

## 4.8 LAND USE AND PLANNING

This chapter describes the regulatory framework and existing conditions related to land use in the vicinity of the Project site, and the potential land use and policy consistency impacts that could result from development of the Project.

### 4.8.1 ENVIRONMENTAL SETTING

#### 4.8.1.1 REGULATORY FRAMEWORK

This section describes land use plans and policies relevant to the proposed Project.

#### Federal Laws and Regulations

There are no specific federal regulations applicable to the Project with regards to land use and planning.

#### State and Regional Laws and Regulations

##### *Plan Bay Area, Strategy for a Sustainable Region*

The Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), in coordination with the Bay Area Air Quality Management District (BAAQMD) and the Bay Conservation and Development Commission (BCDC), have been given the joint responsibility for creating the Sustainable Communities Strategy (SCS) for the nine-county Bay Area region. Each of the agencies involved in the SCS has a different role in regional governance. The ABAG primarily deals with regional land use, housing, environmental quality, and economic development issues, while MTC is tasked with regional transportation planning, coordinating, and financing. The BAAQMD is responsible for regional air pollution regulation. The BCDC is focused on preserving, enhancing, and ensuring the responsible use of the San Francisco Bay.

These agencies jointly created the SCS for the Bay Area, entitled the *Plan Bay Area*.<sup>1</sup> The Final *Plan Bay Area* was adopted on July 18, 2013.<sup>2</sup> The SCS is a land use strategy required to be included as part of the Bay Area's 25-year Regional Transportation Plan (RTP). By federal law, the RTP must be internally consistent. Therefore, the more than \$200 billion dollars of transportation investment typically included in the RTP must align with and support the SCS land use pattern. State law also requires that the updated eight-year regional housing need allocation (RHNA) prepared by ABAG is consistent with the SCS.

<sup>1</sup> To read more about *Plan Bay Area* go to [www.OneBayArea.Org](http://www.OneBayArea.Org).

<sup>2</sup> It should be noted that the Bay Area Citizens filed a lawsuit on MTC's and ABAG's adoption of Plan Bay Area.

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The SCS sets a development pattern for the region, which, when integrated with the transportation network and other transportation measures and policies, would reduce greenhouse gas (GHG) emissions from cars and light trucks, beyond the per capita reduction targets identified by California Air Resources Board (CARB).

As part of the implementing framework for *Plan Bay Area*, local governments have identified Priority Development Areas (PDAs) to focus growth. The PDAs are transit-oriented, infill development opportunity areas within existing communities. Overall, well over two-thirds of all regional growth by 2040 is allocated within the PDAs. The PDAs are expected to accommodate 80 percent (or over 525,570 units) of new housing and 66 percent (or 744,230) of new jobs.<sup>3</sup> The *Plan Bay Area* includes the West Downtown PDA in Walnut Creek.<sup>4</sup>

While the SCS does not directly govern land uses within Walnut Creek, there are a number of benefits available to the City from being consistent with this Plan, including: streamlining of CEQA pursuant to Senate Bill (SB) 375, the Sustainable Communities and Climate Protection Act of 2008, for applicable transit priority and residential or mixed-use projects, as well as high eligibility for transportation funding, provided that policies and land use patterns proposed in the General Plan align with the goals of the SCS.

The proposed Project's consistency with the applicable polices related to GHG emissions, including consistency with *Plan Bay Area*, is discussed in Chapter 4.7, Greenhouse Gas Emissions, of this Draft EIR.

## City of Walnut Creek Policies and Regulations

### *Walnut Creek General Plan 2025*

The City Walnut Creek's General Plan 2025, adopted in April 2006, serves as an effective guide for orderly growth, development, preservation, and conservation of open-space land and natural resources, as well as the efficient expenditure of public funds relating to the subjects addressed in the General Plan. The General Plan 2025 establishes specific land uses in order to express the desired development pattern in the city. The General Plan is a dynamic document that establishes policies to guide development and conservation in Walnut Creek through 2025. The seven State mandated General Plan elements (Land Use, Circulation, Conservation, Housing, Open Space, Noise, and Safety) were combined into five elements under the City's General Plan as follows:

- Chapter 2 Quality of Life
- Chapter 3 Natural Environment and Public Spaces
- Chapter 4 Built Environment
- Chapter 5 Transportation
- Chapter 6 Safety and Noise

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<sup>3</sup> Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG). 2013, *Final Plan Bay Area, Strategy for a Sustainable Region*.

<sup>4</sup> Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG), 2013, *Bay Area Priority Development Areas*, <http://geocommons.com/maps/141979>.

