

**CITY OF WALNUT CREEK  
ORDINANCE NO. 2200**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WALNUT CREEK  
AMENDING TITLE 10 (PLANNING AND ZONING) OF THE MUNICIPAL CODE, FOR  
THE PURPOSE OF IMPLEMENTING THE NORTH DOWNTOWN SPECIFIC PLAN**

**This ordinance modifies defined terms in the Zoning Ordinance; renames the A-S, Automobile Sales & Service District to the AS-CM, Automobile Sales/Service and Custom Manufacturing District, and modifies the regulations contained therein; amends the MU-C, Commercial Mixed Use District; amends the MU-R, Residential Mixed Use District; amends the automobile and bicycle parking requirements; creates a new O-25 Overlay Zone for Makers' Row; creates a new O-26 Overlay Zone for the Arts District; rezones multiple properties; amends the height limits; amends the future street setback lines; and amends Parking Reduction Zone D; all within the Plan Area of the North Downtown Specific Plan.**

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

Section 1. Findings.

1. In 2014, the Metropolitan Transportation Commission (MTC) and the Contra Costa Transportation Authority (CCTA) awarded the City of Walnut Creek a \$656,900 grant to prepare a Specific Plan for an area that staff had identified as "North Downtown," a diverse area of 191 acres adjacent to the Walnut Creek BART station on the west, and extending to the Iron Horse Trail to the east, Parkside Drive to the north, and Civic Drive to the south.
2. From mid-2016 to mid-2018, staff and the consultants conducted an extensive public outreach program, which included meetings with Plan Area stakeholders, three community workshops attended by hundreds of citizens, three online surveys to solicit public input on planning concepts, 11 public meetings of the North Downtown Advisory Committee, and a total of three joint meetings of the Walnut Creek Planning Commission and Transportation Commission, and three City Council meetings. In addition, a project website provided current project information, upcoming events and updates, and a project email list of interested parties including more than 1,700 individuals. The input received through this program informed the creation of an Existing Conditions Report, a Land Use Alternative Analysis, a Land Use Plan, Circulation Plan, Development Standards, Design Guidelines, and ultimately a public draft Specific Plan and Draft Environmental Impact Report (EIR), which were both published June 21, 2018.
3. After the release of the public draft documents, City staff and the consultants conducted meetings with the Arts Commission, PROS Commission, Transportation Commission, Design Review Commission, Planning Commission, and City Council, to receive comments.
4. The public comment period for the Draft EIR (State Clearinghouse Number 2018012020) closed on August 8, 2018, with several comments provided both by members of the public, appointed and elected officials, and public agencies.
5. On August 15, 2018, the Design Review Commission held a public hearing and recommended to the Planning Commission and City Council that the draft design guidelines, as amended and applicable to the Plan Area, be adopted as part of the North Downtown Specific Plan.

6. On April 18, 2019, the revised draft North Downtown Specific Plan and the draft Final EIR (which included responses to all comments received in response to the Draft EIR published in 2018) was published and made available for public review.
7. On May 23, 2019, the Walnut Creek Planning Commission held a public hearing and adopted a resolution recommending to the City Council the adoption of the North Downtown Specific Plan, including the following items: (1) Final Environmental Impact Report (EIR); (2) proposed North Downtown Specific Plan; (3) proposed amendments to the Walnut Creek General Plan; and (4) proposed amendments to the Walnut Creek Zoning Ordinance.
8. On August 6, 2019, the Walnut Creek City Council held a study session to review the final draft North Downtown Specific Plan, Final Draft EIR and proposed amendments to the General Plan and Zoning Ordinance, as well as the recommendation provided by the Planning Commission, and provided input to staff and the consultants in anticipation of adoption in October 2019.
9. The Walnut Creek General Plan expresses the desires of the Walnut Creek community about the City's future physical, social, economic, cultural and environmental character. The North Downtown Specific Plan will provide further clarity and direction in achieving the community's desires, while also providing an important update for the Plan Area in recognition of the changes to these desires that have occurred in the 13 years since the General Plan's adoption.
10. Included in the North Downtown Specific Plan are policies, standards and guidelines to transform the Plan Area and implement the community-supported vision:

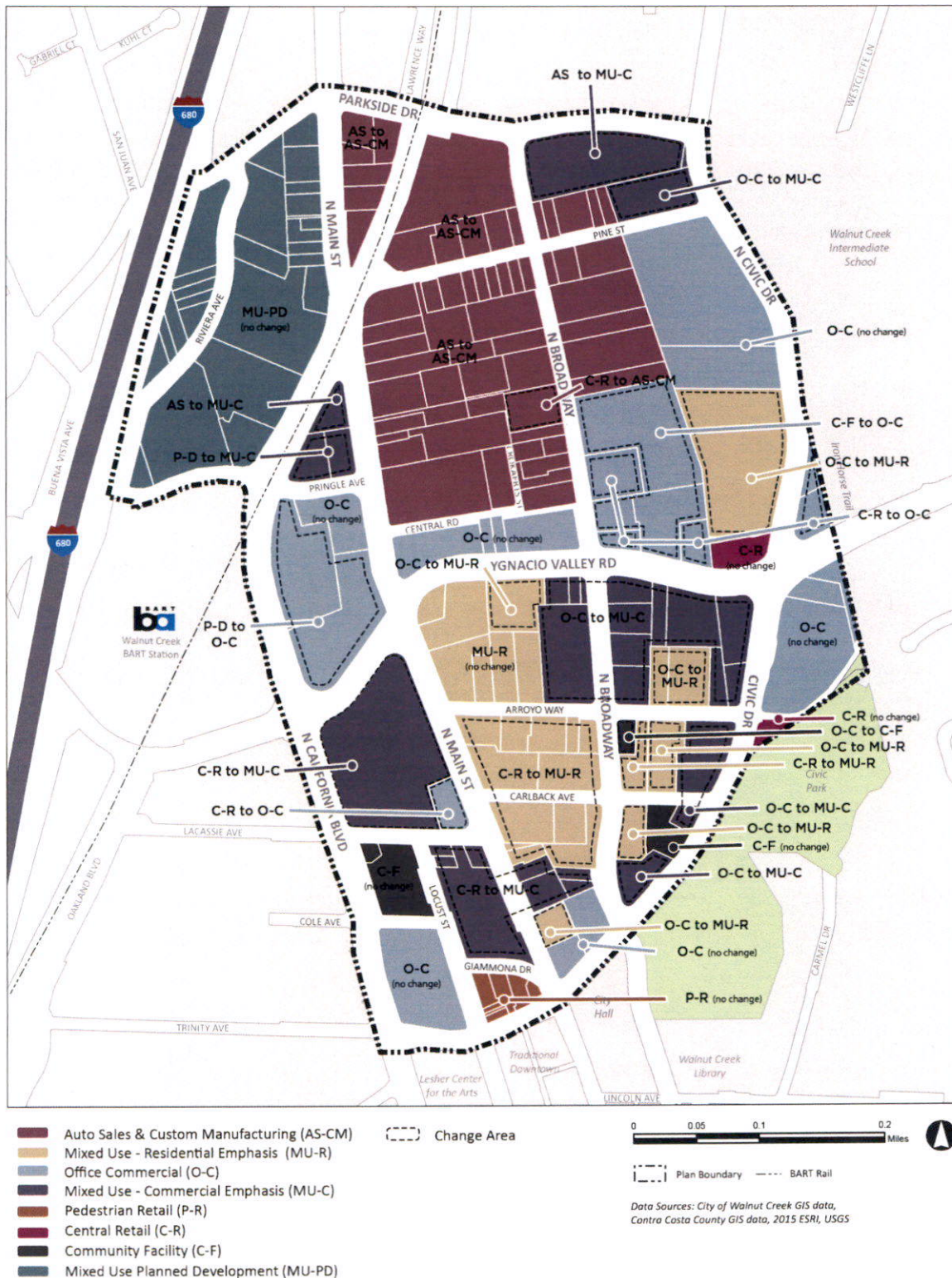
“Over the next 30 years, the North Downtown Specific Plan Area will become better connected and integrated with Walnut Creek's Traditional Downtown, the BART station, Civic Park, Iron Horse Trail, surrounding neighborhoods, and the region. It will continue to be an important jobs center and location for automobile sales and services, while also continuing to evolve into a vibrant mixed-use district that integrates housing, retail, restaurant, civic, hospitality, arts and entertainment uses.

“North Downtown will feature well-designed public plazas that attract community members of all ages, encouraging physical activity, civic events, and informal social gathering. Street trees, landscaping, pedestrian-scale lighting and public art will beautify the streets and public spaces. Streets will be designed for all ages, abilities, and modes including pedestrians, bicyclists, transit, and vehicles. Ygnacio Valley Road will continue to be a major vehicular route of regional significance with improved facilities for pedestrians and bicyclists. Enhanced east-west and north-south connections will provide a diverse network of blocks, streets, and pathways, making it easier, safer, and more comfortable for workers, residents, and visitors to get around and through North Downtown.”
11. On October 15, 2019, the Walnut Creek City Council held a public hearing to consider the certification of the Final EIR, adoption of the North Downtown Specific Plan, amendments to the Walnut Creek General Plan, and amendments to Title 10 (Planning and Zoning) of the Walnut Creek Municipal Code.

