

Appendix A:
NOP and Public Comment Letters

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City of Walnut Creek
Notice of Preparation and Notice of Public Scoping Meeting
Mixed Use Special District Project

Date: June 8, 2021

To: Public agencies and interested parties

From: Chip Griffin, Senior Planner, City of Walnut Creek

Subject: Notice of Preparation of a Draft Supplemental Environmental Impact Report and Public Scoping Meeting

The City of Walnut Creek (City) will be the Lead Agency evaluating a request by Toyota Walnut Creek (Applicant or TWC) to amend the North Downtown Specific Plan (NDSP) to create a new Mixed-Use Special District that would allow for auto sales and service uses as well as a range of additional uses such as commercial office, hotel, and multi-family residential. The City will prepare a Draft Supplemental Environmental Impact Report to the North Downtown Specific Plan EIR (Draft Supplemental EIR) for the project identified herein, which will tier off of the NDSP EIR certified by the City in 2019 (as described further below) to the extent permitted under the California Environmental Quality Act (CEQA). The Project Description, location, and probable environmental effects of the Mixed-Use Special District Project (“proposed project”) are described in this NOP.

The City is soliciting comments from public agencies, organizations, and members of the public regarding the scope and content of the environmental information to be addressed in the Draft Supplemental EIR for the proposed project. Public agencies may need to rely on the Supplemental EIR when considering whether to issue discretionary permits or other approvals in connection with the proposed project.

Because of time limits mandated by California law, public agencies must submit any comments in response to this notice at the earliest possible date but no later than 30 days after receipt of this notice. The City will also accept comments from other interested parties regarding this notice during that same time period. Accordingly, please provide your written response, along with the name of the relevant contact person, to the address shown below by **5:00 p.m., July 8, 2021**. If you wish to be placed on the notification list for this proposed project, or if you have any questions or need additional information, please contact the person below.

Chip Griffin, Senior Planner
City of Walnut Creek
Community and Economic Development Department
1666 North Main Street
Walnut Creek, CA 94596
Phone: 925.943.5899
Email: Griffin@walnut-creek.org

Public Scoping Meeting

A public scoping meeting will be held via Zoom, on **Thursday, June 24, 2021**, starting at **6 p.m.**

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join.

<https://zoom.us/j/99041806696?pwd=TnM4ZVY2NjRuMGhid2JSa1hiTFBiUT09>

Webinar ID: 990 4180 6696

Passcode: 267766

Or One tap mobile:

+16699006833,,99041806696#,,,,*267766# US (San Jose)

+12532158782,,99041806696#,,,,*267766# US (Tacoma)

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 646 876 9923 or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 990 4180 6696

Passcode: 267766

International numbers available: <https://zoom.us/j/99041806696?pwd=TnM4ZVY2NjRuMGhid2JSa1hiTFBiUT09>

At this meeting, public agencies, organizations, and members of the public will be able to provide oral and written comments on the scope and content of the environmental information to be addressed in the Draft Supplemental EIR for the proposed project.

WALNUT CREEK–MIXED USE SPECIAL DISTRICT PROJECT

Project Location

The approximately 6.1-acre project site is located in the City of Walnut Creek, Contra Costa County, California; refer to Exhibit 1 (project site). The project site consists of a total of 10 parcels¹ (collectively referred to as 2100 North Broadway, 2150 North Broadway, and 2100 North Main), and is located entirely within the boundaries of the existing NDSP. This NDSP area is generally bounded by North Main Street (west), Pine Street (north), Civic Drive (east), and Ygnacio Valley Road (west); refer to Exhibit 2. The project site is located on the *Walnut Creek, California* United States Geological Survey (USGS) 7.5-minute Topographic Quadrangle Map Township 1 North, Range 2 West, Unsectioned (Latitude 37° 54' 32" North; Longitude 122° 3 43 West).

¹ The project site consists of 10 legal parcels. However, for ease of reference, the project site has been further delineated into several sub-areas, designated collectively by relevant street addresses as follows: 2100 N. Broadway (Site A), 2150 N. Broadway (Site B), and 2100 N. Main (Site C), See Table 1 for more information.

Existing Conditions

1.1.1 - Land Use Activities

The Applicant currently leases multiple parcels along North Broadway and North Main Street, consisting of a total of approximately 8.4 acres, which is commonly referred to as 2200 North Broadway (Existing Dealership Site or Site D). TWC currently operates an auto dealership on the Existing Dealership Site, which is within the boundaries of the NDSP area, and is near but outside of the 6.1-acre project site.

The Applicant also owns the parcels that make up the 6.1-acre project site. Table 1 summarizes the 10 parcels that constitute the project site. Exhibit 3 depicts the parcels that constitute the project site.

Vehicular access to the 2100 North Broadway and 2150 North Broadway portions of the project site is from North Broadway and North Main Street. Vehicular access to the 2100 North Main portion is from both North Main Street and North Broadway.

Runoff from the project site drains into the municipal storm drainage system. The project site is served with potable water service provided by East Bay Municipal Utility District (EBMUD) and is served with wastewater collection and treatment service provided by Central Contra Costa Sanitary District (Central San). The project site's electricity service is provided by both Marin Clean Energy (MCE) and Pacific Gas and Electric Company (PG&E), and natural gas service to the project site is provided by PG&E.

Table 1: Project Site Summary

Site	Assessor Parcel Number	Acreage	Notes*
2100 N. Broadway (Site A)	173-142-001	0.70	Surface parking lot associated with the existing dealership site
2150 N. Broadway (Site B)	173-134-003	1.37	Two-story building (28,954 square feet) used for automotive service. The building has a ramp in the rear that allows for vehicular access to the second level. Surface parking lot.
2100 N. Main (Site C)	173-131-042	0.40	One-story building (7,672 square feet) used as restaurant. Surface parking lot.
	173-131-043	0.33	Surface parking lot.
	173-131-055	0.75	One-story building (6,950 square feet) used for automotive service. Surface parking lot.
	173-131-056	0.59	Surface parking lot.
	173-131-057	0.33	One-story building (3,175 square feet) used for automotive service. Surface parking lot.
	173-131-060	0.28	One-story building (4,058 square feet) used for automotive service. Surface parking lot.

Site	Assessor Parcel Number	Acreage	Notes*
	173-131-062	0.63	One-story building (12,223 square feet) used for automotive. Surface parking lot.
	173-131-063	0.73	Surface parking lot.

Notes:
* 2200 North Broadway/Existing Dealership Site (Site D) is leased by Toyota Walnut Creek and is not included in the 6.1-acre project site. However, to ensure a conservative analysis, reasonable assumptions about potential future physical changes to the Existing Dealership Site that could occur in connection with the proposed project will be evaluated in the Draft Supplemental EIR.
All existing square footage values are approximate.
Source: Toyota Walnut Creek, 2021.

1.1.2 - Land Use Designations

The City of Walnut Creek General Plan designates the project site “Auto Sales and Service.” The NDSP and the City Zoning Ordinance designate the project site “Auto Sales & Custom Manufacturing.”

Project Description

1.1.3 - Project Background

The NDSP area encompasses 191 acres and is bounded by California Boulevard and Interstate 680 (I-680) (west); Parkside Drive (north), and Civic Drive and the Iron Horse Trail (east and south). The Walnut Creek City Council adopted the NDSP on October 15, 2019, to guide the development of a vibrant mixed-use district with residential, commercial office, retail, restaurant, civic, hospitality, arts, and entertainment uses. In conjunction with adoption of the NDSP, the City Council certified an EIR for the North Downtown Specific Plan (State Clearinghouse No. 2018012020) (NDSP EIR).

The NDSP contemplates public plazas and streets that provide improved connections for all modes of transportation to the Traditional Downtown, the Walnut Creek Bay Area Rapid Transit (BART) station, Civic Park, the Iron Horse Trail, and surrounding neighborhoods. The NDSP EIR evaluated the full buildout of the NDSP, which assumed an additional 899 dwelling units, 817,988 square feet of office uses, 60,706 square feet of retail uses, 16,000 square feet of custom manufacturing uses, and 200 hotel rooms. The NDSP contains numerous policies supportive of auto sales and service uses. It also includes policies that encourage the consolidation of existing auto sales and service uses, and therefore the NDSP EIR assumed the elimination of 37,087 square feet of existing auto sales and service uses.

