WALNUT CREEK CITY COUNCIL
RESOLUTION NO. 12-53

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WALNUT CREEK
APPROVING THE PROPOSED GENERAL PLAN AMENDMENTS FOR THE WALNUT
CREEK TRANSIT VILLAGE (WCTV)

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

Section 1. Background.

1. On March 3, 2005 application No. Y05-027 was filed by Richard A. Juarez of BRE Properties
Inc. (“Applicant”), requesting approval to construct a mixed-use transit village consisting of
approximately 574 residential apartment units, 30,000 square feet of commercial space and 1500
parking spaces on an approximately 5.5 acre site located at 200 Ygnacio Valley Road Drive (APN
174-180-001) (the “Project”). Over time, the Applicant, in response to direction from staff, the
Planning Commission and the City Council, submitted revised plans for the Project, which
eventually increased the size of the Project to finally encompass some 16.5 acres (APN’s 174-
180-001 and 174-190-037, collectively, the “Project Site”).

2. The physical lay-out of the Project is such that it is bisected by the Bay Area Rapid Transit
(“BART”) tracks, which divide the Project Site into a westerly portion (APN 174-180-001), the
“Western Portion”), and an easterly portion (APN 174-190-037) the “Eastern Portion”).

3. The Project requires:

   a. City Council certification of an environmental impact report (an “EIR”) in order to
      analyze and, to the extent necessary, mitigate its potential environmental impacts;
   b. adoption of amendments to the Walnut Creek General Plan 2025 (the “General Plan”) to
      change the land use designations applicable to the Project Site, and amend Figures 8, 9,
      10, and 11 of Chapter 4 of the General Plan;
   c. adoption of a Planned Development Zoning Ordinance to re-zone the Project Site,
      establish its allowable uses and development standards, and authorize the adoption and
      application of Project-specific design review guidelines;
   d. approval of a Tree Removal Permit to authorize the removal of those trees for which the
      City Arborist does not have independent authority to sanction removal of, and
   e. eventually, approval of a Tentative Map.

4. The City Council held study sessions for this Project on September 20, 2011, and November 10,
   2010.

   sessions regarding the Project to consider a host of Project features and implementing provisions,
   including, but not limited to, the proposed General Plan Amendments, the requested Planned
   Development Ordinance, the Tree Removal Permit, and the Project-specific Design Guidelines.

6. The Project, including the General Plan Amendments set forth herein, was subject to
environmental review pursuant to the California Environmental Quality Act (Public Resources
Code section 21000, et seq., and the California Environmental Quality Act Guidelines, 14 California Code of Regulations section 15000, et seq., collectively, "CEQA"). In accordance with CEQA, an EIR was prepared for the Project (SCH # 2009012054).

7. On September 27, 2012, the Walnut Creek Planning Commission held a public hearing to review and consider the Project, and project Final EIR, the proposed General Plan Amendments, Planned Development Ordinance, and Tree Removal Permit, and to provide final recommendations to the Walnut Creek City Council.

8. The Planning Commission, through passage of Resolution No. 3606, thereafter recommended, among other things, that the City Council certify the EIR prepared for the Project, adopt the Mitigation Monitoring and Reporting Program contained in the Final EIR for the Project, and direct the filing of a Notice of Determination with the Office of the Contra Costa County Clerk-Recorder.

9. The Planning Commission, through passage of its Resolution 3607, also recommended that the City Council adopt the General Plan Amendments described herein.

10. By way of a duly noticed and held public meeting on October 16, 2012, the City Council thereafter considered the Planning Commission’s recommendations on the Project. By adoption of Resolution xxx, the Council certified the Final EIR for the project, finding that the FEIR had been prepared in accordance with CEQA and reflected the independent judgment and analysis of the City, that the City had reviewed and considered it, and that the project, as mitigated, would not have a significant effect on the environment. By the same Resolution, the Council adopted a Mitigation Monitoring and Reporting Program for the project, and directed the City Clerk to file a Notice of Determination with the County.