12. Based on the evidence presented at the public hearing on this item, and on investigations made by the City Council and on its behalf, the Walnut Creek City Council hereby resolves that:
  - a. Pursuant to the California Environmental Quality Act, 14 Cal. Code Regs. section 15025, the City Council has reviewed and considered the EIR prepared for the Draft North Downtown Specific Plan and received public comment;
  - b. The proposed Specific Plan is consistent with the General Plan and the Walnut Creek Municipal Code, both as amended therein;
  - c. The health, safety, welfare, and general prosperity of the residents of the City of Walnut Creek will be served by adoption of the Specific Plan because it will ensure that the North Downtown area is redeveloped over time in an attractive and consistent manner, which will provide significant residential, commercial, and community opportunities.

Section 2. Rezoning.

The properties located on the map below are hereby rezoned from their present zoning designations where and as indicated, and the Community & Economic Development Director is hereby directed to make the changes on the Land Use Zone Map and Building Height Zone Map of the City of Walnut Creek to reflect these rezonings.



Section 3. Amending Height Limits and Future Street Line Setbacks.

The height limits and future street line setbacks are hereby amended as follows, and the Community & Economic Development Director is hereby directed to make the changes on the Land Use Zone Map and Building Height Zone Map of the City of Walnut Creek to reflect these amendments:

1. Remove all height limits within the plan area boundaries of the North Downtown Specific Plan, and replace with a notational reference to Figure 4.1 (Base Intensity and Building Height) and Figure 4.3 (FAR and Height Bonus Potential with Provision of Community Benefits) of the North Downtown Specific Plan.
2. Expand Parking Reduction Zone D to all areas located within the plan area boundaries of the North Downtown Specific Plan, except for the C-F, Community Facility District.
3. Add a new Overlay Zone O-25 to the Makers' Row area, as indicated in Figure 3.3 of the North Downtown Specific Plan.
4. Add a new Overlay Zone O-26 to the Arts District, as indicated in Figure 3.3 of the North Downtown Specific Plan.
5. Add a future street setback line along N California Boulevard between Ygnacio Valley Road and the mid-block pedestrian crossing located between Ygnacio Valley Road and Pringle Avenue, with a 52-foot half-width for the east side of the street.
6. Amend the future street setback line along N Main Street between N California Boulevard and Parkside Drive, to increase the half-width of the west side of the street from 60 feet to 68 feet.
7. Amend the future street setback line along N Main Street between Ygnacio Valley Road and Pine Street, to increase the half-width of the east side of the street from 50 feet to 55 feet.
8. Add a future street setback line along Ygnacio Valley Road between N California Boulevard and Civic Drive, with a 63-foot half-width for the north side of the street.
9. Amend the future street setback line along N Broadway between Ygnacio Valley Road and Parkside Drive, to increase the width of the street from 64 feet to 74 feet.
10. Amend the future street setback line along N Broadway between Civic Drive and Ygnacio Valley Road, to increase the width of the street from 80 feet to 84 feet.

Section 4. Renaming the A-S Zoning District.

Section 10-2.1.201(A)(20) of the Walnut Creek Municipal Code is hereby amended and restated to read as follows:

20. AS-CM, Automobile Sales/Service and Custom Manufacturing District

Section 5.<sup>1</sup> Amending Definitions.

Exception 3 included in the definition of the term “Building Height: Top Elevation”, as contained in Section 10-2.1.303(A) of the Walnut Creek Municipal Code, is hereby amended and restated to read as follows:

(3) Solar collectors, skylights, chimneys, clerestories, and housing for elevators, stairs, and mechanical equipment shall not be included as building height provided they do not exceed a height of twelve (12) feet above the roof, and when combined, do not occupy more than twenty-five percent (25%) of the horizontal roof area and are designed in architectural harmony with the building. In addition, for buildings located either within the boundaries of the Locust Street/Mt. Diablo Boulevard Specific Plan, or within the boundaries of the O-26 Overlay Zone (Arts District), the twenty-five percent (25%) roof coverage limitation may be exceeded for purposes of providing views of the City and creative and sustainable design solutions, including such elements as solar collectors, rooftop gardens, and open air restaurants on up to eighty percent (80%) of the horizontal roof area, when designed in architectural harmony with the building.

Section 6. Amending the P-R Zoning District.

Rows D(3), D(4), D(5), and D(6) in the Additional Development Regulations table contained in Section 10-2.2.603 (Property Development Regulations: P-R, Pedestrian Retail District) of the Walnut Creek Municipal Code are hereby amended and restated to read as follows:

<b>ADDITIONAL DEVELOPMENT REGULATIONS</b>	
D(3)	<p>Within the plan area boundaries of the North Downtown Specific Plan: Refer to Figure 4.4 (Building Setbacks) of the North Downtown Specific Plan.</p> <p>Outside of the plan area boundaries of the North Downtown Specific Plan: Refer to the General Plan—Chapter 4, Figure 11 (Building Setbacks).</p>
D(4)	<p>Within the plan area boundaries of the North Downtown Specific Plan: Refer to Figure 4.1 (Base Intensity and Building Height) and Figure 4.3 (FAR and Height Bonus Potential with Provision of Community Benefits) of the North Downtown Specific Plan.</p> <p>Outside of the plan area boundaries of the North Downtown Specific Plan: Refer to the Zoning Map.</p>
D(5)	<p>Within the plan area boundaries of the North Downtown Specific Plan: Refer to Figure 4.1 (Base Intensity and Building Height) and Figure 4.3 (FAR and Height Bonus Potential with Provision of Community Benefits) of the North Downtown Specific Plan.</p> <p>Outside of the plan area boundaries of the North Downtown Specific Plan: For residential development refer to the General Plan—Chapter 4, Figure 9 (Mixed Use Floor Area Ratios).</p>
D(6)	<p>Within the plan area boundaries of the North Downtown Specific Plan: Refer to Figure 4.1 (Base Intensity and Building Height) and Figure 4.3 (FAR and Height Bonus Potential with Provision of Community Benefits) of the North Downtown Specific Plan.</p> <p>Outside of the plan area boundaries of the North Downtown Specific Plan: For commercial development refer to the General Plan—Chapter 4, Figure 8 (Core Area Commercial Floor Area Ratios).</p>



Section 7. Amending the C-R Zoning District.

Row E in the Property Development Regulations table contained in Section 10-2.2.703 (Property Development Regulations: C-R, Central Retail District) of the Walnut Creek Municipal Code is hereby amended and restated to read as follows:

CLASSIFICATION	DEVELOPMENT REGULATIONS	ADDITIONAL REGULATIONS
E. Minimum Setbacks		D(4) D(5) D(11)

Rows D(6), D(7), and D(8) in the Additional Development Regulations table contained in Section 10-2.2.703 (Property Development Regulations: C-R, Central Retail District) of the Walnut Creek Municipal Code are hereby amended and restated to read as follows:

<b>ADDITIONAL DEVELOPMENT REGULATIONS</b>	
D(6)	<p>Within the plan area boundaries of the North Downtown Specific Plan: Refer to Figure 4.1 (Base Intensity and Building Height) and Figure 4.3 (FAR and Height Bonus Potential with Provision of Community Benefits) of the North Downtown Specific Plan.</p> <p>Outside of the plan area boundaries of the North Downtown Specific Plan: Refer to the Zoning Map.</p>
D(7)	<p>Within the plan area boundaries of the North Downtown Specific Plan: Refer to Figure 4.1 (Base Intensity and Building Height) and Figure 4.3 (FAR and Height Bonus Potential with Provision of Community Benefits) of the North Downtown Specific Plan.</p> <p>Outside of the plan area boundaries of the North Downtown Specific Plan: For residential development refer to the General Plan—Chapter 4, Figure 9 (Mixed Use Floor Area Ratios).</p>
D(8)	<p>Within the plan area boundaries of the North Downtown Specific Plan: Refer to Figure 4.1 (Base Intensity and Building Height) and Figure 4.3 (FAR and Height Bonus Potential with Provision of Community Benefits) of the North Downtown Specific Plan.</p> <p>Outside of the plan area boundaries of the North Downtown Specific Plan: For commercial development refer to the General Plan—Chapter 4, Figure 8 (Core Area Commercial Floor Area Ratios).</p>

A new row D(11) is hereby added to the Additional Development Regulations table contained in Section 10-2.2.703 (Property Development Regulations: C-R, Central Retail District) of the Walnut Creek Municipal Code to read as follows:

<b>ADDITIONAL DEVELOPMENT REGULATIONS</b>	
D(11)	<p>Within the plan area boundaries of the North Downtown Specific Plan: Refer to Figure 4.4 (Building Setbacks) of the North Downtown Specific Plan.</p> <p>Outside of the plan area boundaries of the North Downtown Specific Plan: Refer to the General Plan—Chapter 4, Figure 11 (Building Setbacks).</p>

Section 8. Amending the O-C Zoning District.