1.1.4 - Proposed Project

The Applicant is proposing to amend the NDSP to create a new Auto Sales–Custom Manufacturing Mixed Use Special District overlay that would apply only to the 6.1-acre project site. The Applicant is also proposing to make related conforming amendments to the City’s General Plan and Zoning Ordinance to ensure consistency with the proposed NDSP amendments. The goal of the proposed amendments is to facilitate the redevelopment of the project site with mixed uses including the primary auto sales and service uses, which would be maintained as part of any redevelopment, as well

as potential multi-family residential, hotel, or other compatible non-residential uses. Exhibit 4 depicts the boundaries of the proposed Mixed Use Special District Overlay.

No specific individual development proposal for the project site has been formally submitted to the City. Therefore, because there is no application setting forth details of a particular development proposal, the Draft Supplemental EIR will evaluate three (3) potential development scenarios (see Tables 2 and 3) that the proposed project could pursue as a result of requested amendments to the General Plan, NDSP, and the Zoning Ordinance.

While the final specific allocation and mix of uses is not currently known, Scenario 1 incorporates a site-specific mix of uses and estimated size and scope of development that reasonably can be assumed to occur, which, if developed, would reflect a reasonable worst case scenario in terms of potential environmental impacts under most, if not all, environmental topic areas.² This approach to the environmental review therefore ensures an appropriately conservative and robust analysis that is sufficiently detailed to properly apprise the decision-makers, other agencies and the public of the project's scope and potential impacts based on reasonably available information and thus ensure meaningful opportunities for informed public participation and decision making. The Supplemental EIR will also analyze the differential environmental impacts between Scenario 1 (Table 2), Scenario 2 (Table 3), and Scenario 3 (Table 4). Development of any specific individual development proposal that is subsequently submitted to the City for consideration would be required to adhere to all applicable mandatory development standards and regulations set forth in the NDSP as well as all applicable design guidelines.

Table 2: Scenario 1–Mixed-use Special District Overlay Buildout Potential

Site	New End Use	Development Potential	Maximum Height
2100 North Broadway	Office	40,546 square feet	35 feet
2150 North Broadway	Multi-Family Residential	132 dwelling units	35 feet
2100 North Main	Hotel	723 keys	50 feet
Notes: All development potential values are approximate. Key = Maximum number of rooms that can be used by hotel guests; (e.g., a suite with 4 bedrooms that can be 'keyed off' would count as 4 keys) Source: Toyota Walnut Creek, 2021.			

In addition, the Draft Supplemental EIR will consider two additional potential development scenarios (Scenarios 2 and 3) with respect to certain specific environmental topic areas including but not limited to municipal services, utilities, traffic, air quality and greenhouse gas emissions to ensure an appropriately conservative evaluation and meaningful disclosure of impacts.

² The basis upon which the City has determined what constitutes a reasonable worst case scenario for a specific environmental topic area will be reflected in an analysis attached as an appendix to the Draft Supplemental EIR.

Table 3: Scenario 2–Mixed-use Special District Overlay Buildout Potentials

Site	New End Use	Development Potential	Maximum Height
2100 N. Broadway	Office	40,546 square feet	35 feet
2150 N. Broadway	Office	97,221 square feet	35 feet
2100 N. Main	Office	375,727 square feet	50 feet
Notes: All development potential values are approximate. Source: Toyota Walnut Creek, 2021.			

Table 4: Scenario 3–Mixed-use Special District Overlay Buildout Potentials

Site	New End Use	Development Potential	Maximum Height
2100 N. Broadway	Office	40,546 square feet	35 feet
2150 N. Broadway	Multi-Family Residential	132 dwelling units	35 feet
2100 N. Main	Multi-Family Residential	526 dwelling units	50 feet
Notes: All development potential values are approximate. Source: Toyota Walnut Creek, 2021.			

The ultimate specific mix and allocation of uses on the project site would be determined subsequent to the certification of the Supplemental EIR, at such time when a detailed development proposal is formally submitted to the City for consideration.³ Under any scenario, auto sales and service uses would be required to remain as the anchor and primary use for redevelopment within the district, which would coexist with the other proposed uses in either a horizontal or vertical mixed-use development. In summary, the Draft Supplemental EIR will evaluate the potential environmental impacts that could occur as a result of the proposed project based on reasonable worst case assumptions that appropriately incorporates all reasonably available and relevant site-specific information, thereby publicly disclosing the range of uses that could potentially be developed within the Mixed Use Special District and thus facilitating meaningful agency review, public comment and disclosure.

Vehicular Access

The project site would continue to take vehicular access from N. Broadway and/or N. Main Street.

Storm Drainage

The proposed project would install on-site storm drainage facilities that would consist of bioswales, inlets, underground piping, and basins, and would be required to adhere to all applicable standards

³ To ensure that all potential impacts are evaluated as mandated under CEQA, the City will be required to evaluate any subsequent application for a specific development proposal to confirm whether it would result in any new or more severe environmental effects that are evaluated and disclosed in the Supplemental EIR.

and requirements. Stormwater would be detained and released at a rate no greater than the pre-development condition of the project site pursuant to applicable laws and regulations.

Utilities

The project site would continue to be served with potable water service provided by EBMUD, sewer service provided by Central San, electricity service provided by both MCE and PG&E, and natural gas service provided by PG&E.

Potential Changes to Existing Dealership Site

The Applicant has not submitted to the City any specific development proposal for the Existing Dealership Site, and the ultimate use(s) for these lands are not currently known. Therefore, the Draft Supplemental EIR will assume the following as reasonably foreseeable activities, based on reasonable assumptions and currently available information, to ensure a conservative analysis.

Given the urban nature of the Existing Dealership Site, it is reasonable to assume that some type of reuse would occur; for example, potential future uses could involve utilization for display of inventory from the new TWC dealership (which could involve the demolition of the existing structure to allow for reconfiguration of surface parking), and/or the repurposing of the existing structure(s) with dealership uses. Because the ultimate re-use of the Existing Dealership Site is not currently known, to ensure a conservative analysis, the Draft Supplemental EIR will assume demolition of the building that houses the existing TWC dealership. In addition, it will not deduct existing trips, which means that the proposed project would be treated as representing net new auto sales square footage.

1.2 - Required Discretionary Approvals

The proposed project requires the certification of the Supplemental EIR and the following initial discretionary approvals from the City of Walnut Creek:

- General Plan Amendment
- Rezone
- Specific Plan Amendment
- Development Agreement

In addition, an application for a specific development proposal for the project site may require the following subsequent discretionary approvals from the City of Walnut Creek:

- Tentative Subdivision or Parcel Map
- Design Review
- Tree Removal Permit
- Sign Permit

Environmental Review

1.2.1 - Potential Environmental Effects

The Draft Supplemental EIR will evaluate whether the proposed project (as described herein) may potentially result in one or more significant environmental effects, which will be evaluated in the relevant Draft Supplemental EIR sections listed below in accordance with the following sections.

- Aesthetics, Light, and Glare
- Air Quality
- Biological Resources
- Cultural Resources and Tribal Cultural Resources
- Energy
- Geology, Soils, and Seismicity
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Noise
- Population and Housing
- Public Services and Utilities
- Transportation

1.2.2 - Effects Found Not To Be Significant

Unless specific comments are received during the NOP public comment period that indicate a potential for the project to result in significant impacts, the following issues will be addressed in the Effects Found not to be Significant section of the EIR.

Agricultural and Forest Resources

The project site is located in an urbanized area and has been developed for more than 60 years with urban uses. No agricultural or forest uses occur on-site. The project site is zoned “Auto Sales & Custom Manufacturing,” a non-agricultural and non-forest zoning district. The proposed project would have no impact on agricultural or forest resources.