## General Plan Land Uses

General Plan 2025 guides development in Walnut Creek over the course of its 20-year planning horizon. Chapter 4, Built Environment, of General Plan 2025 regulates land use within the city limit, establishing specific land use designations to express the desired pattern of development. Upon Project approval the Project site would be designated as Multifamily Special High (MFSH). According to the General Plan, this zoning district occurs only in the Core Area around Alma Avenue, where the Alma Avenue Specific Plan governs development. However, the primary intent of the MFSH land use designation is to expand the potential for downtown living. The allowable density of 50.1-100.0 dwelling units per net acre translates to a population of 79.7 to 159 persons per acre.<sup>5</sup>

## Core Area Building Height Limits

In 1985, Walnut Creek voters approved Measure A, the Building Height Freeze Initiative. Measure A established height limits for new development throughout the city, freezing building height based on the applicable zoning ordinance on the date the initiative was approved. Measure A height limits are incorporated into General Plan 2025 as well as the City's Planning and Zoning Ordinance. These regulations can only be modified with voter approval.<sup>6</sup> In conformance with Measure A, General Plan 2025 establishes building height limits for the city's Core Area, as shown in Figure 3-5 in Chapter 3, Project Description, of this Draft EIR. Building height limits for residential districts and areas outside the Core Area are established in the Zoning Ordinance. As shown in Figure 3-4, with approval of the proposed Project a maximum building height of 50 feet applies northeast corner of the Project site and a maximum building height not to exceed 89 feet applies to the rest of the Project site.

## Goals and Policies

Table 4.8-1, below, enumerates the goals and policies pertaining to land use from the Walnut Creek General Plan 2025. The Project's consistency with applicable noise-related policies outlined in General Plan 2025 Chapter 6, Safety and Noise, is discussed in Chapter 4.9, Noise, of this Draft EIR.

### *Walnut Creek 2009-2014 Housing Element*

As described in Chapter 4.10, Population and Housing, of this Draft EIR, the City's adopted Housing Element describes how Walnut Creek plans to meet the projected housing needs of all economic segments of the community and the City's fair share allocation of regional housing needs. The Housing Element contains policies and programs that pertain to high density urban infill housing such as the proposed Project. The Housing Element also addresses the provision of housing for city residents, including affordable, mixed-use, and infill housing, and includes an analysis of whether Walnut Creek has provided adequate sites to meet its RHNA obligations. The following goals, policies, and actions are contained in the existing Walnut Creek Housing Element (Table 4.8-2).

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<sup>5</sup> *Walnut Creek General Plan 2025*, Built Environment Element, page 4-4.

<sup>6</sup> City of Walnut Creek, 2006, *General Plan 2025*, page 4-17.

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TABLE 4.8-1 GOALS AND POLICIES OF THE WALNUT CREEK GENERAL PLAN 2025

Goal/Policy Number	Goal/Policy Text	Consistency
<b>Chapter 1 Quality of Life</b>		
Goal 1	<i>Protect and enhance the quality of life in the city's residential neighborhoods.</i>	Consistent. The proposed Project would provide high-density housing on a site that is located within the City's West Downtown Priority Development Area (PDA) as designated by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) through the Bay Area's Regional FOCUS program, which was intended to encourage new high-density development in close proximity to transit nodes that will help to reduce greenhouse gas emissions through a reduction in vehicle trips. The Project is also consistent with the goals of the 2011 Climate Action Plan, which encourages a conversion of vehicular trips to non-vehicular trips or transit trips (Transit and Land Use Goal 3).
Policy 1.4	Require that development is compatible with surrounding uses.	Consistent. The Project site is currently designated as Multi-Family Very High and zoned Multiple Family Residential. The Project is currently developed with a mix of one-story, single-family and duplex units and two-story, multi-family units. The proposed Project provides multi-family housing adjacent to residential and residential-serving land uses, and across from the Walnut Creek BART Station, which would promote regional public transportation. While the proposed Project would introduce a four-story building on the Project site, buildings of similar heights are located on adjacent parcels and in the general vicinity of the site.
Goal 2	<i>Sustain the community's quality of life with a vigorous and diverse economy.</i>	Consistent: The proposed Project would provide the City with an additional 178 market-rate rental apartment units in the Core Area helping to create a well-situated residential community that provides housing options for current and future residents looking to reside in a transit friendly environment in Walnut Creek with transit connectivity to the larger Bay Area.
Policy 2.8	Maintain a range of high quality housing and affordable workforce housing options.	Consistent. The proposed Project would contribute to the provision of a range of high-quality housing in Walnut Creek by providing 178 market-rate rental apartment units comprised of 35 studio, 110 one-bedroom, and 33 two-bedroom apartment units ranging in size from 524 square feet (smallest studio unit) to 1,156 square feet (largest two-bedroom unit). The Project would be oriented around a central courtyard where outdoor seating, lounge chairs, and tables would be provided. On-site resident amenities, such as a fitness center, rooftop decks, an indoor lounge, and leasing office are also part of the Project.
Goal 8	<i>Make Walnut Creek a community accessible to all.</i>	Consistent. The proposed Project would bring high-density housing development in walking distance of the Walnut Creek BART station and as shown on Figure 3-7 in Chapter 3, Project Description, of this Draft EIR, pedestrian access to the Project would be available from one access point off of Ygnacio Valley Road, at two locations along the eastern perimeter and at two access points off of Lacassie Avenue. The Project includes a 10-foot minimum sidewalk along the Project's frontages. The

