

## INITIAL STUDY / NEGATIVE DECLARATION

1. **Project Title:** Citrus Marketplace Zoning Amendments
2. **Lead Agency Name and Address:** City of Walnut Creek Community Development Department  
1666 Main Street  
Walnut Creek, CA 9596
3. **Contact Person and Phone Number:** Simar Gill  
Associate Planner  
(925) 943-5899 ext. 2115
4. **Location:** 2200-2290 Oak Grove Road  
Walnut Creek, CA 94598
5. **Applicant's Name and Address:** Michael Keener  
445 S. Douglas Street, #100  
El Segundo, CA 90245
6. **General Plan Land Use Designations:** General Retail
7. **Zoning:** Planned Development (P-D 1936)
8. **Description of Project:** See Chapter 2, Project Description
9. **Surrounding Land Uses and Setting:** See Chapter 2, Project Description
10. **Other Required Approvals:** See Chapter 2, Project Description
11. **Have California Native American Tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?** The City has not received any request from any Tribes in the geographic area with which they are traditionally and culturally affiliated, or otherwise, to be notified about projects in Walnut Creek.

## ENVIRONMENTAL ANALYSIS

### 2.2 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by the proposed project, involving at least one impact that is a potentially significant impact, as shown in Chapter 4, Environmental Analysis, of this Initial Study.

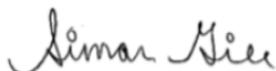
- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Aesthetics                  | <input type="checkbox"/> Agricultural & Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources        | <input type="checkbox"/> Cultural Resources                | <input type="checkbox"/> Energy                             |
| <input type="checkbox"/> Geology & Soils             | <input type="checkbox"/> Greenhouse Gas Emissions          | <input type="checkbox"/> Hazards & Hazardous Materials      |
| <input type="checkbox"/> Hydrology & Water Quality   | <input type="checkbox"/> Land Use & Planning               | <input type="checkbox"/> Mineral Resources                  |
| <input type="checkbox"/> Noise                       | <input type="checkbox"/> Population & Housing              | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Recreation                  | <input type="checkbox"/> Transportation                    | <input type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Utilities & Service Systems | <input type="checkbox"/> Wildfire                          | <input type="checkbox"/> Mandatory Findings of Significance |

### 2.3 DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Approved by:



Simar Gill, Associate Planner

4/5/22

Date

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## APPENDICES

- Appendix A: PD-1936  
Appendix B Fundamentals of Noise

In addition to these appendices, all documents cited in this report and used in its preparation are hereby incorporated by reference into this Initial Study. Copies of documents referenced herein are available for

## ENVIRONMENTAL ANALYSIS

review at the City of Walnut Creek Community Development Department at 1666 North Main Street, Walnut Creek, California 94596.

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# 1. Introduction

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This document is an Initial Study for the Rezoning Application for the Citrus Marketplace center, (proposed project) prepared by the City of Walnut Creek (City) to determine if the proposed project may have a significant effect on the environment. This Initial Study was prepared pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code sections 21000 et seq.). Pursuant to Section 15051 of the State CEQA Guidelines,<sup>1</sup> the City is the lead agency for the proposed project.

The 11.4-acre project site is located at 2200-2290 Oak Grove Road, at the intersection with Citrus Avenue. It is developed with six buildings, located around the perimeter of a landscaped, surface parking lot. Adjoining land uses include residential and office, east of Oak Grove Road, and parkland and commercial uses west of Oak Grove Road. The proposed zoning amendments, described in detail in Chapter 3 below, include:

- A change in operating hours for the anchor tenant space, currently occupied by Nob Hill Foods
- Updated use regulations for retailers and other tenants that generally conform to the City's Community Commercial District zoning, with limitations that conform to the current Citrus Marketplace restrictions on hours of operation as well as existing delivery restrictions
- A change in the out-going delivery hours for tenant space 2220, currently occupied by BevMo!

## 1.1 INITIAL STUDY

Pursuant to CEQA Guidelines Section 15063, an Initial Study is a preliminary environmental analysis that is used by the lead agency as a basis for determining what form of environmental review is required for a project. The CEQA Guidelines require that an Initial Study contain a project description, description of environmental setting, identification of environmental effects by checklist or other similar form, explanation of environmental effects, discussion of mitigation for significant environmental effects, evaluation of the project's consistency with existing and applicable land use controls, and the name of persons who prepared the study.

## 1.2 REPORT ORGANIZATION

This Initial Study is organized into the following chapters:

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<sup>1</sup> The CEQA Guidelines are found in California Code of Regulations, Title, 14, Section 15000 et seq.

## **ENVIRONMENTAL ANALYSIS**

**Chapter 1: Introduction.** This chapter provides an introduction and overview of the Initial Study document.

**Chapter 2: Project Description.** This chapter describes the location and setting of the proposed project, along with its principal components, as well as a description of the policy setting and implementation process for the proposed project.

**Chapter 3: Environmental Analysis.** Making use of the CEQA Guidelines Appendix G, Environmental Checklist, this chapter identifies and discusses anticipated impacts from the proposed project, providing substantiation of the findings made.

## 2. Project Description

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The applicant is proposing amendments to Planned Development Ordinance No.1936 (PD-1936) which is included in Appendix A. The proposed changes include amending the operating hours for the anchor tenant space, updated use regulations for retailers and other tenants, and a change in the out-going delivery hours for tenant space 2220 (Bevmo). The project is located on a 11.4-acre site at 2200-2290 Oak Grove Road in the City of Walnut Creek. Figures 2-1 and 2-2 show the regional and local locations respectively.

The Ordinance, adopted on January 5, 1999, specified hours of operation for the supermarket site, and all uses other than the daycare facility to between 6 a.m. to 11 p.m. daily. Operating hours for the daycare facility was set from 7 a.m. to 6 p.m. Mondays through Fridays, and use of the connected outdoor play area is prohibited until 8 a.m. Delivery hours are restricted to 7a.m. to 7p.m.

Finding 1-6 of PD-1936 noted that conditions required by the amended planned development ordinance would afford noise reduction.

The proposed amendments would:

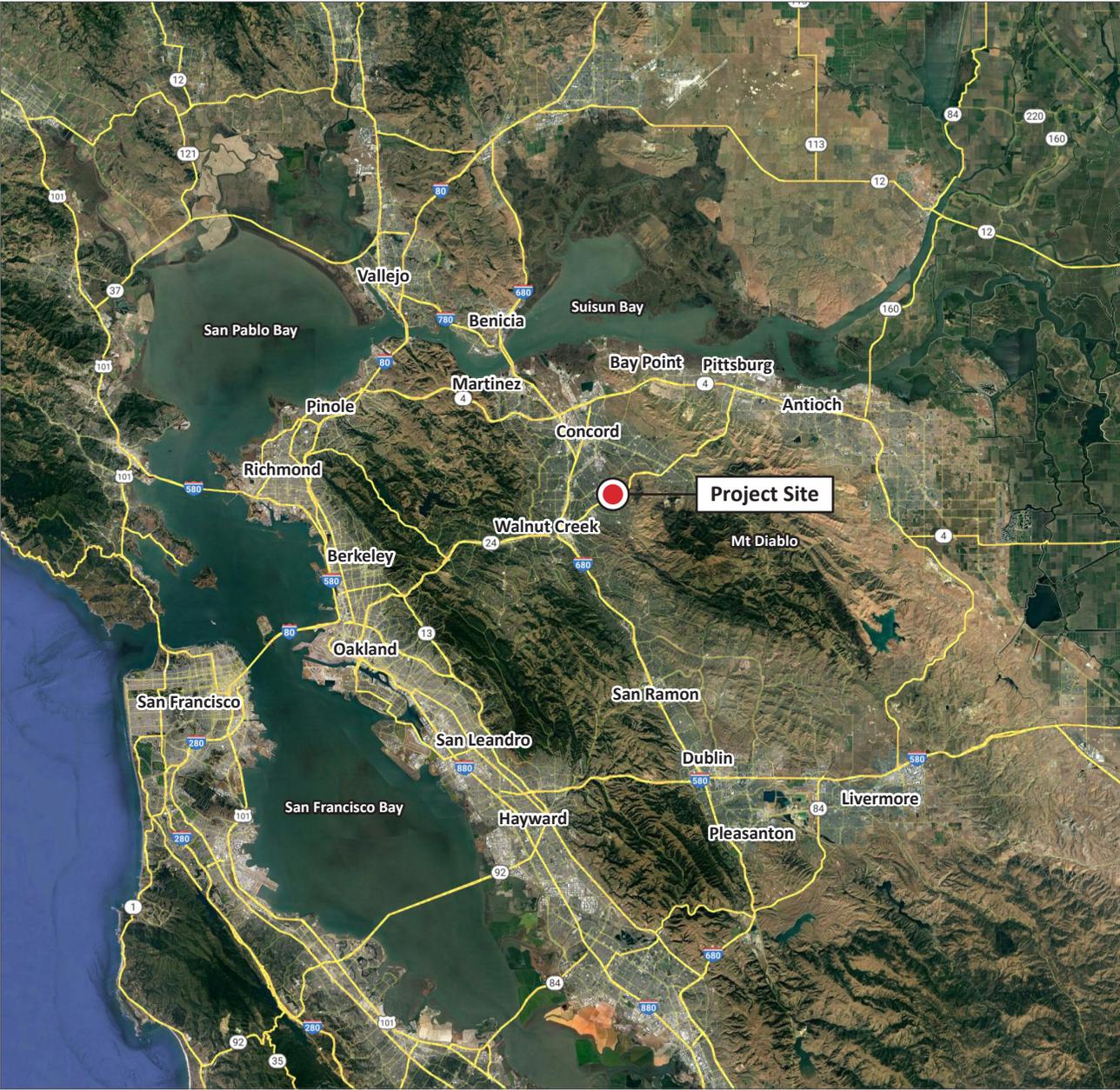
- Adjust language aimed at a “supermarket” anchor tenant, to reflect a generic anchor tenant.
- Adjust the operating hours of the anchor tenant space to 5 a.m. to 12 a.m. daily from the current hours of 6 a.m. to 11 p.m.
- Allow for expanded hours of operation of Bevmo for sale of alcohol products via app/online platform for delivery to between 6 a.m. to 2 a.m., seven days a week.
- Allow for expanded hours of operation of Bevmo for sale of non-alcohol products via app/online platform for delivery only, to 24 hours/day, seven days a week.
- Retain existing hours of operation of 6 a.m. to 11 p.m. for all other in-store uses, including Bevmo.

Bevmo intends to conduct online orders through use of a mobile app. Customers would use the app to select items available from the store for delivery including alcohol, and miscellaneous grocery/sundry items. On-line orders would be filled by Bevmo employees and placed in bins which would contain orders from one to five customers. For delivery pickups between 7a.m. to 7p.m., bins would be picked up at the rear facing door on the north side of the building. During the hours of 7p.m. to 7a.m., bins would be picked up at the public entrance at the front (south side) of the building. Signs would be posted at the front doors during after hour pickups to ensure that drivers are aware of the nearby residential area.

The applicant estimates that daily outgoing deliveries will range between 50 – 100 trips per day.

No physical changes are proposed in the project that would expand the operational footprint of the center or require additional parking, revised lighting, or new landscaping.

