should be retail, with non-retail uses only on the second floor or above.” A Floor Area Ratio (FAR) restriction between 0.75 and 2.0 and is permitted on land areas designated as PR¹. With the exception of Parcel 2, which is described below, development at a FAR of up to 0.75 is currently permitted on the Project Site.

¹ Floor area ratio (“FAR”) is the ratio of developed building floor area to net lot area, expressed in square feet.

Proposed General Plan Land Use Designation

In 2009, City voters approved Measure I which allowed for development of a Neiman Marcus and other retail and restaurant uses at an FAR of 1.75 on Parcel 2. Therefore, the General Plan amendments described below for the Project are proposed to apply to most of the Project Site and would not apply to Parcel 2, which contains the Neiman Marcus store and other buildings.

The Project proposes a General Plan Amendment that would change the General Plan Land Use Map and the land use designation from PR to Mixed-Use, Commercial Emphasis (MU-C) on approximately 1.06 million-square feet of the approximately 1.13 million-square-foot Project Site. The MU-C land use designation is intended to encourage mixed commercial (office or retail) and residential development. Land currently designated MU-C exists west and south of the Project Site.

The MU-C land use designation allows an FAR of between 1.0 and 2.0 but restricts commercial uses to a maximum FAR of 0.85. However, the Project's land use General Plan Amendment would also revise the General Plan definition of MU-C such that commercial components on the MU-C portion of the Project Site would be allowed a maximum FAR of 0.95 for commercial uses. The Project also includes a General Plan Amendment that would create a new mixed use FAR of 1.05 and apply that new FAR of 1.05 to the MU-C portion of the Project Site. The General Plan Amendment to change the FAR and change the land use category would *not* be applied to the Neiman Marcus parcel in the northwest corner of the Project Site (Parcel 2), which would retain its Pedestrian Retail and 1.75 FAR General Plan designations that were the subject of a recent initiative [Measure I 2009]. In addition, the increased FARs would apply only to the Project Site and not to other parcels in the City that are designated MU-C in the General Plan.

Ultimately, the General Plan Amendment would, together with the proposed zoning reclassification described below, increase the permitted development intensity on the Project Site such that 300,000 net new square feet of commercial space over existing or 400,000 net new square feet of mixed-use development over existing could be added to the Project Site.

Other General Plan Planning Areas and Designations

The Project Site falls entirely within the City's Core Area, which the General Plan considers the central district hub of Walnut Creek and is where the City anticipates most growth to occur city-wide over the next ten to fifteen years (to approximately 2025). Land uses in this 1.2-square mile central district are mostly commercial with some residential, public, and civic uses. The Project Site also falls within the Pedestrian Retail District which is considered the civic and retail center of downtown Walnut Creek (City of Walnut Creek, 2006). The Project Site is also outside of, but immediately adjacent to, the East Mount Diablo Boulevard Specific Plan area, the Locust Street / Mount Diablo Boulevard Specific Plan area, and the Mount Diablo Redevelopment Project Area, each of which is described below (City of Walnut Creek, 1996).

East Mount Diablo Boulevard Specific Plan

The City adopted the East Mount Diablo Boulevard Specific Plan (“EMDSP”) in 1996. The EMDSP area is located north and west of the Project Site. This Plan provides policies and planning and design guidelines for the development of three areas along Mt. Diablo Boulevard and recommends design elements that create interest and diversity along public streets and encourage pedestrian activity. These design elements include minimum setbacks in order to create a strong street edge, orientating entrances to the street, upper-story setbacks, and corner treatments (angled or rounded corners) for buildings at intersections.

Locust Street / Mount Diablo Boulevard Specific Plan

In July 2010 the City adopted the Locust Street/Mount Diablo Boulevard Specific Plan. This Plan, which supersedes the EMDSP where they overlap, applies to approximately 5.3 acres north and west of the Project Site. By governing setbacks and land uses, and by increasing height limits and densities, this Plan sets policies to guide development, specifically on six identified opportunity sites, to promote Walnut Creek’s downtown core as a lively and walkable pedestrian retail district (City of Walnut Creek, 2010).

Mount Diablo Redevelopment Project Area

The Project Site is east of, and adjacent to, the Mount Diablo Redevelopment Project Area. The corresponding Redevelopment Plan was adopted in 1974 and intended to eliminate the sale and service of automobiles in this area of the City. In 1982, the City amended the Redevelopment Plan to limit land uses in the area to retail, office, residential (including hotels) and parking. The Mount Diablo Redevelopment Plan is set to expire on December 16, 2014.

Creeks Restoration and Trails Master Plan

In 1993 the City adopted the Creeks Restoration and Trails Master Plan, which is intended to re-establish a positive relationship between the built and natural environments in Walnut Creek and support the creation of a greenbelt and trail system along Las Trampas, San Ramon and Walnut creeks (City of Walnut Creek, 1993). This plan identifies a number of potential improvements in the Broadway Plaza area including development of bike lanes, a hiking trail, pedestrian safety measures, landscaping, and in-culvert improvements for fish passage. *Action 3.2.1* in the Walnut Creek General Plan requires implementation of the Creek Restoration and Trails Master Plan. The Master Plan also contains a conceptual design for a recreation path along San Ramon Creek. The design is only conceptual and intended to be illustrative of how the goals might be implemented.

