

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.