Rows D(6), D(9), D(11), and D(12) in the Additional Development Regulations table contained in Section 10-2.2.803 (Property Development Regulations: O-C, Office Commercial District) of the Walnut Creek Municipal Code are hereby amended and restated to read as follows:

<b>ADDITIONAL DEVELOPMENT REGULATIONS</b>	
D(6)	<p>Within the plan area boundaries of the North Downtown Specific Plan: Refer to Figure 4.4 (Building Setbacks) of the North Downtown Specific Plan.</p> <p>Outside of the plan area boundaries of the North Downtown Specific Plan: Refer to the General Plan—Chapter 4, Figure 11 (Building Setbacks).</p>
D(9)	<p>Within the plan area boundaries of the West Downtown Specific Plan: Refer to the Zoning Map. Notwithstanding the foregoing, a 20,000 sq. ft. minimum lot area, and approval of a Planned Development Permit, is required for any building with a top elevation greater than 65 feet. In approving a Planned Development Permit, the City Council shall find that the development provides community benefits consistent with any applicable Specific Plan or City Council adopted policy on community benefits.</p> <p>Within the plan area boundaries of the North Downtown Specific Plan: Refer to Figure 4.1 (Base Intensity and Building Height) and Figure 4.3 (FAR and Height Bonus Potential with Provision of Community Benefits) of the North Downtown Specific Plan.</p> <p>Outside of the plan area boundaries of the West Downtown and North Downtown Specific Plans: Refer to the Zoning Map.</p>
D(11)	<p>Within the plan area boundaries of the North Downtown Specific Plan: Refer to Figure 4.1 (Base Intensity and Building Height) and Figure 4.3 (FAR and Height Bonus Potential with Provision of Community Benefits) of the North Downtown Specific Plan.</p> <p>Outside of the plan area boundaries of the North Downtown Specific Plan: For residential development refer to the General Plan—Chapter 4, Figure 9 (Mixed Use Floor Area Ratios).</p>
D(12)	<p>Within the plan area boundaries of the West Downtown Specific Plan: 3.0. Notwithstanding the foregoing, a 20,000 sq. ft. minimum lot area, and approval of a Planned Development Permit, is required for an FAR greater than 1.5. In approving a Planned Development Permit, the City Council shall find that the development provides community benefits consistent with any applicable Specific Plan or City Council adopted policy on community benefits.</p> <p>Within the plan area boundaries of the North Downtown Specific Plan: Refer to Figure 4.1 (Base Intensity and Building Height) and Figure 4.3 (FAR and Height Bonus Potential with Provision of Community Benefits) of the North Downtown Specific Plan.</p> <p>Outside of the plan area boundaries of the West Downtown and North Downtown Specific Plans: For commercial development refer to the General Plan—Chapter 4, Figure 8 (Core Area Commercial Floor Area Ratios).</p>

Section 9. Amending the M-U Zoning District.

Rows D(4), D(5), D(6), and D(7) in the Additional Development Regulations table contained in Section 10-2.2.905 (Property Development Regulations: M-U, Mixed Use Planned Development District) of the Walnut Creek Municipal Code are hereby amended and restated to read as follows:

<b>ADDITIONAL DEVELOPMENT REGULATIONS</b>	
D(4)	<p>Within the plan area boundaries of the North Downtown Specific Plan: Refer to Figure 4.4 (Building Setbacks) of the North Downtown Specific Plan.</p> <p>Outside of the plan area boundaries of the North Downtown Specific Plan: Refer to the General Plan—Chapter 4, Figure 11 (Building Setbacks).</p>
D(5)	Refer Figure 4.1 (Base Intensity and Building Height) and Figure 4.3 (FAR and Height Bonus Potential with Provision of Community Benefits) of the North Downtown Specific Plan.
D(6)	The maximum residential density shall be determined by the Planning Commission when making a recommendation to the City Council on the Planned Development Permit.
D(7)	For commercial development refer to Figure 4.1 (Base Intensity and Building Height) and Figure 4.3 (FAR and Height Bonus Potential with Provision of Community Benefits) of the North Downtown Specific Plan.

Section 10. Amending the A-S Zoning District.

Title 10, Chapter 2, Part II, Article 10 of the Walnut Creek Municipal Code is hereby amended and restated to read as follows:

**Article 10. Automobile Sales/Service and Custom Manufacturing District (AS-CM)**

**Sec. 10-2.2.1001. Purpose and Intent.**

The purpose of the Automobile Sales/Service and Custom Manufacturing zone is to retain and promote a well-defined automobile sales and service area, which also allows custom manufacturing uses in the North Downtown Specific Plan Area. The intent is to provide a distinct commercial district which reserves land area primarily for auto dealers, auto service, other related auto oriented retail uses, and custom manufacturing.

The Automobile Sales/Service and Custom Manufacturing is designed for the area just north of Ygnacio Valley Road where many auto dealerships and automobile service businesses currently exist. Automobile dealerships are advocated as the primary use. Auto services and auto oriented retail uses which promote the vitality and expansion of automobile dealerships are also encouraged. Custom manufacturing uses are allowed within the North Downtown Specific Plan Area, and are encouraged along Makers' Row on Pine Street. Other uses may be accessory to the above uses or which can demonstrate no adverse effects on the viability of the area may also be considered.

**Sec. 10-2.2.1002. Land Use Regulations.**

In the following table, the letters in the "Use Regulation" column are defined as follows:

- P = A permitted use.
- L = A use permitted subject to certain limitations prescribed by the "Use Regulations" that immediately follow the table.
- U = A use permitted on approval of a Conditional Use Permit.

Letters in parentheses in the "Additional Regulations" column are described in the "Additional Regulations" section following the "Use Regulations". Where a Use Regulation or a letter in parentheses is opposite a use classification heading, the referenced regulations shall apply to all use classifications under the heading. Land uses not listed (indicated by strikeout) are not permitted.

LAND USE	USE REGULATIONS	ADDITIONAL REGULATIONS
<b>A. Residential Use Classifications</b>		(H)
1. Adult Day Care Home	P	
2. Congregate Living Facility	L(1)	
3. Family Day Care Home		
a. <i>Small Family Day Care Home</i>	P	(A)
b. <i>Large Family Day Care Home</i>	L(2)	(A)
4. Group Residential	L(1)	

5. Multiple Family Residential		
6. Residential Care Home	P	
7. Accessory Dwelling Unit		
8. Single Family Residential		
<b>B. Commercial Use Classifications</b>		(B)
1. Ambulance Services		
2. Animal Sales and Service		
<i>a. Animal Hospital</i>		
<i>b. Animal: Retail Sales and Grooming</i>		
<i>c. Horse Stables</i>		
<i>d. Kennel</i>		
3. Artist Studio		
4. Banks and Savings and Loans		
<i>a. Banks and Savings and Loans</i>		
<i>(1) With Drive-up Service</i>		
<i>(2) With Automated Teller Machine</i>		
5. Catering Services	L(3)	
6. Commercial Cannabis Business		
<i>a. Commercial Cannabis Cultivation</i>		
<i>b. Commercial Cannabis Distribution</i>		
<i>c. Commercial Cannabis Manufacturing</i>		
<i>d. Commercial Cannabis Retail Dispensary</i>		
<i>(1) With Cannabis Delivery</i>		
<i>e. Non-Storefront Medical Cannabis Delivery-Only Operation</i>		
<i>f. Non-Storefront Recreational Cannabis Delivery-Only Operation</i>		
<i>g. Commercial Cannabis Testing Laboratory</i>		
7. Communication Facilities	L(4)	
8. Custom Manufacturing	L(5)	
9. Eating and/or Drinking Establishments		(I)
<i>a. Eating and/or Drinking Establishments</i>	P	
<i>(1) With Wine and Beer Service Ending at or Before 11:00 p.m.</i>	L(6)	
<i>(2) With Wine and Beer Service Ending After 11:00 p.m.</i>	L(7)	
<i>(3) With Full Alcoholic Beverage Service Ending at or Before 11:00 p.m.</i>	L(6)	
<i>(4) With Full Alcoholic Beverage Service Ending After 11:00 p.m.</i>	L(7)	
<i>(5) With Live Entertainment</i>	P	(C) (I)
<i>(6) With Dancing</i>	P	(C) (I)
<i>(7) With Take-out Service</i>	P	
<i>(a) Drive-up</i>	U	
<i>(8) With Permanent Outdoor Seating</i>	L(8)	

<i>(9) With Off-site Distribution</i>	U	(D)
<i>(a) Micro-brewery</i>	U	(D)
10. Food and Beverage Sales		
<i>a. Food and Beverage Sales</i>		
<i>b. Convenience Market</i>		
<i>(1) With Gasoline Sales</i>		
<i>c. Specialty Food Shops</i>	L(9)	
<i>(1) With Off-site Distribution</i>	L(3)	(D)
11. Funeral and Interment Services		
12. Health Clubs	L(4)	
13. Home Improvement Sales and Service		
14. Horticultural Establishment		
15. Lumber and Building Material Yard		
16. Maintenance and Repair Service/Small Equipment		
17. Mini Storage		
18. Nursery		
19. Offices, Business and Professional		
<i>a. Offices, Business and Professional</i>	L(10)	
<i>(1) Offices, Medical</i>	L(10)	
20. Parking, Commercial Facility	P	(E)
21. Pawn Shop		
22. Personal Improvement Services	L(4)	
23. Personal Services		
24. Recreation and Entertainment, Commercial		
<i>a. Within a Building</i>		
<i>b. Outside a Building</i>		
25. Research and Development Services		
26. Retail Sales/Rental	L(11)	
27. Vehicle/Equipment Sales and Service		
<i>a. Automobile Rental/Leasing</i>	L(12)	
<i>b. Automobile Sales/New and Used</i>	L(12)	
<i>c. Automobile Washing</i>	L(13)	
<i>d. Automobile Wrecking</i>		
<i>e. Service Stations</i>	L(13)	(F)
<i>(1) Automobile Washing</i>	L(13)	(F)
<i>f. Vehicle/Equipment Repair</i>	L(12)	
<i>(1) Limited Vehicle Service</i>	L(12)	
<i>g. Vehicle/Equipment Sales and Rentals</i>	L(13)	
<i>h. Vehicle Storage</i>		
28. Visitor Accommodations		
<i>a. Bed and Breakfast Inns</i>		
<i>b. Hotels</i>		
<i>c. Motels</i>		
<b>C. Industrial Use Classifications</b>		

