

Article 4. Plaza Way Overlay District

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6-1360 Plaza Way Overlay District

The Plaza Way Overlay District (map symbol PWO) is established to preserve and maintain the historical character of the block, encourage tenants who would take advantage of its central location and adjacency to Lafayette Plaza, address the historical parking shortage, and improve vehicular and pedestrian circulation within the block.

Participation in the Plaza Way Overlay District is voluntary and property within the Overlay District may be developed in accordance with the provisions of this chapter only if property owners choose to opt in to the Overlay District, which shall include executing an agreement with the City as provided for in this chapter, and compliance with this chapter. If a property owner opts into the Overlay District, the parking requirements established by the Lafayette Municipal Code (LMC) shall not apply and will be replaced by customized parking standards as determined by the City and as provided for in the agreement taking into consideration the reduced parking requirements. If a property owner chooses not to opt-into the Overlay District, that property is subject to the provisions of the underlying zoning district and other standards and regulations contained in Title 6 of the Lafayette Municipal Code.

If a property owner chooses to opt in to the Overlay District, the requirements of this chapter shall be combined with the requirements of the underlying zoning district for the property. In addition, the property is subject to all other regulations and provisions in the LMC not specifically addressed in this chapter.

6-1361 Purpose and Intent

Plaza Way's long and rich history and old pre-auto era buildings distinguish it from other parts of the downtown. This short street located in the heart of the downtown contains modest buildings of a style reminiscent of California's pioneer days. The property on which these buildings sit are substandard in width and area. Access points to the rear are narrow with just enough room for one car to pass through. The block pre-dates

Lafayette's incorporation by nearly a century; thus little room is provided for automobile parking.

The Plaza Way Overlay District is a cooperative arrangement by which property owners can fully lease their buildings without having to provide all of the required parking under current City standards in exchange for bringing in the appropriate tenant mix, upgrading the buildings, providing additional parking, and contributing to the Plaza Way Parking Fund. Participation in the Overlay is optional, not mandatory. Existing businesses may maintain the status quo and retain the existing uses and number of parking spaces for tenants and employees as provided in the LMC.

The goals of the Plaza Way Overlay District are:

1. To ensure that the block retains its history, charm and character.
2. To enliven the street, increase pedestrian activity and create an area in which the community will gather for civic and cultural events.
3. To encourage unique and appropriate tenants who will take advantage of the Overlay's central, visible location in the downtown and adjacency to Lafayette Plaza.
4. To optimize off-street parking in the block and improve vehicular and pedestrian circulation.

The city council finds that:

1. An active and vibrant business district is a valuable asset to the city and the community.
2. Plaza Way epitomizes Lafayette's past and the strict application of the municipal code's zoning and parking regulations make the properties non-viable and, as a result, will eventually destroy its quintessential character.
3. In order to implement the city's general plan policies and to promote development, it is necessary to provide an alternative to the standard zoning in this unique area of the city.

6-1362 Adoption of Maps and Guidelines

(a) The following are adopted as part of this chapter:

1. Boundary Map
2. Vision Maps
3. Design Guidelines

(b) The Overlay District is hereby established on property within the Boundary Map. Each original map is on file in the office of the City Clerk. A copy shall be kept on file in the office of the Planning and Building Services Manager and shall be made available to the public.

(c) The City Council may amend a map referred to in subsection (a) by resolution after following the notice and hearing procedure prescribed for the adoption or amendment of a zoning ordinance (Government Code § 65853 et seq.).

6- 1363 Definitions.

In this chapter, unless the context otherwise requires:

- A. "Agreement" means the agreement executed by the property owner and the City that is specific to a Development Proposal for a property within the Overlay District that includes the requirements of this chapter.
- B. "Boundary Map" means the map entitled "Plaza Way Overlay Boundary Map", dated December 2011.
- C. "Consolidated Parking Plan" means all improvements within the common parking lot and access ways used by the public as shown in the Vision Maps. Improvements include, but are not limited to paving, driveways, striping, lighting, signage, new meter bank(s), landscaping.
- D. "Design Guidelines" means the document entitled "Plaza Way Overlay Design Guidelines", dated August 2012.
- E. "Development Proposal" means a proposal for development which changes or intensifies the current uses on the property resulting in higher parking requirements.
- F. "Opt-In" means a property owner's voluntary participation in the Overlay District through a Development Proposal and an Agreement with the City.
- G. "Plaza Way Parking Fund" means a fund administered by the City used to acquire, construct and maintain the Consolidated Parking Plan for the property owners and tenants within the Overlay.
- H. "Plaza Way Overlay District" means the property within the Boundary Map eligible for opting into the provisions of this chapter.
- I. "Property owner" means the owner of one or more parcels identified in the Boundary Map.
- J. "Reduced Parking Requirements" means the maximum number of parking spaces that a Development Proposal requires after subtracting the following:
 - a. Reduced parking requirements for eating and drinking establishments of 1:100 sq. ft. of dining space. Parking requirement for kitchens/prep area of 1:500 sq. ft.
 - b. Credit of six (6) on-street parking spaces per property owner.
 - c. Credit of one (1) space per property owner to compensate for spaces lost during the construction of Lafayette Plaza.
- K. "Vision Maps" mean the maps entitled "Plaza Way Overlay Vision Maps", dated September 2012.

6-1364 Uses.

