

**CITY OF WALNUT CREEK  
ORDINANCE NO. 2116**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WALNUT CREEK  
AMENDING TITLE 10 (PLANNING AND ZONING) OF THE  
MUNICIPAL CODE TO MODIFY THE ZONING MAP  
TO INCREASE THE HEIGHT LIMIT FOR THE  
1500 NORTH CALIFORNIA BOULEVARD PROJECT  
(APNs 178-180-020, -041)**

The City Council of the City of Walnut Creek does ordain as follows:

**Section 1. Background.**

1. On March 6, 2012 application No. Y12-010 was filed by 1500 North California Boulevard, LLC (“Applicant”), requesting approval to construct two six-story mixed use structures up to 70 feet tall containing 141 apartment units, 18,280 square feet of ground floor retail/restaurant space, a 1,775 square foot public courtyard, and a parking area containing 216 surface and subterranean parking spaces on a 1.23-acre site at 1500 N. California Boulevard (APN 178-180-020, 023, 041) (the “Project”).
2. The Project requires:
  - a. City Council certification of an environmental impact report (an “EIR”) in order to analyze and, to the extent necessary, identify mitigation measures and alternatives to address its potential environmental impacts;
  - b. adoption of amendments to the Walnut Creek General Plan 2025 (the “General Plan”) to increase the maximum allowable building height from 50 feet to 70 feet and reduce the building setback from “moderate” to “minor” for two parcels located at 1500 and 1540 N. California (APNs 178-180-020 and -041), and amend Figures 10 and 11 of Chapter 4 of the General Plan;
  - c. adoption of amendments to the Walnut Creek Zoning Map, Sheet 2 of 2, (“Zoning Map”) to increase the maximum allowable building height from 50 feet to 70 feet on the western portion of the site;
  - d. approval of a Tree Removal Permit to authorize the removal of ten trees for which the City Arborist does not have independent authority to sanction removal; and
  - e. approval of a Conditional Use Permit for the multi-family residential use.
3. The City Council held a study session for this Project on December 20, 2011.
4. On June 9, 2011 and June 14, 2012, the Planning Commission held study sessions regarding the Project to consider Project features and implementing provisions.
5. On March 6, 2013, the Walnut Creek Design Review Commission held a public hearing to review and consider the project’s site design, architecture and landscaping. The Commission reviewed the project and recommended the Planning Commission and City Council approve the project subject to final Design Review.
6. On April 11, 2013, the Walnut Creek Planning Commission held a public hearing to review and consider the Project, the Final EIR with Mitigation Monitoring Plan, the proposed General Plan

Amendments, Zoning Map amendment, and Tree Removal Permit, and to provide final recommendations to the Walnut Creek City Council.

7. The Planning Commission, through adoption of Resolution No. 3622, thereafter recommended 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.
8. The Planning Commission, through adoption of Resolution No. 3623, thereafter recommended that the City Council adopt the General Plan Amendments described therein.
9. The Planning Commission, through adoption of Resolution No. 3624, thereafter recommended that the City Council adopt the Zoning Map Amendment described therein.
9. In considering this request, the City Council is guided by Article 13 of Part IV, Chapter 2 of Title 10 of the Walnut Creek Municipal Code.
10. The City Council considered the request and the Planning Commission recommendation on May 21, 2013.

## **Section 2. Findings.**

1. On May 21, 2013, the Walnut Creek City Council conducted a public hearing, at which it considered the staff report and public testimony.
2. On May 21, 2013, the Walnut Creek City Council approved a resolution certifying and adopting the Environmental Impact Report for the 1500 North California mixed-use project (the "EIR"), and making findings related to each of the environmental impacts, alternatives, and other considerations as required by the California Environmental Quality Act. The findings contained in that resolution are hereby adopted and incorporated herein by this reference.
3. On May 21, 2013, the Walnut Creek City Council approved a resolution approving amendments to *General Plan 2025* to increase the height limit from 50 feet to 70 feet for two parcels (APNs 178-180-020, -041) fronting N. California Blvd. and to reduce the street setback from Moderate to Minor along the N. California Blvd. frontage of the Project. The findings contained in that resolution are hereby adopted and incorporated herein by this reference.
4. Portions of both buildings along the N. California Boulevard frontage are proposed to be 68 feet tall, with elevator shafts and stairwells extending up to 74 feet. By comparison, the North Locust Street Parking Garage, adjacent to this site, has a building height of approximately 55 feet to the parapet, and a height of 67 feet to the top of the elevator shafts. Architectural elements, mechanical equipment and other structures may exceed the height limit consistent with zoning ordinance provisions.
5. The parcel fronting Locust Street has a 35/50-foot height limit; the new building is proposed to step down from N. California Blvd. to fit within the 35 and 50-foot maximums on this parcel. Therefore, a Zoning Map Amendment is not needed for this parcel.

- 6. The requested Zoning Map Amendment is consistent with the General Plan, as amended by the City Council in the above-described resolution.
- 7. The City Council has considered the effect of this Ordinance on the housing needs of the region and has balanced those needs against the public service needs of its residents and available fiscal and environmental resources.

**Section 3. Decision.**

The Zoning Map, Sheet 2, titled "Overlay Zones, Building Height, Parking, and Street Line Setback" is hereby amended to increase the building height from 50 feet to 70 feet for two parcels along N. California Blvd. (APNs 178-180-020, -041) as shown on Exhibit A, subject to the following condition: All mitigation measures contained in the Resolution certifying and adopting the EIR shall be implemented as a condition of this approval.