**LAND USE AND PLANNING**

**TABLE 4.8-1 GOALS AND POLICIES OF THE WALNUT CREEK GENERAL PLAN 2025**

Goal/Policy Number	Goal/Policy Text	Consistency
<b>Chapter 3 Natural Environment</b>		
<i>Goal 1</i>	<i>Maintain and enhance open space lands.</i>	Project would include a total of 7 parking stalls that meet the Americans with Disability Act (ADA) standards. The Project would also provide 24 bicycle parking stalls.
Policy 1.2	Protect and enhance the natural environment.	Consistent: The Project does not increase or decrease available open space lands in the city. However, as described in Chapter 3, Project Description, of this Draft EIR and shown on Figure 3-15, 20 percent of the development site would be landscaped. A total of 53 trees, including street trees, would be planted throughout the site in addition to shrubs, ferns, grasses, and other groundcover according to the City's Master Street Planting Plan List.  Consistent: The Project incorporates a number of features meant to conserve water used for irrigation on-site. Water conserving features include an automatic "smart" irrigation controller with rain-sensor, low precipitation/low angle irrigation spray heads, low volume drip tubing installed below mulch, low water consuming plants, soil moisture retention techniques, and mulching to reduce evapotranspiration from the root zone. As shown on Figure 3-18, in Chapter 3, Project Description, of this Draft EIR, plants would be grouped with similar water, climatic and soil requirements to conserve water and create a drought responsive landscape. The proposed landscaping includes specific hydrozones that consist of moderate to low water consuming plants with consideration given to the northern, southern, eastern and western exposures to conserve water.
<b>Chapter 4 Built Environment</b>		
<i>Goal 2</i>	<i>Encourage housing development that helps to reduce the increase in traffic congestion.</i>	Consistent. The proposed Project is located across from the Walnut Creek BART station that would encourage residents of the proposed Project to use public transportation to commute and travel around the region. Also, the proposed Project is located in the downtown Core Area, where residential-serving retail stores and various offices are within walking distance. Both public transportation and other land uses within walking distance from the proposed Project would help to reduce the increase in traffic congestion.
Policy 2.1	Develop flexible policies and regulations that facilitate new housing development.	Consistent. The proposed Project is located where both the General Plan and Zoning allow higher density residential development. Also, the proposed Project would rezone the Project site to a Planned Development (PD) zoning district, which allows more flexibility on development standards than the current zoning district, Multiple-Family Residential 1,000 (M-1), along with higher density.
<i>Goal 5</i>	<i>Require that infill development is compatible with its surroundings.</i>	Consistent. The proposed Project is compatible with its surroundings due to its adherence to development standards and design guidelines. The proposed Project is located in the downtown Core Area, which encourages higher density development around the Walnut Creek BART

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TABLE 4.8-1 GOALS AND POLICIES OF THE WALNUT CREEK GENERAL PLAN 2025

