

**WALNUT CREEK CITY COUNCIL
RESOLUTION NO. 10-37**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WALNUT CREEK
APPROVING GENERAL PLAN AMENDMENTS AS SPECIFIED IN THE
LOCUST STREET / MT. DIABLO BOULEVARD SPECIFIC PLAN**

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

Section 1. Background and Findings.

1. On July 20, 2010, the City Council continued the public hearing from July 6, 2010 held on the Draft Locust Street/Mt. Diablo Boulevard Specific Plan (Specific Plan) to review and consider revisions to the Specific Plan, and to review and consider a resolution to adopt the Specific Plan and a resolution to approve General Plan amendments to implement the Specific Plan.
2. On July 6, 2010, the Walnut Creek City Council held a public hearing to review and consider the Specific Plan and Final Environmental Impact Report (EIR), (SCH#2008992054) prepared for the Specific Plan. The City Council also continued the public hearing to a date certain of July 20, 2010, and directed staff to prepare revisions to the Specific Plan, and resolutions to adopt and implement the Specific Plan, for consideration at that meeting.
3. On July 6, 2010, the City Council adopted Resolution No. 10-35, certifying the EIR and adopting the Mitigation Monitoring Program. Pursuant to the California Environmental Quality Act, 14 Cal. Code Regs. Section 15025, the City Council has independently reviewed and analyzed the EIR and received public comment thereon.
4. On April 20, 2010, the Walnut Creek City Council held a public study session to review and consider the Specific Plan and to provide final recommendations to staff. The study session had been continued from April 15, 2010. After receiving public testimony, the City Council directed staff to prepare a final draft Specific Plan and to draft resolutions for adoption.
5. On March 12, 2009, the Walnut Creek Planning Commission held a public hearing to review and consider the Specific Plan and EIR prepared for the Specific Plan, and to provide recommendations to the Walnut Creek City Council. After receiving public testimony, the Planning Commission recommended approval of the Specific Plan and certification of the Specific Plan EIR to the City Council. The Planning Commission also provided its recommendations and comments to the City Council for its consideration.
6. On February 3, 2009, the City Council held a study session on the Draft Specific Plan and Draft EIR.
7. On January 5, 2009, a Draft EIR was published for public review and comment that evaluated the environmental impacts of the entire project. The Draft EIR concludes that the project would have less than significant impacts in the areas of land use and policy; aesthetics; population and housing; transportation and parking; global climate change and greenhouse gases; geology, soils and seismicity; hazards and hazardous materials; hydrology and water quality; public services; utilities and service systems. Potential significant impacts would occur in the areas of air quality, cultural

resources, and noise. Mitigation measures are provided that would reduce all of these impacts to a less-than-significant level.

8. On December 30, 2008, a Notice of Completion and Environmental Document Transmittal was sent to the State Clearinghouse. The State Clearinghouse determined that the 45-day comment period for the Draft EIR began on January 5, 2009 and closed on February 18, 2009. The Mitigation Monitoring Program was also presented as part of the CEQA documentation. The City received one written comment letter, from a private citizen, on the Draft EIR during the public comment period. The EIR provides a response to the one comment that was received during the public comment period for the Draft EIR. The EIR also includes minor corrections to data (errata) that were discovered in the Draft EIR. The City also received a written comment from the California Department of Transportation (Caltrans) after the close of the public review and comment period for the Draft EIR.
9. On October 23, 2008, the Planning Commission held a study session and reviewed the Draft Specific Plan.
10. On October 17, 2008, a final Draft Specific Plan was published that was based on the results of previous study sessions held on the Administrative Draft Specific Plan.
11. On September 11, 2008, the State Clearinghouse published a Notice of Preparation stating that the City of Walnut Creek intended to prepare an environmental impact report on the Draft Locust Street / Mt. Diablo Boulevard Specific Plan. During the 30-day NOP period, only one comment was received (from Caltrans).
12. The following study sessions were publicly noticed and held to provide input on the Administrative Draft Specific Plan: Design Review Commission (January 16, 2008); Transportation Commission (January 17, 2008); Planning Commission (February 21, 2008); and City Council (March 4, 2008). Stakeholders, including property owners and business owners in the Specific Plan area, and other interested persons also attended these meetings and provided comments on the Administrative Draft Specific Plan.
13. On January 4, 2008, the draft Specific Plan (then called a "Precise Plan") was prepared and released for public review.
14. An Advisory Committee, selected by the City Council, drafted the original version of the Specific Plan. The Advisory Committee was composed of various stakeholders in the Specific Plan area, such as property owners and business owners, as well as other interested residents and members of Commissions. The Advisory Committee held numerous public meetings with staff and the consultants in 2004 and 2005. The Committee provided oversight of the initial phase of the planning process and provided direction as plan options were developed and a project plan was ultimately selected.
15. The Specific Plan area comprises 5.3 acres (1.5 blocks) of land located between Mt. Diablo Boulevard, North California Boulevard, Cypress Street and North Main Street in Walnut Creek's Traditional Downtown.