Accordingly, the Creek Restoration and Trails Master Plan is interpreted and applied by the City to encourage achievement of its goals without requiring development of aspects of the conceptual plan that would harm riparian resources. The Project proposes a recreational path along the east side of San Ramon Creek on the top of bank, outside of the creek channel.

Former South Broadway Redevelopment Area

The eastern portion of the Project Site is within the boundaries of the former South Broadway Redevelopment Area that expired by its own terms in October of 2011.

2011 Bicycle Plan

The City's 2011 Bicycle Plan is discussed in Section 4.13, *Transportation and Circulation*.

Zoning Ordinance

Existing Zoning

The Project Site is currently zoned Pedestrian Retail (PR). The purpose of the PR Zoning District is to provide a concentration of retail activity that is destination-oriented, within the City's designated Core Area. The PR Zoning District is designed for the more intensely developed downtown retail area, where public parking lots are available in central locations and on-site parking is limited. This zone allows for multi-story structures but requires that the first floor be primarily retail with office, residential and other non-retail uses allowed on upper levels.

In 1985, the residents of Walnut Creek voted to adopt Measure A, the "Building Height Freeze Initiative." Measure A restricts the heights of buildings to the building height limitations in the Zoning Ordinance as of March 1985. According to the General Plan Environmental Impact Report, Measure A height limits on the Project Site range from 25 feet (sliver at northwest corner of S. Broadway and Newell Avenue, to 40 feet (eastern parking lot behind Macy's) to 50 feet for Nordstrom's (Parcel 3) and all stores fronting on Broadway Plaza street, up to 60 feet for the west parking garage and stores immediately to the north, and 35 feet for the area abutting Mt. Diablo Boulevard (City of Walnut Creek, 2005).

Proposed Zoning

The Project proposes an amendment to the Zoning Ordinance to reclassify the entire Project Site (including Parcel 2) as a new Planned Development (PD) zoning district. The proposed PD zoning district would incorporate the existing height limits and FAR restrictions enacted in Measure I for Parcel 2. It would for retail uses, limit development at a 300,000 square-foot net increase over existing (resulting in approximately 1.1 million square feet total on the entire Project Site). For mixed retail and residential uses at the Project Site, the PD zoning would limit development at a 400,000 square-foot net increase (resulting in approximately 1.2 million square feet total on the Project Site).

4.9.3 Impacts and Mitigation Measures

Significance Criteria

The Project would have a significant impact on the environment if it were to:

1. Physically divide an established community;
2. Fundamentally 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, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect and result in a physical change in the environment; or

3. Fundamentally conflict with any applicable habitat conservation plan or natural community conservation plan.

Approach to Analysis

The environmental impact analysis of land use and policies in this EIR involves an evaluation of the Project's general consistency with applicable plans and policies. In addition, the analysis also evaluated the Project in terms of its compatibility with nearby existing land uses and its potential to conflict with any applicable habitat conservation plan or natural community conservation plan.

Impacts by Project Scenario

For all significance criteria relating to land use and policies, the impacts are the same for the Maximum Commercial Scenario and the Mixed Use Scenario. Therefore, both scenarios are discussed under a single Impact Statement for each criterion.

Topics Briefly Addressed

The Project Site is not located within a habitat or natural community conservation plan area. Therefore, the Project would have no impact to such plans since none exist in the Project Site. This topic, Significance Criterion 3, is considered No Impact and is not discussed further in this EIR.

Impacts

Community Division

The Project would not result in the physical division of an existing community (Criterion 1). (Less than Significant)

Broadway Plaza is part of an established larger retail community. The Project proposes to redevelop and intensify Broadway Plaza shopping center. Improved parking facilities and pedestrian circulation are a central theme, facilitated by new gathering places and a series of internal pedestrian walkways and bike paths to allow non-vehicular movement through the site. Existing Broadway Plaza Street, a two-lane public road that generally runs north/south through the Project Site, is proposed to be removed to accommodate infill commercial and or mixed use commercial and residential development and convenient internal non-vehicular circulation. Development of the Project would occur within the roadway boundaries of Broadway Plaza (see Figure 3-1, in Chapter 3, *Project Description*).

The Project proposes new and upgraded commercial use, potentially mixed with an introduction of residential uses. Specifically, the Maximum Commercial Scenario would not introduce new land uses to the Project Site, and the Mixed Use Scenario would introduce residential uses on the Project Site where none currently exist. Neither the proposed land uses nor other physical aspects

of the Project (e.g., site configuration building heights, intensity) would be substantially different from the existing Project Site or its surroundings in a way that would physically divide the existing area or conflict with nearby land uses. As noted in the *Environmental Setting* above, the Project Site is within an established shopping, dining and entertainment area with a mix of commercial, office and restaurant uses, in addition to existing residential uses within 300 feet east of the Project Site and within three blocks west of the Project Site. Overall, the Project, under either the Maximum Commercial Scenario or the Mixed Use Scenario, would be compatible within the existing larger development context and thus would not divide the established community.