Goal/Policy Number	Goal/Policy Text	Consistency
		Station. The proposed Project would provide higher density residential units, increased height compared to the existing residential buildings on-site, and landscaped areas with pedestrian-friendly access and sidewalks, which are compatible with the intention of the downtown Core Area. Although the proposed height is taller than the existing buildings, there are many buildings, especially office developments, which are similar in height that would make the proposed Project compatible with its surroundings.
Policy 5.1	Require infill development to be compatible with adjacent and nearby uses.	Consistent. The proposed Project provides higher density residential development, which is surrounded by other multi-family residential buildings as well as residential-serving retail stores, restaurants, offices, and a public transportation station.
Policy 5.3	Require that all new parcels have permanent access to a public street.	Consistent. Although there is no plan to subdivide or merge the current parcels, the proposed Project provides multiple pedestrian access points from all surrounding streets and vehicular access from Lacassie Avenue to the proposed Project's garage. Also see Quality of Life Goal 8 consistency discussion.
Goal 6	<i>Maintain and enhance Walnut Creek's thriving Core Area, while keeping the Pedestrian Retail District lively and walkable.</i>	Consistent. The proposed Project is located in the downtown Core Area, which currently has retail, offices, and the Walnut Creek BART Station in walking distance of the Project site. By adding the proposed Project in the downtown Core Area, it would add more residents on the street, making the downtown Core Area a more thriving Pedestrian Retail District.
Goal 8	<i>Allow development consistent with the density ranges of the General Plan 2025 land use map.</i>	Consistent. The proposed Project proposes to amend its General Plan designation to Multiple Family Special High (MFSH), which allows 50.1-100 units per net acre, which is equivalent to 79.7 to 159 persons per acre. Since the proposed Project would introduce 100 units per net acre, the proposed Project would be consistent with the density ranges of the General Plan 2025 land use map upon the project approval.
Policy 8.1	Require that residential projects be developed within the established minimum and maximum density ranges.	Consistent. See Built Environment Goal 8 consistency discussion.
Goal 10	<i>Coordinate the location, intensity, and mix of land uses with transportation resources.</i>	Consistent. The proposed Project is located across from the Walnut Creek BART Station, which is also surrounded by commercial development and mixed-residential development. The high density residential development, along with residential-serving commercial nearby, supports the regional transportation resource available.
Policy 10.1	Support the development of medium and high-density office, residential, and local service retail near and around the Walnut Creek and Pleasant Hill BART Stations.	Consistent. As described in Chapter 3, Project Description, of this Draft EIR, the proposed Project provides 178 new residential units across from the Walnut Creek BART Station, which would support surrounding uses, including residential- and local-serving retail, mixed-use residential and high-density offices.

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TABLE 4.8-1 GOALS AND POLICIES OF THE WALNUT CREEK GENERAL PLAN 2025

Goal/Policy Number	Goal/Policy Text	Consistency
Goal 11	<i>Create a balanced, safe, and efficient regional and subregional transportation system.</i>	Consistent. The proposed Project would provide high-density housing on a site that is located within the City's West Downtown Priority Development Area (PDA) as designated by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) through the Bay Area's Regional FOCUS program, which was intended to encourage high-density new development in close proximity to transit nodes. As shown on Figure 3-7 in Chapter 3, Project Description, of this Draft EIR, pedestrian access to the Project would be available from one access point off of Ygnacio Valley Road, at two locations along the eastern perimeter and at two access points off of Lacassie Avenue. The Project includes a 10-foot minimum sidewalk along the Project's frontages in compliance with Walnut Creek General Plan 2025 Core Area sidewalk requirements. Furthermore, while the Project does not propose any new bicycle lanes or routes, as previously stated, the site is accessible via the existing bicycle routes on Ygnacio Valley Road and Oakland Boulevard and is in close proximity to existing bicycle lanes on North California Boulevard. Additionally, per the Walnut Creek Bicycle Plan, future bicycle lanes and routes are proposed to connect these existing routes and lanes to a wider network.
Policy 11.3	Require that new development pay its share of costs associated with growth.	Consistent. As discussed in the Initial Study (Appendix A of this Draft EIR) development of the proposed Project would not exceed the level of population or housing foreseen in City or regional planning efforts. Furthermore, as shown in Chapter 4.12, Transportation and Traffic, of this Draft EIR, the Project would not result in any significant impacts warranting the payment of additional fees beyond the required permitting fees associate with development of this nature in Walnut Creek.
Goal 12	<i>Make more efficient use of the regional and subregional transportation system.</i>	Consistent. The proposed Project would provide high-density housing development across from the Walnut Creek BART Station, which would promote regional public transportation.
Policy 12.2	Support infill and redevelopment in existing urban areas.	Consistent. The proposed Project would provide high-density housing on an underutilized site located across from the Walnut Creek BART Station and residential serving land uses. See Quality of Life Goal 1 consistency discussion.
Goal 19	<i>Enhance the urban design quality of the Core Area and its subareas.</i>	Consistent. The Project would provide high-density housing on an underutilized site located in the Core Area. The Project would provide a central courtyard with outdoor amenities, a fitness center, rooftop decks, and an indoor lounge. The Project would include landscaping and all exterior surface and above ground mounted fixtures will be sympathetic and complementary to the architectural theme.
Policy 19.2	Improve directional signage for pedestrians and vehicles in the Core Area.	Consistent. As described in Chapter 3, Project Description, of this Draft EIR, the Project would improve pedestrian movement with 10-foot minimum sidewalk along the Project's frontages that would better connect to adjacent land uses, including access to the Walnut Creek BART

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TABLE 4.8-1 GOALS AND POLICIES OF THE WALNUT CREEK GENERAL PLAN 2025