16. New development in the Specific Plan area will be required to meet the standards of the *General Plan 2025 Growth Limitation Plan*. The Growth Limitation Plan was established to meter the rate of new commercial and residential development in the City of Walnut Creek. This Plan limits the amount of commercial development permitted city-wide (outside of the Shadelands Business Park), to no more than 75,000 square feet per year from 2006 through 2015, allotted in two-year increments.
17. The Specific Plan is consistent with *General Plan 2025* and Chapter 2, Title 10 of the Walnut Creek Municipal Code (Zoning Ordinance).
18. The majority of the Specific Plan area has a General Plan Floor Area Ratio (FAR) of 2.0. Opportunity Site 3 (future parking garage site) and Opportunity Site 5 (Cypress Street / N. California Boulevard corner site) currently have a maximum FAR of 1.25. The Specific Plan recommends that the maximum FAR on Opportunity Site 5 (Cypress Street / N. California Boulevard corner site) be increased from 1.25 to 2.0. The Specific Plan also recommends that an FAR bonus of up to 3.5 be allowed on Opportunity Site 5 with construction of a downtown hotel.
19. The northern portion of the Chevron Gas Station parcel (which is within Opportunity Site 3), and all of Opportunity Site 5 (Cypress Street / N. California Boulevard corner site) currently have a maximum building height limit of 50 feet. The Specific Plan recommends that the maximum building height limit on Opportunity Site 5 (Cypress Street / N. California Boulevard corner site) and Opportunity Site 3 (future parking garage Site) be increased to 70 feet. This building height increase is consistent with the maximum building height limits allowed by the voter-approved Measure A for these land areas.
20. The majority of the Specific Plan area has a 35/50-foot building height limit. The 35/50-foot building height limit allows a maximum building height of 35 feet along the street frontages. The building can then be stepped back a certain distance and then increase in height to a maximum of 50 feet in the interior of the site. The Specific Plan defines building setbacks from the face of the building as a minimum 10-foot setback above a 35-foot maximum building height along street frontages.
21. *General Plan 2025* establishes the building setback requirements for all the parcels with street frontage in the Specific Plan area. These setback requirements do not address the need to define an appropriate sidewalk width, which has become essential for these highly used pedestrian areas. The Specific Plan recommends that the General Plan building setback requirements within the Specific Plan area be revised. Building setbacks in this area will be revised to require that new development maintain a minimum 12-foot to 15-foot public sidewalk from curb to building face, depending on the location.
22. The Land Use Element of the General Plan designates the entire Specific Plan area with a Pedestrian Retail land use designation. The Specific Plan is consistent with the General Plan land use designation, with one exception. On Opportunity Site 4 – Option B (Chevron Gas Station Site), the gas station use would remain and the Specific Plan would allow redevelopment and reinvestment in a portion of the existing gas station site to facilitate the new parking garage shown in Opportunity Site 3. Implementation of Opportunity Site 4 – Option B will require an amendment to the General Plan Land Use Map, the Mt. Diablo Redevelopment Plan, and a rezoning of the site that would make the gas station a conforming land use. These revisions would occur after adoption

of the Specific Plan and could involve the negotiation and approval of a future development agreement.

- 23. The health, safety, welfare, and general prosperity of the residents of the City of Walnut Creek will be served by the proposed amendments.