1. General Industry		
2. Limited Industry		
3. Research Development Industry		
4. Wholesaling, Distribution and Storage		
<b>D. Agricultural Use Classifications</b>		
1. Animal Husbandry		
2. Crop Production		
<b>E. Community Facility Use Classifications</b>		
1. Adult Day Care Facility	U	
2. Child Day Care Facility (Day Care Center)	U	(A)
3. Clubs and Lodges		
4. College, Public or Private		
5. Cultural Institutions		
<i>a. Cultural Institutions</i>		
<i>b. Natural History/Science Museum</i>		
6. Emergency Medical Care/No Inpatient		
7. Government Offices	L(4)	
8. Hazardous Waste Management Facility		
9. Heliports		
10. Hospitals		
<i>a. Acute Care</i>		
<i>b. Other</i>		
11. Housing for the Homeless/Emergency Shelters	L(4)	
12. Maintenance and Service Facilities		
13. Park and Recreation Facilities	P	
14. Public Parking Facilities	P	
15. Public Safety Facilities	P	
16. Public Transit Terminals		
17. Recycling Facilities		
<i>a. Collection Facility</i>		
(1) Reverse Vending Machine	L(14)	(G)
(2) Small Collection Facility	L(14)	(G)
(3) Large Collection Facility	U	(G)
<i>b. Processing Facility</i>	U	(G)
18. Religious Assembly		
19. Residential Care Facility		
20. Schools, Public or Private		
21. Skilled Nursing Facilities		
22. Utilities, Major	L(15)	
23. Utilities, Minor	P	
<b>F. Accessory Uses</b>		
1. Accessory Living Quarters		
2. Accessory Structure	L(16)	
3. Accessory Uses	L(17)	

<i>a. Garage Sales</i>		
<i>b. Home Occupations</i>	L(18)	
<i>c. Personal Cannabis Cultivation</i>		
<b>G. Temporary Uses</b>		(B)
1. Arts and Crafts Shows, Outdoor	L(19)	
2. Christmas Tree Sales	L(19)	
3. Civic/Community Events	L(19)	
4. Farmers Markets	L(19)	
5. Live Entertainment Events	L(19)	
6. Outdoor Seating/Eating and Drinking Estab	L(8)	
7. Pumpkin Sales	L(19)	
8. Retail Sales, Outdoor	L(19)	
9. Swap Meets, Non-Recurring	L(19)	
10. Swap Meets, Recurring	L(19)	
11. Street Fairs	L(19)	
12. Vendor Carts	L(20)	

**USE REGULATIONS**

L(1) Permitted subject to the issuance of a Conditional Use Permit and compliance with L(4).
L(2) Permitted subject to the issuance of a Large Family Day Care Home Permit by the Zoning Administrator.
L(3) Permitted as an accessory use associated with Delicatessens, Bakeries or an Eating and Drinking Establishment, otherwise permitted subject to L(4).
L(4) Permitted provided that the facility will be located on floors above the ground level.
L(5) Permitted within the plan area boundaries of the North Downtown Specific Plan; otherwise not permitted.
L(6) Permitted upon approval of an Administrative Use Permit pursuant to Article 12 of Part III of the Zoning Ordinance.
L(7) Not permitted if located within 600 feet of the boundary of any school (as defined in Article 4, Sec. 10-2.1.403.E) if providing full alcoholic beverage service. Otherwise, permitted upon approval of a Conditional Use Permit pursuant to Article 12 of Part III of the Zoning Ordinance.
L(8) Outdoor seating which requires the construction of permanent structures or alterations to existing buildings shall be subject to Design Review (see Part IV, Article 12. <b>Design Review.</b> ). A Temporary Encroachment Permit is required for the temporary use of the public right-of-way for the placement of tables and chairs.
L(9) Delicatessens and bakeries are permitted. All other uses within this classification are not permitted.



L(10)	Permitted provided that the office is an accessory use to a permitted use, otherwise permitted on floors above the ground level. If the facility is to be located on the ground floor, the use is permitted upon approval of a Conditional Use Permit. In approving the Use Permit, the Planning Commission shall find that: a) The building was designed as an office or retail building and has been utilized as an office building throughout its entire existence. (Evidence shall be presented to the Planning Commission to document that this condition applies. Acceptable evidence shall include DRC and/or PC minutes and resolutions indicating the type of construction or proposed use and leasing records); and b) There is no material expansion, major structural alteration or major reconstruction proposed as part of the use permit request, notwithstanding tenant improvements; and c) The proposed use will have no adverse effects on the long term viability of the Auto Sales and Service zoning district. Permitted provided that the facility will be located on floors above the ground level.
L(11)	Retail sales/rental of automotive parts and accessories are permitted. All other uses within this classification are not permitted.
L(12)	All facilities which have repair, loading, storage and other visually detractive activities which would be visible from the North Main Street corridor shall be reviewed and approved by the Design Review Commission. The Design Review Commission shall not approve any application where such activities cannot be adequately screened so as to preclude visibility from the North Main Street corridor.
L(13)	Permitted subject to L(11) and the approval of a Conditional Use Permit.
L(14)	Permitted subject to the approval of the Community Development Director.
L(15)	Electrical substations, above-ground electrical transmission lines, water pumping stations and switching buildings are permitted uses. All other uses within this classification are not permitted.
L(16)	Accessory structures are permitted subject to Sec. 10-2.2.1003. Property Development Regulations.
L(17)	See the use regulation for the primary use classification.
L(18)	Home Occupations are permitted subject to the approval of a Home Occupation Permit (see Sec. 10-2.3.107. Home Occupations).
L(19)	Permitted subject to the approval of a Temporary Activity Permit (see Sec. 10-2.3.118. Temporary Activity Permits).
L(20)	Vendor-carts associated with a Civic/Community event are permitted subject to approval of a Temporary Activity Permit (see Sec. 10-2.3.118. Temporary Activity Permits). All other vendor- carts are not permitted.

<b>ADDITIONAL USE REGULATION</b>	
(A)	See Part III, Article 6. <b>Child Day Care Facilities.</b>
(B)	See Sec. 10-2.3.121. <b>Regulations for Outdoor Sales, Service, Display.</b>
(C)	See Municipal Code, Title 4. Chapter 11. <b>Public Dance Permits.</b>
(D)	See Sec. 10-2.3.123. <b>Off-site Distribution, Eating and Drinking Establishments and Specialty Food Shops.</b>
(E)	See Part III, Article 2. <b>Off-street Parking and Loading.</b>
(F)	See Part III, Article 8. Concurrent Sales and Sec. 10-2.3.122. <b>Service Stations; Convenience Markets with Gasoline Sales.</b>

(G) See Part III, Article 7. <b>Recycling Facilities.</b>
(H) See Part III, Article 9. <b>Inclusionary Housing.</b>
(I) See Part III, Article 12. <b>Alcoholic Beverage Sales.</b>

**Sec. 10-2.2.1003. Property Development Regulations.**

The following schedule prescribes development regulations for the Automobile Sales/Service and Custom Manufacturing District. The symbol "NA" indicates that there is no restriction for that particular development regulation or it is not applicable in this District. Numbers in parentheses refer to the "Additional Development Regulations" following the schedule. If the Development Regulation column is blank, the development regulation is then outlined in the "Additional Regulation" footnote.

CLASSIFICATION	DEVELOPMENT REGULATIONS	ADDITIONAL REGULATIONS
A. Minimum Lot Area	NA	
B. Minimum Lot Width	NA	
C. Minimum Lot Frontage	NA	
D. Minimum Lot Depth	NA	
E. Minimum Setbacks		D(1) D(2)
1. Front	NA	
2. Side	NA	
3. Corner Side	NA	
4. Rear	NA	
F. Maximum Height		D(3)
G. Density		
1. Residential		NA
2. Commercial		D(4)
3. Mixed Use		NA
H. Maximum Lot Coverage	NA	
I. Maximum Floor Area Ratio		D(4)
J. Design Review	See <b>Sec. 10-2.4.1202.</b>	D(5)
K. Landscaping	See <b>Part III, Article 11.</b>	D(6)
L. Storage Space for Residential Units	NA	
M. Fences and Walls	See <b>Sec.10-2.3.104.</b>	
N. Antennas	See <b>Sec. 10-2.3.120.</b>	
O. Non-Conforming Conditions	See <b>Part III, Article 3.</b>	
P. Elevators	See <b>Sec. 10-2.3.124.</b>	
Q. Recycling Facilities	See <b>Part III, Article 7.</b>	
R. Parking and Loading	See <b>Part III, Article 2.</b>	
S. Signs	See <b>Title 10, Chapter 8.</b>	

T. Preservation of Trees	See <b>Title 3, Chapter 8.</b>	
U. Hillside Performance Standards	See <b>Part III, Article 4.</b>	
V. Stormwater Control	See <b>Title 9, Chapter 16.</b>	

<b>ADDITIONAL DEVELOPMENT REGULATIONS</b>		
D(1)	See Sec. 10-2.3.106. <b>Exclusion of Rights of Way.</b>	
D(2)	Refer to the Zoning Map for Future Street Line Setbacks.	
D(3)	<p>Within the plan area boundaries of the North Downtown Specific Plan: Refer to Figure 4.1 (Base Intensity and Building Height) and Figure 4.3 (FAR and Height Bonus Potential with Provision of Community Benefits) of the North Downtown Specific Plan.</p> <p>Outside of the plan area boundaries of the North Downtown Specific Plan: Refer to the Zoning Map.</p>	
D(4)	<p>Within the plan area boundaries of the North Downtown Specific Plan: Refer to Figure 4.1 (Base Intensity and Building Height) and Figure 4.3 (FAR and Height Bonus Potential with Provision of Community Benefits) of the North Downtown Specific Plan.</p> <p>Outside of the plan area boundaries of the North Downtown Specific Plan: Refer to the General Plan – Chapter 4, Figure 8 (Core Area Commercial Floor Area Ratios).</p>	
D(5)	New buildings with an office component shall be designed to assure that future uses shall be related to auto sales, auto retail or auto service. Any office component that is not so designed shall be denied by the Design Review Commission.	
D(6)	No building shall be constructed or moved onto any building site, nor shall any building be enlarged unless a minimum of five percent of the site is landscaped.	

