

RESOLUTION NO. 2015-5352

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA SETTING A PARKING IN-LIEU FEE FOR THE TOWN CENTER PARKING IN-LIEU FEE PROGRAM

WHEREAS, by previous action, the City Council of the City of Yorba Linda ("City" or "City Council," as applicable) adopted City Council Ordinance No. 2011-962, approving the Yorba Linda Town Center Specific Plan ("Specific Plan"); and

WHEREAS, during the planning efforts for the Specific Plan, a common concern raised by City staff, City Council members, local businesses, and City residents was that adequate parking be available within the entire town center area, including existing and new businesses along Main Street and within the surrounding area (collectively, the "Town Center"); and

WHEREAS, the Specific Plan contemplated that as one of many potential parking strategies, a public parking structure could be developed to serve the Town Center; and

WHEREAS, in March, 2015, City staff commissioned Urban Crossroads, a consultant to the City, to prepare a parking analysis for the Town Center; and

WHEREAS, Urban Crossroads completed its parking analysis on April 30, 2015 (the "Parking Analysis"), a copy of which is on file with the City Clerk; and

WHEREAS, the Parking Analysis determined as follows (i) an adequate parking supply is critical to the success of any area, and a successful area provides parking opportunities for visitors to park once and walk to multiple destinations; (ii) the Town Center would benefit from "shared" parking, which can occur when proposed uses have parking demands that peak during different times of the day; (iii) using the Urban Land Institute shared parking methodology, a total of 1,122 parking spaces are needed to support the Town Center during the week, and a total of 1,039 parking spaces are needed to support the Town Center during the weekend; and (iv) based on Urban Crossroad's estimates, which factored in existing and parking proposed at that time, upon build-out the Town Center will have a deficit of 316 parking spaces during the week, and 245 parking spaces during the weekend; and

WHEREAS, based on the Parking Analysis, to avoid a future deficit of parking in the Town Center, the City Council directed staff to explore potential options for the development of a parking structure to serve the overall Town Center; and

WHEREAS, Zelman Retail Partners, Inc. ("Zelman"), proposes to develop a retail shopping center (the "Zelman Development") within the commercial district of the Town Center; and

WHEREAS, the City has approved the entitlements for the Zelman Development, conditioned on Zelman's development of a public parking structure on land owned or to be owned by the City; and

WHEREAS, the Specific Plan established various parking programs, including a parking in-lieu fee program (the "Parking In-Lieu Fee Program"), and provided that the City Council would establish the parking in-lieu fee amount; and

WHEREAS, in August, 2015, City staff commissioned Nelson Nygaard, a consultant to the City, to analyze the implementation of the Parking In-Lieu Fee Program within the Town Center, including recommending a parking in-lieu fee amount; and

WHEREAS, Nelson Nygaard completed its analysis on September 30, 2015 (the "Parking In-Lieu Fee Analysis"), a copy of which is attached to this Resolution as Exhibit "A"; and

WHEREAS, the Parking In-Lieu Fee Analysis determined that parking in-lieu fees are useful in that they provide developers with flexibility, operate as an economic development tool, facilitate otherwise infeasible projects, allow for better urban design, and can be used to partially offset the costs for providing the parking; and

WHEREAS, based on Nelson Nygaard's analysis of similar parking in-lieu fees in similar jurisdictions, the Parking In-Lieu Fee Analysis recommended that the parking in-lieu fee be "market" based, and initially be set at \$5,000 per space, with automatic annual adjustments to reflect increases in the local Consumer Price Index; and

WHEREAS, the City Council conducted a noticed public hearing on December 1, 2015; and

WHEREAS, the City Council has considered all of the information and evidence presented by City staff and by persons wishing to appear and be heard on the proposed parking in-lieu fee amount.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Yorba Linda, as follows:

SECTION 1: The parking in-lieu fee for the Town Center shall be set at \$5,000 per parking space, which amount shall be automatically adjusted (with upward adjustments only) annually, on each January 1 after January 1, 2016, by the consumer price index for all urban consumers, Los Angeles-Riverside-Orange County statistical area, all items (1982-84 = 100) published by the United States Department of Labor, Bureau of Labor Statistics.

SECTION 2: The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED at a regular hearing of the City Council of the City of Yorba Linda on this 1st day of December, 2015.



MAYOR, THOMAS LINDSEY
CITY OF YORBA LINDA

ATTEST:



MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA

APPROVED AS TO FORM:
RUTAN & TUCKER LLP



CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) **ss.**

I, **MARCIA BROWN**, City Clerk of the City of Yorba Linda, California, **DO HEREBY CERTIFY** that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Yorba Linda held on the 1st day of December, 2015, and was carried by the following roll call vote:

AYES: COUNCILMEMBERS: **Hernandez, Huang, Lindsey, Schwing, Young**
NOES: COUNCILMEMBERS: **None**
ABSENT: COUNCILMEMBERS: **None**



MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA