

RESOLUTION NO. 3778

A RESOLUTION APPROVING SPECIFIC PLAN NO. 7 (S. NEWELL AVE.)

WHEREAS the Planning Commission by Resolution No. 1831 adopted on August 9, 1978, recommended that Specific Plan No. 7 be adopted as outlined in Exhibits A, B and Appendix, attached thereto and made a part thereof; and

WHEREAS on September 19 and 27, 1978, the Walnut Creek City Council conducted a public hearing to consider this amendment, on which date it was closed and a decision continued to October 3, 1978; and

WHEREAS on October 3, 1978, the Council, after reviewing the recommendation of the Planning Commission decided to amend it; and

WHEREAS a Negative Declaration was completed on July 28, 1978, in compliance with CEQA, State and City Guidelines and the City Council reviewed and considered the information contained therein,

NOW THEREFORE, the City Council of the City of Walnut Creek does resolve as follows:

Section 1. Specific Plan No. 7 is hereby adopted pursuant to Gov't.C. §65503 as recommended by the Planning Commission, with changes adopted by the Council on October 3, 1978. Said plan consists of Exhibits A and B, attached hereto and made a part hereof by reference.

Section 2. This resolution shall become effective immediately upon its passage and adoption.

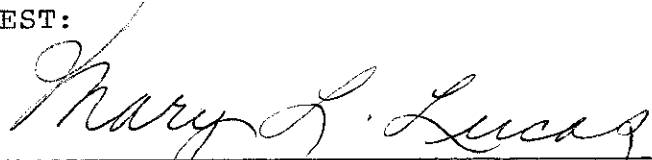
PASSED AND ADOPTED by the City Council of the City of Walnut Creek at a regular meeting thereof held on the 3rd day of October, 1978 by the following called vote:

AYES: Councilmen: Hildebrand, Martin, Armstrong
NOES: Councilmen: Mayor Kovar
ABSENT: Councilmen: Hazard



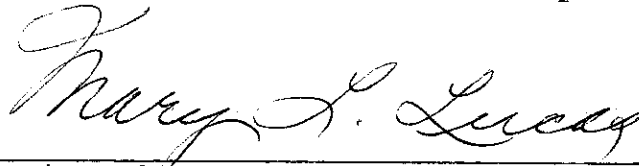
Mayor of the City of Walnut Creek

ATTEST:



City Clerk of the City of Walnut Creek

I HEREBY CERTIFY that the foregoing resolution was duly and regularly passed and adopted by the City Council of the City of Walnut Creek, County of Contra Costa, State of California at a regular meeting of said Council held on the 3rd day of October, 1978.



City Clerk of the City of Walnut Creek

EXHIBIT A

FINDINGS:

1. The purpose of this Specific Plan is to comply with the recommendations set forth in the Core Area Plan and the Housing Element of the Walnut Creek General Plan to prepare a specific plan for the area south of Newell Avenue.
2. As indicated in the Core Area Plan, this area is unusual and unique because of the natural state of San Ramon Creek and a large undeveloped parcel in the center characterized by major tree stands and a knoll rising above the level of the remainder of the entire area. These amenities are important to the visual and natural quality of the City and should be preserved.
3. The Housing Element designates a portion of the subject area as a priority site for low and moderate income housing, requiring the City to permit residential use unless it finds the site inappropriate for multifamily development. This specific plan permits residential as well as commercial uses.
4. The Housing Element recommends that the City provide incentives for a mix of residential and commercial uses in Elective Use areas. Detailed economic analysis indicates that incentives will not work to encourage housing in the subject area. Density bonuses will be available for low-cost senior housing through provisions in the Housing Element.

CONDITIONS:

1. The designated trees shown on the attached Exhibit B and any other trees within the "Creek Preserve Area" shall remain in a natural condition, and no healthy trees of those specified above shall be removed.
2. The "Creek Preserve Area" shown on the attached Exhibit B shall generally remain in a natural condition. Existing limits of parking lots shall not be increased within the "Creek Preserve Area." However, structures which do not alter natural landforms or vegetation, and which are determined to enhance the creek without having substantial negative impact on it, shall be permitted upon specific approval by the Planning Commission. Structures, for the purpose of this condition, shall include new development as well as replacement of existing structures, but shall not include pedestrian bridges which may be permitted by the Planning Commission with minimal alteration of natural conditions.

3. Future development activity on properties which extend into the creek shall be required, as a condition of approval, to clean up those portions of the creek which are located on their property and to enter into a maintenance agreement that requires the subject area to be kept in a clean and natural condition.
4. Future development activity on properties which include the pedestrian pathway system shown on the attached Exhibit B shall be required as a condition of approval to provide such a pathway and to allow it to be accessible to adjoining property owners. Pedestrian access across the creek is encouraged as a part of the pathway system.
5. Future development activity on properties identified as needing to "consider access aggregation" on the attached Exhibit B shall be required, as a condition of approval, to either aggregate driveway locations or to provide information acceptable to the Walnut Creek Planning Commission as to why it is not feasible to do so.
6. Within the area delineated on the attached Exhibit B and noted as "Height Flexibility Area," height in excess of the three story limit and up to a maximum of four stories over parking shall be allowed for an area not to exceed 15% of a given parcel and to be reviewed and approved by the Design Review Commission for appropriateness of siting and compatibility of the design with the scale and character of the Specific Plan area. Generally appropriate and compatible height in excess of three stories should:
 - a. Be set back from South Main, Newell, and the possible South Broadway extension a distance to avoid significant visual impact on these streets.
 - b. Be visually harmonious with existing trees through design.
 - c. Respect views and the existing sense of openness and nature by clustering rather than being spread throughout the Specific Plan area.
 - d. Be essential to preserve on-site amenities.
7. Wherever possible, new development should orient toward the creek as the central focus and amenity of the Specific Plan area.
8. The entire study area is subject to inundation from an intermediate regional flood (100-year frequency). Developers will be required to keep the finished floor of habitable areas above the flood elevation. The most recent floor information provided by the Community Development Department will be utilized to obtain the most adequate estimate of the 100-year flood elevation.
9. Zoning for the entire Specific Plan area shall permit both multi-family residential as well as office and retail uses. The area should be rezoned Retail and Office (R-O) with an Overlay Zone allowing multi-family residential and requiring all development to conform to the Specific Plan. It shall be the desire of the City, however, to encourage retail and residential uses rather than offices.