Mineral Resources

The project site is located in an urbanized area and has been developed for more than 60 years with urban uses. No mineral extraction activities occur on-site. In addition, the project site is not a designated mineral resource zone by either the State of California or the City of Walnut Creek. The proposed project would have no impact on mineral resources.

Wildfire

The project site is located in an urbanized area and has been developed for more than 60 years with urban uses. The project site is not located in a “Fire Hazard Severity Zone” in a State responsibility area or a “Very High Fire Hazard” in a local, State, or federal responsibility area. The proposed project would have no impact on wildfire hazards.

Scoping Meeting

A public scoping meeting will be held on **Thursday, June 24, 2021**, starting at **6 p.m.**

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join.

<https://zoom.us/j/99041806696?pwd=TnM4ZVY2NjRuMGhid2JSa1hiTFBiUT09>

Webinar ID: 990 4180 6696

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Or One tap mobile:

+16699006833,,99041806696#,,,,*267766# US (San Jose)

+12532158782,,99041806696#,,,,*267766# US (Tacoma)

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 646 876 9923 or +1 301
715 8592 or +1 312 626 6799

Webinar ID: 990 4180 6696

Passcode: 267766

International numbers available: <https://zoom.us/j/99041806696?pwd=TnM4ZVY2NjRuMGhid2JSa1hiTFBiUT09>

At this meeting, agencies, organizations, and members of the public will be able to provide comments on the scope and content of the environmental information to be addressed in the Draft Supplemental EIR for the proposed project.



Source: Census 2000 Data, The California Spatial Information Library (CaSIL).

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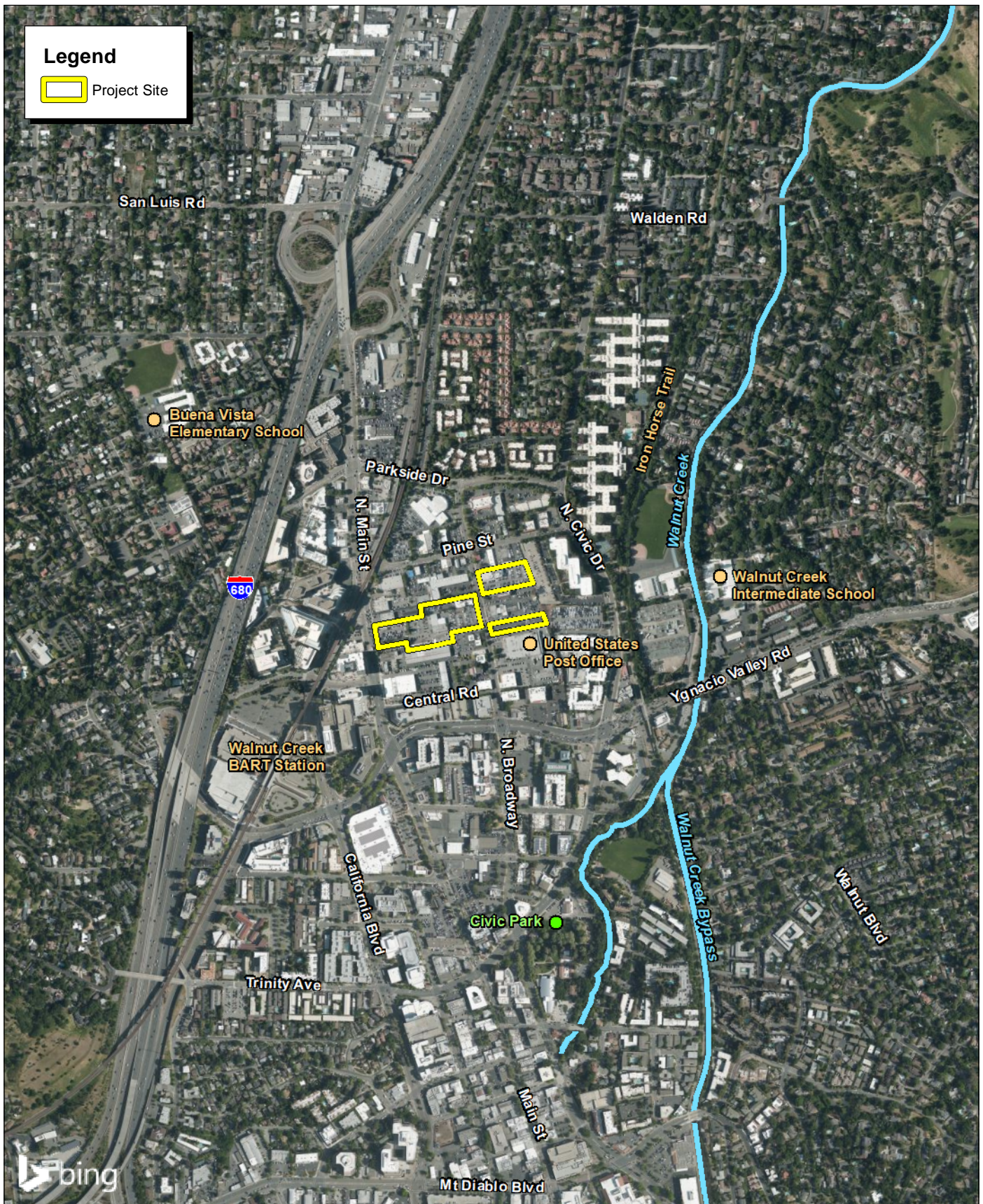


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Exhibit 1 Regional Location Map

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CITY OF WALNUT CREEK
WALNUT CREEK MIXED USE SPECIAL DISTRICT PROJECT
NOTICE OF PREPARATION



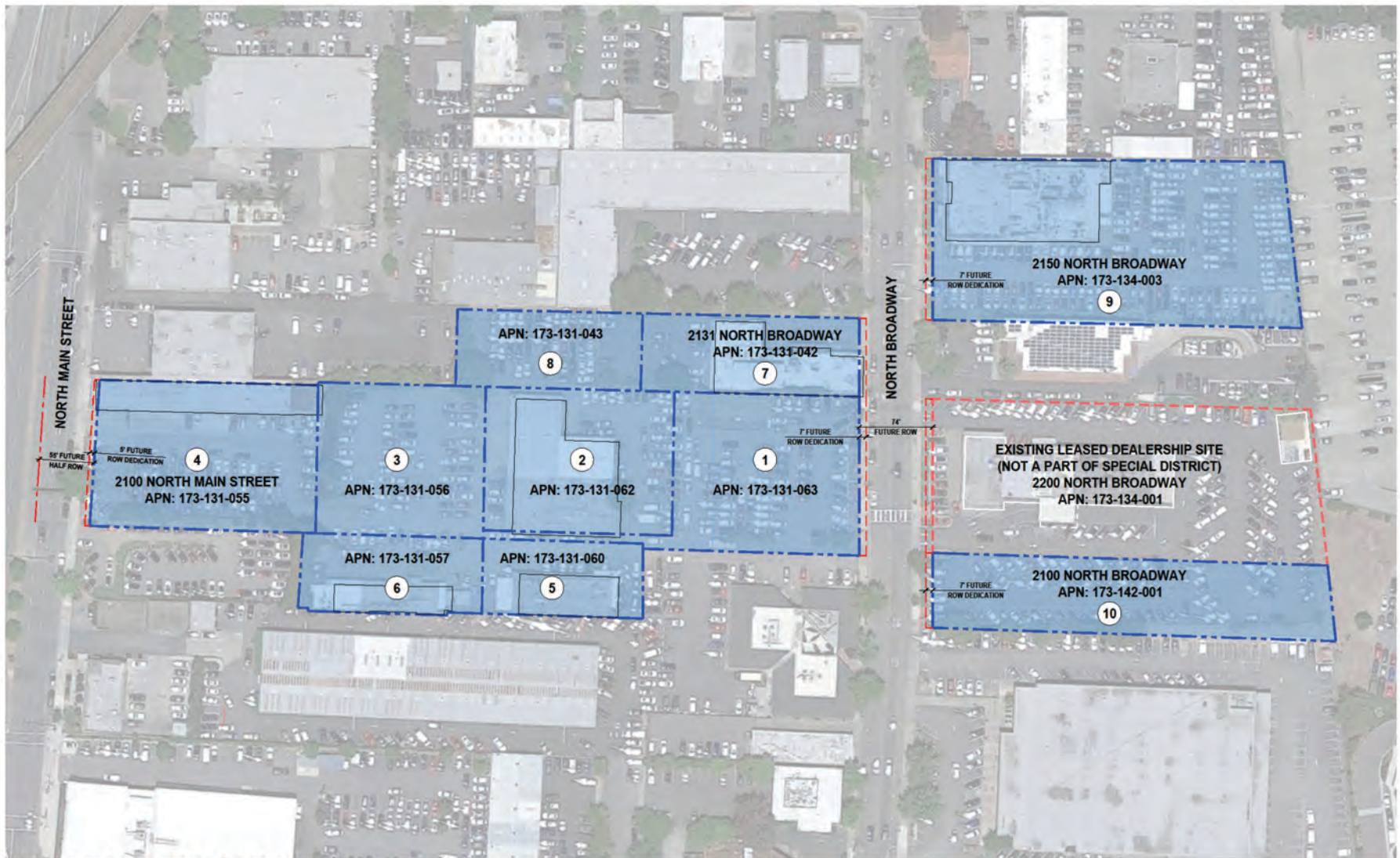
Source: bing Aerial Imagery.