11. In considering the General Plan amendments contemplated herein, the City Council is guided by Chapter 9 of Title 10 of the Walnut Creek Municipal Code.

Section 2. Findings.

After receiving public testimony on the proposed General Plan Amendments set forth herein, and considering the staff report and all of the written materials presented, the City Council hereby finds that the proposed amendments set forth below are consistent with the policies, goals, and actions of the General Plan for the reasons that follow:

Land Use Designation Amendment

1. The General Plan Land Use Map currently designates the Western Portion of the Project Site as "Mixed Use – Residential Emphasis (MU-R)" while the Eastern Portion of the Project Site is currently designated "Public/Semi-Public (PU)."

2. Applicant seeks to amend the General Plan Land Use Map to reflect that the entirety of the Project Site shall hereafter be designated "Mixed Use-Residential (MU-R)" (as depicted in Exhibit A
hereto, which is incorporated herein) in order to accommodate a mixed-use development with residential emphasis.

3. This request is consistent with the General Plan insomuch as:

a. General Plan Policy 10.1 supports high density residential and local serving retail near and around the Walnut Creek BART Station. The Project seeks to develop up to 596 residential units with ground-floor retail to serve Project residents, commuters, and visitors on the parcels immediately adjacent to the Walnut Creek BART Station.

b. In addition, General Plan Action 10.1.1 supports the application of land use designations that encourage transit-oriented development around the BART Station. Approving this amendment will facilitate the development of residential uses at this multi-modal transportation hub and carry out the intent of the General Plan in this regard.

General Plan Core Area Commercial Floor Area Ratio Amendment

4. Reflecting the current PU and MU-R land use designations applicable to the Project Site, the General Plan, through its Core Area Commercial Floor Area Ratios Map (Figure 8 of Chapter 4), presently identifies the Eastern Portion of the Project Site bearing a 2.00 maximum commercial floor area ratio ("FAR"), while the Western Portion of the site bears a maximum 0.30 maximum commercial FAR.

5. The Applicant seeks to amend the General Plan Core Area Commercial FAR Map (Figure 8 of Chapter 4) to reflect that the maximum commercial FAR for the entirety of the Project Site shall be 0.30 (as depicted in Exhibit B hereto, which is incorporated herein).

6. Combined with the change of land use designation to Mixed Use-Residential across the entirety of the Project Site, this request would be consistent with the intent of the General Plan, insomuch as it reflects the maximum commercial FAR allowed in the MU-R land use designation, as set forth on page 4-5 of the General Plan.

General Plan Mixed Use Floor Area Ratio Amendment

7. The maximum mixed use floor area ratios for the Project Site are set forth in the General Plan Mixed Use Floor Area Ratios Map (Figure 9 of Chapter 4), and show that the maximum Mixed Use FAR for the Western Portion of the Project Site is currently 1.70. The Eastern Portion of the Project Site is not currently designated for mixed use, so that portion presently has no allowable Mixed Use FAR.

8. Applicant seeks to amend the General Plan Mixed Use Floor Area Ratios Map (Figure 9 of Chapter 4) to amend the Maximum Mixed Use FAR of 1.70 for the Western Portion of the Project Site (as depicted in Exhibit C hereto, which is incorporated herein) and apply the Maximum Mixed Use FAR of 2.5 across the entirety of the Project Site.

9. Consistent with the change of land use designation to Mixed Use-Residential Emphasis across the
entirety of the Project Site, this request would be consistent with the intent of the General Plan, which bears a maximum FAR of 2.5 for those properties designated MU-R, as set forth on page 4-5 of the General Plan.

**General Plan Height Limit Amendment**

10. The existing General Plan Height Limits for the Project area are established via the General Plan Height Limit Map (Figure 10 of Chapter 4) and vary, with 50’ representing the height limit on the Western Portion of the Project Site, and 35’ representing the limit on the Eastern Portion.

11. Applicant seeks to amend the General Plan Height Limit Map (Figure 10 of Chapter 4) to reflect that the height limit applicable to the entirety of the Project Site shall be raised to 50’ (as depicted in Exhibit D hereto, which is incorporated herein).

12. The Measure A height limit for the entire site is 50 feet.

13. This request is consistent with the Walnut Creek General Plan insomuch as General Plan Action 13.3.2 specifically contemplates allowing height increases up to the Measure A limits for development that provides exceptional public amenities such as accessible roof gardens, ground level public plazas, creek orientations, public courtyards and passageways, landscaping, public art, and other desired public amenities beyond those specified during the normal City review process. The Project as proposed includes exceptional public amenities, including an intermodal bus facility with 3 additional bus bays beyond what is available today, public plazas and passageways, solar infrastructure installations, extensive landscaping and hardscape, and mid-block crossing, and is thus found to satisfy the criteria for the height amendment request.

**General Plan Building Setback Map Amendment**

14. The existing General Plan setbacks applicable to the Project are set forth in the General Plan Building Setbacks Map (Figure 11 of Chapter 4), which establish a ‘Major’ setback along the Project’s North California Boulevard frontage, and a ‘Moderate’ setback along the Project’s Pringle Avenue frontage.

15. Applicant seek to amend the General Plan Building Setbacks Map (Figure 11 of Chapter 4) to change the building setback requirements along the Project’s North California Boulevard frontage to ‘Moderate’ and to change the building setback requirements along the Project’s Pringle Avenue frontage to ‘Minor.’

16. This request is consistent with the intent of the Walnut Creek General Plan insomuch as it will facilitate the development of the project site as a mixed-use transit oriented development in furtherance of General Plan Land Use Goal 10 (“coordinate the location, intensity, and mix of land uses with transportation resources”).

**Section 3. Decision.** Based on the testimony received and the background and findings set forth above the City Council hereby adopts the following proposed General Plan Amendments as shown in the exhibits hereto, which are necessary for the development of the Walnut Creek Transit Village:
1. Amend the General Plan Land Use Map to redesignate the Eastern Portion of the Project Site as Mixed Use Residential (MU-R).

2. Amend the General Plan Core Area Commercial Floor Area Ratios Map (Figure 8 of Chapter 4) to establish a Maximum Commercial Floor Area Ratio of 0.30 for the entirety of the Project Site.

3. Amend the General Plan Mixed Use Floor Area Ratios Map (Figure 9 of Chapter 4) to establish a Maximum Mixed Use Floor Area Ratio of 2.5 for the entirety of the Project Site.

4. Amend the General Plan Core Area Height Limits Map (Figure 10 of Chapter 4) to increase the Height Limits (in feet) on the Eastern Portion of the Project Site from 35' to 50'.

5. Amend the General Plan Building Setbacks Map (Figure 11 of Chapter 4) to change the building setback requirements along the Project's North California Boulevard frontage from 'Major' to 'Moderate' and to change the building setback requirement along the Project's Pringle Avenue frontage from 'Moderate' to 'Minor.'

Section 4. Effective Date. This resolution shall take effect on the 31st day after its adoption.

PASSED AND ADOPTED by the City Council of the City of Walnut Creek at a regular meeting thereof held on the 16th day of October 2012 by the following called vote:

AYES: Councilmembers: Lawson, Rajan, Silva, Skrel, Mayor Simmons

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Bob Simmons
Mayor of the City of Walnut Creek

Attest:

Suzie Martinez, CMC
City Clerk of the City of Walnut Creek

I HEREBY CERTIFY the foregoing to be a true and correct copy of Resolution No. 12-53 duly passed and adopted by the City Council of Walnut Creek, County of Contra Costa, State of California, at a regular meeting of said Council held on the 16th day of October 2012.

Suzie Martinez, CMC
City Clerk of the City of Walnut Creek