



NOTICE OF DETERMINATION

(FINDING THAT THE PROJECT IS CONSISTENT WITH AND COVERED BY AN ADOPTED PROGRAM ENVIRONMENTAL IMPACT REPORT (EIR))

2024-00023  
**FILED**

January 17, 2024

KRISTIN B. CONNELLY  
CLERK-RECORDER

Date: January 17, 2024

By *J. Hallas*  
Deputy clerk

(To be filed pursuant to California Administrative Code §15075 and City of Walnut Creek Environmental Guidelines, Section 1.7(f).)

TO:  Office of Planning and Research  
1400 10th Street, Room 121  
P.O. Box 3044  
Sacramento, CA 95812-3044

Contra Costa County Clerk  
822 Main Street  
P.O. Box 350  
Martinez, CA 94553

FROM: *Project Applicant*  
City of Walnut Creek  
Community Development Dept.  
1666 North Main Street  
*925-943-5899*  
Walnut Creek, CA 94596  
Lead agency

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Assistant Community Development Director  
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**SUBJECT: Filing Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.**

State Clearinghouse Number: 2014062086

Project Title: 2079 Mt. Diablo Blvd. Zoning Text Amendment

Project Location: The 25,221 square foot (0.58 acres) 2079 Mt. Diablo Blvd. parcel is located on the southern side of Mt. Diablo Blvd. and consists of a 7,200 square foot single story building that is currently operating as a motel "Diablo Mountain Inn." The site is within the West Downtown Specific Plan (WDSP) boundaries, and bounded by retail, office, and other commercial businesses; the 680 Interstate freeway and residential uses are located along the west.

Project Description:

The proposed Zoning Text Amendment is to modify the land use regulations for 2079 Mt. Diablo Blvd. to allow residential developments with at least 20 percent of lower-income units by right for this site. Under State Housing Element Law, the City Housing Element is required to include an

inventory of sites that are suitable to provide for the City's share of its regional housing need allocation (RHNA) obligations. In identifying suitable sites for housing development, Gov. Code section 65583.2(c) requires that non-vacant opportunity sites identified in a prior housing element's site inventory that has not been approved to develop a portion of the City's RHNA share be rezoned at certain statutory densities to allow residential use by right for housing developments in which at least 20 percent of the units are affordable to lower income households, and by certain statutory deadlines depending on when HCD certified the City's housing element. The statutory density is between 15-30 units per acre depending on where the jurisdiction is located.

Because the City's 2023-2031 Housing Element was certified by HCD in October 2023, any necessary rezoning for these "re-use" sites must be completed by January 31, 2024. The City's Housing Element likewise contains a program under H-2.S to continue to allow residential developments by right when 20 percent or more of the units are affordable to lower-income households in compliance with Section 65583.2. As such, the proposed Zoning Text Amendment is complying with state law and implementing the Housing Element program by modifying the land use regulations in the zoning district designation for the 2079 Mt. Diablo Blvd. site to allow residential developments by right where 20 percent of the units are affordable to lower income households.

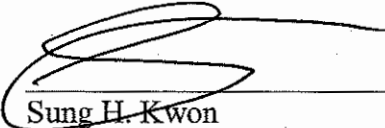
Specifically, the proposed Zoning Code text amendment would add language to the note L(21) of Land Use Regulations in the O-C zone to include: Multiple-Family Residential Uses are allowed by right for the parcel at 2079 Mt. Diablo Blvd. (APN:184-042-014) up to 56 dwelling units per acre when at least 20 percent of units are affordable to low and very-low income households (as defined under Health and Safety Code section 50093 as may be amended) in compliance with Government Code sections 65583.2(c) and (i). The City Council introduced an ordinance implementing the Zoning Text Amendment on December 19, 2023 during a duly noticed public hearing.

On September 4, 2018, the City Council adopted the WDSP and associated General Plan amendments, and also certified a Program Environmental Impact Report (EIR) for the adoption of the WDSP (State Clearinghouse No. 2014062086). Based on the entire record before the Walnut Creek City Council inclusive of a Supplemental Environmental Analysis dated November 2023 prepared by the City of Walnut Creek, the Proposed Zoning Text Amendment is an action covered by the WDSP Program EIR as it is consistent with the General Plan and WDSP goals and policies to facilitate new housing development, high density multi-family projects, and development of residential uses in the WDSP Mount Diablo Olympic District encompassing this site, and the transition of that area into mixed use retail, restaurant, office and residential uses combined with higher-density development in secondary streets.

On January 16, 2024, the City Council (lead Agency) determined that the proposed Zoning Text Amendment is an activity covered by the WDSP and the analysis under the WDSP Program EIR with no further analysis required under CEQA Guidelines Sections 15162 and 15168. The City Council made findings pursuant to CEQA Guidelines Sections 15162 and 15168 and adopted the ordinance implementing the Zoning Text Amendment.

This is to certify that the CEQA determination and the record of the Project approval (adoption of an ordinance implementing the Zoning Text Amendment) are available to the General Public at:

City of Walnut Creek  
Community Development Department  
1666 North Main Street  
Walnut Creek, CA 94596  
Attn: Sung H. Kwon  
(925) 943-5899 x2234

  
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Sung H. Kwon  
Assistant Community Development Director

Filed with Contra Costa County Clerk Recorder

Date: JAN 17 2024

Filed with Office of Planning and Research

Date: 1/18/2024