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Feet

Exhibit 2 Local Vicinity Map



SPECIAL DISTRICT PARCEL
REFERENCE NUMBERS



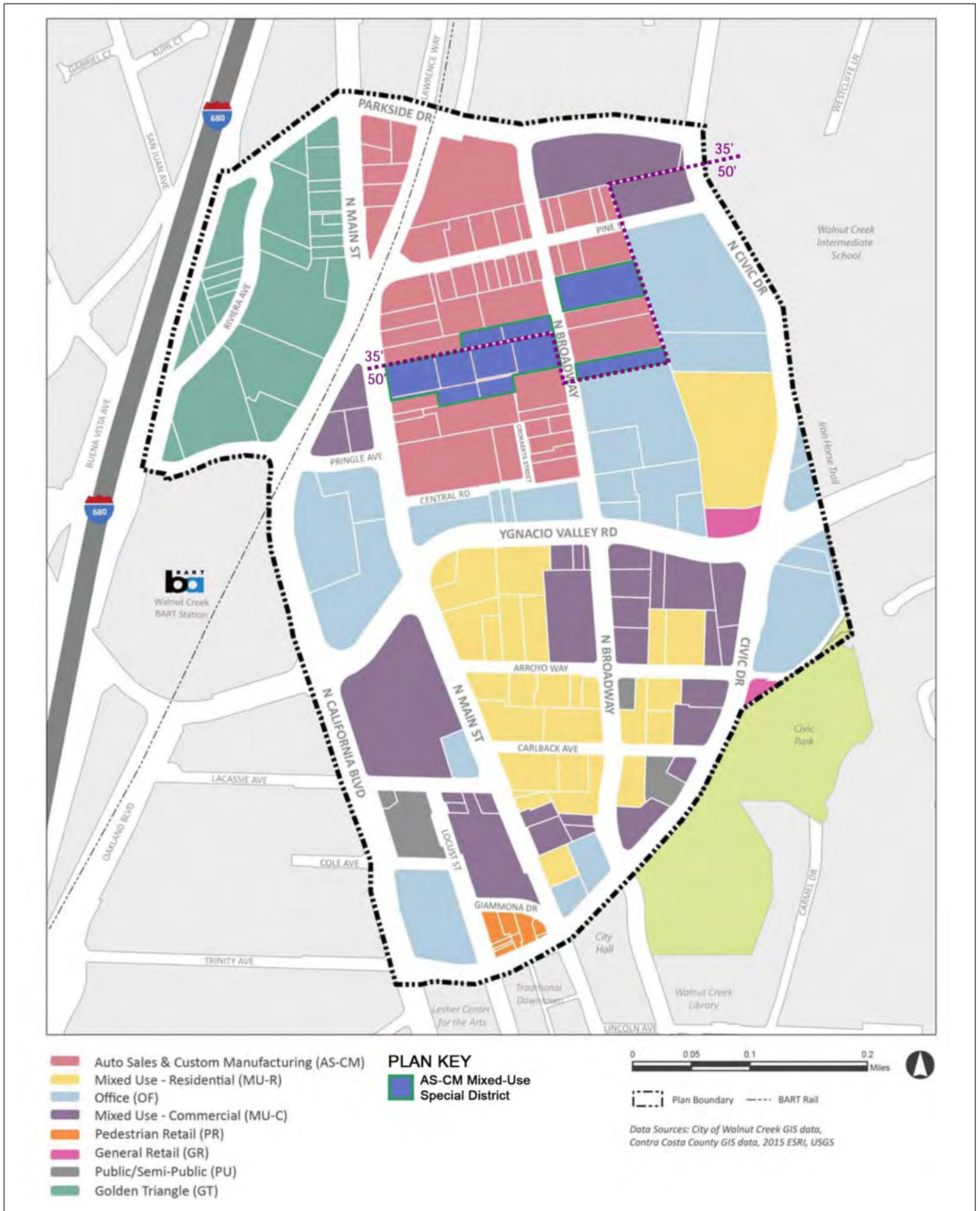
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Exhibit 3 Existing Site Information

CITY OF WALNUT CREEK
WALNUT CREEK MIXED USE SPECIAL DISTRICT PROJECT
NOTICE OF PREPARATION



Source:





NATIVE AMERICAN HERITAGE COMMISSION

June 9, 2021

Chip Griffin
City of Walnut Creek, Community Development Department
1666 North Main Street
Walnut Creek, CA 94596

Re: 2021060184, Mixed Use Special District Project, Contra Costa County

Dear Mr. Griffin:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines §15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

SECRETARY
Merri Lopez-Keifer
Luiseño

PARLIAMENTARIAN
Russell Attebery
Karuk

COMMISSIONER
William Mungary
*Paiute/White Mountain
Apache*

COMMISSIONER
Julie Tumamait-Stenslie
Chumash

COMMISSIONER
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AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
 - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:

- a.** A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
- b.** A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

- a.** Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
- b.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
- c.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:

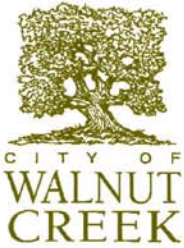
Sarah.Fonseca@nahc.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sarah Fonseca', with a stylized, cursive script.

Sarah Fonseca
Cultural Resources Analyst

cc: State Clearinghouse



5R17267 720348 & 744152
CITY OF WALNUT CREEK
COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT
1666 N. Main Street, Walnut Creek, CA 94596

RECEIVED

JUN 10 2021

Contra Costa Health
Hazardous Materials

PROJECT REFERRAL

Project No.: Y21-025

Date: June 8, 2021

Project Type(s):

Enclosed are plans for the following described project. Please review these plans and provide this office with your comments and availability of your services. Please make recommendations on completeness of the plans and on conditions of approval. If you need the plans for your records, feel free to keep them; otherwise, their return would be appreciated.

PROJECT NAME: Toyota Walnut Creek General Plan, Specific Plan and Zoning Amendments

ADDRESS: 2100, 2105, 2200 & 2150 N. Broadway and 2100 N. Main St.

APN(s): 173-134-003, 173-141-063, 173-141-062, 173-141-060, 173-141-057, 173-141-056, 171-141-055, 173-131-043, and 173-142-001

ARCHITECT/APPLICANT: Steven Scanlon, REAL Development
5623 Desert View Dr.
La Jolla, CA 92037

Phone: 971.270.8040
Fax:
E-mail: ss@realdevsc.com

OWNER: Adam Simms
Toyota Walnut Creek
2100 N. Broadway

Phone: 925.933.7440
Fax:
E-mail: adamsimms@pricesimmsinc.com

BRIEF DESCRIPTION: The City of Walnut Creek (City) will be the Lead Agency evaluating a request by Toyota Walnut Creek (Applicant or TWC) to amend the North Downtown Specific Plan (NDSP) to create a new Mixed-Use Special District that would allow for auto sales and service uses as well as a range of additional uses such as commercial office, hotel, and multi-family residential. The City will prepare a Draft Supplemental Environmental Impact Report to the North Downtown Specific Plan EIR (Draft Supplemental EIR) for the project identified herein, which will tier off of the NDSP EIR certified by the City in 2019 (as described further below) to the extent permitted under the California Environmental Quality Act (CEQA).