Goal/Policy Number	Goal/Policy Text	Consistency
		Station. While the Project does not propose any new bicycle lanes or routes, as previously stated the site is accessible via the existing bicycle routes on Ygnacio Valley Road and Oakland Boulevard and is in close proximity to existing bicycle lanes on North California Boulevard. Additionally, per the Walnut Creek Bicycle Plan, future bicycle lanes and routes are proposed to connect these existing routes and lanes to a wider network.
<b>Chapter 5 Transportation</b>		
Goal 3	<i>Maintain a transportation network that provides mobility for all ages and abilities and for all areas of the community.</i>	Consistent. See Built Environment Goal 11.
Policy 3.1	Maintain the level of service standards for roadways shown in Figure 2 of the Walnut Creek General Plan for the City's transportation network. Note: Figure 2 refers to the Walnut Creek Roadway Level of Service Standards.	Consistent. As shown in Chapter 4.12, Transportation and Traffic, the proposed Project would not exceed any level of service standards for the City's transportation network.
Goal 6	<i>Provide a safe and attractive walking environment accessible to all.</i>	Consistent. As shown on Figure 3-7 in Chapter 3, Project Description, and previously discussed in this chapter of this Draft EIR, pedestrian access to the Project would be available from one access point off of Ygnacio Valley Road, at two locations along the eastern perimeter and at two access points off of Lacassie Avenue. The Project includes a 10 foot minimum sidewalk along the Project's frontages in compliance with Walnut Creek General Plan 2025 Core Area sidewalk requirements.
Policy 6.1	Provide safe and attractive pedestrian routes along arterials and collectors leading to schools, along arterials or collectors that carry high traffic volumes, on all downtown streets, along major streets leading to the downtown, and on all streets leading to transit facilities.	Consistent. See Transportation Goal 6 consistency discussion.
Policy 6.2.	Require full-frontage curb and sidewalk improvements in all commercial areas.	Consistent. See Transportation Goal 6 consistency discussion.
Policy 6.4	Facilitate use of public sidewalks and walkways throughout the city.	Consistent. See Transportation Goal 6 consistency discussion.
Goal 7	<i>Increase transit ridership and service to employment, schools, shopping, and recreation.</i>	Consistent. See Built Environment Goal 12 consistency discussion.
Policy 7.3.	Link high-density residential developments, schools, employment	Consistent. See Built Environment Goal 12 consistency discussion.

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TABLE 4.8-1 GOALS AND POLICIES OF THE WALNUT CREEK GENERAL PLAN 2025

Goal/Policy Number	Goal/Policy Text	Consistency
	centers, and shopping areas via transit.	
Goal 8	<i>Serve as a model for other cities by providing a comprehensive TDM program that strives to decrease the use of the automobile and reduce peak-period traffic congestion</i>	Consistent. See Built Environment Goal 12 consistency discussion.
Policy 8.5	Link high-density residential developments, employment centers, and shopping areas via transit, bikeways, and walkways.	Consistent. See Built Environment Goal 12 and Transportation Goal 6 consistency discussion.

Source: Walnut Creek General Plan 2025.

TABLE 4.8-2 GOALS AND POLICIES OF THE WALNUT CREEK 2009–2014 HOUSING ELEMENT

Goal/Policy Number	Goal/Policy Text	Consistency
Goal 1	<i>To promote the availability of housing types for all economic segments of the community consistent with the infrastructure and service capacities of the City.</i>	Consistent. The proposed Project has different types of housing units to accommodate all economic segments of the community. The proposed Project provides 178 market-rate rental apartment units comprised of 35 studio, 110 one-bedroom, and 33 two-bedroom apartment units.
Policy 1	Encourage a mix of land uses and residential densities in the downtown Core Area to increase the supply of housing.	Consistent. The proposed Project is a residential development; therefore, the proposed Project increases the supply of housing in the downtown Core Area. The proposed project is located near residential-serving retail, regional public transit station, and office development in walking distance, contributing to a mix of land uses.
Policy 3	Encourage housing and commercial mixed-use development in selected locations that enhances pedestrian access and reduces traffic, particularly in the Core Area, and near public transit.	Consistent. The proposed Project only includes residential units, but it is located across from the public transit hub, the Walnut Creek BART station. Residential-serving retail stores and office development are within walking distance of the proposed Project serving to increase pedestrian access and reduce vehicular traffic.
Goal 3	<i>Strive to meet Walnut Creek's regional housing needs.</i>	Consistent. The proposed Project would help to meet Walnut Creek's regional housing needs by providing additional 178 residential units.
Policy 20	Strive to meet Walnut Creek's share of regional housing needs.	Consistent. The proposed Project would help to meet Walnut Creek's share of regional housing needs, which assigned the City to provide an additional 1,958 units by 2014, by providing an additional 178 residential units.