INITIAL STUDY



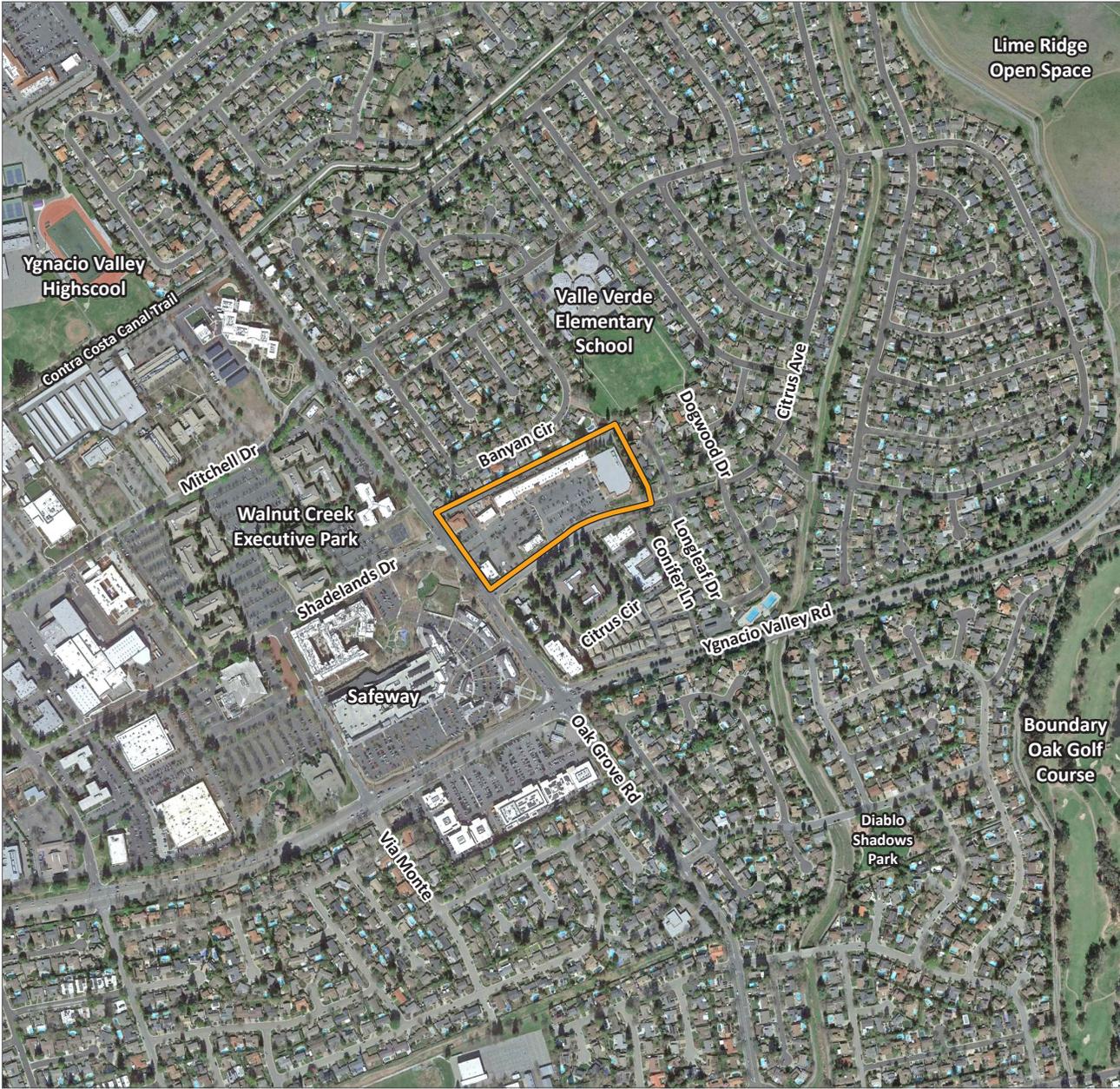
Source: Google Earth, 2022. PlaceWorks.com, 2022.



 Project Site

Figure 2-1  
Regional Location

INITIAL STUDY



Source: Google Earth, 2022. PlaceWorks.com, 2022.



 Project Site Boundary

Figure 2-2  
Local Location

## **3. *Environmental Analysis***

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### **3.1 INTRODUCTION**

This section describes the existing environmental conditions in the project area and environmental impacts that could occur with implementation of the proposed project pursuant to Appendix F, Energy Conservation, and Appendix G, Environmental Checklist, of the CEQA Guidelines as amended per Assembly Bill 52 (Tribal Cultural Resources) and the California Supreme Court in a December 2015 opinion [California Building Industry Association (CBIA) v. Bay Area Air Quality Management District (BAAQMD), 62 Cal. 4<sup>th</sup> 369 (No. S 213478)]. Where appropriate, this Initial Study includes a general discussion of the environmental effects associated with the proposed amendments to PD-1936.

## ENVIRONMENTAL ANALYSIS

### 3.2 -ENVIRONMENTAL ANALYSIS AND FINDINGS

#### I. AESTHETICS

Except as provided in Public Resources Code Section 21099 (transit priority area/major transit stop), would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### DISCUSSION

a) *Would the proposed project have a substantial adverse effect on a scenic vista?*

**No Impact:** The project does not include new construction and would not change views to or from the site.

b) *Would the proposed project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?*

**No impact:** The project does not include new construction and would not change scenic resources

c) *If the proposed project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

**No Impact:** The project does not include new construction and would not conflict with applicable regulations governing scenic quality.

d) *Would the proposed project create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?*

**No impact:** The project does not include new construction or changes to existing lighting on the site.

#### MITIGATION MEASURES

No mitigation measures are required.

**ENVIRONMENTAL ANALYSIS**

**II. AGRICULTURAL AND FORESTRY RESOURCES**

Would the proposed project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a)	Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or of conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**DISCUSSION**

e) *Would the proposed project convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

f) *Would the proposed project conflict with existing zoning for agricultural use, or a Williamson Act contract?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

g) *Would the proposed project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code*

## ENVIRONMENTAL ANALYSIS

*section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

*h) Would the proposed project result in the loss of forest land or conversion of forest land to non-forest use?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

*i) Would the proposed project involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or of conversion of forest land to non-forest use?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

## MITIGATION MEASURES

No mitigation measures are required.

## III. AIR QUALITY

Would the proposed project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a)	Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project area is in non-attainment under applicable federal or State ambient air quality standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**ENVIRONMENTAL ANALYSIS**

**DISCUSSION**

a) *Would the project conflict with or obstruct implementation of the applicable air quality plan?*

**No impact:** The project does not include new construction and would therefore not conflict or obstruct implementation of the Bay Area Air Quality Management Districts’ Clean Air Plan.

b) *Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project area is in non-attainment under applicable federal or State ambient air quality standards?*

**No impact:** The project does not include new construction and would therefore not result in an increase of criteria pollutants.

c) *Would the project expose sensitive receptors to substantial pollutant concentrations?*

**No impact:** The project does not include new construction and would therefore not result in an increase of substantial pollutant concentrations.

d) *Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

**No impact:** The project does not include new construction and no changes to current commercial operations at the center are proposed.

**MITIGATION MEASURES**

No mitigation measures are required.

**IV. BIOLOGICAL RESOURCES**

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on a plant or animal population, or essential habitat, defined as a candidate, sensitive or special-status species?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community type?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## ENVIRONMENTAL ANALYSIS

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species, their wildlife corridors or nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local ordinances or policies protecting biological resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## DISCUSSION

a) *Would the project have a substantial adverse effect, either directly or through habitat modifications, on a plant or animal population, or essential habitat, defined as a candidate, sensitive or special-status species?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

b) *Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community type?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

c) *Would the project have a substantial adverse effect on federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

d) *Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species, their wildlife corridors or nursery sites?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

e) *Would the project conflict with any local ordinances or policies protecting biological resources?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

**ENVIRONMENTAL ANALYSIS**

f) *Would the project conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat conservation plan?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

**MITIGATION MEASURES**

No mitigation measures are required.

**V. CULTURAL RESOURCES**

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**DISCUSSION**

a) *Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

b) *Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

## ENVIRONMENTAL ANALYSIS

c) *Would the project disturb any human remains, including those interred outside of formal cemeteries?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

## MITIGATION MEASURES

No mitigation measures are required.

## VI. ENERGY

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## DISCUSSION

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

**Less than significant:** The project site is a fully developed commercial center, and no additional construction is proposed. The proposed expanded hours of operation would not result in inefficient or unnecessary energy consumption.

b) *Would the project conflict with or obstruct a State or local plan for renewable energy or energy efficiency?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

## MITIGATION MEASURES

No mitigation measures are required.

**ENVIRONMENTAL ANALYSIS**

**VII. GEOLOGY AND SOILS**

Would the proposed project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a)	Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:				
i)	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii)	Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii)	Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv)	Landslides, mudslides or other similar hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Be located on expansive soil, as defined by Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**DISCUSSION**

a) *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: (i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; (ii) Strong seismic ground shaking; (iii) Seismic-related ground failure, including liquefaction; (iv) Landslides, mudslides or other similar hazards?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

b) *Would the project result in substantial soil erosion or the loss of topsoil?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

## ENVIRONMENTAL ANALYSIS

c) *Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

d) *Would the project be located on expansive soil, as defined by Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

e) *Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

f) *Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

## MITIGATION MEASURES

No mitigation measures are required.

## VIII. GREENHOUSE GAS EMISSIONS

Would the proposed project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**ENVIRONMENTAL ANALYSIS**

**DISCUSSION**

a) *Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

**No Impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

b) *Would the project conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?*

**Less than significant:** The project site is a fully developed commercial center, and no additional construction is proposed.

**MITIGATION MEASURES**

No mitigation measures are required.

**IX. HAZARDS AND HAZARDOUS MATERIALS**

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard for people living or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## ENVIRONMENTAL ANALYSIS

### DISCUSSION

a) *Would the project create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?*

**No impact:** The project site is a fully developed commercial center, no additional construction is proposed, and no changes to commercial operations are proposed other than the proposed changes to operational hours.

b) *Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

c) *Would the project emit hazardous emissions or handle hazardous materials, substances or waste within 0.25 miles of an existing or proposed school?*

**No impact:** The project site is not located within 0.25 miles of a school. The closest school, Ygnacio Valley High School, is located approximately 0.8 miles to the northwest of the site.

d) *Would the project be located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

e) *For a project within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard for people living or working in the project area?*

The project site is not located within 2 miles of a public airport or public use airport. The nearest airport is the Buchanan Field Airport in Concord, about 4.25 miles northwest of the project site.<sup>2</sup>

f) *Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

**No Impact:** The proposed project would not involve any material changes to public streets, roads, or evacuation infrastructure and it does not include construction of new buildings or any features that might impair the implementation of any relevant emergency operation plan. Furthermore, the proposed project would not change existing emergency response and rescue access routes within Walnut Creek.

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<sup>2</sup> Airnav, LLC. 2022. Airport Information. Accessed March 1, 2022. <http://www.airnav.com/airports>.

**ENVIRONMENTAL ANALYSIS**

g) *Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?*

**No Impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

**MITIGATION MEASURES**

No mitigation measures are required.

**X. HYDROLOGY AND WATER QUALITY**

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: <ul style="list-style-type: none"> <li>i) Result in substantial erosion or siltation on- or off-site;</li> <li>ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;</li> <li>iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or</li> <li>iv) Impede or redirect flood flows?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) In a flood hazard, tsunami, or seiche zones, risk the release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## ENVIRONMENTAL ANALYSIS

### DISCUSSION

a) *Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

**No impact:** The project site is a fully developed commercial center, and no additional construction including changes or expansion of drainage facilities are proposed.

b) *Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

**No impact:** The project site is a fully developed commercial center, and no additional construction including changes or expansion of drainage facilities are proposed.

c) *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: (i) Result in substantial erosion, siltation, or flooding on- or off-site; (ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; (iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; (iv) Impede or redirect flood flows?*

**No Impact:** The project site is a fully developed commercial center, and no additional construction or expansion of impervious surfaces are proposed.

d) *In a flood hazard, tsunami, or seiche zones, risk the release of pollutants due to project inundation?*

**No impact.** The project site is not located in a flood hazard, tsunami, or seiche zone.<sup>3</sup>

e) *Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan<sup>4</sup>?*

**No Impact:** The project site is a fully developed commercial center, and no additional construction or expansion of impervious surfaces are proposed.