Mitigation: None required.

Conflict with Plans and Policies

The Project would not conflict with applicable land use plans and policies adopted for the purpose of avoiding or mitigating an environmental effect (Criterion 2). (Less than Significant)

The Project proposes amendments to the General Plan and the Zoning Ordinance to change the land use designation, FAR restrictions, and zoning classification on the Project Site. These amendments would be adopted concurrently with the Project and are evaluated as such throughout this EIR. Therefore this evaluation assumes an amended General Plan and Zoning Ordinance and does not find conflict with respect to the existing land use designation, FAR limits or zoning classification on the Project Site insofar as they contain policies adopted for the purpose of avoiding or mitigating an environmental effect. For an evaluation of the potential impacts that would occur if the General Plan and Zoning Ordinance were not amended, see Chapter 5, *Alternatives*.

The proposed amendments to the General Plan and the Zoning Ordinance could accommodate a mix of commercial and residential uses as well as increase the intensity of retail development on most of the Project Site. These goals are consistent with the intent of the existing MU-C land use designation to encourage mixed commercial (office or retail) and residential development. Further, the Project would comply with the existing General Plan height limits for the entire Project Site, and the FAR and height restrictions enacted in Measure I for Parcel 2.

Under either scenario, the Project would promote a lively and walkable downtown core which is consistent with the goals and policies expressed in the General Plan including those encouraging creation of a regional retail destination and infill development compatible with its surroundings. The Mixed-Use Scenario would further the General Plan goals for housing development, specifically those calling for multifamily housing in commercial districts. While the Maximum Commercial Scenario would not introduce new residential uses, its development would not result in a conflict with the General Plan housing goals.

As noted above in Goal 9 and Policy 9.1 of the General Plan, the City currently limits commercial development to no more than 75,000 square feet per year citywide (the Shadelands Business Park excepted) from 2006 through 2015. As of October, 2011, there were approximately 640,000 square feet of unreserved floor area allocations, Nodder, 2011). As such, the Project would conform to the General Plan growth management policies.

The Project, under either scenario, would be compatible with the goals of other specific plans and redevelopment plans in the Project Site and surroundings. These plans, which are discussed previously in this section, generally promote a revitalized, pedestrian friendly and mixed-use downtown core. The objectives and characteristics of the Project are consistent with these goals. Therefore, the Project would not conflict with adopted land use plans and policies and the impact is considered to be less than significant.

Mitigation: None required.

Cumulative Impacts

Geographic Context

The cumulative geographic context for land use and policies includes the Project Site, the area surrounding the Project Site in the downtown core, in addition to all areas of the City since cumulative effects consider policies or regulations that apply citywide as well as in proximity to the Project Site.

The Project, combined with cumulative development, including past, present, and reasonably foreseeable future development, would not result in a significant adverse cumulative land use and policies impact. (Less than Significant)

As discussed in detail above, the objectives and characteristics of the Project would be consistent with the goals and policies within the General Plan and Zoning Ordinance as well as the goals of applicable Specific Plans and redevelopment plans in the Project Site and surroundings. Cumulative land use impacts could occur if the Project, combined with other past, present, and reasonably foreseeable future projects are found to divide an existing community or be inconsistent with the applicable plans and policies listed above. Pending and approved projects in the City could add 1,320 net new housing units and over 420,000 net new square feet of commercial space in different parts of Walnut Creek, mostly in the Core Area (see Appendix B). As with the Project, all cumulative development has been, and will continue to be, subject to review and permitting, including environmental review in accordance with CEQA. As with past and present projects, reasonably foreseeable future projects that may be approved and built will be required to align with the General Plan, Zoning Ordinance, applicable Specific Plans and other pertinent land use regulations, and to be compatible with surrounding land uses. As such, cumulative development will continue to result in a mix of land uses throughout the City that are located where compatible with their land use surroundings, and that are consistent with the

applicable plans and policies (or proposed amendments to these plans and policies as appropriate for their location). Considering the cumulative development in combination with the Project, no significant adverse cumulative impact would result.

As a result, the Project, combined with past, present, and reasonably foreseeable probable projects would not result in a significant, adverse land use impact and the impact is be less than significant.

Mitigation: None required.

4.9.4 References

City of Walnut Creek, Design, General Plan 2025 Draft Environmental Impact Report, August 2005.

John Cumbelich & Associates, *Walnut Creek Downtown Retail Market Overview*, third quarter 2011.

City of Walnut Creek, *Creeks Restoration and Trails Master Plan*, prepared by John Northmore Roberts & Associates, March 1993.

Nodder, Kenneth, Senior Planner, Community Development Department, City of Walnut Creek, personal communication, October 26, 2011.

City of Walnut Creek, *Locust Street/Mt. Diablo Boulevard Specific Plan*, prepared by Roma Design Group, July 20, 2010.

City of Walnut Creek, *East Mt. Diablo Boulevard Specific Plan*, prepared by Sasaki Associates, Inc. for the Walnut Creek Development Department Planning Division, August, 1996.