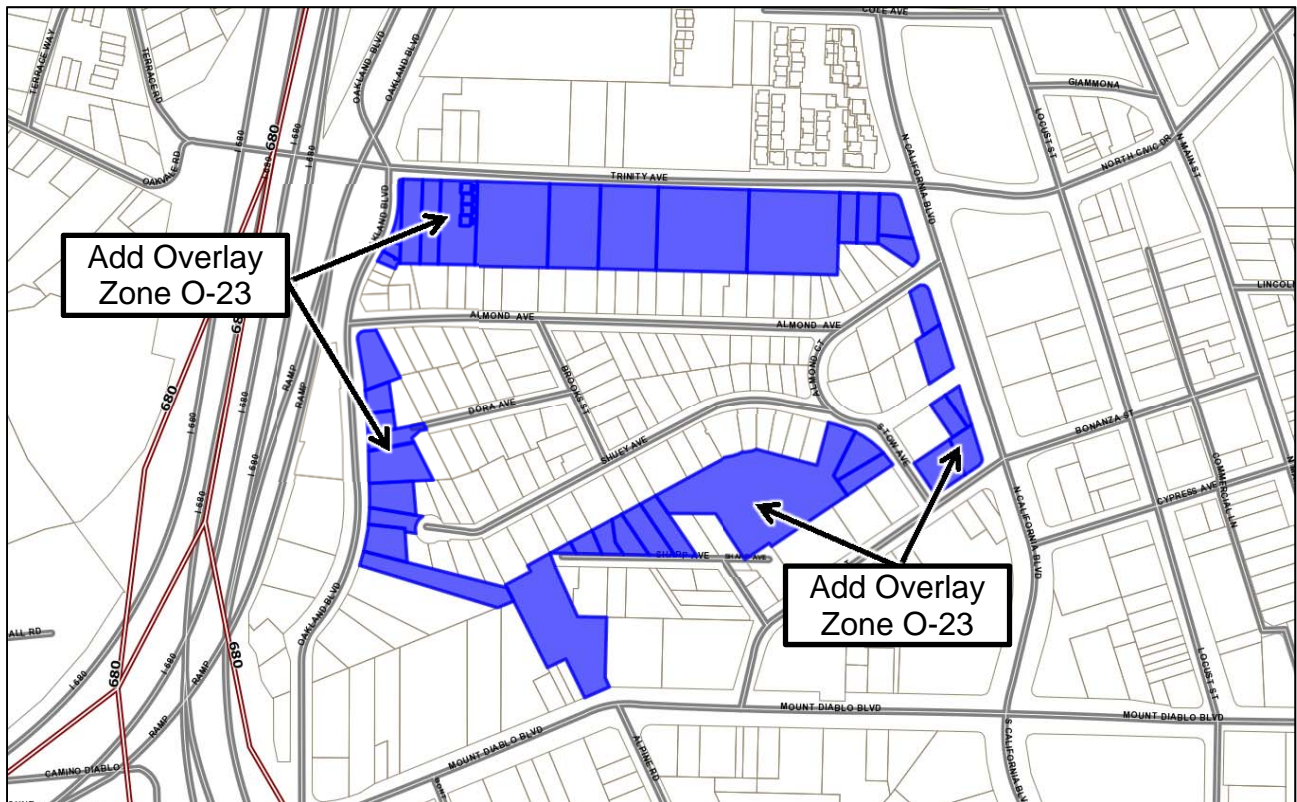


Section 8: Rezoning to Add Properties to O-23 Almond-Shuey Overlay Zone.

The properties located within the shaded areas labeled as “Add Overlay Zone O-23” on Map 5 below are hereby added to Overlay Zone 23 (O-23), 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 4 of this Ordinance.



Map 5: Create New O-23, Almond-Shuey Overlay Zone

Scale: 1 inch = 500 feet

Section 9: Create New O-23 Almond-Shuey Overlay Zone.

Overlay Zone 23 (O-23) is hereby adopted to read as follows:

**Part 1: Purpose and Intent**

The O-23 Overlay Zone is intended to implement Chapter 4, Action 4.1.2 of the Walnut Creek General Plan (*General Plan 2025*), which calls for an overlay zone for all properties which abut the Almond-Shuey Neighborhood that “acknowledges the potential height disparity between adjoining land uses and requires site plans and architectural designs to minimize visual, noise, shadowing, and privacy impacts” on the neighborhood.

**Part 2: Definitions**

The provisions of Title 10, Chapter 2, Part I, Article 3 of the Walnut Creek Municipal Code (Definitions) shall apply to the regulations contained within this Overlay Zone.

**Part 3: Conflict with Municipal Code**

If any provisions of this Overlay Zone conflict with any provisions of the Walnut Creek Municipal Code, the stricter regulations shall apply.

**Part 4: Additional Setback Requirements Along the South and West Boundaries of the Almond-Shuey Neighborhood**

The following setbacks, as measured from the abutting boundary of the Almond-Shuey Neighborhood, shall be provided for all lots which abut Oakland Boulevard or are located south of Shuey Avenue:

- a. For any portion of a building with one or two stories and a building height of 25 feet or less: ten feet
- b. For any portion of a building in excess of two stories or 25 feet in height: 20 feet, plus one foot for every one foot of building height over 30 feet

The exceptions included in the definition of Building Height, Top Elevation, as specified in Section 10-2.1.303 of the Walnut Creek Municipal Code (Zoning Ordinance), shall not apply except to allow railings for rooftop decks when setback at least three feet from the exterior wall of the floor below, or to allow rooftop landscaping planter boxes.

The exception provisions for open balconies and open framework stairways contained in Section 10-2.3.110 of the Walnut Creek Municipal Code (Zoning Ordinance) shall not apply.

**Part 5: Additional Setback Requirements Along the North and East Boundaries of the Almond-Shuey Neighborhood**

The following setbacks, as measured from the abutting boundary of the Almond-Shuey Neighborhood, shall be provided for all lots which do not abut Oakland Boulevard and are located north of Shuey Avenue:

- a. For any portion of a building with one or two stories and a building height of 25 feet or less: ten feet
- b. For any portion of a building in excess of two stories or 25 feet in height: 20 feet

The exceptions included in the definition of Building Height, Top Elevation, as specified in Section 10-2.1.303 of the Walnut Creek Municipal Code (Zoning Ordinance), shall not apply except to allow railings for rooftop decks when setback at least three feet from the exterior wall of the floor below, or to allow rooftop landscaping planter boxes.

The exception provisions for open balconies and open framework stairways contained in Section 10-2.3.110 of the Walnut Creek Municipal Code (Zoning Ordinance) shall not apply.

**Part 6: Applicability to Accessory Structures**

The provisions of this Overlay Zone shall not apply to detached accessory structures with a building height of nine feet or less, and a roof area of 230 sq. ft. or less