Source: Walnut Creek Housing Element 2009–2014.

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### Zoning Ordinance

Contained in Title 10, Chapter 2 of the Walnut Creek Municipal Code, the City's Zoning Ordinance implements the land use goals and policies established in General Plan 2025. The Zoning Ordinance identifies specific zoning districts within the city and describes the development standards, which apply to each district.

Upon approval the Project site would be zoned Planned Development (PD). The purpose of the PD zoning district is to allow diversification in the relationship of various buildings, land uses, structures, and open spaces in order to be relieved from the rigid standards of conventional zoning. Development in the PD district is required to comply with the regulations and provisions of the General Plan land use designation, which, as discussed above, is MFSH.

The proposed Project is located in the BART proximate area, which is defined as any portion of a parcel that is within ½ mile from the closest point of the Walnut Creek or Pleasant Hill BART station property. Within the BART proximate area, multi-family residential development has slightly reduced off-street parking requirements than what the underlying zoning district would allow. This is discussed further in Chapter 4.12, Transportation and Traffic, of this Draft EIR.

The Project site is, however, also covered by Overlay Zone 3 (O-3), which would supersede the requirements of the underlying zone. The primary purpose of the O-3 zoning district is to address the issue of adequate and safe driveway accesses on Ygnacio Valley Road and coordinate location and interconnection of future driveways in the planning area upon approval of a Conditional Use Permit.<sup>7</sup> The proposed Project would eliminate 3 driveways on Ygnacio Valley Road. All egress and ingress is from Lacassie Avenue.

### Tree Preservation Ordinance

The preservation of trees on private property, addressed in Chapter 8, Preservation of Trees on Private Property, of Title 3, Public Safety, of the Walnut Creek Municipal Code, known as the Tree Preservation Ordinance, requires a tree removal permit for removal of certain trees. Trees protected under this ordinance are defined in Sections 3-8.02(h) and (j), as the following:

- Any live woody plant having a single perennial stem of 28 inches or more in circumference measured 4.5 feet above the natural grade;
- Any multi-stemmed perennial plant having an aggregate circumference of 40 inches or more measured 4.5 feet above the natural grade;
- Any multi-stemmed plant having one stem of 28 inches or more in circumference.

Additionally, removal of any Highly Protected Tree also requires a tree removal permit. Highly Protected Trees include the following native tree species that meet the size criteria set forth above: valley oak (*Quercus lobata*), blue oak (*Q. douglasii*), coast live oak (*Q. agrifolia*), California black oak (*Q. kelloggii*), canyon live oak (*Q. chrysolepis*), interior live oak (*Q. wislizenii* var. *wislizenii*), madrone (*Arbutus menziesii*), California buckeye (*Aesculus californica*), California black walnut (*Juglans hindsii*), and grey pine (*Pinus sabiniana*).

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<sup>7</sup> Walnut Creek Ordinance 1412, Overlay Zone 3, adopted January 16, 1979.

The removal and planting of street trees is regulated by Article 4, Street Trees, in Chapter 1, Encroachments, under Title 7, Public Works, of the Walnut Creek Municipal Code. A street tree is defined in Section 7-1.403 as any tree located within six feet from the back edge of the sidewalk, or if there is no sidewalk, within 11 feet from the curb line. The Municipal Code requires a permit for planting any street tree, and allows removal of street trees provided 1:1 replacement is provided. In addition, for projects requiring Design Review, section 7-1.405 provides “The Design Review Commission shall review the type, size and location of street trees for new development as part of the design review plan proposed for the project. The Design Review Commission approval shall constitute the planting permit required under Section 7-1.404. Planting or re-planting of street trees must adhere to planting standards in the City’s Master Street Tree Planting Plan.”

#### **4.8.1.2 EXISTING CONDITIONS**

##### **Surrounding Land Uses and Context**

The proposed Project site is located in the Core Area of Walnut Creek, within 0.25 miles of the Walnut Creek BART station and within 0.5 miles walking-distance to the Pedestrian Retail District. Adjacent land uses include single- and multi-family residential, office and institutional uses. Figure 3-3 in Chapter 3, Project Description, of this Draft EIR, shows the General Plan 2025 land use designations in the vicinity of the Project site. As shown, within the Core Area, surrounding land uses are generally commercial, office, institutional, and single- and multiple-family residential uses.

Ygnacio Valley Road runs along the northern edge of the Project site and Lacassie Avenue runs along the southern edge. The BART station is located across Ygnacio Valley Road to the north of the site, and the BART tracks run near to the western edge of the site. The I-580 freeway runs to the west of the site, beyond a grouping of commercial office buildings.

##### **Existing Uses on the Project Site**

The proposed Project site is located on a 1.82-acre parcel of land in the Core Area of Walnut Creek. The Project site is currently developed with 8 residential buildings with a total of 20 units, all of which are currently occupied. The site is generally flat with ornamental landscaping and a preliminary tree assessment shows that 34 trees with a trunk diameter of at least 9 inches at 4.5 feet above grade<sup>8</sup> are located on the site.

##### **Existing Trees**

A Tree Report prepared by John Traverso (BMCA #0206-b.) is included as Appendix D of this Draft EIR. The proposed Project would remove the 34 existing trees on the site that qualify as “protected trees” under the City’s Tree Protection Ordinance, as well as 4 trees that qualify as a regulated Street Tree under the City’s Municipal code.

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<sup>8</sup> Projected Tree Inventory Map dated November 26, 2012, and the Addendum to Tree Inventory and Assessment for “The Landing at Walnut Creek,” May 22, 2013 prepared by John Traverso, BMCA #0206-b.

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The removal of regulated trees on the site and Ygnacio Valley Road frontage would require permit authorization from the City and compliance with the City's Municipal Code. None of these trees would be preserved with development of the proposed Project, although the Project includes 54 replacement trees.

### 4.8.2 STANDARDS OF SIGNIFICANCE

An Initial Study was prepared for the proposed Project (see Appendix A of this Draft EIR). Based on the analysis contained in the Initial Study it was determined that development of the proposed Project would not result in significant environmental impacts per the following significance standards and therefore, is not discussed in this chapter.

- Physically divide an established community.
- Conflict with any applicable habitat conservation plan or natural community conservation plan.

Based on the Initial Study it was determined that the proposed Project would result in a significant land use impact if it would 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.

### 4.8.3 IMPACT DISCUSSION

This section provides an analysis of the potential project and cumulative land use impacts that could occur as a result of the development of the proposed Project. This discussion is organized by and responds to the potential impacts identified in the Standards of Significance.

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LU-1	<b>The proposed Project would not 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.</b>
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#### *General Plan 2025*

The General Plan Guidelines published by the State Office of Planning and Research defines consistency as follows; "An action, program, or project is consistent with the General Plan if, considering all its aspects, it will further the objectives and policies of the General Plan and not obstruct their attainment." Therefore, the standard for analysis used in this Draft EIR is based on general agreement with the policy language and furtherance of the policy intent (as determined by a review of the policy context). A comparison of the Project's characteristics with all applicable policies outlined in the General Plan 2025 as they relate to land use issues are presented in Tables 4.8-1 and 4.8-2; as shown, the Project is consistent with these policies.

Upon Project approval, the General Plan 2025 Land Use designation for the Project site would be Multiple Family Special High (MFSH), which allows 50.1-100.0 units per net acre, equivalent to 79.7 to 159 persons per acre. The proposed Project's density of 100 dwelling units per acre (du/ac) would be allowed by the MFSH designation.

The General Plan Amendment for the proposed Project includes increased height limits on the Project site to a 60 feet maximum, which is still consistent with the Measure A height limit of 89 feet. The proposed Project's highest point is 60 feet, which would be allowed with the revised Height Limit map.

Other than the designation and height limit changes, the development of multiple-family housing on the Project site as proposed is consistent with numerous General Plan 2025 goals and policies, as shown in Table 4.8-1. While the final determination of consistency will be made by the decision-makers, on balance, the proposed Project appears consistent with General Plan 2025 and so would result in a *less-than-significant* impact.

### *Walnut Creek 2009-2014 Housing Element*

The City's adopted Housing Element includes policies that pertain to high-density urban infill housing, including the proposed Project. The Housing Element also addresses the provision of housing for city residents, including affordable, mixed-use, and infill housing, and includes an analysis of whether Walnut Creek has provided adequate sites to meet its RHNA obligations.

The proposed Project is consistent with Policy 1 of the Housing Element because it would increase the supply of housing in the Core Area of Walnut Creek. Given the proposed 178 residential units would count towards fulfilling the City's share of regional housing needs, the proposed Project is also consistent with Goal 3, Policy 20 and Program 20.1 of the Housing Element. As discussed in Chapter 4.10, Population and Housing, of this Draft EIR, the proposed Project will result in a net increase of housing units in the city.