### MITIGATION MEASURES

No mitigation measures are required.

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<sup>3</sup> City of Walnut Creek, 2006. Walnut Creek General Plan 2025, Figure 5. Flood Zones, p.6-8. <https://www.walnut-creek.org/departments/community-development-department/planning-zoning/long-range-planning/general-plan-2025>, accessed March 30, 2022.

**ENVIRONMENTAL ANALYSIS**

**XI. LAND USE AND PLANNING**

Would the proposed project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a)	Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Cause a significant environmental impact due to a conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**DISCUSSION**

a) *Would the project physically divide an established community?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

b) *Would the project cause a significant environmental impact due to a conflict with any applicable land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

**Less than significant impact:** As discussed in Chapter 3, Project Description, Finding 1-6 of PD-1936 noted that conditions required by the amended planned development ordinance would afford noise reduction. As discussed in Section XIII, Noise, below, the proposed zoning amendments would not result in a significant noise impact and therefore would not conflict with a regulation adopted for the purpose of mitigating an environmental effect.

**MITIGATION MEASURES**

None required.

## ENVIRONMENTAL ANALYSIS

### XII. MINERAL RESOURCES

Would the proposed project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### DISCUSSION

- a) – b) *Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state or result in the loss of availability of a locally important mineral resources recovery site delineated on a local general plan, specific plan, or other land use plan?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

### MITIGATION MEASURES

No mitigation measures are required.

### XIII. NOISE

Would the proposed project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**ENVIRONMENTAL ANALYSIS**

**DISCUSSION**

*Environmental Setting*

Noise is defined as unwanted sound and is known to have several adverse effects on people including hearing loss, speech and sleep interference, physiological responses, and annoyance. Based on these known adverse effects of noise, the City of Walnut Creek has established criteria to protect public health and safety and to prevent disruption of certain human activities. Noise terminology and fundamentals, pertinent existing local regulations, and ambient noise monitoring data can be found in Appendix B.

Existing Conditions

The proposed project site is in a mixed residential and commercial neighborhood. The existing noise environment is characterized primarily by traffic noise on Oak Grove Road and Citrus Avenue. Ambient noise monitoring

*Ambient Noise Monitoring Results*

To determine baseline noise levels in the project vicinity, ambient noise monitoring was conducted by PlaceWorks in February 2022. One long-term (24 hour) measurement was conducted within the project area, and short-term (15 minute) measurements were conducted at four locations in the project vicinity. All measurements were conducted between Thursday, February 10 and Friday, February 11 of 2022.

The primary noise source around the measurements was traffic. Meteorological conditions during the measurement periods were favorable for outdoor sound measurements and were noted to be representative of the typical conditions for the season. All sound level meters used for noise monitoring satisfy the American National Standards Institute (ANSI) standard for Type 1 instrumentation.<sup>5</sup> The sound level meters were set to “slow” response and “A” weighting (dBA). The meters were calibrated prior to and after the monitoring period. All measurements were at least five feet above the ground and away from reflective surfaces. Noise measurement locations are described below and shown in Figure 3.1. A summary of the daily trend during long-term noise measurements are provided in Appendix B. The short-term noise measurement results are summarized in Table 3-1.

**TABLE 3-1      SHORT-TERM NOISE MEASUREMENTS SUMMARY IN A-WEIGHTED SOUND LEVELS**

Monitoring Location	Description	15-Minute Noise Level, dBA		
		L <sub>min</sub>	L <sub>eq</sub>	L <sub>max</sub>
ST-1	Oak Grove Road – 4:29 p.m., 2/10/2022	52.7	66.3	84.0
ST-2	Northeastern property line – 4:06 p.m., 2/10/2022	39.1	42.7	54.3
ST-3	Conifer Lane – 4:52 p.m., 2/10/2022	39.3	45.8	59.3
ST-4	Citrus Avenue – 5:12 p.m., 2/10/2022	43.2	61.8	73.5

Source: PlaceWorks 2022

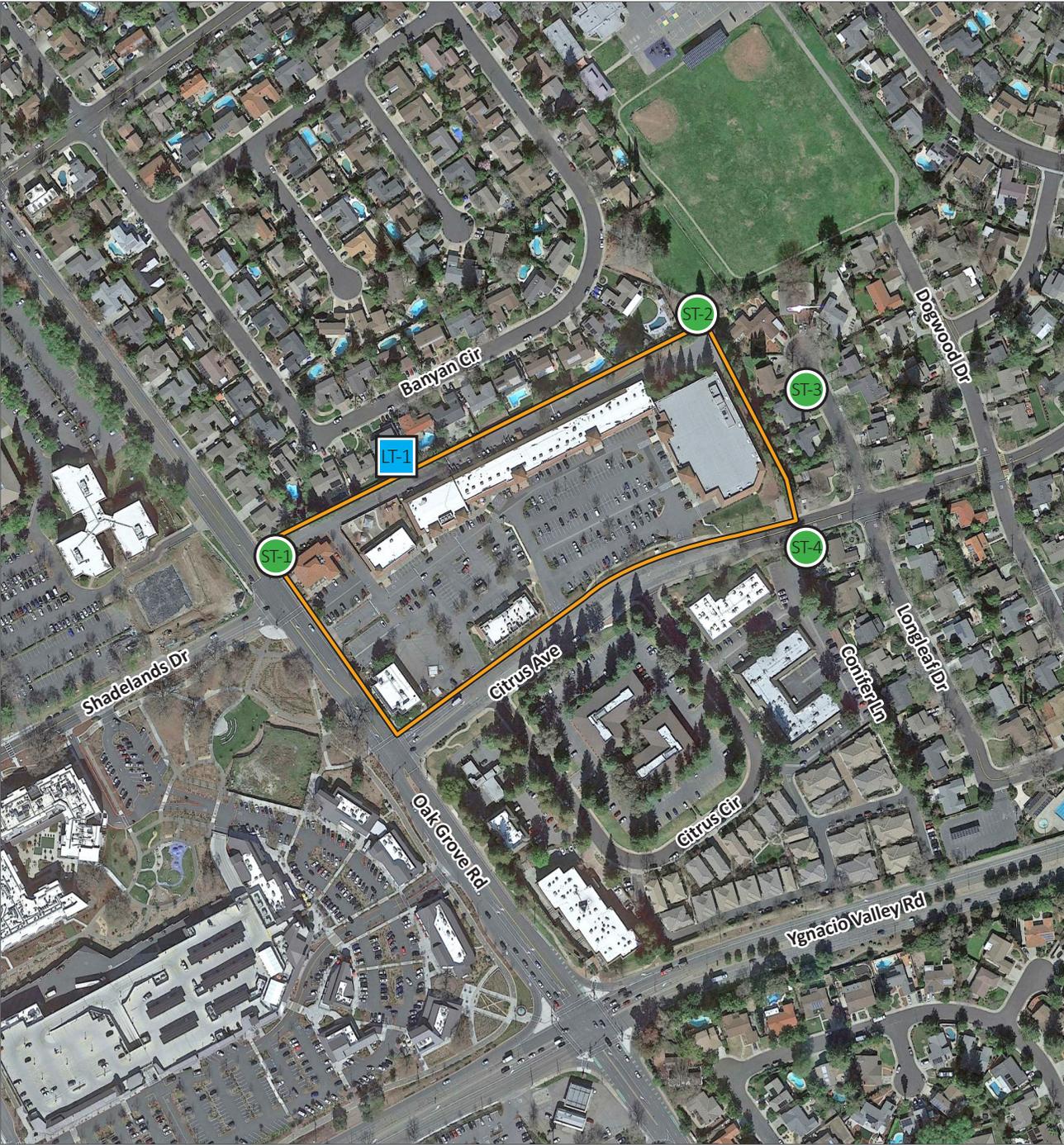
<sup>5</sup> Monitoring of ambient noise was performed using Larson-Davis Model LxT and 820 sound level meters.

## ENVIRONMENTAL ANALYSIS

The following describes the noise monitoring locations:

- **Long-Term Location 1 (LT-1)** was behind the existing BevMo along the northern property line with residences on Banyan Circle. A 24-hour noise measurement was conducted, beginning at the 4:00 p.m. hour on Thursday, February 10, 2022. The noise environment of this site is characterized primarily by local traffic on Oak Grove Road and the nearby preschool. The measured  $L_{dn}$  was 60 dBA. There is an approximate 6-foot masonry wall with wood top along the northern property line.
- **Short-Term Location 1 (ST-1)** was approximately 40 feet east of the closest Oak Grove Road northbound travel lane centerline. A 15-minute noise measurement was conducted at 4:29 p.m. on Thursday, February 10. The noise environment of this site is characterized primarily by local traffic on Oak Grove Road.
- **Short-Term Location 2 (ST-2)** was at the northeastern project property line adjacent to residences on Banyan Circle and Conifer Lane. A 15-minute noise measurement was conducted at 4:06 p.m. on Thursday, February 10. The existing noise environment of this site is characterized primarily by distant traffic noise, aircraft overflights, and birds. The 6-foot masonry wall with wood top along the northern property line transitions to an approximate 8-foot wood fence to the southeast adjacent to residences on Conifer Lane.
- **Short-Term Location 3 (ST-3)** was in front of the 329 Conifer Lane residence. A 15-minute noise measurement was conducted at 4:52 p.m. on Thursday, February 10. The noise environment of this site is characterized primarily by distant traffic noise, aircraft overflights, and birds.
- **Short-Term Location 4 (ST-4)** was approximately 15 feet south of the closest Citrus Avenue eastbound travel lane centerline. A 15-minute noise measurement was conducted at 5:12 p.m. on Thursday, February 10. The noise environment of this site is characterized primarily by local traffic on Citrus Avenue.

INITIAL STUDY



Source: Google Earth, 2022. PlaceWorks.com, 2022.

-  Project Site Boundary
-  ST = Short-term Measurement Location
-  LT = Long-term Measurement Location

Figure 3-1  
Approximate Noise Monitoring Locations

## ENVIRONMENTAL ANALYSIS

### Sensitive Receptors

Certain land uses are particularly sensitive to noise and vibration. These uses include residences, schools, hospital facilities, houses of worship, and open space/recreation areas where quiet environments are necessary for the enjoyment, public health, and safety of the community. The nearest sensitive receptors to the project site are the immediately surrounding residential uses to the north on Banyan Circle and to the east on Conifer Lane.

### *Regulatory Setting*

#### Walnut Creek Municipal Code

Although the Walnut Creek Municipal Code contains multiple references and provisions related to noise and regulates aspects of noise from construction activities, the Code does not contain any quantitative standards that would apply uniquely to the proposed project. The Zoning Code and Subdivision Ordinance contain multiple general provisions requiring that projects demonstrate that their uses would not result in excessive noise, but do not provide any quantitative standards.

The bulk of City noise regulations are contained within Article 2, Noise, of Chapter 6, Nuisances, under Title 4, Public Welfare, Morals, and Conduct. The provisions of Article 2 relate primarily to the prohibition or regulation of noise from highly specific sources, such as radios, sound amplification devices, animals, or particularly loud or disturbing human voices. Section 4-6.204, *Loud Noises Prohibited*, prohibits “loud, excessive or unreasonable noise.”

