CITY OF WALNUT CREEK
RESOLUTION NO. 14-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WALNUT CREEK
APPROVING PAYMENT OF A FEE IN LIEU OF PROVIDING ON-SITE PARKING

APPLICATION NO. Y13-077: STOWE BUILDING REMODEL

The City Council of the City of Walnut Creek hereby resolves as follows:

Section 1. Background

1. On March 18, 2014, the Walnut Creek City Council held a public hearing to consider the applicant’s request to pay a fee in lieu of providing on-site required parking pursuant to Municipal Code section 10-2.3.204.C (Pedestrian Retail Zoning District Parking Regulations).

2. On October 14, 2013, The Planning Manager approved a Findings and Decision for Design Review application for a façade remodel and elevator addition to the front lobby area for the building known as the “Stowe” building at 1375 North Main Street (APN 178-230-004). As a part of the City’s parking requirement, the proposed improvement implemented the requirement to provide a van accessible parking space pursuant to the American’s with Disabilities Act (ADA) thereby reducing the existing number of on-site parking stalls.

3. The project site is designated Pedestrian Retail (PR) according to the General Plan Land Use Map and is zoned Pedestrian-Retail (P-R). The project is consistent with, and furthers the goals and policies of the General Plan and the P-R Zoning District, all of which encourages and promotes pedestrian-oriented retail and restaurant activities and other compatible uses within the downtown.

4. The 0.17-acre (7,582 sq. ft.) project site is located at 1375 North Main Street on the west side of the street and was the longtime location of “Adib’s Rugs”.

Section 2. Findings

1. Pursuant to Municipal Code Section 10-2.3.202.D (Retention of Existing Parking), when an existing developed site provides less than the parking currently required by the Zoning Ordinance (usually as measured by rentable floor area or restaurant seats), there can be no further reduction in parking spaces or expansion of the use or conversion to a use with higher parking standards. In accordance with §10-2.3.204.C (Pedestrian-Retail Zoning District Parking Regulations), properties in the Pedestrian-Retail Zoning District are governed by a single parking standard (1 space per 300 square feet of rentable floor area), and are allowed to make a request to the City Council to accept payment of a fee in lieu of providing on-site parking stalls when development proposals would result in the loss of existing on-site parking stalls or to offset parking requirements for new construction. The fee is subject to the review and approval of the City Council, which must make three findings. The required findings are shown in bold type and the reason(s) the project is consistent is shown in regular type:

   A. The project benefiting from this approval is furthering the goals and policies of the General Plan for the Pedestrian Retail district relative to uses, revitalization, pedestrian amenities, and design. The project is consistent with, and furthers the goals and policies of the General Plan and the P-R Zoning District, all of which encourages and promotes pedestrian-oriented retail activities, such as retail shops, restaurants, and other compatible uses within the downtown and
activates second floors. Overall, the project provides amenities and adds character to the
downtown, as it remodels the existing storefront and provides improved, updated access to the
second story of a well-known building in the traditional downtown.

B. The project applicant has explored all alternatives and has demonstrated to the satisfaction
of the City Council that either: (1) providing on-site parking is detrimental to the goals and
policies of the General Plan for the Pedestrian Retail district; or, (2) providing on-site
parking is not physically or economically feasible.
The project site includes five existing parking stalls across the back of the property which are
accessed from Commercial Lane. The project will cause one of the spaces to be lost to
accommodate a new van accessible parking space pursuant to the ADA and implemented through
the City’s adopted building code. As a result, the onsite parking spaces are decreased from five to
four.

C. That the number of in-lieu parking spaces available for purchase not exceed 110% of
constructed and planned in-lieu parking spaces. For the purposes of this section, an in-lieu
parking space is "planned" if a parking facility with designated in-lieu parking spaces is
under construction, or has received all necessary entitlements, or has had City funds
appropriated for its construction, or is specified in a specific plan adopted by the City
Council. This project, or request for one in-lieu space, is included in a group of resolutions
totaling three spaces being considered simultaneously. Currently, there are 146 stalls available for
purchase. Should the resolutions for all three of the spaces included in this group be adopted, that
will leave 143 spaces available and is therefore well within the 110% rule described herein.

1. The Findings & Decision letter granting final Design Review approval found the Project categorically
exempt from further environmental review under Section 15301 of the CEQA Guidelines (Existing
Facilities), for which the key consideration is whether the project involves negligible or no expansion
of an existing use. This exemption allows operation, repair, maintenance, permitting, leasing,
licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment,
or topographical features, involving negligible or no expansion of use. Examples include, but are not
limited to, new gardening or landscaping, including the replacement of existing conventional
landscaping with water efficient or fire resistant landscaping.

Section 3. Decision

Based on the evidence presented in the record and at the public hearing, the City Council of the City of
Walnut Creek hereby makes the findings as stated above and approves the request to pay a fee in lieu of
providing parking stalls on-site for Application No. Y13-077: 1375 North Main Street, subject to the
following condition:

1. The applicant shall pay a fee into the City’s In-Lieu Parking Fund to replace one parking
stall that was eliminated to accommodate site improvements. The applicant shall pay
the fee in lieu of providing the required on-site parking stalls associated with the project
in accordance with Walnut Creek Municipal Code section 10-2.3.204.C (Pedestrian
Retail Zoning District Parking Regulations). The fee shall be determined based on the
final building square footage and most recent cost factors established by the City
Engineer, and shall be paid prior to issuance of the building permit for the building.
Section 4. Effective Date

1. This resolution shall take effect immediately upon its adoption.