Please comment and return this notice no later than **07/08/2021**

To:

Community Development Department
City of Walnut Creek
1666 North Main St., 2nd Floor
Walnut Creek, CA 94596

If you have questions or comments please contact me at (925) 943-5899 ext. 2678, or griffin@walnut-creek.org, or by fax (925) 256-3500.

COMMENTS:

- ☐ There are no aspects of this project that concern our regulations
- ☐ The project as shown meets or exceeds our minimum standard regulations.
- ☐ Comments or recommended conditions will be made at a later phase of approval.
- ☐ Comments or recommended conditions are attached.
- ☒ Comments or recommended condition as follows: Facilities that have reportable quantities of hazardous

materials or generate any hazardous waste need to complete and submit a hazardous materials business plan at:

<https://cers.calepa.ca.gov/> For further information contact the department at 925-655-3200 or ccchazmat@cchealth.org

Name: Nick Umemoto

Agency: Contra Costa Hazardous Materials Programs

Phone: 925-655-3200

Date: 6/14/2021

**City of Walnut Creek
Notice of Preparation and Notice of Public Scoping Meeting
Mixed Use Special District Project**

Date: June 8, 2021

To: Public agencies and interested parties

From: Chip Griffin, Senior Planner, City of Walnut Creek

Subject: Notice of Preparation of a Draft Supplemental Environmental Impact Report and Public Scoping Meeting

The City of Walnut Creek (City) will be the Lead Agency evaluating a request by Toyota Walnut Creek (Applicant or TWC) to amend the North Downtown Specific Plan (NDSP) to create a new Mixed-Use Special District that would allow for auto sales and service uses as well as a range of additional uses such as commercial office, hotel, and multi-family residential. The City will prepare a Draft Supplemental Environmental Impact Report to the North Downtown Specific Plan EIR (Draft Supplemental EIR) for the project identified herein, which will tier off of the NDSP EIR certified by the City in 2019 (as described further below) to the extent permitted under the California Environmental Quality Act (CEQA). The Project Description, location, and probable environmental effects of the Mixed-Use Special District Project ("proposed project") are described in this NOP.

The City is soliciting comments from public agencies, organizations, and members of the public regarding the scope and content of the environmental information to be addressed in the Draft Supplemental EIR for the proposed project. Public agencies may need to rely on the Supplemental EIR when considering whether to issue discretionary permits or other approvals in connection with the proposed project.

Because of time limits mandated by California law, public agencies must submit any comments in response to this notice at the earliest possible date but no later than 30 days after receipt of this notice. The City will also accept comments from other interested parties regarding this notice during that same time period. Accordingly, please provide your written response, along with the name of the relevant contact person, to the address shown below by **5:00 p.m., July 8, 2021**. If you wish to be placed on the notification list for this proposed project, or if you have any questions or need additional information, please contact the person below.

Chip Griffin, Senior Planner
City of Walnut Creek
Community and Economic Development Department
1666 North Main Street
Walnut Creek, CA 94596
Phone: 925.943.5899
Email: Griffin@walnut-creek.org

Public Scoping Meeting

A public scoping meeting will be held via Zoom, on **Thursday, June 24, 2021**, starting at **6 p.m.**

Zoom log in: <https://zoom.us/j/96963110896?pwd=bmdVdk5iQ3Myeld2SUVJSnJnWIE4dz09>
Passcode: 399456

At this meeting, public agencies, organizations, and members of the public will be able to provide oral and written comments on the scope and content of the environmental information to be addressed in the Draft Supplemental EIR for the proposed project.

WALNUT CREEK–MIXED USE SPECIAL DISTRICT PROJECT

Project Location

The approximately 6.1-acre project site is located in the City of Walnut Creek, Contra Costa County, California; refer to Exhibit 1 (project site). The project site consists of a total of 10 parcels¹ (collectively referred to as 2100 North Broadway, 2150 North Broadway, and 2100 North Main), and is located entirely within the boundaries of the existing NDSP. This NDSP area is generally bounded by North Main Street (west), Pine Street (north), Civic Drive (east), and Ygnacio Valley Road (west); refer to Exhibit 2. The project site is located on the *Walnut Creek, California* United States Geological Survey (USGS) 7.5-minute Topographic Quadrangle Map Township 1 North, Range 2 West, Unsectioned (Latitude 37° 54' 32" North; Longitude 122° 3 43 West).

Existing Conditions

1.1.1 - Land Use Activities

The Applicant currently leases multiple parcels along North Broadway and North Main Street, consisting of a total of approximately 8.4 acres, which is commonly referred to as 2200 North Broadway (Existing Dealership Site or Site D). TWC currently operates an auto dealership on the Existing Dealership Site, which is within the boundaries of the NDSP area, and is near but outside of the 6.1-acre project site.

The Applicant also owns the parcels that make up the 6.1-acre project site. Table 1 summarizes the 10 parcels that constitute the project site. Exhibit 3 depicts the parcels that constitute the project site.

Vehicular access to the 2100 North Broadway and 2150 North Broadway portions of the project site is from North Broadway and North Main Street. Vehicular access to the 2100 North Main portion is from both North Main Street and North Broadway.

¹ The project site consists of 10 legal parcels. However, for ease of reference, the project site has been further delineated into several sub-areas, designated collectively by relevant street addresses as follows: 2100 N. Broadway (Site A), 2150 N. Broadway (Site B), and 2100 N. Main (Site C). See Table 1 for more information.

Runoff from the project site drains into the municipal storm drainage system. The project site is served with potable water service provided by East Bay Municipal Utility District (EBMUD) and is served with wastewater collection and treatment service provided by Central Contra Costa Sanitary District (Central San). The project site's electricity service is provided by both Marin Clean Energy (MCE) and Pacific Gas and Electric Company (PG&E), and natural gas service to the project site is provided by PG&E.

Table 1: Project Site Summary

Site	Assessor Parcel Number	Acreage	Notes*
2100 N. Broadway (Site A)	173-142-001	0.70	Surface parking lot associated with the existing dealership site
2150 N. Broadway (Site B)	173-134-003	1.37	Two-story building (28,954 square feet) used for automotive service. The building has a ramp in the rear that allows for vehicular access to the second level. Surface parking lot.
2100 N. Main (Site C)	173-131-042	0.40	One-story building (7,672 square feet) used as restaurant. Surface parking lot.
	173-131-043	0.33	Surface parking lot.
	173-131-055	0.75	One-story building (6,950 square feet) used for automotive service. Surface parking lot.
	173-131-056	0.59	Surface parking lot.
	173-131-057	0.33	One-story building (3,175 square feet) used for automotive service. Surface parking lot.
	173-131-060	0.28	One-story building (4,058 square feet) used for automotive service. Surface parking lot.
	173-131-062	0.63	One-story building (12,223 square feet) used for automotive. Surface parking lot.
	173-131-063	0.73	Surface parking lot.
<p>Notes:</p> <p>* 2200 North Broadway/Existing Dealership Site (Site D) is leased by Toyota Walnut Creek and is not included in the 6.1-acre project site. However, to ensure a conservative analysis, reasonable assumptions about potential future physical changes to the Existing Dealership Site that could occur in connection with the proposed project will be evaluated in the Draft Supplemental EIR.</p> <p>All existing square footage values are approximate.</p> <p>Source: Toyota Walnut Creek, 2021.</p>			

1.1.2 - Land Use Designations

The City of Walnut Creek General Plan designates the project site "Auto Sales and Service." The NDSP and the City Zoning Ordinance designate the project site "Auto Sales & Custom Manufacturing."