### *Analysis*

- a) *Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, State, or federal standards?*

### Project Construction

**No Impact.** The project would not involve any construction activities and there would be no construction noise impacts.

### Project Operation

**Less than Significant:** As discussed above, while the Municipal Code prohibits, “loud, excessive or unreasonable noise,” the Municipal Code does not have quantified noise limits for stationary sources such as those that would apply to parking lot noise from the proposed project. The US EPA recommends that during nighttime hours (10:00 p.m. – 7:00 a.m.) interior noise levels not exceed 35 dBA to prevent sleep disturbance.<sup>6</sup> Conservatively assuming that residential windows are open, exterior-to-interior noise

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<sup>6</sup> U.S. Environmental Protection Agency, 1974. *Information on levels of environmental noise requisite to protect public health and welfare with an adequate margin of safety.*

**ENVIRONMENTAL ANALYSIS**

reduction would be 15 dBA. Therefore, a nighttime exterior noise threshold of 50 dBA at the residential property line is applied to the proposed project.

As described in Chapter 3, Project Description, on average, 50 – 100 outgoing deliveries from Bevmo are anticipated. When compared to existing parking lot activity on the north and south sides of Bevmo, and traffic noise on Oak Grove Road and Citrus Avenue, the nominal increase of parking lot activity during daytime would have a negligible contribution to the surrounding noise environment.

During ambient noise monitoring in the project area, PlaceWorks conducted measurements in the existing Citrus Marketplace parking lot of common parking events. Table 4-2 summarizes the results of noise measurements during the afternoon of Friday, February 11, 2022.

**TABLE 3-2      PARKING LOT NOISE MEASUREMENTS SUMMARY IN A-WEIGHTED SOUND LEVELS**

Description	Noise Level, dBA
Truck closing at 50 feet	54
Door closing at 25 feet	50
Ignition start at 25 feet	55
Car pass-by at 30 feet	55
Car idling at 10 feet	55
Horn/door lock at 100 feet	57

Source: PlaceWorks 2022

From 7p.m. to 7a.m. delivery drivers would enter and exit the store via the main building entrance. To ensure that driver access and identification will not generate significant noise, drivers press a button next to the locked door to notify staff inside the building. As noted in the project description, signage will be provided advising delivery drivers of the adjoining residential areas. Based on the existing site layout, drivers would park as close as approximately 160 feet south of the property line with residences on Banyan Circle. The Bevmo building would completely block line-of-sight between the delivery vehicles and residences. This would reduce noise levels by an estimated 15 dBA. At a distance of 160 feet with substantial shielding from the existing Bevmo building, a door lock horn event is calculated to attenuate to 38 dBA at the residential property line. Noise levels would be less at residences further to the east. At the closest residence to the southeast on Citrus Avenue, at a distance of approximately 725 feet and no building shielding, parking lot noise levels are calculated to attenuate to 40 dBA. In all cases, nighttime parking lot activity would not exceed the threshold of 50 dBA at residential property lines and impacts would be less than significant.

In addition, the operating hours of the anchor tenant space are proposed to be expanded to 5:00 a.m. to 12:00 a.m. daily from the current hours of 6:00 a.m. to 11:00 p.m. However, no changes to the restrictions applicable to deliveries at the Anchor Tenant Space nor to any of the operating hours or incoming delivery

## ENVIRONMENTAL ANALYSIS

restrictions affecting the other tenants in the center are proposed. The permitted uses will continue to operate under the same restricted in-store hours of operation, from 6:00 a.m. to 11:00 p.m.

b) *Would the project expose people to or generate excessive groundborne vibration or ground borne noise levels?*

### Construction Vibration

**No Impact.** The project would not involve any construction activities and there would be no construction vibration impacts.

### Operational Vibration

**Less than Significant Impact.** The operation of the proposed project would not include any substantial long-term vibration sources, such as rail, subway or heavy industrial equipment. Thus, the impact would be less than significant.

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

**No Impact.** The nearest airport is the Buchanan Field Airport in Concord, about 4.25 miles northwest of the project site.<sup>7</sup> People working in the project area would not be exposed to excessive noise levels. There would be no impact.

## XIV. POPULATION AND HOUSING

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Induce substantial unexpected population growth or growth for which inadequate planning has occurred, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>7</sup> Airnav, LLC. 2022. Airport Information. Accessed March 1, 2022. <http://www.airnav.com/airports>.

**ENVIRONMENTAL ANALYSIS**

**DISCUSSION**

a) *Would the project induce substantial unexpected population growth or growth for which inadequate planning has occurred, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

b) *Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

**MITIGATION MEASURES**

No mitigation measures are required.

**XV. PUBLIC SERVICES**

<b>Would the proposed project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant</b>	<b>No Impact</b>
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Libraries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**DISCUSSION**

a) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other*

## ENVIRONMENTAL ANALYSIS

*performance objectives for any of the public services: fire protection, police protection, schools, and libraries?*

**No impact:** The primary purpose of a public services impact analysis is to examine the impacts associated with physical improvements to public service facilities required to maintain acceptable service ratios, response times or other performance objectives. Public service facilities need improvements (i.e., construction, renovation or expansion) as demand for service increases. Increased demand is typically driven by increases in population. The proposed project would have a significant environmental impact if it would exceed the ability of public service providers to adequately serve residents, thereby requiring construction of new facilities or modification of existing facilities.

Since project site is a fully developed commercial center, and no additional construction is proposed there would be no increases in population resulting from its implementation.

## MITIGATION MEASURES

No mitigation measures are required.

## XVI. PARKS AND RECREATION

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial adverse physical impacts associated with the provision of new or physically altered park and recreational facilities, or result in the need for new or physically altered park and recreational facilities, the construction of which could cause significant environmental impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## DISCUSSION

*a) – b) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated? Does the proposed project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

**No Impact:** Increased demand for existing neighborhood and regional parks or other recreational facilities is typically driven by increases in population. The project site is a fully developed commercial center, and no additional construction is proposed and there would be no increases in population resulting from its implementation.

**ENVIRONMENTAL ANALYSIS**

**MITIGATION MEASURES**

No mitigation measures are required.

**XVII. TRANSPORTATION**

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**REGULATORY FRAMEWORK**

*Local*

**DISCUSSION**

a) *Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

b) *Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?*

**Less than significant:** According to the California Office of Planning and Research *Technical Advisory on Evaluating Transportation Impacts*,<sup>8</sup> “absent substantial evidence indicating a project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy (SCS) or general plan, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact.”

<sup>8</sup> Governor’s Office of Planning and Research, *Technical Advisory on Evaluating Transportation Impacts in CEQA*, November 2017, [http://www.opr.ca.gov/docs/20171127\\_Transportation\\_Analysis\\_TA\\_Nov\\_2017.pdf](http://www.opr.ca.gov/docs/20171127_Transportation_Analysis_TA_Nov_2017.pdf).

## ENVIRONMENTAL ANALYSIS

In addition, the City of Walnut Creek does not require VMT analysis for projects with 10,000 square feet or less of non-residential construction.<sup>9</sup> The project site is a fully developed commercial center, and no additional construction is proposed.

c) *Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

d) *Would the project result in inadequate emergency access?*

Therefore, *no impact* would occur.

## MITIGATION MEASURES

No mitigation measures are required.

## XVIII. TRIBAL CULTURAL RESOURCES

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<p>a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:</p> <p>i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or</p> <p>ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resource Code Section 5024.1. In applying the criteria set forth in subdivision (c) of the Public Resource Code Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance to a California Native American tribe.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>9</sup> City of Walnut Creek, City of Walnut Creek Citywide TDM Requirements, October 2021.

**ENVIRONMENTAL ANALYSIS**

**DISCUSSION**

a) *Would the proposed project cause a substantial adverse change in the significance of a Tribal Cultural Resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:*

i) *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?*

ii) *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resource Code Section 5024.1. In applying the criteria set forth in subdivision (c) of the Public Resource Code Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance to a California Native American tribe?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

**MITIGATION MEASURES**

No mitigation measures are required.

**XIX. UTILITIES AND SERVICE SYSTEMS**

<b>Would the proposed project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant</b>	<b>No Impact</b>
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## ENVIRONMENTAL ANALYSIS

### DISCUSSION

a) *Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

b) *Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

c) *Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

d) *Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

e) *Would the project comply with federal, state, and local statutes and regulations related to solid waste?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

### XX. WILDFIRE

If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**ENVIRONMENTAL ANALYSIS**

If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**DISCUSSION**

a) *Substantially impair an adopted emergency response plan or emergency evacuation plan?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

b) *Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

c) *Require the installation of maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

d) *Expose people or structure to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire instability, or drainage changes?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

## ENVIRONMENTAL ANALYSIS

### XXI. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### DISCUSSION

a) *Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

b) *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

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## ENVIRONMENTAL ANALYSIS

c) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

**No impact:** The project site is a fully developed commercial center, and no additional construction is proposed.

A P P E N D I X A

P D - 1 9 3 6



## ORDINANCE NO. 1936

### **AN ORDINANCE OF THE CITY OF WALNUT CREEK PROVIDING FOR THE REZONING OF CERTAIN PROPERTY WITHIN THE CITY OF WALNUT CREEK FROM LAND USE DISTRICT P-D-1836 (PLANNED DEVELOPMENT) TO A CLASSIFICATION OF P-D-1936 (PLANNED DEVELOPMENT) AND AMENDING THE WALNUT CREEK MUNICIPAL CODE ACCORDINGLY (REZONING APPLICATION NO. 0549 – CITRUS CENTER)**

The City Council of the City of Walnut Creek does ordain as follows:

#### Section 1. Findings.

1. On February 15, 1994, the City Council held a public hearing to consider Planned Development Rezoning/Design Review Application No. 0549 (Citrus Center-Burton Village Remodel) filed by Massachusetts Mutual, owner; Michael Freeman, applicant; an application to amend P-D 1529 to allow a remodel of the existing Burton Village Shopping Center. A total of 14,200 net new commercial square feet is proposed to be added which includes a new 39,200 square foot supermarket, removal of an existing 20,800 square foot retail/office building, and relocation of an existing preschool.
2. On January 13, 1994, the Walnut Creek Planning Commission held a public hearing on the rezoning application and, based upon the evidence and testimony presented to it, resolved to recommend denial of the application for the following reasons: incompatibility of a large supermarket adjacent to the residential environs, associated anticipated noise, safety and traffic concerns, neighbors' reliance upon use and square footage limitations set forth in P-D 1529 and the proximity of other supermarkets to the one proposed.
3. The Design Review Commission reviewed this application on September 8 and 29, 1993 and has submitted its comments and recommendations to the Planning Commission and City Council for consideration. As a result of this review, the applicant has, specifically, increased the supermarket's rear landscaped setback area from 30' (thirty feet) to 45' (forty-five feet).
4. A Negative Declaration was posted for this project on December 23, 1993, the Community Development Director having found that no substantial adverse environmental impacts will occur as a result of this project. The Negative Declaration analyzed the following potential impacts: seismic, odors, tree removal, noise, light/glare, transportation/circulation, vehicular/pedestrian/bicycle safety and visual impacts.
5. A traffic study has concluded that the project will not have a significant effect on the environment based upon the following:
  - a. During the AM and PM peak periods, the project will not cause a significant increase in roadway levels of service (LOS) or in volume-to-capacity ratios (V/C) at the following signalized intersections: Ygnacio Valley Road/Oak Grove Road, Citrus Avenue/Oak Grove Road, Shadelands Drive/Oak Grove Road, and Peachwillow Drive/Oak Grove Road.

- b. The levels of service at the unsignalized intersections (driveways) associated with the project will remain within a highly acceptable range and that the project will not cause a significant traffic impact.
- c. Based upon an analysis of pedestrian and bicycle accident history and direct observation of the study area, the area does not indicate a significant accident rate. This project will not cause a significant vehicular/bicycle/pedestrian impact.

6. The noise study has concluded that the future noise level at the property line receptor locations is below a DNL of 60 dB, with an increase of less than 3dB and that, therefore, the project will not result in a significant environmental impact. With respect to single noise event impacts, the noise study also concluded there is no City Noise Policy or industry standard for such impacts; however, conditions required by the amended Planned Development ordinance and permit would afford noise reduction.

7. The project would add 14,200 net new square feet of commercial space comprised of the retail buildings, a preschool and the outdoor sales area.

8. New development on the Burton Village shopping center site is not required to meet the Roadway Standards established in the General Plan Growth Limitation Plan. At this time, sufficient commercial development square footage is available for allocation in this development cycle in that the project would add only 13,000 net new square feet of commercial building area to the city.

9. The proposed supermarket is inconsistent with the provisions of the existing Planned Development zoning (P-D 1529) and would require amendment of the existing zoning to be permitted.

10. The Council finds that the rezoning and proposed supermarket are compatible with Measure A height limitations which specifically allow for an exception to the height limit for small architectural elements such as towers, flagpoles and pitched roof projections. The Council finds the proposed supermarket will be 23' (twenty-three feet) tall at its standard roof line and over the mechanical equipment room and that the pitched roof of the two façade towers and flagpoles at the front of the supermarket qualify as exceptions under the General Plan and zoning ordinance and, thus, Measure A.

11. Based upon the evidence presented at the hearing on this item, and investigations made by this Council and on its behalf, the City Council hereby finds that:

- a. This proposal is in the best interests of the public health, safety and general welfare in that the rezoning will permit the construction of a high-quality, attractive supermarket which will contribute to the revitalization of the shopping center as a whole.
- b. The proposed Planned Development Zoning and P-D Permit are consistent with the General Plan and Chapter 2, Title 10 of the Walnut Creek Municipal Code.
- c. The proposed rezoning conforms to the purpose of the planned development district.

- d. The supermarket and accessory uses are found to be compatible with the site and its environs.

### Section 2. Environmental Determination.

The Council has adopted the Negative Declaration finding that: 1) it has been prepared in compliance with CEQA, State and City Guidelines; 2) the information contained therein has been reviewed and studied; 3) public comment received during the review period has been considered; and 4) the project, as conditioned, will not have a significant effect on the environment.

### Section 3. Decision on Measure A Appeal.

The appeal of staff's determination that the project is consistent with Measure A (the Building Height Freeze initiative), dated January 13, 1994 and filed by the Woodlands Association, Inc., is hereby denied.

### Section 4. Conditions of the Planned Development Permit.

The real property described in Exhibit A attached hereto and incorporated herein by reference, is hereby rezoned from land use district P-D-1529 (Planned Development) to P-D-1836 (Planned Development), subject to all provisions of the Walnut Creek Municipal Code and subject to the following conditions, and the Municipal Code is hereby amended accordingly:

1. The property shall be developed substantially in accordance with the site plan labeled Exhibit "B" dated January 19, 1998 and attached hereto.
2. Permitted uses on the subject property shall be limited to the following:

Antique shop; appliance store; art gallery; art supply shop; auto supplies and accessories store; (retail only); bath and linen shop; bicycle shop; book store; candle shop; clock shop; cosmetic shop; craft and supply stores; clothing stores; curtain and drapery shop; pharmacy-oriented drug store (apothecary), limited to a maximum of 10,000 square feet of gross floor area; dry cleaners; electronics store/appliance/computer store (retail only); finance company; florist shop; framing shop; furniture shop; gift shop; hair salons; indoor health club; hobby shop; housewares shop; import shop; jewelry store; key maker; lamp shop; liquor store; hardware and other home improvement stores including kitchen and bath showrooms and window, wall and floor covering stores, and a nursery including plants and garden supplies limited to the designated nursery area; pet store; photo/camera store; photography studio; quickprint/copying/ postal shop; pool and patio supply; record /tape and video store; shoe repair store; shoe store; sporting goods; office supply and stationery store; tobacco and pipe shop; theatrical and novelty supply store; toy store; travel agency; watch/clock repair shop; and western (saddlery and clothing) shop.

Other uses which shall be permitted include five restaurants in which at least 30% of the leasable floor area shall be used for customer seating; a grocery store limited to a maximum of 38,000 square feet gross floor area and 1,200 square feet gross outdoor nursery sales area; meat, fish, poultry and/or produce shop; delicatessen and food shops including but not limited to bakery, bagel, coffee, candy and/or nut shop, doughnut shop, health food shop, hot dog shop, ice cream shop, and yogurt shop.

Businesses and professional offices shall be permitted except that there shall be only two (2), bank/savings and loan offices, one (1) real estate office, and one (1) insurance agency.

Day care centers shall be permitted with approval of a Conditional Use Permit.

Other retail/service uses, not specifically prohibited in this ordinance, which the Zoning Administrator, after giving written notice to the applicant and the Woodlands Association, Inc. and after conducting a public hearing, shall deem similar in character and purpose to those listed above shall also be permitted.

#### Hours of Operation

3. Hours of retail sales operation for the supermarket shall be limited to between 6 AM to 11 PM daily.

4. Hours of operation for the day care center shall be limited to 7 AM to 6 PM, Mondays through Fridays. The outdoor play area shall not be used prior to 8 AM. Events, such as parent/teacher conferences and preschool open house, may be held occasionally on weekend days and/or in the evenings, up to a maximum of eight times per year.

5. Hours of operation for all other uses shall be limited to between 6 AM and 11 PM weekdays and weekends.

#### Delivery Restrictions

6. Hours of delivery for all uses shall be limited to between 7 AM and 7 PM.

7. Vehicles heavier than three (3) tons are required by Walnut Creek Municipal Code Sec. 3-5.1301 to travel only designated truck routes. Oak Grove Road is the only designated truck route adjacent to the shopping center. Delivery vehicles are not allowed to travel on Citrus Avenue past the driveway entrance to the shopping center.

8. Delivery vehicles larger than 20' in length shall be allowed to service the supermarket a maximum of thirty-five (35) times per week. No deliveries by such vehicles shall be allowed on Sundays. Such vehicles shall be contained within the loading dock for the purposes of loading and unloading activities. Garbage removal vehicles shall service the supermarket no more than two times per week and tallow removal vehicles shall service the supermarket no more than two times per week. Such vehicles shall not service the supermarket on Sundays.

9. Delivery vehicles larger than 20' in length servicing any store other than the supermarket are required to park in the parking lot area in the front of the stores for deliveries. Such vehicles shall not use the access road which is adjacent to the north property line for deliveries and/or parking.

#### Security

10. Security lighting and other illumination of the parking area and buildings shall be shielded and shall not be directed on adjacent residential properties or onto abutting streets. All exterior lighting shall be subject to Design Review approval.

## Maintenance

11. Mechanical equipment sweeping and cleaning of the parking areas, parking spaces, driveways and other common areas shall be limited to between 7:30 AM and 10 PM Mondays through Saturdays. Such operations are prohibited on Sundays.

12. Sufficient trash enclosures shall be provided which shall be completely screened from public view. Dumpsters not contained within an appropriate enclosure shall not be permitted. Screening devices shall be constructed of durable materials such as concrete block or its equivalent and finished in a manner which is consistent and compatible with those materials used in shopping center buildings. All trash areas shall be maintained in a clean and litter-free manner. The design of all trash enclosures shall be subject to Design Review.

13. No odors shall be emitted from food service uses. If found to exist based on complaints, an adequate air filter system shall be required to eliminate such odors or such activities shall be discontinued.

## Other Conditions

14. The proposed size and types of retail sales shops shall be developed and operated in such a manner which is consistent with the general character of the Center. It is not the intention in granting of this Planned Development permit to allow the construction of additional large scale stores such as super drug stores, and surplus stores.

15. All tenant signing shall conform to the sign program approved by the Design Review Commission for this Center.

16. No tenant shall display or offer for sale or use any drug-related paraphernalia.

17. No amusement arcade games, including but not limited to video games, shall be operated within the shopping center.

18. The use of the Fire Access "turn-around" area located at the end of the northern access road adjacent to the property line of the Banyan Circle residences (Exhibit "B") shall be restricted to emergency vehicle access only.

19. The northern access road which is adjacent to the property line of the Banyan Circle residences shall be blockaded at its west end nearest the child day care facility building from 9 PM to 7 AM daily.

20. After the supermarket is operational, the Transportation Administrator may prohibit all on-street parking along both sides of Citrus Avenue along any part from Oak Grove Road to the intersection with Conifer Court if warranted by operational conditions.

21. No intercom speakers shall be allowed to operate outside the premises of any use.

## Section 5. Approval of the Use Permit.

1. A Conditional Use Permit is hereby approved for the Springfield Montessori Preschool child day care center in the location shown in Exhibit "B".



- a. The hours of operation of the day care center shall be limited as defined in this district.
- b. 7-foot high solid wood fence shall be installed around the entire perimeter of the outdoor play area prior to final occupancy. No outdoor play equipment shall exceed a height of 6 feet.
- c. The applicant shall obtain any license(s) required by the State of California for operation of the facility prior to final occupancy.
- d. This project shall comply with any standards promulgated by the State Fire Marshall and the Contra Costa Consolidated Fire District relating to the subject of fire and life safety.

Section 6. The Community Development Director is hereby authorized to amend the zoning map of the Walnut Creek Municipal Code accordingly.

Section 7. This ordinance shall become effective thirty (30) days after its final passage and adoption.

PASSED AND ADOPTED by the City Council of the City of Walnut Creek at a regular meeting thereof held on the 5th day of January 1999, by the following called vote:

AYES: Councilmembers: Hicks, Rainey, Wolfe, Abrams, Mayor Regalia

NOES: Councilmembers: None

ABSENT: Councilmembers: None

*Gwen Regalia*  
Mayor of the City of Walnut Creek

Attest:

*Barbara M. Pivara*  
City Clerk of the City of Walnut Creek

I HEREBY CERTIFY that the foregoing ordinance was duly and regularly passed and adopted by the City Council of the City of Walnut Creek, County of Contra Costa, State of California, at a regular meeting of said Council held on the 5th day of January 1999.

*Barbara M. Pivara*  
City Clerk of the City of Walnut Creek

EXHIBIT "A"

Those parcels of land in the City of Walnut Creek, County of Contra Costa, State of California, described as follows:

PARCEL ONE

Portion of the Rancho San Miguel, described as follows:

Beginning on the south line of the parcel of land described as Parcel Two in the Decree of Distribution, dated November 30, 1959, in the matter of the estate of Luigi DeMartini, deceased, (Case No. 23897), -a certified copy of which was recorded November 30, 1959 in Volume 3504 of Official Records, at page 348, distant thereon south 64° 14' 40" west, 553.38 feet from the southeast corner thereof; thence from said point of beginning continuing south 64° 14' 40" west, along said south line, 1106.154 feet to the east line of the County Road known as Oak Grove Road, as it existed in November, 1970; thence south 35° 13' 20" east, along said east line, 318.764 feet to the north line of the 40 acre parcel of land described in the deed from Joshua E. Durham, et ux, to Vestatia I. M. Gove, dated July 8, 1902 and recorded July 9, 1902 in Volume 94 of Deeds, at page 175; thence north 74° 13' 41" east, along said north line, 1048.80 feet; thence north 15° 46' 19" west, 120 feet; thence north 25° 45' 20" west, 378.07 feet to the point of beginning.