Property owners may request to opt-in to the Overlay District only if the following uses are proposed for the ground floor:

- a. "Eating and drinking establishments" means the serving or retail sale of prepared foods and beverages, for on-premises or off-premises consumption, including indoor customer seating.

- b. "General food sales" means the retail sale from the premises of a comprehensive variety of specialty foods and beverages without indoor customer seating; but excludes convenience markets.
- c. "General retail sales" means the retail sale from the premises of shopper goods which are generally of a nature that are easily carried or transported from place to place by a pedestrian, and does not normally necessitate the use of motor vehicles for portage of goods or the provision of parking in close proximity to the place of business.
- d. Other uses that fulfill the goals of the Overlay District as determined by the City Council.

Uses on upper floors are those that are permitted by right or with a land use permit in the underlying zoning district. Residential uses are encouraged on the upper floors.

The tenant is of significant importance to the City in order to: (i) ensure the correct balance of unique uses and amenities so that the Plaza Way Overlay District retains its history, charm and character; (ii) enliven the street, increase pedestrian activity and create an area in which the community will gather for civic and cultural events; and (iii) encourage uses which take advantage of the visible location in the heart of the downtown and its adjacency to the Lafayette Plaza. Therefore, the City maintains discretion over the specific tenants proposed in both the ground and upper floors and the property owner shall obtain written approval of a list of potential tenants to the City Council prior to final inspection or a certificate of occupancy.

6-1365 Agreement Requirements

A property owner opting-in to the Overlay District shall be required to enter into an Agreement with the City. The Agreement shall include the following minimum requirements, but may include other requirements based on the scope of the proposed development, and as negotiated between the property owner and the City.

1. Update building facades or construct new development consistent with the Plaza Way Design Guidelines and Vision Maps.
2. Lease ground floor storefronts to retail, eating and drinking establishments, or other similar uses that fulfill the goals of the Overlay District as determined by the City Council and encourage vibrant pedestrian activity and add to the unique character of the area. Tenants are subject to City approval.
3. Construct parking in the rear of the property consistent with the Consolidated Parking Plan.
4. Grant cross access and parking easements to the City consistent with the Consolidated Parking Plan.

5. Provide additional parking at an off-site location if required by the City.
 6. Make a financial contribution into the Plaza Way Parking Fund.
 7. Offer employees incentives to use alternative modes of transportation.
 8. Include in all new tenant leases a requirement that 25% of the reduced parking requirement be provided at a City-approved off-site location for employees.
- A. The City may provide one or more of the following incentives to a property owner entering into an Agreement:
1. A reduction in the parking requirement for “eating and drinking establishments” of 1:100 sq. ft. of seating area. Parking requirement for kitchens/prep areas of 1:500. Parking for “general food sales” and “general retail sales” is 1:250.
 2. Allowance to include on-street parking on Plaza Way and Golden Gate Way (up to First St.) to meet reduced parking requirements.
 3. Exemption of outdoor dining area in calculations to meet parking requirements.
 4. Credit of one space per property owner to compensate for spaces lost during the construction of Lafayette Plaza.
 5. Consideration of allowing alternative forms of parking such as tandem spaces to meet parking requirements.
 6. Initial financial contribution to the Plaza Way Parking Fund that may match the property owner’s contribution.
 7. Ongoing contribution of revenues from parking meters on Plaza Way and Golden Gate Way (up to First St.) and within the Consolidated Parking Plan to the Plaza Way Parking Fund.
 8. Construction of portions of the Consolidated Parking Plan.
 9. Assumption of maintenance, liability, and enforcement of the Consolidated Parking Plan.

6- 1366 Process for Opting in

- A. A person seeking an Agreement as defined in this chapter shall file an application with the Planning Division on a form prescribed by the City. The Planning and Building Services Manager will evaluate the request as it relates to the purpose, intent and goals of the Plaza Way Overlay District and shall forward a recommendation to approve, conditionally approve, or deny the Agreement to the City Council.

- B. All projects will be reviewed as appropriate under the California Environmental Quality Act (CEQA).
- C. An Agreement is valid for one year from the date of design review approval of façade improvements unless a different period is specifically stated. If the applicant does not secure a building permit by the expiration date, the Agreement shall expire. The Planning and Building Services Manager may approve an extension of up to one additional year upon showing of good cause by the property owner and if a written request for an extension is received prior to the expiration of the Agreement. Additional extensions are subject to City Council review and approval.

6-1367 Decision and Findings

- A. All Agreements are subject to review and approval by the City Council. The following findings shall apply:

The Development Proposal:

1. Ensures that the block retains its history, charm and character.
 2. Enlivens the street and increases pedestrian activity.
 3. Takes advantage of the Overlay District’s adjacency to Lafayette Plaza.
 4. Improves vehicular and pedestrian circulation.
 5. Is consistent with the Vision Maps.
 6. Increases the supply of parking within the Overlay District.
- B. The Planning and Building Services Manager may approve uses and façade improvement plans provided they fully comply with the Vision Maps, Plaza Way Design Guidelines and the purpose, intent and goals of the Plaza Way Overlay District. All other proposals shall be referred to the Design Review Commission or Planning Commission, as appropriate. Design review approval can be obtained before or after an Agreement is approved, but no later than a year after the approval of the Agreement. The City’s design review findings (Section 6-275 LMC) shall apply.

6-1368 Appeal

An appeal of a decision made pursuant to this chapter shall be brought and governed as set forth in sections 6-225 through 6-238 of the LMC.