Project Description

1.1.3 - Project Background

The NDSP area encompasses 191 acres and is bounded by California Boulevard and Interstate 680 (I-680) (west); Parkside Drive (north), and Civic Drive and the Iron Horse Trail (east and south). The Walnut Creek City Council adopted the NDSP on October 15, 2019, to guide the development of a vibrant mixed-use district with residential, commercial office, retail, restaurant, civic, hospitality, arts, and entertainment uses. In conjunction with adoption of the NDSP, the City Council certified an EIR for the North Downtown Specific Plan (State Clearinghouse No. 2018012020) (NDSP EIR).

The NDSP contemplates public plazas and streets that provide improved connections for all modes of transportation to the Traditional Downtown, the Walnut Creek Bay Area Rapid Transit (BART) station, Civic Park, the Iron Horse Trail, and surrounding neighborhoods. The NDSP EIR evaluated the full buildout of the NDSP, which assumed an additional 899 dwelling units, 817,988 square feet of office uses, 60,706 square feet of retail uses, 16,000 square feet of custom manufacturing uses, and 200 hotel rooms. The NDSP contains numerous policies supportive of auto sales and service uses. It also includes policies that encourage the consolidation of existing auto sales and service uses, and therefore the NDSP EIR assumed the elimination of 37,087 square feet of existing auto sales and service uses.

1.1.4 - Proposed Project

The Applicant is proposing to amend the NDSP to create a new Auto Sales–Custom Manufacturing Mixed Use Special District overlay that would apply only to the 6.1-acre project site. The Applicant is also proposing to make related conforming amendments to the City’s General Plan and Zoning Ordinance to ensure consistency with the proposed NDSP amendments. The goal of the proposed amendments is to facilitate the redevelopment of the project site with mixed uses including the primary auto sales and service uses, which would be maintained as part of any redevelopment, as well as potential multi-family residential, hotel, or other compatible non-residential uses. Exhibit 4 depicts the boundaries of the proposed Mixed Use Special District Overlay.

No specific individual development proposal for the project site has been formally submitted to the City. Therefore, because there is no application setting forth details of a particular development proposal, the Draft Supplemental EIR will evaluate three (3) potential development scenarios (see Tables 2 and 3) that the proposed project could pursue as a result of requested amendments to the General Plan, NDSP, and the Zoning Ordinance.

While the final specific allocation and mix of uses is not currently known, Scenario 1 incorporates a site-specific mix of uses and estimated size and scope of development that reasonably can be assumed to occur, which, if developed, would reflect a reasonable worst case scenario in terms of potential environmental impacts under most, if not all, environmental topic areas.² This approach to the environmental review therefore ensures an appropriately conservative and robust analysis that is sufficiently detailed to properly apprise the decision-makers, other agencies and the public of the project’s scope and potential impacts based on reasonably available information and thus ensure

² The basis upon which the City has determined what constitutes a reasonable worst case scenario for a specific environmental topic area will be reflected in an analysis attached as an appendix to the Draft Supplemental EIR.

meaningful opportunities for informed public participation and decision making. The Supplemental EIR will also analyze the differential environmental impacts between Scenario 1 (Table 2), Scenario 2 (Table 3), and Scenario 3 (Table 4). Development of any specific individual development proposal that is subsequently submitted to the City for consideration would be required to adhere to all applicable mandatory development standards and regulations set forth in the NDSP as well as all applicable design guidelines.

Table 2: Scenario 1–Mixed-use Special District Overlay Buildout Potential

Site	New End Use	Development Potential	Maximum Height
2100 North Broadway	Office	40,546 square feet	35 feet
2150 North Broadway	Multi-Family Residential	132 dwelling units	35 feet
2100 North Main	Hotel	723 keys	50 feet
Notes: All development potential values are approximate. Key = Maximum number of rooms that can be used by hotel guests; (e.g., a suite with 4 bedrooms that can be ‘keyed off’ would count as 4 keys) Source: Toyota Walnut Creek, 2021.			

In addition, the Draft Supplemental EIR will consider two additional potential development scenarios (Scenarios 2 and 3) with respect to certain specific environmental topic areas including but not limited to municipal services, utilities, traffic, air quality and greenhouse gas emissions to ensure an appropriately conservative evaluation and meaningful disclosure of impacts.

Table 3: Scenario 2–Mixed-use Special District Overlay Buildout Potentials

Site	New End Use	Development Potential	Maximum Height
2100 N. Broadway	Office	40,546 square feet	35 feet
2150 N. Broadway	Office	97,221 square feet	35 feet
2100 N. Main	Office	375,727 square feet	50 feet
Notes: All development potential values are approximate. Source: Toyota Walnut Creek, 2021.			

Table 4: Scenario 3–Mixed-use Special District Overlay Buildout Potentials

Site	New End Use	Development Potential	Maximum Height
2100 N. Broadway	Office	40,546 square feet	35 feet
2150 N. Broadway	Multi-Family Residential	132 dwelling units	35 feet
2100 N. Main	Multi-Family Residential	526 dwelling units	50 feet
Notes: All development potential values are approximate. Source: Toyota Walnut Creek, 2021.			

The ultimate specific mix and allocation of uses on the project site would be determined subsequent to the certification of the Supplemental EIR, at such time when a detailed development proposal is formally submitted to the City for consideration.³ Under any scenario, auto sales and service uses would be required to remain as the anchor and primary use for redevelopment within the district, which would coexist with the other proposed uses in either a horizontal or vertical mixed-use development. In summary, the Draft Supplemental EIR will evaluate the potential environmental impacts that could occur as a result of the proposed project based on reasonable worst case assumptions that appropriately incorporates all reasonably available and relevant site-specific information, thereby publicly disclosing the range of uses that could potentially be developed within the Mixed Use Special District and thus facilitating meaningful agency review, public comment and disclosure.

Vehicular Access

The project site would continue to take vehicular access from N. Broadway and/or N. Main Street.

Storm Drainage

The proposed project would install on-site storm drainage facilities that would consist of bioswales, inlets, underground piping, and basins, and would be required to adhere to all applicable standards and requirements. Stormwater would be detained and released at a rate no greater than the pre-development condition of the project site pursuant to applicable laws and regulations.

Utilities

The project site would continue to be served with potable water service provided by EBMUD, sewer service provided by Central San, electricity service provided by both MCE and PG&E, and natural gas service provided by PG&E.

Potential Changes to Existing Dealership Site

The Applicant has not submitted to the City any specific development proposal for the Existing Dealership Site, and the ultimate use(s) for these lands are not currently known. Therefore, the Draft Supplemental EIR will assume the following as reasonably foreseeable activities, based on reasonable assumptions and currently available information, to ensure a conservative analysis.

Given the urban nature of the Existing Dealership Site, it is reasonable to assume that some type of reuse would occur; for example, potential future uses could involve utilization for display of inventory from the new TWC dealership (which could involve the demolition of the existing structure to allow for reconfiguration of surface parking), and/or the repurposing of the existing structure(s) with dealership uses. Because the ultimate re-use of the Existing Dealership Site is not currently known, to ensure a conservative analysis, the Draft Supplemental EIR will assume demolition of the building that

³ To ensure that all potential impacts are evaluated as mandated under CEQA, the City will be required to evaluate any subsequent application for a specific development proposal to confirm whether it would result in any new or more severe environmental effects that are evaluated and disclosed in the Supplemental EIR.

houses the existing TWC dealership. In addition, it will not deduct existing trips, which means that the proposed project would be treated as representing net new auto sales square footage.

1.2 - Required Discretionary Approvals

The proposed project requires the certification of the Supplemental EIR and the following initial discretionary approvals from the City of Walnut Creek:

- General Plan Amendment
- Rezone
- Specific Plan Amendment
- Development Agreement

In addition, an application for a specific development proposal for the project site may require the following subsequent discretionary approvals from the City of Walnut Creek:

- Tentative Subdivision or Parcel Map
- Design Review
- Tree Removal Permit
- Sign Permit

Environmental Review

1.2.1 - Potential Environmental Effects

The Draft Supplemental EIR will evaluate whether the proposed project (as described herein) may potentially result in one or more significant environmental effects, which will be evaluated in the relevant Draft Supplemental EIR sections listed below in accordance with the following sections.