EXCEPTING FROM PARCEL ONE: The interest conveyed to the City of Walnut Creek by deed recorded August 20, 1971, Book 6460, Official Records, page 277.

PARCEL TWO

Portion of the Rancho San Miguel, described as follows:

Commencing at the most westerly corner of Lot 1, as designated on the map of Tract No. 2904, which map was filed in the office of the Recorder of the County of Contra Costa, on July 19, 1961 in Volume 82 of Maps, at page 49; thence from said point of commencement, north 15° 46' 19" west, along the west line of said Tract, 30 feet to the north line of the parcel of land described as Parcel One in the deed from Joseph Mangini, Jr., et ux, to Palo Alto Development Corporation, recorded June 15, 1961 in Volume 3889 of Official Records, at page 467; thence south 74° 13' 41" west, along said north line, 257.6 feet to the actual point of beginning of the herein described parcel of land; thence from said point of beginning south 74° 13' 41" west, continuing along said north line, 773.4 feet to the east line of Oak Grove Road, as it existed in November, 1970; thence south 35° 13' 20" east, along said east line, 229 feet; thence north 54° 46' 40" east, 562.77 feet; thence northeasterly along the arc of a curve to the right with a radius of 500 feet, tangent to the last course, through an angle of 19° 27' 01", an arc distance of 169.74 feet to the point of beginning.

EXCEPTING FROM PARCEL TWO: The interest conveyed to the City of Walnut Creek by deed recorded August 20, 1971, Book 6460, Official Records, page 277.

**SITE PLAN**  
(new driveway not to scale)

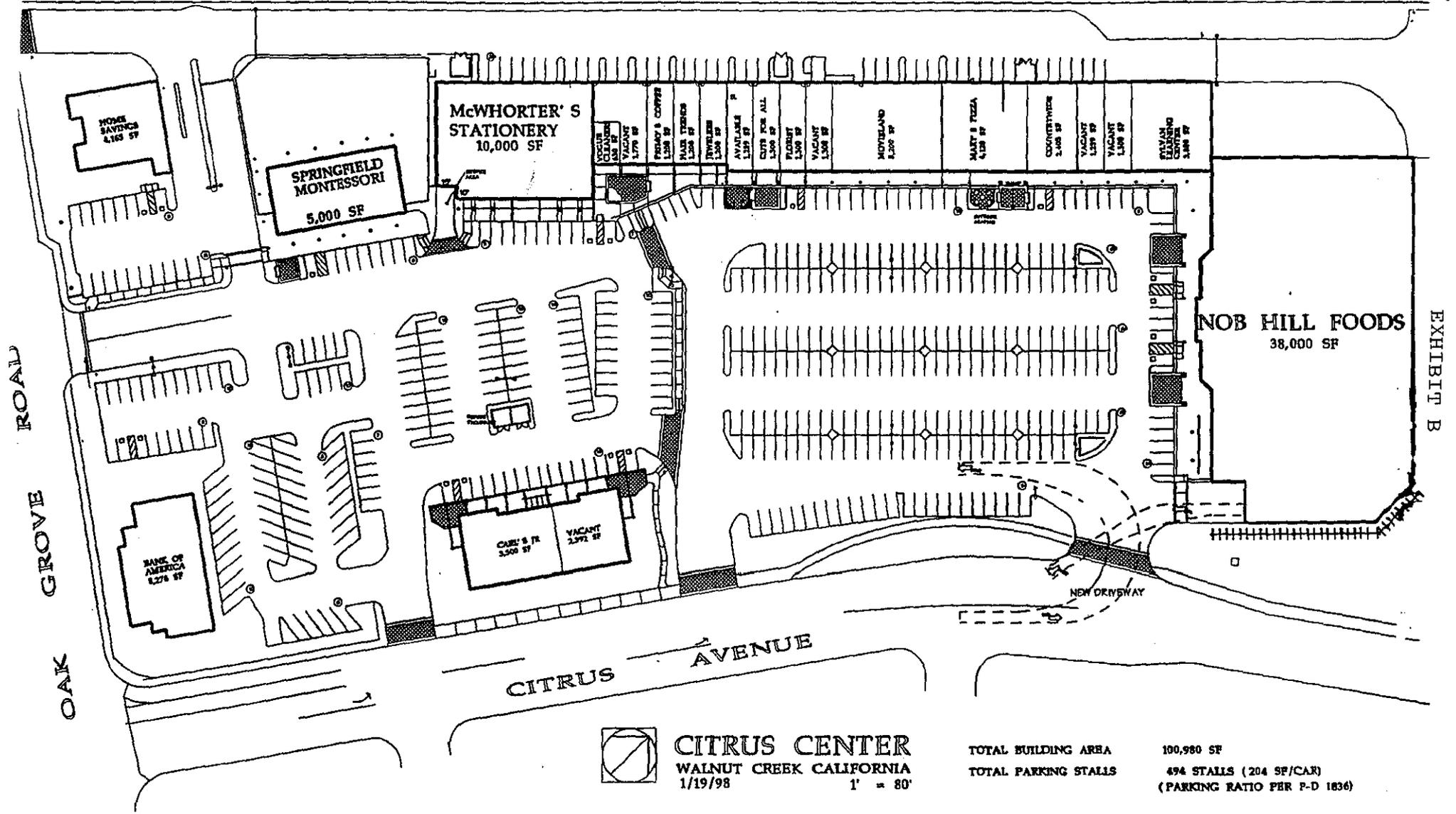


EXHIBIT B



**CITRUS CENTER**  
WALNUT CREEK CALIFORNIA  
1/19/98 1" = 80'

TOTAL BUILDING AREA	100,980 SF
TOTAL PARKING STALLS	494 STALLS (204 SF/CAR)
	(PARKING RATIO PER P-D 1836)



A P P E N D I X B

FUNDAMENTALS OF NOISE



# Appendix B: Fundamentals of Noise

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## NOISE

Noise is most often defined as unwanted sound; whether it is loud, unpleasant, unexpected, or otherwise undesirable. Although sound can be easily measured, the perception of noise and the physical response to sound complicate the analysis of its impact on people. People judge the relative magnitude of sound sensation in subjective terms such as “noisiness” or “loudness.”

### Noise Descriptors

The following are brief definitions of terminology used in this chapter:

- **Sound.** A disturbance created by a vibrating object, which, when transmitted by pressure waves through a medium such as air, is capable of being detected by a receiving mechanism, such as the human ear or a microphone.
- **Noise.** Sound that is loud, unpleasant, unexpected, or otherwise undesirable.
- **Decibel (dB).** A unitless measure of sound, expressed on a logarithmic scale and with respect to a defined reference sound pressure. The standard reference pressure is 20 micropascals (20  $\mu\text{Pa}$ ).
- **A-Weighted Decibel (dBA).** An overall frequency-weighted sound level in decibels that approximates the frequency response of the human ear.
- **Equivalent Continuous Noise Level ( $L_{\text{eq}}$ ); also called the Energy-Equivalent Noise Level.** The value of an equivalent, steady sound level which, in a stated time period (often over an hour) and at a stated location, has the same A-weighted sound energy as the time-varying sound. Thus, the  $L_{\text{eq}}$  metric is a single numerical value that represents the equivalent amount of variable sound energy received by a receptor over the specified duration.
- **Statistical Sound Level ( $L_n$ ).** The sound level that is exceeded “n” percent of time during a given sample period. For example, the  $L_{50}$  level is the statistical indicator of the time-varying noise signal that is exceeded 50 percent of the time (during each sampling period); that is, half of the sampling time, the changing noise levels are above this value and half of the time they are below it. This is called the “median sound level.” The  $L_{10}$  level, likewise, is the value that is exceeded 10 percent of the time (i.e., near the maximum) and this is often known as the “intrusive sound level.” The  $L_{90}$  is the sound level exceeded 90 percent of the time and is often considered the “effective background level” or “residual noise level.”
- **Maximum Sound Level ( $L_{\text{max}}$ ).** The highest RMS sound level measured during the measurement period.
- **Root Mean Square Sound Level (RMS).** The square root of the average of the square of the sound pressure over the measurement period.

- **Day-Night Sound Level ( $L_{dn}$  or DNL).** The energy-average of the A-weighted sound levels occurring during a 24-hour period, with 10 dB added to the sound levels occurring during the period from 10:00 PM to 7:00 AM.
- **Community Noise Equivalent Level (CNEL).** The energy average of the A-weighted sound levels occurring during a 24-hour period, with 5 dB added from 7:00 PM to 10:00 PM and 10 dB from 10:00 PM to 7:00 AM. NOTE: For general community/environmental noise, CNEL and  $L_{dn}$  values rarely differ by more than 1 dB (with the CNEL being only slightly more restrictive – that is, higher than the  $L_{dn}$  value). As a matter of practice,  $L_{dn}$  and CNEL values are interchangeable and are treated as equivalent in this assessment.
- **Peak Particle Velocity (PPV).** The peak rate of speed at which soil particles move (e.g., inches per second) due to ground vibration.
- **Sensitive Receptor.** Noise- and vibration-sensitive receptors include land uses where quiet environments are necessary for enjoyment and public health and safety. Residences, schools, motels and hotels, libraries, religious institutions, hospitals, and nursing homes are examples.

## Characteristics of Sound

When an object vibrates, it radiates part of its energy in the form of a pressure wave. Sound is that pressure wave transmitted through the air. Technically, airborne sound is a rapid fluctuation or oscillation of air pressure above and below atmospheric pressure that creates sound waves.

Sound can be described in terms of amplitude (loudness), frequency (pitch), or duration (time). Loudness or amplitude is measured in dB, frequency or pitch is measured in Hertz [Hz] or cycles per second, and duration or time variations is measured in seconds or minutes.

### *Amplitude*

Unlike linear units such as inches or pounds, decibels are measured on a logarithmic scale. Because of the physical characteristics of noise transmission and perception, the relative loudness of sound does not closely match the actual amounts of sound energy. Table 1 presents the subjective effect of changes in sound pressure levels. Ambient sounds generally range from 30 dBA (very quiet) to 100 dBA (very loud). Changes of 1 to 3 dB are detectable under quiet, controlled conditions, and changes of less than 1 dB are usually not discernible (even under ideal conditions). A 3 dB change in noise levels is considered the minimum change that is detectable with human hearing in outside environments. A change of 5 dB is readily discernible to most people in an exterior environment, and a 10 dB change is perceived as a doubling (or halving) of the sound.

**Table 1** Noise Perceptibility

Change in dB	Noise Level
± 3 dB	Barely perceptible increase
± 5 dB	Readily perceptible increase
± 10 dB	Twice or half as loud

± 20 dB	Four times or one-quarter as loud
Source: California Department of Transportation (Caltrans), 2013, September. Technical Noise Supplement ("TeNS").	

### *Frequency*

The human ear is not equally sensitive to all frequencies. Sound waves below 16 Hz are not heard at all, but are “felt” more as a vibration. Similarly, though people with extremely sensitive hearing can hear sounds as high as 20,000 Hz, most people cannot hear above 15,000 Hz. In all cases, hearing acuity falls off rapidly above about 10,000 Hz and below about 200 Hz.