### *Zoning Ordinance*

Upon approval of the Project, the site would be zoned as Planned Development (PD). The PD zoning district allows more flexible development standards, including higher density, as long as the development complies with the General Plan land use designation. The PD zoning district helps to allow for infill development with higher density projects like the proposed Project. Since the proposed Project would be within the MFSH land use designation and PD zoning district, the proposed Project would be consistent with the zoning district regulations, and the impact would be *less than significant*.

The Project site is located at the eastern edge of the Core Area, within 0.25 miles of the Walnut Creek BART station. The Walnut Creek Zoning Ordinance allows for different parking standards from the base zoning district for projects in the Core Area. The proposed Project complies the Core Area parking standards by providing 223 vehicular parking stalls on-site, as well as seven parking stalls that meet the Americans with Disabilities Act (ADA) standards, and 24 bicycle-parking stalls.

Overall, upon approval of the City Council, the proposed Project would be consistent with the provisions of the Walnut Creek Zoning Ordinance and impacts would be *less than significant*.

## LAND USE AND PLANNING

### *Tree Preservation Ordinance*

The City of Walnut Creek Tree Preservation Ordinance prohibits the removal of any tree without a Tree Removal Permit and provides special consideration to certain native “Highly Protected Trees.” The Ordinance applies to any tree (dead or alive, public or private) that measures 9 inches or larger in diameter or 28 inches or larger in circumference, when measured at 4.5 feet above natural grade. Highly Protected Trees include: valley oak, blue oak (*Quercus douglasii*), coast live oak (*Q. agrifolia*), California black oak (*Q. kelloggii*), canyon live oak (*Q. chrysolepis*), interior live oak (*Q. wislizeni* var. *wislizeni*), madrone (*Arbutus menziesii*), California buckeye (*Aesculus californica*), California black walnut (*Juglans hindsii*), and grey pine (*Pinus sabiniana*). The removal of a Highly Protected Tree can be authorized only if the burden to the applicant in preserving the tree would severely reduce the scale or feasibility of the development. The City Arborist evaluates tree removal requests, considering such issues as disease, danger of falling, species, proximity of existing structures, form, utility interference, health, sidewalk or driveway damage, vectors, public nuisance, and other trees on the site. The Tree Preservation Ordinance also sets forth procedures and evaluation criteria for consideration of Tree Removal Permits, and requires actions to preserve existing on-site trees during construction.

The site contains a number of existing landscape trees, many of which appear to qualify as regulated trees. Two Tree Inventory and Assessments were prepared for the Project site in November 2012 and in May 2013. Per the City standards outlined above, the 34 trees identified as being 9 inches or larger in diameter do not qualify as highly protected trees.<sup>9</sup> Given all trees on site would be removed as part of Project development, mandatory compliance with the City’s Tree Preservation Ordinance and a Tree Removal Permit would ensure consistency with this ordinance.

### *Plan Bay Area*

The Project site is within the Plan Bay Area’s West Downtown Priority Development Area (PDA). As part of the Bay Area’s regional FOCUS program, any projects within PDAs are encouraged to provide higher density new development in close proximity to transit nodes, like the Walnut Creek BART station, to reduce greenhouse gas emission through reduced vehicular trips. While the *Plan Bay Area* does not directly govern land uses within Walnut Creek, the Project would be consistent with this designation.

**Significance Without Mitigation:** Less than significant.

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<sup>9</sup> Projected Tree Inventory Map, dated November 26, 2012, and the Addendum to Tree Inventory & Assessment for “The Landing at Walnut Creek, dated May 22, 2013 prepared by John Traverso, BMCA #0206-b.

#### 4.8.4 CUMULATIVE IMPACTS

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LU-2	The proposed Project, in combination with past, present and reasonably foreseeable projects, would result in a less than significant cumulative impacts with respect to land use and planning.
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This section analyzes potential impacts related to land use that could occur from a combination of the proposed Project with other past, present, and reasonably foreseeable projects in the surrounding area. The projects considered in this section are identified in Chapter 4.2, Cumulative Impact Analysis, of this Draft EIR. Cumulative impacts would occur if development associated with the proposed Project together with other cumulative projects would conflict with applicable land use plans, policies, or regulations.

Upon Project approval, the proposed Project would bring 178 residential units to the Walnut Creek's downtown Core Area, constructed over a period of 20 months starting in April 2015. As discussed above, the proposed Project would not conflict with any applicable land use plans, policies, or regulations. Because the proposed Project would result in less-than-significant impacts to land use in the vicinity of the Project site and the proposed Project would be consistent with established County and City land use plans and policies, a *less-than-significant* impact would occur.

**Significance Without Mitigation:** Less than significant.

#### 4.8.5 SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES

The project would not result in any significant project-specific or cumulative impacts to land use and planning and therefore no mitigation measures are required.

## LAND USE AND PLANNING