Section 11. Amending the C-F Zoning District.

Rows D(1), D(2), and D(3) in the Additional Development Regulations table contained in Section 10-2.2.1503 (Property Development Regulations: C-F, Community Facility District) of the Walnut Creek Municipal Code are hereby amended and restated to read as follows:

<b>ADDITIONAL DEVELOPMENT REGULATIONS</b>	
D(1)	The minimum lot area, lot width, lot frontage, lot depth, setback, landscaping and parking requirements shall be determined in the approval of a Conditional Use Permit. Within the plan area boundaries of the North Downtown Specific Plan: Refer to Figure 4.4 (Building Setbacks) of the North Downtown Specific Plan for front and corner side setbacks.
D(2)	Within the plan area boundaries of the North Downtown Specific Plan: Refer to Figure 4.1 (Base Intensity and Building Height) and Figure 4.3 (FAR and Height Bonus Potential with Provision of Community Benefits) of the North Downtown Specific Plan.  Outside of the plan area boundaries of the North Downtown Specific Plan: Refer to the Zoning Map.
D(3)	Within the plan area boundaries of the North Downtown Specific Plan: Refer to Figure 4.1 (Base Intensity and Building Height) and Figure 4.3 (FAR and Height Bonus Potential with Provision of Community Benefits) of the North Downtown Specific Plan.  Outside of the plan area boundaries of the North Downtown Specific Plan: The maximum density shall be determined in the approval of a Conditional Use Permit but in no case shall exceed a maximum FAR of 2.0.

Section 12. Amending the MU-C Zoning District.

Rows D(6), D(7), and D(17) in the Additional Development Regulations table contained in Section 10-2.2.2103 (Property Development Regulations: MU-C, Commercial Mixed Use District) of the Walnut Creek Municipal Code are hereby amended and restated to read as follows:

<b>ADDITIONAL DEVELOPMENT REGULATIONS</b>	
D(6)	<p>Within the plan area boundaries of the West Downtown Specific Plan: Refer to the Zoning Map. Notwithstanding the foregoing, a 20,000 sq. ft. minimum lot area, and approval of a Planned Development Permit, is required for any building with a top elevation greater than 65 feet. In approving a Planned Development Permit, the City Council shall find that the development provides community benefits consistent with the West Downtown Specific Plan and any City Council adopted policy on community benefits.</p> <p>Within the plan area boundaries of the North Downtown Specific Plan: Refer to Figure 4.1 (Base Intensity and Building Height) and Figure 4.3 (FAR and Height Bonus Potential with Provision of Community Benefits) of the North Downtown Specific Plan.</p> <p>Outside of the plan area boundaries of the West Downtown and North Downtown Specific Plans: Refer to the Zoning Map</p>
D(7)	<p>Within the plan area boundaries of the West Downtown Specific Plan: Maximum FAR is 3.0. Notwithstanding the foregoing, a 20,000 sq. ft. minimum lot area, and approval of a Planned Development Permit, is required for an FAR greater than 1.5. In approving a Planned Development Permit, the City Council shall find that the development provides community benefits consistent with the West Downtown Specific Plan and any City Council adopted policy on community benefits.</p> <p>Within the plan area boundaries of the North Downtown Specific Plan: Refer to Figure 4.1 (Base Intensity and Building Height) and Figure 4.3 (FAR and Height Bonus Potential with Provision of Community Benefits) of the North Downtown Specific Plan.</p> <p>Outside of the plan area boundaries of the West Downtown and North Downtown Specific Plans: The maximum floor area ratio shall be 1.5 unless otherwise specified in Chapter 4, Figure 8 (Core Area Commercial Floor Area Ratios) and Figure 9 (Mixed Use Floor Area Ratios) of the General Plan, or in an applicable Specific Plan. Notwithstanding the foregoing, the floor area ratio shall not exceed 1.0 on properties with a net lot area less than 10,000 sq. ft.</p>

D(17) Within the plan area boundaries of the West Downtown Specific Plan: The maximum density is 1 dwelling unit per 750 sq. ft. of net lot area. This base density shall be used for purposes of calculating any density bonus pursuant to Part III, Article 10. **Density Bonus Ordinance**, and Government Code Section 65915. Notwithstanding the foregoing, the City Council may permit a density up to 1 dwelling unit per 500 sq. ft. of net lot area, upon approval of a Planned Development Permit. In approving a Planned Development Permit, the City Council shall find that:

- (a) The net lot area is equal to or greater than 20,000 sq. ft.
- (b) The development provides community benefits consistent with any applicable Specific Plan or City Council adopted policy on community benefits.

Within the plan area boundaries of the North Downtown Specific Plan: The maximum density is 1 dwelling unit per 875 sq. ft. of net lot area. This base density shall be used for purposes of calculating any density bonus pursuant to Part III, Article 10. **Density Bonus Ordinance**, and Government Code Section 65915. Notwithstanding the foregoing, the City Council may permit a density up to 1 dwelling unit per 675 sq. ft. of net lot area, upon approval of a Planned Development Permit. In approving a Planned Development Permit, the City Council shall find that:

- (a) The net lot area is equal to or greater than 20,000 sq. ft.
- (b) The development provides community benefits consistent with any applicable Specific Plan or City Council adopted policy on community benefits.

Outside of the plan area boundaries of the West Downtown and North Downtown Specific Plans: The maximum density is 1 dwelling unit per 875 sq. ft. of net lot area.

Section 13. Amending the MU-R Zoning District.

Rows D(6) and D(7) in the Additional Development Regulations table contained in Section 10-2.2.2203 (Property Development Regulations: MU-R, Residential Mixed Use District) of the Walnut Creek Municipal Code are hereby amended and restated to read as follows:

<b>ADDITIONAL DEVELOPMENT REGULATIONS</b>	
D(6)	<p>Within the plan area boundaries of the North Downtown Specific Plan: Refer to Figure 4.1 (Base Intensity and Building Height) and Figure 4.3 (FAR and Height Bonus Potential with Provision of Community Benefits) of the North Downtown Specific Plan.</p> <p>Outside of the plan area boundaries of the North Downtown Specific Plan: Refer to the Zoning Map</p>
D(7)	<p>Within the plan area boundaries of the North Downtown Specific Plan: Refer to Figure 4.1 (Base Intensity and Building Height) and Figure 4.3 (FAR and Height Bonus Potential with Provision of Community Benefits) of the North Downtown Specific Plan.</p> <p>Outside of the plan area boundaries of the North Downtown Specific Plan: The maximum floor area ratio shall be as specified in Chapter 4, Figure 8 (Core Area Commercial Floor Area Ratios) and Figure 9 (Mixed Use Floor Area Ratios) of the General Plan, or in an applicable Specific Plan. Notwithstanding the foregoing, the floor area ratio shall not exceed 1.0 on properties with a net lot area less than 10,000 sq. ft.</p>

Section 14. Amending Summary of Use Regulations.

The Zoning Districts Use Regulations table contained in Section 10-2.2.1901 of the Walnut Creek Municipal Code is hereby amended to reflect the title of, and land use regulations contained in, the AS-CM District, as referenced in Sections 4 and 10 of this Ordinance.



Section 15. Amending Bicycle Parking Requirements.

