

AN INTERIM ORDINANCE  
ADOPTING AN OVERLAY ZONE  
RESTRICTING THE ESTABLISH-  
MENT OF FUTURE USES ON  
THE SAN MIGUEL ELEMENTARY  
SCHOOL SITE

WHEREAS Government Code Section 65858 of the State of California provides that the City Council, in order to protect the public health, safety and welfare, may adopt as an urgency measure an interim ordinance prohibiting any uses which may be in conflict with contemplated zoning proposals; and

WHEREAS the Mt. Diablo School District has closed, for educational purpose, the San Miguel Elementary School located in the City of Walnut Creek; and

WHEREAS the existing School site is in the process of being disposed by the Mt. Diablo School District as surplus property; and

WHEREAS the existing Walnut Creek General Plan designates this site's playfield as an integral part of the City's existing park facilities; and

WHEREAS the existing R-8 Single Family Residential zoning does not specifically address the need for preservation of the playfield or set forth standards which future land use activities must meet for the remainder of the property; and

WHEREAS the City's Overlay Zone category can be used to establish controls in excess of the allowances of the underlying zone so as to ensure both preservation of specific features of given sites and the character of the area in proximity to the subject site; and

WHEREAS the City is undertaking a zoning study to evaluate the appropriateness of the existing zoning as it relates to the above concerns and any other concerns that might arise during the public hearing process required by State Planning law.

NOW THEREFORE, the City Council of the City of Walnut Creek does ordain as follows:

**Section 1.** The real property shown on the map marked Exhibit A, attached hereto and made a part hereof, is hereby rezoned by adding an Overlay Zone to the R-8 (Single Family Residential) zoning applicable to the San Miguel site, subject to all provisions of the following conditions, and the Municipal Code is hereby amended accordingly:

1. The area designated a "Playfield" on Exhibit A shall remain undeveloped and be available for public recreation use. This does not mean that such playfield need be publicly accessible at all times, but rather for at least reasonable periods (such as on weekends and early evenings).

2. Future uses on the area designated as "Future Development" on Exhibit A shall:

A. Not generate traffic in excess of the average trips per day

attributed to the site when it functioned as a public school in session.

B. Not require more on-site parking than is presently provided.

C. Not require additional building square footage.

**Section 2.** This ordinance is hereby declared to be adopted pursuant to Section 65858 of the Government Code of the State of California and is necessary for and is required to protect the public safety, health, and welfare of the citizens of Walnut Creek for the reasons stated above.

**Section 3.** The City Council hereby directs the Community Development Department and Planning Commission to consider the appropriate text amendments and permanent zoning for the property described in said Exhibit A, and to render their report to the Council.

**Section 4.** This ordinance shall take effect and be in force immediately upon its passage and adoption and shall be of no further force and effect four (4) months from the date of the adoption thereof unless extended as provided by law.

**Section 5.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance or any part thereof is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared invalid.

PASSED AND ADOPTED by the City Council of the City of Walnut Creek at an adjourned regular meeting thereof held on the 9th day of June, 1981 by the following called vote:

AYES: Councilmembers: Armstrong, Kovar, Hildebrand, Murray, Mayor Hazard

NOES: Councilmembers: None

ABSENT: Councilmembers: None

/s/ James L. Hazard  
Mayor of the  
City of Walnut Creek

ATTEST:  
/s/ Mary L. Lucas  
City Clerk of the  
City of Walnut Creek

I HEREBY CERTIFY that the foregoing ordinance was duly and regularly passed and adopted by the City Council of the City of Walnut Creek, County of Contra Costa, State of California, at an adjourned regular meeting of said Council held on the 9th day of June, 1981.

/s/ Mary L. Lucas  
City Clerk of the  
City of Walnut Creek

# EXHIBIT A SAN MIGUEL OVERLAY ZONE