The Community Development Director is hereby directed to make the change to the Zoning Map as shown in Exhibit A.

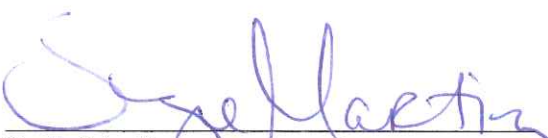
**Section 4. Effective Date.** This ordinance shall become effective on the 31<sup>st</sup> day after its adoption.

**PASSED AND ADOPTED** by the City Council of the City of Walnut Creek at a regular meeting thereof held on the 4<sup>th</sup> day of June, 2013, by the following called vote:

AYES:	Councilmembers:	Haskew, Lawson, Simmons, Wedel, Mayor Silva
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

/s/Cindy Silva  
 Cindy Silva  
 Mayor of the City of Walnut Creek

Attest:

  
 Suzie Martinez  
 City Clerk of the City of Walnut Creek



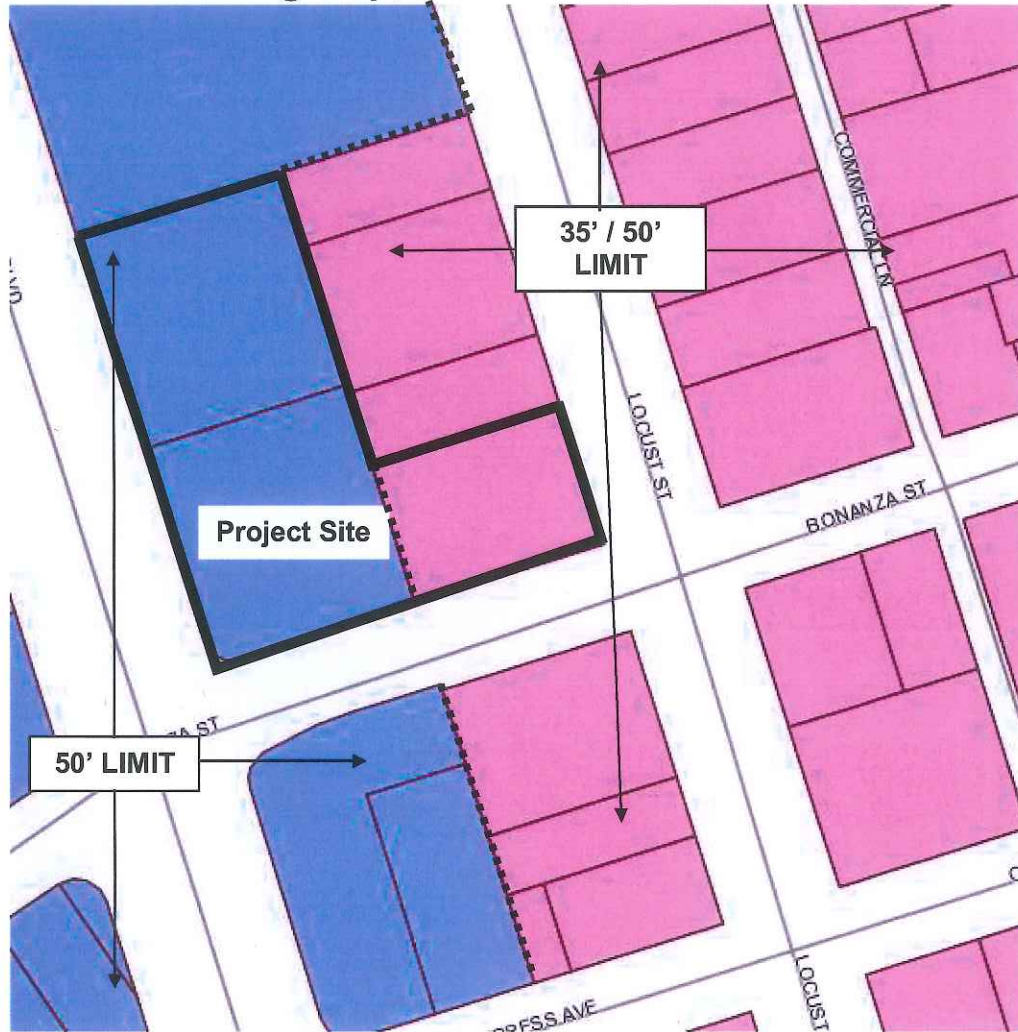
**I HEREBY CERTIFY** the foregoing to be a true and correct copy of Ordinance No. 2116, duly passed and adopted by the City Council of Walnut Creek, County of Contra Costa, State of California, at a regular meeting of said Council held on the 4<sup>th</sup> day of June, 2013.

  
Suzie Martinez, City Clerk  
City of Walnut Creek

Walnut Creek City Council  
1500 N. California Boulevard

Zoning Map Amendment

### Zoning Map, Sheet 2 of 2 – EXISTING



#### Height Limits

- 25
- 35
- 35/50
- 45
- 50
- 65
- 70
- 89

..... Height Limit Boundary

———— Project Site

### Zoning Map, Sheet 2 of 2 – PROPOSED



#### Height Limits

- 25
- 35
- 35/50
- 45
- 50
- 65
- 70
- 89

..... Height Limit Boundary

———— Project Site