This determination is based on the following factors:

- 1. The proposed General Plan amendments would increase the maximum commercial development potential Opportunity Site 5 (Cypress Street / N. California Boulevard corner site) from 37,125 square feet to 93,400 square feet, or an increase of 56,275 square feet.
- 2. The General Plan land use designation for the area is Pedestrian Retail, which allows for commercial FARs of 0.75 to 2.0. An FAR bonus to 3.5 will be granted to Opportunity Site 5 only with construction of a downtown hotel.
- 3. The traditional downtown area, to the immediate east of Opportunity Site 5, has a commercial FAR of 2.0. The General Plan amendments would extend the existing traditional downtown density one-half block to the west. The surrounding areas to the west, south and west currently have commercial FARs of 0.50 and 1.25.
- 4. The increased development planned on Opportunity Site 5 would further the following General Plan goals and policies related to promoting Walnut Creek as a regional destination, expanding specialty retail, providing a balance of local- and regional-serving retail, encouraging the vitality of the Pedestrian Retail District, supporting infill and redevelopment, creating an opportunity for a downtown hotel, and strengthening the identity of the area for pedestrian-oriented shopping for local residents and regional shoppers.

Goal 2: Sustain the community’s quality of life with a vigorous and diverse economy.

Policy 2.1: Promote Walnut Creek as a regional destination.

Action 2.1.2: Support a balanced expansion of specialty retail in the downtown.

Goal 6: Focus development in the Pedestrian Retail District on retail and restaurants, and expand the area’s potential to host art and cultural events.

Policy 6.1: Retain and encourage a balance of local- and regional-serving retail businesses in the Core Area.

Policy 6.2: Focus development in the Pedestrian Retail District on retail and restaurants, and expand the area’s potential to host arts and cultural events.

Action 6.2.1: In the Pedestrian Retail District, require pedestrian-oriented uses at street level.

Action 6.2.2: Promote building layouts and designs that create pedestrian interest and encourage people to “park once and walk.”

Policy 6.4: Encourage the overall vitality of the Core Area south of Mt. Diablo Boulevard.

Goal 12: Make more efficient use of the regional and subregional transportation system.

Policy 12.2: Support infill and redevelopment in existing urban areas.

Goal 20: Reinforce the urban design and character of the Pedestrian Retail District as a gathering place for local residents as well as a regional retail destination.

Policy 20.1: Strengthen the identity of the Pedestrian Retail District as a pedestrian-oriented shopping destination for local residents and regional shoppers.

5. The General Plan amendments would increase the allowable building height on Opportunity Site 3 (future parking garage site) and Opportunity Site 5 (Cypress Street / N. California Boulevard corner site) from 35/50 feet and 50 feet to 70 feet. The proposed height limit will remain 19 feet below the 89-foot height limit established under Measure A.
6. The City Council is authorized to consider a change to the height change as long as such change is consistent with Measure A. Such changes are anticipated in *General Plan 2025*, as presented in the following general plan policy:

Goal 13: Maintain and enhance high quality building design and urban design.

Policy 13.3: Coordinate the building heights allowed under the general plan, zoning ordinance, and Measure A.

Action 13.3.2: Allow increases in height, up to the Measure A height limits, for developments that provide 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.

7. The Specific Plan proposes significant new public amenities such as ground-level public plazas, public courtyards and passageways, street furniture, and high-quality architectural design.
8. The proposed height increase from 35/50 feet and 50 feet to 70 feet is consistent with Measure A and the surrounding area, creates no significant visual impacts, and does not block views of Mt. Diablo.

9. The proposed General Plan amendments would increase the minimum sidewalk widths within the Specific Plan area along the Mt. Diablo Boulevard and North California Boulevard frontages from 10 feet to 15 feet, and along Cypress Street, Locust Street, and North Main Street frontages from 10 feet to 12 feet. The increased sidewalk widths would further General Plan goals 6 and 20, described above, and their related policies and action items.
10. The proposed General Plan amendments would eliminate the minimum building setbacks along the street frontages within the Specific Plan Area. The current minimum setback along Cypress Street, Locust Street, and North Main Street is zero to 10 feet (2 feet average), and the current minimum setback along Mt. Diablo Boulevard and North California Boulevard is 10 feet to 20 feet (15 feet average). The Specific Plan replaces these general setback requirements with specific build-to lines and designs for plazas, courtyards, and pedestrian passageways. The replacement of the minimum building setbacks with specific designs for the pedestrian frontages would further General Plan goals 6 and 20, described above, and their related policies and action items.
11. The proposed General Plan amendments would specify a minimum 10-foot stepback from the street frontage of a building for any portions of the building that exceed 35 feet in height. This change will only affect Opportunity Site 5 (Cypress Street / N. California Boulevard corner site), which currently does not have any stepback requirement; there will be no change to the remainder of the Specific Plan area which is already subject to this requirement. The establishment of new building stepback requirements would further General Plan goals 6 and 20, described above, and their related policies and action items, in addition to the following general plan policy:

Policy 13.2: Regulate building placement and upper-floor stepbacks along important streets in the Core Area.

Section 3. Decision.

Based on the findings set forth above, the City Council hereby resolves to:

1. Amend *General Plan 2025*, Chapter 4, Figure 8, to change the Maximum Commercial Floor Area Ratio (FAR) for Opportunity Site 5 (Cypress Street / N. California Boulevard corner site) from 0.75 to 2.0, as shown in Figure 9 of the Locust Street / Mt. Diablo Boulevard Specific Plan and provide for an FAR bonus to 3.5 that will be granted with the construction of a downtown hotel on this site.
2. Amend *General Plan 2025*, Chapter 4, Figure 10 to change the height limit for Opportunity Site 1 (N. Main St. / Mt. Diablo Blvd. corner site), Opportunity Site 2 (Locust St. / Mt. Diablo Blvd. site), Opportunity Site 3 (future parking garage site), and Opportunity Site 5 (Cypress Street / N. California Boulevard corner site), as shown in Figure 8 of the Locust Street / Mt. Diablo Boulevard Specific Plan, from 35/50 feet and 50 feet to “refer to Locust Street / Mt. Diablo Boulevard Specific Plan”.
3. Amend *General Plan 2025*, Chapter 4, Figure 11 to remove the building setbacks from the south side of Cypress Street between North California Boulevard and Locust Street, the east side of

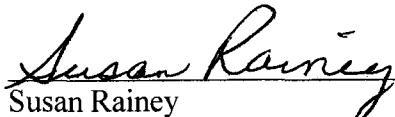
North California Boulevard between Cypress Street and Mt. Diablo Boulevard, the west side of Locust Street between Cypress Street and Mt. Diablo Boulevard, the east side of Locust Street between the South Locust Street Garage driveway and Mt. Diablo Boulevard, the west side of North Main Street adjacent to the City-owned parking lot at 1500 Mt. Diablo Boulevard, and the north side of Mt. Diablo Boulevard between North California Boulevard and North Main Street.

4. Amend *General Plan 2025*, Chapter 4, Page 4-18, paragraph four, to add the following as the next-to-last sentence in the paragraph: "A 10-foot minimum building setback is also required for the street frontage elevations of all buildings located within the Locust Street / Mt. Diablo Boulevard Specific Plan area that have a height in excess of 35 feet."
5. Amend *General Plan 2025*, Chapter 1, page 1-2 to move paragraph six down to follow paragraph eight, and to replace its first sentence with the following: "The Locust Street / Mt. Diablo Boulevard Specific Plan was adopted in 2010."
6. Amend *General Plan 2025*, Chapter 4, Figures 15 and 16 to reflect the boundaries of the Locust Street / Mt. Diablo Boulevard Specific Plan.
7. Request that the Walnut Creek Planning Commission study the amendments to the Zoning Ordinance that are required to implement the Locust Street / Mt. Diablo Boulevard Specific Plan, and report back with a recommendation to the City Council, pursuant to Part IV, Article 13 of the Zoning Ordinance. These amendments include changes to building height and setback regulations.

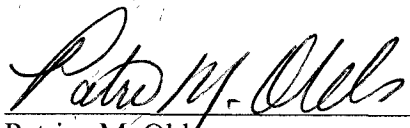
This resolution shall take effect on the 31st day after its adoption.

PASSED AND ADOPTED by the City Council of the City of Walnut Creek at a regular meeting thereof held on the 20th day of July 2010, by the following called vote:

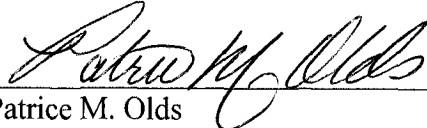
AYES:	Councilmembers:	Skrel, Silva, Mayor Rainey
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Simmons, Rajan


 Susan Rainey
 Mayor of the City of Walnut Creek

Attest:


 Patrice M. Olds
 City Clerk of the City of Walnut Creek

I HEREBY CERTIFY the foregoing to be a true and correct copy of Resolution No. 10-37, 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 20th day of July 2010.



Patrice M. Olds
City Clerk of the City of Walnut Creek