When describing sound and its effect on a human population, A-weighted (dBA) sound levels are typically used to approximate the response of the human ear. The A-weighted noise level has been found to correlate well with people’s judgments of the “noisiness” of different sounds and has been used for many years as a measure of community and industrial noise. Although the A-weighted scale and the energy-equivalent metric are commonly used to quantify the range of human response to individual events or general community sound levels, the degree of annoyance or other response also depends on several other perceptibility factors, including:

- Ambient (background) sound level
- General nature of the existing conditions (e.g., quiet rural or busy urban)
- Difference between the magnitude of the sound event level and the ambient condition
- Duration of the sound event
- Number of event occurrences and their repetitiveness
- Time of day that the event occurs

### *Duration*

Time variation in noise exposure is typically expressed in terms of a steady-state energy level equal to the energy content of the time varying period (called  $L_{eq}$ ), or alternately, as a statistical description of the sound level that is exceeded over some fraction of a given observation period. For example, the  $L_{50}$  noise level represents the noise level that is exceeded 50 percent of the time; half the time the noise level exceeds this level and half the time the noise level is less than this level. This level is also representative of the level that is exceeded 30 minutes in an hour. Similarly, the  $L_2$ ,  $L_8$  and  $L_{25}$  values represent the noise levels that are exceeded 2, 8, and 25 percent of the time or 1, 5, and 15 minutes per hour, respectively. These “n” values are typically used to demonstrate compliance for stationary noise sources with many cities’ noise ordinances. Other values typically noted during a noise survey are the  $L_{min}$  and  $L_{max}$ . These values represent the minimum and maximum root-mean-square noise levels obtained over the measurement period, respectively.

Because community receptors are more sensitive to unwanted noise intrusion during the evening and at night, state law and many local jurisdictions use an adjusted 24-hour noise descriptor called the Community Noise Equivalent Level (CNEL) or Day-Night Noise Level ( $L_{dn}$ ). The CNEL descriptor requires that an artificial increment (or “penalty”) of 5 dBA be added to the actual noise level for the hours from 7:00 PM to 10:00 PM and 10 dBA for the hours from 10:00 PM to 7:00 AM. The  $L_{dn}$  descriptor uses the same methodology except that there is no artificial increment added to the hours between 7:00 PM and 10:00 PM. Both descriptors give roughly the same 24-hour level, with the CNEL being only slightly more restrictive (i.e.,

higher). The CNEL or  $L_{dn}$  metrics are commonly applied to the assessment of roadway and airport-related noise sources.

## **Sound Propagation**

Sound dissipates exponentially with distance from the noise source. This phenomenon is known as “spreading loss.” For a single-point source, sound levels decrease by approximately 6 dB for each doubling of distance from the source (conservatively neglecting ground attenuation effects, air absorption factors, and barrier shielding). For example, if a backhoe at 50 feet generates 84 dBA, at 100 feet the noise level would be 79 dBA, and at 200 feet it would be 73 dBA. This drop-off rate is appropriate for noise generated by on-site operations from stationary equipment or activity at a project site. If noise is produced by a line source, such as highway traffic, the sound decreases by 3 dB for each doubling of distance over a reflective (“hard site”) surface such as concrete or asphalt. Line source noise in a relatively flat environment with ground-level absorptive vegetation decreases by an additional 1.5 dB for each doubling of distance.

## **Psychological and Physiological Effects of Noise**

Physical damage to human hearing begins at prolonged exposure to noise levels higher than 85 dBA. Exposure to high noise levels affects the entire system, with prolonged noise exposure in excess of 75 dBA increasing body tensions, thereby affecting blood pressure and functions of the heart and the nervous system. Extended periods of noise exposure above 90 dBA results in permanent cell damage, which is the main driver for employee hearing protection regulations in the workplace. For community environments, the ambient or background noise problem is widespread, through generally worse in urban areas than in outlying, less-developed areas. Elevated ambient noise levels can result in noise interference (e.g., speech interruption/masking, sleep disturbance, disturbance of concentration) and cause annoyance. Since most people do not routinely work with decibels or A-weighted sound levels, it is often difficult to appreciate what a given sound pressure level number means. To help relate noise level values to common experience, Table 2 shows typical noise levels from familiar sources.

**Table 2 Typical Noise Levels**

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
Onset of physical discomfort	120+	
	110	Rock Band (near amplification system)
Jet Flyover at 1,000 feet		
	100	
Gas Lawn Mower at three feet		
	90	
Diesel Truck at 50 feet, at 50 mph		Food Blender at 3 feet
	80	Garbage Disposal at 3 feet
Noisy Urban Area, Daytime		
	70	Vacuum Cleaner at 10 feet
Commercial Area		Normal speech at 3 feet
Heavy Traffic at 300 feet	60	
		Large Business Office
Quiet Urban Daytime	50	Dishwasher Next Room
Quiet Urban Nighttime	40	Theater, Large Conference Room (background)
Quiet Suburban Nighttime		
	30	Library
Quiet Rural Nighttime		Bedroom at Night, Concert Hall (background)
	20	
		Broadcast/Recording Studio
	10	
Lowest Threshold of Human Hearing	0	Lowest Threshold of Human Hearing

Source: California Department of Transportation (Caltrans). 2013, September. Technical Noise Supplement ("TeNS").

## Vibration Fundamentals

Vibration is an oscillatory motion through a solid medium in which the motion's amplitude can be described in terms of displacement, velocity, or acceleration. Vibration is normally associated with activities stemming from operations of railroads or vibration-intensive stationary sources, but can also be associated with construction equipment such as jackhammers, pile drivers, and hydraulic hammers. As with noise, vibration can be described by both its amplitude and frequency. Vibration displacement is the distance that a point on a surface moves away from its original static position; velocity is the instantaneous speed that a point on a surface moves; and acceleration is the rate of change of the speed. Each of these descriptors can be used to correlate vibration to human response, building damage, and acceptable equipment vibration levels. During construction, the operation of construction equipment can cause groundborne vibration. During the operational phase of a project, receptors may be subject to levels of vibration that can cause annoyance due to noise generated from vibration of a structure or items within a structure.

Vibration amplitudes are usually described in terms of either the peak particle velocity (PPV) or the root mean square (RMS) velocity. PPV is the maximum instantaneous peak of the vibration signal and RMS is the

square root of the average of the squared amplitude of the signal. PPV is more appropriate for evaluating potential building damage and RMS is typically more suitable for evaluating human response.

As with airborne sound, annoyance with vibrational energy is a subjective measure, depending on the level of activity and the sensitivity of the individual. To sensitive individuals, vibrations approaching the threshold of perception can be annoying. Persons accustomed to elevated ambient vibration levels, such as in an urban environment, may tolerate higher vibration levels. Table 3 displays the human response and the effects on buildings resulting from continuous vibration (in terms of various levels of PPV).

**Table 3 Human Reaction to Typical Vibration Levels**

Vibration Level, PPV (in/sec)	Human Reaction	Effect on Buildings
0.006–0.019	Threshold of perception, possibility of intrusion	Vibrations unlikely to cause damage of any type
0.08	Vibrations readily perceptible	Recommended upper level of vibration to which ruins and ancient monuments should be subjected
0.10	Level at which continuous vibration begins to annoy people	Virtually no risk of “architectural” (i.e. not structural) damage to normal buildings
0.20	Vibrations annoying to people in buildings	Threshold at which there is a risk to “architectural” damage to normal dwelling – houses with plastered walls and ceilings
0.4–0.6	Vibrations considered unpleasant by people subjected to continuous vibrations and unacceptable to some people walking on bridges	Vibrations at a greater level than normally expected from traffic, but would cause “architectural” damage and possibly minor structural damage

Source: California Department of Transportation (Caltrans). 2013, September. Transportation and Construction Vibration Guidance Manual.

# LOCAL REGULATIONS AND STANDARDS

## CHAPTER 6

# Safety and Noise

This chapter has two sections: Safety and Noise.

## SAFETY

Every general plan in California must have a “safety element” that addresses natural and manmade hazards and dangers. This section of *General Plan 2025* examines and aims to reduce the potential risk of death, injuries, property damage, and economic and social dislocation resulting from fires, floods, earthquakes, landslides, and other hazards.

This section is presented in seven parts:

- Seismic and Other Geologic Hazards
- Flooding
- Hazardous Materials
- Fire Hazards
- Public Safety
- Disaster Response
- Water Supply

### SEISMIC AND OTHER GEOLOGIC HAZARDS

The United States Geological Survey (USGS) has established probability estimates for significant earthquakes (magnitude 6.7 or greater) between 2003 and 2032. The following probabilities are estimated for faults in and around Walnut Creek:

- Hayward/Rodgers Creek Fault: 27 percent

- Calaveras Fault, northern segment: 11 percent
- Concord Fault: 4 percent
- Mt. Diablo Thrust Fault: 3 percent
- Greenville Fault: 3 percent

See Figure 1, Regional Faults and Probabilities, page 6-2, and Figure 2, Area Faults, page 6-3.

The City’s objectives are to prevent geologic hazards in new projects and reduce the risk of these hazards in existing developed areas.

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### GOAL 1

#### **Protect life and property from geologic hazards.**

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- Policy 1.1. Reduce the potential effects of seismic and other geologic hazards, including slope instability.**
- Action 1.1.1. Identify areas prone to seismic and other geologic hazards, including slope instability.
- Action 1.1.2. Establish minimum road widths and clearances around structures at risk from known geologic hazards.
- Action 1.1.3. Review and update the existing maps of geologic hazards.

## NOISE

State law mandates that the general plan have a noise element that identifies noise sources in the planning area and strategies for reducing any negative impacts from noise on the community.

### WHAT IS NOISE?

Noise is unwanted sound. Excessive noise can cause hearing loss and interfere with human activity. It can disrupt communication and affect a person's performance.

Which sounds are considered noise is subjective and varies from person to person and with the time of day and setting.

Sensitivity to noise increases in the evening and at night. Excessive noise interferes with the ability to sleep, so 24-hour descriptors were developed to add artificial noise penalties to quiet-time noise events. State law requires general plans to use the Community Noise Equivalent Level (CNEL) or the Day/Night Average Sound Level ( $L_{dn}$ ) to describe the community noise environment and its effects on the population. The two are essentially the same. *General Plan 2025* uses  $L_{dn}$ . (See Figure 8, Land Use/Noise Compatibility, page 6-19.)

### THE URBAN NOISE ENVIRONMENT

Noise measurements conducted in Walnut Creek as part of *General Plan 2025* reflect a variety of noise environments. The loudest noise source is Interstate 680. In a typical location 250 feet from the center of the highway, the  $L_{dn}$  was 75 dBA. At or near the freeway, the noise level ranged from 78  $L_{dn}$  to 80  $L_{dn}$ .

BART generates a noise level of 66  $L_{dn}$ , as measured along Minert Street, 80 feet from the

BART tracks. Noise resulting from BART trains is intermittent and has a unique character that is easily distinguishable from other traffic noise.

Along local routes of regional significance (e.g., Treat Boulevard and Ygnacio Valley Road) and arterials such as Mt. Diablo Boulevard, roadside noise levels range from 72  $L_{dn}$  to as high as 75  $L_{dn}$ . Along arterials such as Broadway and Walnut Avenue and along most of the city's major and minor streets, the measured noise level ranges from 60  $L_{dn}$  to 70  $L_{dn}$ .

Away from streets carrying substantial through traffic, Walnut Creek remains quiet.

Parking lot maintenance generates noise. Because parking demand is high in many of the city's business and commercial districts, parking facilities must be maintained during off-peak hours. Commercial parking areas near residential areas create a conflict between the need to maintain parking facilities and pick up trash, and the demand for residential quiet.