- | | |
|--|-----------------------------------|
| • Aesthetics, Light, and Glare | • Hazards and Hazardous Materials |
| • Air Quality | • Hydrology and Water Quality |
| • Biological Resources | • Land Use |
| • Cultural Resources and Tribal Cultural Resources | • Noise |
| • Energy | • Population and Housing |
| • Geology, Soils, and Seismicity | • Public Services and Utilities |
| • Greenhouse Gas Emissions | • Transportation |

1.2.2 - Effects Found Not To Be Significant

Unless specific comments are received during the NOP public comment period that indicate a potential for the project to result in significant impacts, the following issues will be addressed in the Effects Found not to be Significant section of the EIR.

Agricultural and Forest Resources

The project site is located in an urbanized area and has been developed for more than 60 years with urban uses. No agricultural or forest uses occur on-site. The project site is zoned “Auto Sales & Custom Manufacturing,” a non-agricultural and non-forest zoning district. The proposed project would have no impact on agricultural or forest resources.

Mineral Resources

The project site is located in an urbanized area and has been developed for more than 60 years with urban uses. No mineral extraction activities occur on-site. In addition, the project site is not a designated mineral resource zone by either the State of California or the City of Walnut Creek. The proposed project would have no impact on mineral resources.

Wildfire

The project site is located in an urbanized area and has been developed for more than 60 years with urban uses. The project site is not located in a “Fire Hazard Severity Zone” in a State responsibility area or a “Very High Fire Hazard” in a local, State, or federal responsibility area. The proposed project would have no impact on wildfire hazards.

Scoping Meeting

A public scoping meeting will be held on **Thursday, June 24, 2021**, starting at **6 p.m.**, at the following location:

<https://zoom.us/j/96963110896?pwd=bmdVdk5iQ3Myeld2SUVJSnJnWIE4dz09>

Passcode: 399456

At this meeting, agencies, organizations, and members of the public will be able to provide comments on the scope and content of the environmental information to be addressed in the Draft Supplemental EIR for the proposed project.



Source: Census 2000 Data, The California Spatial Information Library (CaSIL).

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Miles

Exhibit 1 Regional Location Map

24440011 • 04/2021 | 1_regional.mxd

CITY OF WALNUT CREEK
WALNUT CREEK MIXED USE SPECIAL DISTRICT PROJECT
NOTICE OF PREPARATION



Source: bing Aerial Imagery.

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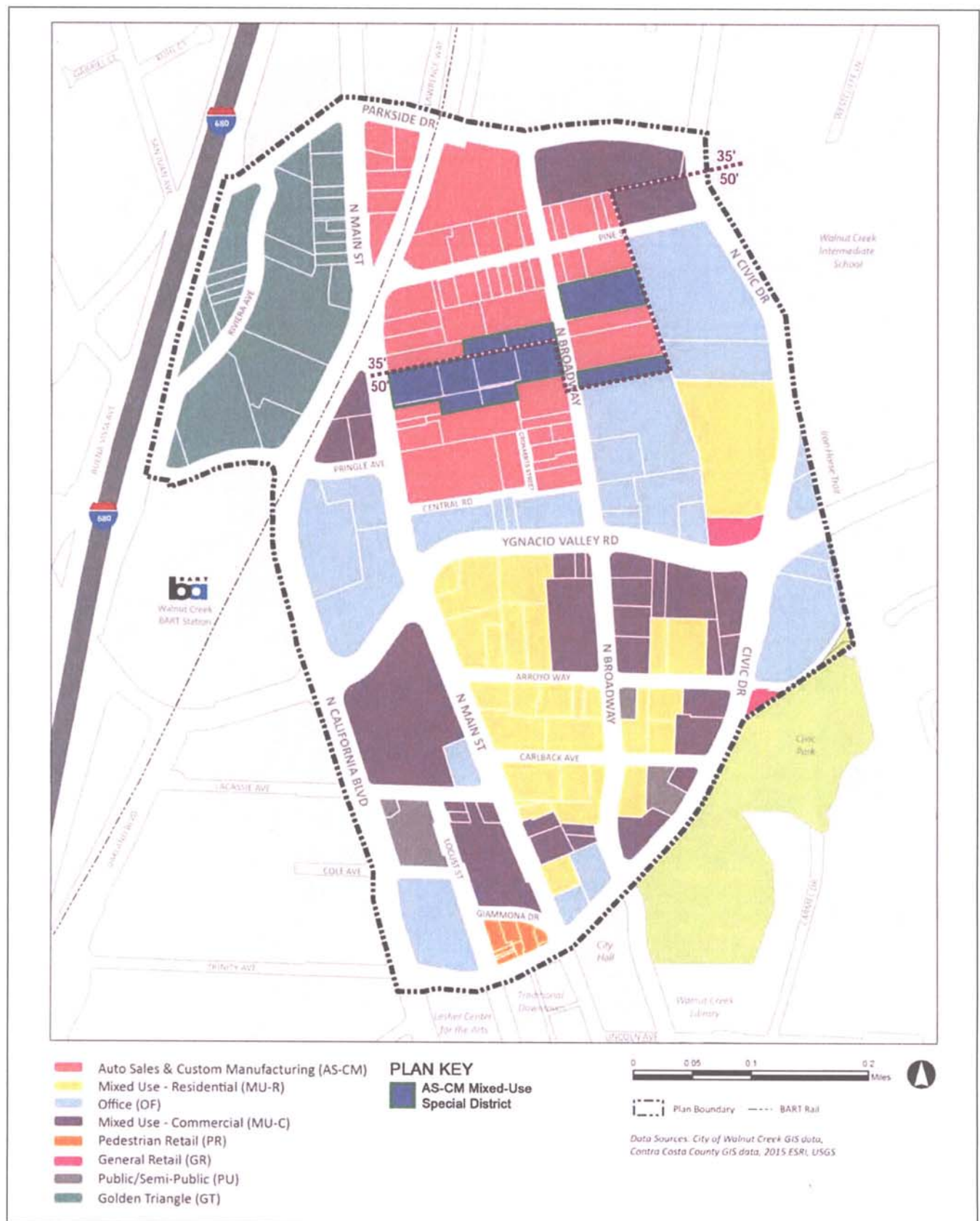


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Exhibit 2 Local Vicinity Map

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CITY OF WALNUT CREEK
WALNUT CREEK MIXED USE SPECIAL DISTRICT PROJECT
NOTICE OF PREPARATION



Source:



June 24, 2021

Chip Griffin, Senior Planner
City of Walnut Creek
Community and Economic Development Department
1666 North Main Street
Walnut Creek, CA 94596

Re: Notice of Preparation of a Draft Supplemental Environmental Impact Report – City
of Walnut Creek Mixed Use Special District Project, Walnut Creek

Dear Mr. Griffin:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Preparation of a Draft Supplemental Environmental Impact Report (EIR) for the City of Walnut Creek (City) Mixed Use Special District Project (Project) located at 2100, 2150 North Broadway and 2100 North Main Street. EBMUD has the following comments.

GENERAL

Pursuant to Section 15155 of the California Environmental Quality Act Guidelines and Section 10910-10915 of the California Water Code, a revised Water Supply Assessment (WSA) may be required as the Project exceeds the threshold requirement for an assessment of water supply availability based on the amount of water the Project would require. A WSA was completed and mailed to the City on October 9, 2018 for the Walnut Creek North Downtown Specific Plan which included specific land uses within the Project area. The City should submit a written request to EBMUD to determine if a revised WSA is required based on the Project changes. The written request should include the original land uses proposed under the Walnut Creek North Downtown Specific Plan and the changes proposed under the Project including estimates of future water demands for the Project area. Please be aware that a revised WSA can take up to 90 days to complete from the day the request was received.

WATER SERVICE

EBMUD's Leland Pressure Zone, with a service elevation between 50 and 250 feet, will serve the Project area. Individual developments associated within the Project area will be subject to the following general requirements.

Effective January 1, 2018, water service for new multi-unit structures shall be individually metered or sub-metered in compliance with State Senate Bill 7 (SB-7). SB-7 encourages

conservation of water in multi-family residential and mixed-use multi-family and commercial buildings through metering infrastructure for each dwelling unit, including appropriate water billing safeguards for both tenants and landlords. EBMUD water services shall be conditioned for all development projects that are subject to SB-7 requirements and will be released only after the project sponsor has satisfied all requirements and provided evidence of conformance with SB-7.

Main extensions that may be required to serve any specific development projects to provide adequate domestic water supply, fire flows, and system redundancy will be at the project sponsor's expense. Pipeline and fire hydrant relocations and replacements, due to modifications of existing streets, and off-site pipeline improvements, also at the project sponsor's expense, may be required depending on EBMUD metering requirements and fire flow requirements set by the local fire department. When the development plans are finalized, all project sponsors should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions of providing water service to the development. Engineering and installation of new and relocated pipelines and services require substantial lead time, which should be provided for in the project sponsor's development schedule.

A minimum 20-foot wide right-of-way is required for installation of new and replacement water mains. Utilities to be installed in the right-of-way with the water mains must be located such that the new water mains meet the minimum horizontal and vertical separation distances with other utilities as set forth in the California (Waterworks Standards) Code of Regulations, Title 22, Section 64572 (Water Main Separation) and EBMUD requirements for placement of water mains within a right-of-way. These minimum horizontal separation distance requirements include, but are not limited to, 10 feet between the water main and sewer, 5 feet between the water main and storm drain, 7 feet from the face of curb, and 5 feet from the edge of the right-of-way. In addition, water mains must be vertically located a minimum of one foot above sewers and storm drains. EBMUD cannot maintain water mains and services installed under pervious pavement; therefore, an alternative to pervious pavement would be required if installation of EBMUD water mains or services on site is required.

Project sponsors should be aware that EBMUD will not inspect, install, or maintain pipeline in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste or that may be hazardous to the health and safety of construction or maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping or services in areas where groundwater contaminant concentrations exceed specified limits for discharge to the sanitary sewer system and sewage treatment plants. Project sponsors for EBMUD piping and services requiring excavation in contaminated areas must submit copies of all known information regarding soil and groundwater quality within or adjacent to the Project boundary.

In addition, project sponsors must provide a legally sufficient, complete and specific written remediation plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of all identified contaminated soil and/or groundwater. EBMUD will not design piping or services until

soil and groundwater quality data and remediation plans have been received and reviewed and will not start underground work until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists, or the information supplied by the project sponsor is insufficient, EBMUD may require the project sponsor to perform sampling and analysis to characterize the soil and groundwater that may be encountered during excavation, or EBMUD may perform such sampling and analysis at the project sponsor's expense.

WATER CONSERVATION

Individual projects within the Project area may present opportunities to incorporate water conservation measures. EBMUD requests that the City include in its conditions of approval a requirement that project sponsors comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance," (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). Project sponsors should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,



David J. Rehnstrom
Manager of Water Distribution Planning

DJR:VDC:djr
sb21_147

cc: Adam Simms
Toyota Walnut Creek
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DEPARTMENT OF TRANSPORTATION

DISTRICT 4

OFFICE OF TRANSIT AND COMMUNITY PLANNING

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a California Way of Life.*

July 8, 2021

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Chip Griffin, Senior Planner
Planning and Zoning Dept
City of Walnut Creek
P.O. Box 8039
Walnut Creek, CA 94596

Re: Walnut Creek Mixed Use Special District Project + Notice of Preparation (NOP)

Dear Chip Griffin:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Walnut Creek Mixed Use Special District Project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the June 2021 NOP.

Project Understanding

The Applicant proposes to amend the City of Walnut Creek's North Downtown Specific Plan (NDSP) to create a new Mixed-Use Special District that would allow for auto sales and service uses as well as a range of additional uses such as commercial office, hotel, and multi-family residential.

Travel Demand Analysis

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Transportation Impact Studies, please review Caltrans' Transportation Impact Study Guide.

If the project meets the screening criteria established in the City of Walnut Creek's adopted Vehicle Miles Traveled (VMT) policy to be presumed to have a less-than-significant VMT impact and exempt from detailed VMT analysis, please provide justification to support the exempt status in alignment with VMT policy. Projects that do not meet the screening criteria should include a detailed VMT analysis in the DEIR, which should include the following:

- VMT analysis pursuant to the City guidelines. Projects that result in automobile VMT per capita above the threshold of significance for existing (i.e. baseline) city-wide or regional values for similar land use types may indicate a significant impact. If necessary, mitigation for increasing VMT should be identified. Mitigation should support the use of transit and active transportation modes. Potential mitigation measures that include the requirements of other agencies such as Caltrans are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the City.
- A schematic illustration of walking, biking and auto conditions at the project site and study area roadways. Potential safety issues for all road users should be identified and fully mitigated.
- The project's primary and secondary effects on pedestrians, bicycles, travelers with disabilities and transit performance should be evaluated, including countermeasures and trade-offs resulting from mitigating VMT increases. Access to pedestrians, bicycle, and transit facilities must be maintained.
- Clarification of the intensity of events/receptions to be held at the location and how the associated travel demand and VMT will be mitigated.

Mitigation Strategies

Location efficiency factors, including community design and regional accessibility, influence a project's impact on the environment. Using Caltrans' *Smart Mobility 2010: A Call to Action for the New Decade*, the proposed project site is identified as Close-In Compact Community where community design is moderate and regional accessibility is strong.

Given the place, type and size of the project, the DEIR should include a robust Transportation Demand Management (TDM) Program to reduce VMT and greenhouse gas emissions from future development in this area. The measures listed below have been quantified by California Air Pollution Control Officers Association (CAPCOA) and shown to have different efficiencies reducing regional VMT:

- Project design to encourage mode shift like walking, bicycling and transit access;
- Transit and trip planning resources such as a commute information kiosk;
- Real-time transit information systems;
- Transit access supporting infrastructure (including bus shelter improvements and sidewalk/ crosswalk safety facilities);
- New development vehicle parking reductions;
- VMT Banking and/or Exchange program;
- Incorporation of bicycle lanes in street design;
- Wayfinding and bicycle route mapping resources;
- Pedestrian network improvements;
- Traffic calming measures;
- Implementation of electric vehicle (EV) network, including designated parking spaces for EVs;
- Limiting parking supply;
- Market price public parking;
- Employee and public ridesharing programs, Commute Trip Reduction programs;
- Transit and trip planning resources such as a commute information kiosk;
- Real-time transit information system; or
- Transit access supporting infrastructure (including bus shelter improvements and sidewalk/ crosswalk safety facilities).

Using a combination of strategies appropriate to the project and the site can reduce VMT, along with related impacts on the environment and State facilities. TDM programs should be documented with annual monitoring reports by a TDM coordinator to demonstrate effectiveness. If the project does not achieve the VMT reduction goals, the reports should also include next steps to take in order to achieve those targets.

Please reach out to Caltrans for further information about TDM measures and a toolbox for implementing these measures in land use projects. Additionally, Federal Highway Administration's Integrating Demand Management into the Transportation Planning Process: A Desk Reference (Chapter 8). The reference is available online at:

<http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>.

Transportation Impact Fees

Please identify project-generated travel demand and estimate the costs of transit and active transportation improvements necessitated by the proposed project; viable funding sources such as development and/or transportation impact fees should also be identified. We encourage a sufficient allocation of fair share contributions toward multi-modal and regional transit improvements to fully mitigate cumulative impacts to regional transportation. We also strongly support measures to increase sustainable mode shares, thereby reducing VMT.

Lead Agency

As the Lead Agency, the City of Walnut Creek is responsible for all project mitigation, including any needed improvements to the State Transportation Network (STN). The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Laurel Sears at laurel.sears@dot.ca.gov. Additionally, for future notifications and requests for review of new projects, please contact LDIGR-D4@dot.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Mark Leong". The signature is fluid and cursive, with a long horizontal stroke at the end.

MARK LEONG
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse