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 February 14, 2014, the City of Walnut Creek issued a Findings & Decision letter granting final Design Review approval for Application No. Y13-088: Veggie Grill, filed on September 19, 2013, by the applicant, Jared Taylor of Golden Property Development, LLC, to remodel an existing commercial building at 1320 Locust Street (APN: 178-230-031) to accommodate two new retail tenants, including a new restaurant, Veggie Grill. 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 property is located within the boundary of the Primary Study Area of the Locust Street / Mt. Diablo Boulevard Specific Plan, though it is not identified as one of six “Opportunity Sites.” The property is also located within the Pedestrian Retail Zoning District (P-R). Pedestrian-oriented retail, restaurants, and other compatible uses are encouraged in the Specific Plan, are permitted by right within the P-R Zoning District.

4. The 0.10-acre (4,438 sq. ft.) project site is located at 1320 Locust Street on the east side of the street in the location of the former U.S. Post Office “Station A.” It is immediately adjacent to the Anthropologie store to the south, the South Locust Street public parking garage to the north, and Walnut Creek Automotive to the east.

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, the Locust Street / Mt. Diablo Boulevard Specific Plan, and the P-R Zoning District, all of which encourage and promote pedestrian-oriented retail activities, such as retail shops, restaurants, and other compatible uses within the downtown. Overall, the project provides amenities and adds character to the downtown, as it re-activates a storefront with a pedestrian-friendly restaurant and retail shop in a building that has remained largely vacant since the US Postal Service “Station A” vacated the space in early 2013.

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. There are limited opportunities to provide on-site parking on parcels within the downtown, generally, and the plan area of the Locust Street / Mt. Diablo Boulevard Specific Plan, more precisely. Given the size of the project site (0.10 acres), it would be both physically and financially infeasible for the applicant to provide parking stalls on-site.

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. The purchase of one parking stall to accommodate the development of two new retail spaces within an existing building at 1320 Locust Street does not exceed 110 percent of the constructed and planned in-lieu parking spaces. Regarding planned in-lieu parking stalls, the Locust Street / Mt. Diablo Boulevard Specific Plan identified Opportunity Site 3 as the future location of a new public parking garage with approximately 335 new parking stalls. The new garage, as envisioned, will substantially augment the existing parking stall pool beyond the existing 146 stalls currently available for purchase.

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 onsite for Application No. Y113-088: Veggie Grill, 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 project construction. The applicant shall pay the fee in lieu of providing the required on-site parking stall 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 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.