Section 10-2.3.202(G) of the Walnut Creek Municipal Code is hereby amended and restated to read as follows:

G. Bicycle Parking.

1. When Required: Bicycle parking spaces shall be provided for all uses within the plan area boundaries of the West Downtown and North Downtown Specific Plans, and for all Commercial and Community Facility Use Classifications elsewhere. Bicycle parking spaces shall be provided at the time of new construction or a major alteration. "Major alteration" shall mean an addition or alteration that would increase the required number of automobile parking spaces by 10% or more. The required bicycle parking shall be located on the same parcel as the structure or use. (If the new construction or major alteration is occurring at a shopping center, the required bicycle parking shall be located along the frontage (front or side) of the new or altered structure)

2. Number Required:

a. Outside of the plan area boundaries of the West Downtown and North Downtown Specific Plans: The required number of short-term bicycle parking spaces shall be 10% of the requirement for automobile parking spaces, or 1 bicycle parking space, whichever is greater. No long-term bicycle parking spaces are required. The bicycle parking requirements may be reduced or waived by the approving body pursuant to the approval of the site plan upon the finding that:

i. The configuration of the parking lot, and/or the location of the building preclude a feasible location for bicycle parking; or

ii. That the pedestrian circulation would be significantly disrupted by the addition of required bicycle parking; or

iii. The provision of bicycle parking spaces can be provided collectively in an off-site location that is within close proximity, not to exceed a walking distance of 500'. (This provision will only be considered for sites located in the Pedestrian Retail Zoning District.)

b. Within the plan area boundaries of the West Downtown and North Downtown Specific Plans: The required number of short-term and long-term bicycle parking spaces shall be as specified below:

LAND USE CLASSIFICATION	SHORT-TERM BICYCLE PARKING REQUIREMENTS	LONG-TERM BICYCLE PARKING REQUIREMENTS
<b>A. Residential Use Classifications</b>		
1. Multiple Family Residential with three or more dwelling units	0.05 per bedroom or studio unit, but not less than 1 space	0.5 per bedroom or studio unit, but not less than 1 space
2. All other uses	N/A	N/A
<b>B. Commercial Use Classifications</b>		
1. Communications Facilities; Custom Manufacturing; Horticultural Establishment; Offices, Business and Professional; Research and Development Services; Visitor Accommodations	5% of the requirement for automobile parking spaces, but not less than 1 space	5% of the requirement for automobile parking spaces, but not less than 1 space for sites with more than 10,000 sq. ft. of gross floor area of Commercial Uses

2. All other uses (including Offices, Medical)	7.5% of the requirement for automobile parking spaces, but not less than 1 space	2.5% of the requirement for automobile parking spaces, but not less than 1 space for sites with more than 15,000 sq. ft. of gross floor area of Commercial Uses
<b>C. Community Facility Use Classifications</b>		
1. Government Offices; Public Safety Facilities	5% of the requirement for automobile parking spaces, but not less than 1 space	5% of the requirement for automobile parking spaces, but not less than 1 space for sites with more than 10,000 sq. ft. of gross floor area of Commercial Uses
2. All other uses	10% of the requirement for automobile parking spaces, but not less than 1 space	N/A

3. Design Standards:

a. Short-Term Bicycle Parking: For each short-term bicycle parking space required, a stationary object shall be provided to which a user can secure both wheels and the frame of a bicycle with a user-provided 6-foot cable and lock. The stationary object may be either a freestanding bicycle rack or a wall-mounted bracket. To discourage theft, security provisions shall be considered when locating stationary objects to lock bicycles to.

b. Long-Term Bicycle Parking: Long-term bicycle parking spaces shall be located within a covered and secured area where access is limited to the residents or employees of the facility. This requirement can be met with lockable bicycle lockers, secured indoor rooms or areas (including parking garages) that contain lockable bike racks, or other similar methods approved by the Transportation Administrator. Long-term bicycle parking spaces must have minimum dimensions of two feet in width by six feet in length, with a minimum overhead vertical clearance of seven feet; reductions to these minimum dimensions may be approved by the Transportation Administrator in the case of vertically-mounted bicycle racks.

c. Showers: One shower and four clothing lockers shall be provided for all Commercial Use Classifications and Community Facility Use Classifications which are required to provide at least 25 long-term bicycle parking spaces, and one additional shower and four additional clothing lockers shall be provided for each 25 required long-term bicycle parking spaces thereafter.

Section 16. Amending Automobile Parking Requirements.

Section A (Residential Use Classifications) of Table A (Parking Regulations) contained in Section 10-2.3.206 of the Walnut Creek Municipal Code is hereby amended and restated to read as follows:

LAND USE CLASSIFICATION	OFF STREET PARKING REQUIREMENTS	NOTES	LOADING SPACES REQUIRED (SEE TABLE B)
<b>A. Residential Use Classifications</b>		(1)	
1. Adult Day Care Home		(2)	
2. Congregate Living Facility	.25 per dwelling unit or .25 per bedroom (whichever is greater)		Group I
3. Family Day Care Home			
a. <i>Small Family Day Care Home</i>		(2)	
b. <i>Large Family Day Care Home</i>	1 per employee + 1 per 12 children		
4. Group Residential	1 per bedroom		
5. Multiple Family Residential	1.25 per studio unit; 1.5 per 1 bedroom unit; 2 per 2 bedroom unit; 2.25 per 2+ bedroom units. Every dwelling unit shall have one covered space.	(3) (4) (24) (25) (26) (27)	
a. Senior Housing		(5)	
6. Residential Care Home		(2)	
7. Accessory Dwelling Unit	<p>1 space more than required for single-family residential (uncovered). Notwithstanding the foregoing, no additional parking is required in any of the following situations:</p> <ol style="list-style-type: none"> <li>1. The accessory dwelling unit is contained entirely within the footprint of an existing building.</li> <li>2. The accessory dwelling unit is located on a parcel which is within 0.5 miles from the closest point of the Walnut Creek or Pleasant Hill BART station property; or within 0.5 miles from a public bus stop served at least 6 hours each weekday by a route with headways no longer than 20 minutes between arrival times. This distance shall be measured along street frontages using the most reasonably direct, legally permissible path. The determination of which developments meet this requirement shall rest with the City's Transportation Planning Manager.</li> <li>3. The accessory dwelling unit is located within 1 block of a car share vehicle station.</li> </ol>	(6)	
8. Single Family Residential	2 covered per dwelling unit. Notwithstanding the foregoing, if the required parking is converted to an Accessory Dwelling Unit, then the parking may be replaced by either covered or uncovered parking spaces located anywhere on the lot, including through the use of tandem spaces.	(4) (25)	

Section B (Commercial Use Classifications), Subsection 19. (Offices, Business and Professional) of Table A (Parking Regulations) contained in Section 10-2.3.206 of the Walnut Creek Municipal Code is hereby amended and restated to read as follows:

LAND USE CLASSIFICATION	OFF STREET PARKING REQUIREMENTS	NOTES	LOADING SPACES REQUIRED (SEE TABLE B)
<b>B. Commercial Use Classifications</b>		(1) (7)	
19. Offices, Business and Professional		(13)	
a. <i>Offices, Business and Professional</i>	In the Core Area, 1 per 250 sq. ft. of RFA on the ground floor; 1/285.7 sq. ft. of RFA above the ground floor. Outside the Core Area, 1 per 250 of RFA.	(27)	Group I
(1) <i>Offices, Medical</i>	Inside the Core Area, 1 per 200 sq. ft. of RFA. For outside the Core Area see note.	(1) (14)	Group I

Notes 4 and 26 in the Notes section of Table A (Parking Regulations) contained in Section 10-2.3.206 of the Walnut Creek Municipal Code are hereby amended and restated to read as follows:

<b>PARKING REGULATIONS - NOTES</b>
<p>(4) A covered parking space shall be:</p> <ul style="list-style-type: none"> <li>a) not less than 9 feet wide and 20 feet long;</li> <li>b) completely unobstructed by any walls or supporting columns;</li> <li>c) completely covered with a roof; and</li> <li>d) placed so that it does not occupy any portions of a required front or side yard</li> <li>e) In Single Family Residential (R) and Duplex Residential (D-3) zoning districts: 1) the driveway shall be a minimum of 18' in length, and 2) parking in the "front yard", as defined in this Chapter, is prohibited, except on a paved driveway.</li> </ul> <p>These provisions shall not apply to Multiple Family Residential developments containing three or more dwellings located within the plan area boundaries of the West Downtown or North Downtown Specific Plans (refer to <b>Sec. 10-2.3.207</b> and <b>Sec. 10-2.3.208</b>).</p>

- (26) Within the plan area boundaries of the West Downtown or North Downtown Specific Plans, the following shall apply:
- a) When a second parking space is required for a dwelling unit, the second parking space may be located in tandem to the first parking space required for that same dwelling unit.
  - b) A portion of the required number of parking spaces, equivalent to 0.15 spaces per dwelling unit, shall be made available for use by guests. These guest parking spaces shall be located outside of any security gates or other access limitation devices unless provisions are made to allow a resident to remotely communicate with and provide access to the visiting guest (such as through an intercom and remote control gate, or other similar devices).
  - c) Mechanized parking systems (including lift, pallet, and other similar systems) may be used for all but the guest parking spaces required in (b) above, subject to approval by the Transportation Administrator. The design standards contained within Sections 10-2.3.207 and 10-2.3.208 shall only apply to the operation and movement of vehicles independent of the mechanized parking system, and shall not apply to the movement of vehicles by the mechanized parking system itself.

A new Note 27 is hereby added to the Notes section of Table A (Parking Regulations) contained in Section 10-2.3.206 of the Walnut Creek Municipal Code:

**PARKING REGULATIONS - NOTES**

- (27) Within the plan area boundaries of the North Downtown Specific Plan: Refer to Table 5.2 (Off-Street Parking Standard) of the North Downtown Specific Plan.

Section 17: Create New O-25 Overlay Zone (Makers' Row).

Overlay Zone 25 (O-25) is hereby adopted to read as follows:

**OVERLAY ZONE 25 (O-25) – MAKERS' ROW****Part 1: Purpose and Intent**

The O-25 Overlay Zone is intended to implement the goals and policies of the North Downtown Specific Plan, which calls for the creation of a special district known as “Makers’ Row”. This district is intended to provide a variety of flexible industrial artisan spaces that can be used for design and production, as well as accessory retail sales or display. The district is also envisioned to have a focus on local, unique small business and the opportunity for collaborative work spaces, workshops, or co-working space. Ancillary residential uses are allowed in Makers’ Row as a way to activate the space, provide housing for artisan or workers in the area, and potentially make future adaptive re-use of existing buildings or new development in Makers’ Row more financially feasible.

**Part 2: Applicability of Zoning Ordinance and Sign Regulations**

The provisions of Title 10, Chapter 2 of the Walnut Creek Municipal Code (Zoning Ordinance) and Title 10, Chapter 8 of the Walnut Creek Municipal Code (Sign Regulations) shall apply to the regulations contained within this Overlay Zone, unless expressly indicated otherwise.

**Part 3: Conflict with Municipal Code**

If any provisions of this Overlay Zone conflict with any provisions of the Walnut Creek Municipal Code, with the exception of Title 10, Chapter 2 (Zoning Ordinance) and Title 10, Chapter 8 (Sign Regulations), the stricter regulations shall apply.

**Part 4: Definitions**

The following words and phrases shall be defined as follows:

a. **Mixed-Use Dwelling Unit:** A dwelling unit located within a building which is primarily used by a Commercial Use Classification.

c. **Specialty Food Production:** Establishments primarily engaged in on-site production of food or drink products meant for human consumption, by hand manufacturing involving the use of hand tools, power tools, and small-scale equipment, entirely within an enclosed building. This includes micro-breweries and micro-distilleries, and may also include as an accessory use the direct wholesale or retail sale of those food or drink products produced on-site.

**Part 5: Mixed-Use Dwelling Units**

Notwithstanding the provisions of the AS-CM, Automobile Sales/Service and Custom Manufacturing District, Mixed Use Dwelling Units shall be a permitted use, subject to the following development standards and requirements:

a. Ratio: The combined gross floor area of all mixed-use dwelling units on a lot shall not exceed fifty (50) percent of the combined gross floor area of all Commercial Land Use Classifications on the same lot. The combined gross floor area of all mixed-use dwelling units in a building shall not exceed the combined gross floor area of all Commercial Land Use Classifications in the same building.

b. Size: The maximum gross floor area for each mixed-use dwelling unit shall be 1,200 square feet.

c. Location: If located on the ground floor of a building, a mixed-use dwelling unit must be located at least forty (40) feet from the street line. Notwithstanding the forgoing, a single ground floor entrance area to each mixed use dwelling unit, not more than six (6) feet in width, may be located within forty (40) feet of the street line.

### **Part 6: Specialty Food Production**

Notwithstanding the provisions of the AS-CM, Automobile Sales/Service and Custom Manufacturing District, Specialty Food Production shall be a permitted use, except as provided below, and shall be subject to the following development standards and requirements:

a. Alcoholic beverages: Uses which include the on-site service of alcoholic beverages ending at or before 11:00 p.m. shall only be permitted upon approval of an Administrative Use Permit, pursuant to Part III, Article 12 of the Zoning Ordinance. Uses which include the on-site service of alcoholic beverages ending after 11:00 p.m. shall only be permitted upon approval of a Conditional Use Permit, pursuant to Part III, Article 12 of the Zoning Ordinance.

b. Live animals: Uses which include the on-site storage or slaughter of live animals are not permitted.

c. Odor-causing products: Uses which include the production of highly pungent, odor-causing items, such as vinegar and yeast, shall only be permitted upon approval of a Conditional Use Permit. In approving a Conditional Use Permit, the Planning Commission shall find that the nature of the use and the design of the facility will adequately mitigate the impact of objectionable odors on the surrounding area.

### **Part 7: Additional Permitted Uses**

Notwithstanding the provisions of the AS-CM, Automobile Sales/Service and Custom Manufacturing District, the following use classifications shall be permitted uses:

a. Artist Studios

b. Maintenance and Repair Services/Small Equipment

c. Offices, Business and Professional, when limited to uses primarily involving product, architectural, or interior design.

d. Retail Sales/Rentals, when accessory to a Custom Manufacturing or Specialty Food Production use.

**Part 8: Parking and Loading**

Notwithstanding the provisions of Section 10-2.3.206 (Table A) of the Walnut Creek Zoning Ordinance (Parking Regulations), off-street parking and loading spaces for the following uses shall be provided as follows. When specified, the required loading space dimensions are as outlined for Group I use classifications in Section 10-2.3.206 (Table B) of the Walnut Creek Zoning Ordinance.

LAND USE CLASSIFICATION	OFF STREET PARKING REQUIREMENTS	LOADING SPACES REQUIRED
Mixed Use Dwelling Units	0.5 per unit	n/a
Artist Studios	1 per 900 sq. ft. of GFA	n/a
Custom Manufacturing	1 per 900 sq. ft. of GFA	Group I
Maintenance and Repair Services/Small Equipment	1 per 800 sq. ft. of GFA	n/a
Offices, Business and Professional	3.3 per 1,000 sq. ft. of RFA	Group I
Retail Sales/Rentals	1 per 500 sq. ft. of RFA	Group I
Specialty Food Production	1 per 900 sq. ft. of GFA	Group I

**Part 9: Signs**

Notwithstanding the provisions Title 10, Chapter 8 of the Walnut Creek Municipal Code (Sign Regulations), neon signs, animated signs, and flashing signs shall be permitted subject to the following development standards and requirements:

a. Neon signs: Neon signs may be approved by staff, rather than requiring Design Review Commission approval. In approving a Sign Permit, staff shall find that the sign exhibits a high quality design that is compatible with the intended character of Makers’ Row, and that the sign will not be a visual distraction to the surrounding area.

b. Animated and flashing signs: Animated signs and flashing signs may be permitted upon approval of a Sign Permit by the Design Review Commission. In approving a Sign Permit, the Design Review Commission shall find that the sign exhibits a high quality design that is compatible with the intended character of Makers’ Row, and that the sign will not be a visual distraction to the surrounding area.



Section 18. Rezoning to Add Properties to the O-25 Overlay Zone (Makers' Row).

The properties located within the area labeled as "MAKERS' ROW" in Figure 3.3 (Special Districts) of the North Downtown Specific Plan are hereby added to Overlay Zone 25 (O-25), and the Community & Economic Development Director is hereby directed to make the changes on the Land Use Zone Map and Building Height Zone Map of the City of Walnut Creek to reflect this rezoning. The underlying Base District zoning shall remain unchanged except as specifically modified by Section 2 of this Ordinance.

Section 19: Create New O-26 Overlay Zone (Arts District).

Overlay Zone 26 (O-26) is hereby adopted to read as follows:

**OVERLAY ZONE 26 (O-26) – ARTS DISTRICT****Part 1: Purpose and Intent**

The O-26 Overlay Zone is intended to implement the goals and policies of the North Downtown Specific Plan, which calls for the creation of a special district known as the “Arts District”. This district is intended to build upon existing art and entertainment uses and encourage new ones to locate in the area, including art galleries, music venues, restaurants, hotels, conference facilities, and outdoor public gathering spaces. The district is intended to have an artsy, creative, and colorful atmosphere that will become a local and regional destination for people to gather with a variety of artistic venues and activities.

**Part 2: Applicability of Zoning Ordinance, Sign Regulations, and Noise Regulations**

The provisions of Title 10, Chapter 2 of the Walnut Creek Municipal Code (Zoning Ordinance); Title 10, Chapter 8 of the Walnut Creek Municipal Code (Sign Regulations); and Title 4, Chapter 6, Article 2 of the Walnut Creek Municipal Code (Noise) shall apply to the regulations contained within this Overlay Zone, unless expressly indicated otherwise.

**Part 3: Conflict with Municipal Code**

If any provisions of this Overlay Zone conflict with any provisions of the Walnut Creek Municipal Code, with the exception of Title 10, Chapter 2 (Zoning Ordinance); Title 10, Chapter 8 (Sign Regulations); and Title 4, Chapter 6, Article 2 of the Walnut Creek Municipal Code (Noise), the stricter regulations shall apply.

**Part 3: Definitions**

The following words and phrases shall be defined as follows:

- a. **Live/Work Dwelling Unit:** A dwelling unit connected to a commercial tenant space by means of an interior door or corridor, and occupied by the same person or people as the commercial tenant space.
- b. **Commercial Tenant Space:** A continuous interior space within a building which is used by a Commercial Use Classification. There may be multiple commercial tenant spaces located within a single building, so long as they are designed for individual tenancy and are physically separated from one another by means of an interior wall.
- c. **Conference Facility:** An indoor facility designed and built to host conferences, exhibitions, large meetings, seminars, training sessions, and other similar functions. A conference center may be a stand-alone use or an integral part of a hotel.

d. **Outdoor Event Facility:** An outdoor space designed and built to accommodate limited-duration events which are open to the general public, including but not limited to live theatrical performances, live dance performances, live music performances, art displays, performance art, festivals, farmers' markets, outdoor sales, food trucks, holiday or seasonal activities, unprogrammed public use for seating or socializing, civic events, and displays associated with nearby venues, organizations, or businesses.

### **Part 5: Live/Work Dwelling Units**

Notwithstanding the provisions of the P-R, Pedestrian Retail District and the O-C, Office Commercial District, Live/Work Dwelling Units shall be a permitted use, subject to the following development standards and requirements:

a. Number of units: There shall be no more than one (1) live/work dwelling unit permitted for each commercial tenant space, nor more than five (5) on any lot.

b. Size: The maximum gross floor area for a live/work dwelling unit shall be 1,200 square feet, or the gross floor area of the associated commercial tenant space, whichever is less.

c. Location: Live/work dwelling units shall be located to the rear of the associated commercial tenant space, or on a floor above the associated commercial tenant space. If located on the ground floor of a building, a live/work dwelling unit must be located at least forty (40) feet from the street line. Notwithstanding the forgoing, a single ground floor entrance area to each live/work dwelling unit, not more than six (6) feet in width, may be located within forty (40) feet of the street line.

d. Occupancy: A live/work dwelling unit and its associated commercial tenant space shall be occupied by the same family. A live/work dwelling unit shall not be occupied or leased separately from its associated commercial tenant space.

### **Part 6: Conference Facilities**

Notwithstanding the provisions of the P-R, Pedestrian Retail District; the O-C, Office Commercial District; the MU-C, Commercial Mixed Use District; and the MU-R, Residential Mixed Use District, Conference Facilities shall be a permitted use; except that uses which include the on-site service of alcoholic beverages ending at or before 11:00 p.m. shall only be permitted upon approval of an Administrative Use Permit, pursuant to Part III, Article 12 of the Zoning Ordinance, and uses which include the on-site service of alcoholic beverages ending after 11:00 p.m. shall only be permitted upon approval of a Conditional Use Permit, pursuant to Part III, Article 12 of the Zoning Ordinance.

### **Part 7: Outdoor Event Facilities**

Notwithstanding the provisions of the P-R, Pedestrian Retail District; the O-C, Office Commercial District; the MU-C, Commercial Mixed Use District; and the MU-R, Residential Mixed Use District, Outdoor Event Facilities shall be a permitted use, except as provided below, and shall be subject to the following development standards and requirements:

a. Alcoholic beverages: Uses which include the on-site service of alcoholic beverages ending at or before 11:00 p.m. shall only be permitted upon approval of an Administrative Use Permit, pursuant to Part III, Article 12 of the Zoning Ordinance. Uses which include the on-site service of alcoholic beverages by customers ending after 11:00 p.m. shall only be permitted upon approval of a Conditional Use Permit, pursuant to Part III, Article 12 of the Zoning Ordinance, and approval by the Chief of Police.

b. Noise: Uses which generate noise in excess of the thresholds established in Section 4-6.203(a) or (b) of the Walnut Creek Municipal Code (Prohibited Noises Enumerated) shall only be permitted upon approval of a Conditional Use Permit. In approving a Conditional Use Permit, the Planning Commission shall find that the design and operating characteristics of the use will mitigate the impact of objectionable noise on existing and future residential uses in the surrounding area, and will be compatible with the intended character of the Arts District.

c. Lighting: All exterior lighting shall be designed such that the source of the light is shielded from view by surrounding residential uses.

d. Hours of operation: Uses which are open to the public before 8:00 a.m. on weekdays excluding holidays; or before 9:00 a.m. on weekends or holidays; or after 9:00 p.m. Sundays through Thursdays excluding holidays; or after 11:00 p.m. on Fridays, Saturdays, or holidays (as defined by Section 4-6.202 of the Walnut Creek Municipal Code), shall only be permitted upon approval of a Conditional Use Permit. In approving a Conditional Use Permit, the Planning Commission shall find:

i. That the design and operating characteristics of the use will mitigate the impact of objectionable noise on existing and future residential uses in the surrounding area.

ii. That adequate security provisions will be provided to assure the safety of customers, clients, or employees on the site, as well as users of adjacent sites, including, but not limited to, lighting, security personnel, and the appropriate type and placement of landscape materials.

iii. That the use will be compatible with the intended character of the Arts District.

e. Design review: Design Review approval shall be required for all permanent facilities, and for all temporary facilities remaining in place for more than two (2) weeks, pursuant to Title 10, Chapter 2, Part IV, Article 12 of the Walnut Creek Municipal Code (Design Review). In granting Design Review approval, the Design Review Commission (or Planning Manager, if so delegated pursuant to Section 10-2.4.1210 of the Walnut Creek Municipal Code) shall find that adequate refuse, restroom, and sanitation facilities will be provided.

## **Part 8: Recreation and Entertainment, Commercial - Outdoor Facilities**

Notwithstanding the provisions of the P-R, Pedestrian Retail District; the O-C, Office Commercial District; the MU-C, Commercial Mixed Use District; and the MU-R, Residential Mixed Use District, Recreation and Entertainment, Commercial - Outdoor Facilities shall be a conditionally

permitted use, subject to the development standards and requirements specified in Part 7 above for Outdoor Event Facilities.

**Part 9: Additional Permitted Uses**

Notwithstanding the provisions of the P-R, Pedestrian Retail District; the O-C, Office Commercial District; the MU-C, Commercial Mixed Use District; and the MU-R, Residential Mixed Use District, the following use classifications shall be permitted uses:

- a. Cultural Institutions
- b. Park and Recreation Facilities
- c. Recreation and Entertainment, Commercial – Within a Building; except that uses which include the on-site service of alcoholic beverages ending at or before 11:00 p.m. shall only be permitted upon approval of an Administrative Use Permit, pursuant to Part III, Article 12 of the Zoning Ordinance, and uses which include the on-site service of alcoholic beverages ending after 11:00 p.m. shall only be permitted upon approval of a Conditional Use Permit, pursuant to Part III, Article 12 of the Zoning Ordinance.
- d. Visitor Accommodations - Hotel

**Part 10: Parking and Loading**

Notwithstanding the provisions of Sections 10-2.3.204(A) and (B) of the Walnut Creek Zoning Ordinance (Pedestrian Retail Zoning District Parking Regulations), and Section 10-2.3.206 (Table A) of the Walnut Creek Zoning Ordinance (Parking Regulations), off-street parking and loading spaces for the following uses shall be provided as follows. When specified, the required loading space dimensions are as outlined for Group I or Group II use classifications in Section 10-2.3.206 (Table B) of the Walnut Creek Zoning Ordinance.

LAND USE CLASSIFICATION	OFF STREET PARKING REQUIREMENTS	LOADING SPACES REQUIRED
Live/Work Dwelling Units	0.5 per unit	n/a
Offices, Business and Professional	3.3 per 1,000 sq. ft. of RFA	Group I
Visitor Accommodations – Hotels	0.9 per guest room	Group II
All other Commercial and Community Uses	1 per 300 sq. ft. of RFA	Group I

**Part 11: Signs**

Notwithstanding the provisions Title 10, Chapter 8 of the Walnut Creek Municipal Code (Sign Regulations), neon signs, animated signs, and flashing signs shall be permitted subject to the following development standards and requirements:

a. Neon signs: Neon signs may be approved by staff, rather than requiring Design Review Commission approval. In approval a Sign Permit, staff shall find that the sign exhibits a high quality design that is compatible with the intended character of the Arts District, that the sign will not be a visual distraction to the surrounding area, and that the sign's lighting is sufficiently shielded from surrounding residential uses.

b. Animated and flashing signs: Animated signs and flashing signs may be permitted upon approval of a Sign Permit by the Design Review Commission. In approval a Sign Permit, the Design Review Commission shall find that the sign exhibits a high quality design that is compatible with the intended character of the Arts District, that the sign will not be a visual distraction to the surrounding area, and that the sign's lighting is sufficiently shielded from surrounding residential uses.

Section 20. Rezoning to Add Properties to the O-26 Overlay Zone (Arts District).

The properties located within the area labeled as “ARTS DISTRICT” in Figure 3.3 (Special Districts) of the North Downtown Specific Plan are hereby added to Overlay Zone 26 (O-26), and the Community & Economic Development Director is hereby directed to make the changes on the Land Use Zone Map and Building Height Zone Map of the City of Walnut Creek to reflect this rezoning. The underlying Base District zoning shall remain unchanged except as specifically modified by this Section 2 of this Ordinance.

Section 21. Effective date.

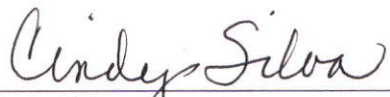
Pursuant to the provisions of Government Code Section 36933, a summary of this Ordinance shall be prepared by the City Attorney. At least five (5) days prior to the Council meeting at which this Ordinance is scheduled to be adopted, the City Clerk shall (1) publish the summary, and (2) post in the City Clerk’s Office a certified copy of this Ordinance. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall (1) publish the summary, and (2) post in the City Clerk’s Office a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against this Ordinance or otherwise voting. 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 5th day of November, 2019 by the following called vote:

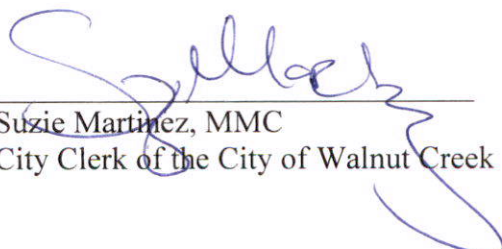
**AYES:** Councilmembers: Wedel, Wilk, Haskew, Mayor Silva

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Francois

  
\_\_\_\_\_  
Cindy Silva  
Mayor of the City of Walnut Creek

Attest:

  
\_\_\_\_\_  
Suzie Martinez, MMC  
City Clerk of the City of Walnut Creek

**THIS PAGE INTENTIONALLY LEFT BLANK**