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 24, the Planning Manager approved a Findings and Decision for Design Review Application No. Y13-114 to convert the rear parking and service area to an outdoor dining patio for Sunol Ridge Restaurant at 1388 Locust Street (APN 178-230-023).

3. In 2009, the building was converted from a retail store to a restaurant (Design Review Application Y08-130 VeSu Restaurant). The land use conversion required the developer to displace one of three existing parking stalls on the property to make way for a roofed trash enclosure required by the City’s Clean Water Program. At that time, the developer paid an in-lieu parking fee equal to 10 percent of the adjusted construction cost of one parking stall within the City’s public parking structures (Stall #1). The current project to convert the rear parking and service area to an outdoor dining patio will displace the remaining two on-site parking stalls. The applicant proposes to mitigate the loss of the stalls by payment of an in-lieu parking fee for one stall equal to 25 percent of the adjusted construction cost (Stall #2) and to make public frontage improvements (curb/gutter/sidewalk) to accommodate one on-street stall (Stall #3).

4. The project site is designated Pedestrian Retail (PR) according to the General Plan Land Use Map and is zoned Pedestrian-Retail (P-R). General Plan policies promote a pedestrian-oriented environment and discourages surface parking lots and driveway curb cuts. The P-R zoning designation (WCMC10-2.2.601) is designed for the more intensely developed downtown retail area where public parking lots are available in central locations and on-site parking is limited or non-existent. Parking for future development will be provided primarily in public parking lots funded by in-lieu parking fees.

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 and restaurant activities and other compatible uses within the downtown. Overall, the project provides amenities and adds character to the downtown, as it remodels the property and removes an existing curb cut and vehicle driveway which disrupts pedestrian flow and eliminates the likelihood of vehicle conflicts with pedestrians.

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 existing on-site parking promotes the pedestrian orientation of the Traditional Downtown area and new outdoor dining area is consistent with General Plan Chapter 4 (Built Environment)Action 6.2.1 to require pedestrian-oriented uses at street level and Action 6.2.2 to promote building layouts and designs that create pedestrian interest and encourage people to “park once and walk”. For these reasons, the applicant has demonstrated to the City Council that approval of payment of a parking in-lieu fee is consistent with the goals and policies of the General Plan for the P-R zoning district.

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.

2. 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. Y13-114: Sunol Ridge Restaurant Outdoor Dining Patio, subject to the following condition:

1. In order to mitigate the loss of two parking stalls eliminated to accommodate the new outdoor dining patio, the applicant shall:

   a. Pay a fee into the City’s In-Lieu Parking Fund to replace one parking stall. The fee shall be determined based on the construction cost of one parking stall as established by the City Engineer, and shall be paid prior to issuance of the building permit for the building at a rate for a second stall pursuant to Municipal Code section 10-2.3.204.C (Pedestrian Retail Zoning District Parking Regulations) and the City’s implementing procedures; and

   b. Either pay a fee into the City’s In-Lieu Parking Fund to replace a third additional parking stall eliminated to accommodate the new outdoor dining patio, or provide frontage improvements along Locust Street (curb/gutter/sidewalk) in accordance with standards established by the City Engineer and pursuant to a Site Development and/or Encroachment Permit.

Section 4. Effective Date

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