The Municipal Code, Title 4, Article 2, addresses excessive, unreasonable, and prolonged noise, including the use of amplified sound, building construction and repair, and noise from leaf blowers.

Goal 9 and its policies and actions aim to control noise in existing residential areas by not allowing noise levels to increase substantially, regardless of the absolute noise level.

**GOAL 8**

**Provide compatible noise environments for new development, redevelopment, and condominium conversions.**

- Policy 8.1.** Apply the noise and land use compatibility table and standards to all residential, commercial, and mixed-use proposals, including condominium conversions.
- Policy 8.2.** Address the issue of residences affected by intermittent urban noise from sources such as heating, ventilating, and air conditioning equipment and by outdoor maintenance activities, such as parking lot sweeping and early morning garbage collection.
  - Action 8.2.1. For new single-family residential projects, use a standard of 60 L<sub>dn</sub> for exterior noise in private use areas.
  - Action 8.2.2. For new multifamily residential projects and for the residential component of mixed-use development, use a standard of 65 L<sub>dn</sub> in outdoor areas, excluding balconies.
  - Action 8.2.3. Strive for a maximum interior noise levels at 45 L<sub>dn</sub> in all new residential units.
  - Action 8.2.4. For new downtown mixed-use development or for new resi-

dential development affected by noise from BART or helicopters, ensure that maximum noise levels do not exceed 50 L<sub>dn</sub> in bedrooms and 55 L<sub>dn</sub> in other rooms.

- Action 8.2.5. Establish single-event noise standards for new downtown mixed-use development or for new residential development affected by noise from BART or helicopters.

**GOAL 9**

**Control excessive noise sources in existing development.**

- Policy 9.1.** Control all residential and commercial noise sources to protect the existing noise environment.
  - Action 9.1.1. Require the evaluation of noise mitigation measures for projects that would cause a substantial increase in noise.
- Policy 9.2.** Strive to reduce traffic noise levels in existing residential areas.
  - Action 9.2.1. Install quiet pavement surfaces for repaving projects, where feasible.
  - Action 9.2.2. Control vehicle-related noise.

Figure 8. Land Use/Noise Compatibility

LAND USE CATEGORY	EXTERIOR NOISE EXPOSURE (L <sub>DN</sub> )					
	55	60	65	70	75	80
Single-family residential						
Multifamily residential, hotels, and motels	See footnote(a)					
Outdoor sports and recreation, neighborhood parks and playgrounds						
Schools, libraries, museums, hospitals, personal care, meeting halls, churches						
Office buildings, business commercial, and professional						
Auditoriums, concert halls, amphitheaters						

(a) Require noise mitigation to reduce interior noise levels pursuant to Actions 8.2.3. and 8.2.4.



**NORMALLY ACCEPTABLE** Specified land use is satisfactory, based on the assumption that any buildings involved are of normal conventional construction, without any special insulation requirements.



**CONDITIONALLY ACCEPTABLE** Specified land use may be permitted only after detailed analysis of the noise reduction requirements.



**UNACCEPTABLE** New construction or development should not be undertaken because mitigation to comply with noise element policies is unfeasible.

Source: *General Plan Guidelines*, Office of Planning and Research, Appendix C, Noise Element Guidelines; 2003 and Illingworth & Rodkin.

## Article 2. Noise

### **4-6.201 Purpose of Provision.**

It is hereby found and declared that:

- a. The creation or maintenance of excessive noise or vibration which is prolonged or unreasonable in its time, place and use is deemed to be a serious detriment to the public health, safety and quality of life of the residents of the City; and
- b. Therefore, it is the intent of the City to control and, in some instances, prohibit noise and vibration which may impact the health, safety or welfare of the citizens of Walnut Creek. (5410 and by §1, Ord. 1753, eff. 11/8/90)

### **4-6.202 Definitions.**

Loud Noise is defined as excessive or unreasonable noise, sound or vibration which endangers the comfort, repose, health, peace or safety of others within the limits of the City. The determination of whether a noise is unreasonable shall be based on, among other things, consideration of the hour, place, nature, and circumstances of the emission or transmission of any loud noise.

Holidays are those days enumerated in the resolution of the City Council entitled "Resolution Enumerating Holidays" on file in the office of the City Clerk. (5411 and by §1, Ord. 1753, eff. November 8, 1990)

### **4-6.203 Prohibited Noises Enumerated.**

As used in this article, loud, excessive or unreasonable noise shall include, but not be limited to, the following:

- a. Radios, Phonographs, etc. The use, operation or maintenance of sound, from any radio, musical instrument, phonograph or other device designed for the production or reproduction of sound in such a manner as to disturb the peace, quiet and comfort of individuals on a public street, or in or near a residence, business or other such occupied structure. The creation or maintenance of such noise in such a manner so as to be plainly audible at a distance of fifty feet (50') from the source of such noise shall be prima facie evidence of a violation of this Section.
- b. Loudspeakers and Amplifiers for Advertising. The use, operation, or maintenance of any loudspeaker, sound amplifier or other machine or device used for the production or reproduction of sound which is directed toward, or cast upon or across, a residential or commercial property line for the purposes of commercial advertising unless a permit for such sound is secured from the Chief of Police. The Chief of Police may issue a permit, subject to reasonable restrictions.

Such restrictions shall be based upon the area in which the proposed broadcast is to occur, the hours of the proposed broadcast, and the method by which such amplification or broadcast shall

occur. In residential zones, a permit shall be granted only for broadcast during the hours of 8 a.m. and 6 p.m. on weekdays which are not holidays and between the hours of 9 a.m. and 5 p.m. on weekends and holidays but such amplification shall not be plainly audible from a distance of more than 50' (fifty feet) from the source of such amplification. In all other zones, a permit shall be granted only for broadcast during the hours of 8 a.m. and 9 p.m. on weekdays, weekends and holidays but such amplification shall not be plainly audible from a distance of more than 50' (fifty feet) from the source of such amplification.

The applicant for such a permit, if the same is denied for cause, may appeal this denial to the City Manager. The City Manager shall thereupon issue or deny the permit. Any permit issued by the Chief of Police may be revoked by either the City Manager or the Chief of Police if the applicant violates any of the conditions set forth in the permit.

c. **Distraction of Drivers of Motor Vehicles.** The use, operation, or maintenance of any horn, radio, machine or device used for the production or reproduction of sound which is directed to, or cast upon, public streets or highways which distracts, or is intended to distract, the attention of drivers of motor vehicles, unless operated to request assistance or warn of a hazardous situation. This section does not apply to authorized emergency vehicles or vehicles operated by gas, electric, communications, water, or other such public utilities.

d. **Yelling, Shouting, etc.** Yelling, shouting, hooting, whistling, or singing on a public street at any time or place with the intent to annoy or disturb the quiet, comfort or repose of a person or persons in any dwelling, office, building or structure, or of any person or persons in the vicinity.

e. **Animals, Birds, etc.** The keeping of any animal or bird, as pet or livestock, which, by causing frequent or continuous noise disturbs the comfort or repose of any persons in the vicinity. The creation or maintenance of noise by animals in such a manner as to be plainly audible at a distance of 50' (fifty feet) from the source of such noise shall be prima facie evidence of a violation of this Section.

f. **Construction or Repair of Buildings.** The erection, construction, demolition, alteration or repair of any building, structure or residence that requires a permit, or the excavation of any earth, fill, streets or highways that requires a grading permit, other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays which are not holidays, or those precise hours of operation enumerated in individual building and grading permits.

If the Chief of Code Enforcement determines that the public health, safety and welfare will not be impaired by the erection, construction, demolition, alteration or repair of any building, structure or residence during hours other than permitted in the preceding paragraph, and if he or she further determines that loss or inconvenience would result to any person in interest, he or she may grant permission for such work to be done, the specific hours and days of operation to be enumerated in the permit.

If the City Engineer determines that the public health, safety and welfare will not be impaired by the excavation of any earth, fill, streets or highways during the hours of the first paragraph of this subsection and if he or she further determines that loss or inconvenience would result to any

person in interest, he or she may grant permission for such work to be done, the specific hours and days of operation to be enumerated in the permit.

In case of urgent necessity in the interest of public health and safety, the Chief of Code Enforcement or the City Engineer may issue a permit to conduct such emergency work for a period not to exceed three (3) days or less while the emergency continues. Such permit may be renewed for periods of three (3) days or less while the emergency continues.

This Section shall not be construed to require a permit for a public utility engaged in any of the aforementioned activities provided reasonable effort is made to minimize noise disturbance while such work is in progress.

g. Maintenance Equipment. The use and operation of any noise-creating commercial or residential landscaping or home maintenance equipment or tools including, but not limited to, hammers, blowers, trimmers, mowers, chainsaws, power fans or any engine, the operation of which causes noise due to the explosion of operating gases or fluids, other than between the hours of 8:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. and 7:00 p.m. on weekends and holidays. (§1, Ord. 1753, eff. November 8, 1990)

#### **4-6.204 Loud Noises Prohibited.**

No person shall make, continue or cause to be made or continued, any loud, excessive or unreasonable noise or sound within the limits of the City. (§1, Ord. 1753, eff. November 8, 1990)

#### **4-6.205 Exemptions.**

- a. The provisions of this article shall not apply in actual or threatened emergency situations such as those caused by natural or man-made disasters.
- b. Businesses and individuals using maintenance equipment in the Core Area and in business parks may commence at 7:00 a.m. on weekdays which are not holidays but are otherwise subject to the limitations set forth above.
- c. Schools within the City's limits using maintenance equipment may commence at 7:00 a.m. on weekdays which are not holidays but are otherwise subject to the limitations set forth above. (§1, Ord. 1753, eff. November 8, 1990)
- d. If the Community Development Director determines that the public health, safety and welfare will not be impaired by the operation of golf course maintenance equipment, expressly for the purpose of preparing greens and sand trap areas prior to a course being opened for play, he or she may allow such operations to occur prior to the normal operating hour limitations as set forth in Section [4-6.203](#) (g) of the Municipal Code, but in no instance prior to 30 minutes before sunrise or 6:00 A.M., whichever is later. In granting such an exemption, the Community Development Director may impose any conditions as deemed necessary to ensure that the operation of golf course maintenance equipment prior to the normally permitted operating hours will not unreasonably disturb the occupants of residences located adjacent to the golf course requesting

the exemption. Exemptions granted by the Community Development Director can be revoked at any time. Decisions by the Community Development Director shall be final. (§1, Ord. 1920, eff. 2/19/98.)

#### **4-6.207 Penalty; Misdemeanor or Infraction.**

Any person who violates any provision of §§[4-6.203](#) through [4-6.204](#) shall be deemed guilty of a misdemeanor or an infraction.

a. If charged as an infraction, the penalty upon conviction of such person shall be a fine as set forth in §[1-2.01](#) of this Code.

b. If charged as a misdemeanor, the penalty upon conviction of such person shall be imprisonment in the county jail for a period not to exceed six months, or by a fine not exceeding \$1000.00, or by both fine and imprisonment. (§1, Ord. 1753, eff. November 8, 1990)

#### **4-6.208 Abatement of Noise as Nuisance.**

Any noise maintained in violation of any provision of this article shall additionally be deemed a public nuisance. Such public nuisance may be abated by the Chief of Police, the Community Development Director, or his or her designees, in accordance with the procedures authorized by this Code. (§1, Ord. 1753, eff. November 8, 1990)

# AMBIENT NOISE MONITORING RESULTS

**Noise Levels LT-1**  
**Citrus Marketplace Northern Property Line**  
**Thursday, February 10 - Friday, February 11, 2022**

