

ORDINANCE NO. 1510

AN ORDINANCE PROVIDING FOR THE REZONING OF CERTAIN PROPERTY WITHIN THE CITY OF WALNUT CREEK BY ADDING AN OVERLAY ZONE TO THE PROPERTY PRESENTLY ZONED R-O (RETAIL AND OFFICE) LOCATED AT 2099 MT. DIABLO BOULEVARD, AND AMENDING THE WALNUT CREEK MUNICIPAL CODE ACCORDINGLY (OVERLAY ZONE II) (REZONING APPLICATION NO. 8371 - BEKINS VAN AND STORAGE)

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

Section 1. The real property described in Exhibit A attached hereto and made a part hereof, is hereby rezoned by adding an Overlay Zone to the property presently zoned R-O located at 2099 Mt. Diablo Boulevard, subject to all provisions of the Walnut Creek Municipal Code and subject to all the following conditions, and the Municipal Code is hereby amended accordingly:

1. The subject property shall be subject to all provisions of the R-O, Retail and Office, Zone except that if the use of the existing building is limited to retail sales which primarily consist of furniture or appliances the following regulations shall apply:

a. There shall be not less than one parking space per 400 square feet of gross floor area including all stories and the mezzanine.

b. Other retail sales may be approved by the Planning Commission with the same parking requirements as described above upon the finding that the business is similar to retail sales of furniture or appliances and has a similar parking demand.

c. In the event the existing building should be destroyed as described in Section 10-2.2009 of the Walnut Creek Municipal Code, the building shall not be rebuilt unless the new construction conforms to all provisions of the R-O Zone.

2. Prior the occupancy of the building by any retail use, the site shall be made to conform to all requirements of the Municipal Code, except as provided above, including design review, landscaping and parking design.

Section 2. The Community Development Director is hereby authorized to amend the zoning map of the Walnut Creek Municipal Code accordingly.

Section 3. This ordinance shall become effective thirty (30) days after the date of its final passage and adoption.

PASSED AND ADOPTED by the City Council of the City of Walnut Creek at a regular meeting thereof held on the 7th day of July, 1981 by the following called vote:

AYES: Councilmembers: Hildebrand, Armstrong, Murray
 NOES: Councilmembers: None
 ABSENT: Councilmembers: Mayor Hazard
 ABSTAIN: Councilmembers: Kovar

/s/ James L. Hazard
 Mayor of
 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 a regular meeting of said Council held on the 7th day of July, 1981.

MARY L. LUCAS
 City Clerk
 of the City of
 Walnut Creek

EXHIBIT A

The land referred to herein is situated in the State of California, County of Contra Costa, City of Walnut Creek, described as follows:

Parcel 1:
 A portion of Lot 2, as said lot is shown on the map of Goodman Tract, filed July 1, 1918 in Book 16 of Maps, Page 354, in the Office of the County Recorder of Contra Costa County, said portion being described as follows:

Commencing at a point on the southerly line of that certain tract of land conveyed to the State of California by deed recorded November 29, 1955 in Book 2660, Page 536, Official Records of the County of Contra Costa, distant along said southerly line North 85°58'52" East, 135.77 feet from the southwesterly corner of said State's tract; thence along a curve to the right with a radius of 1100.00 feet, from a tangent that bears North 41°16'27" West, through an angle of 8°52'04", an arc length of 170.25 feet; thence along a curve to the left with a radius of 460.00 feet, from a tangent that bears North 82°15'45" East, through an angle of 6°04'02", an arc length of 48.71 feet to the easterly line of said Lot 2; thence along said easterly line, last said line also being the easterly line of said State's tract, South 22°17'08" East, 156.54 feet to said southerly line of State's tract; thence along last said line South 85°58'52" West, 5.23 feet to the point of commencement.

Parcel 2:
 A portion of Lot 2, as said lot is shown on the map entitled

"Goodman Tract, Walnut Creek, Contra Costa County, Cal.", which map was filed in the office of the Recorder of Contra Costa County on July 1, 1918 in Book 16 of Maps at Page 354, described as follows:

Commencing at a point on the northerly line of that parcel of land described as Parcel 1 in the deed to the State of California recorded June 28, 1954 in Book 2339 at Page 289 of Official Records of said County, distant thereon North 85°58'52" East, 135.77 feet from the northwesterly corner thereof; thence from a tangent that bears South 41°16'27" East, along a curve to the left with a radius of 1100.00 feet, through an angle of 0°46'46", a arc length of 14.96 feet to the easterly line of said Parcel 1; thence along said easterly line North 22°17'08" West, 12.48 feet to said northerly line; thence along said northerly line South 85°58'52" West, 5.23 feet to the point of commencement.

Parcel 3:
 Lots 3 and 4, as shown on the map of Goodman Tract, filed July 1, 1918, in Book 16 of Maps, Page 354, in the Office of the County Recorder of Contra Costa County.

Parcel 4:
 Portion of Lot 20 as shown on the map of Goodman Tract, filed July 1, 1918, in Book 16 of Maps, page 354, in the Office of the County Recorder of Contra Costa County, described as follows:

Beginning at the most northerly corner of Lot 3 as shown on the map referred to; thence from said point of beginning South 23°29' East, 125.10 feet; thence North 66°31' East parallel with the southeast line of Lots 3 and 4, 100 feet; thence North 23°29' West, 125.10 feet to the most easterly corner of Lot 4 thence South 66°31' West along the southeast line of Lots 4 and 3, 100 feet to the point of beginning.

Excepting from Parcels 3 and 4 above.

Those portions thereof described as Parcels 1 and 2 in the deed from John Louis Stater, et ux, to State of California, recorded June 20, 1956, in Book 2791 of Official Records, Page 242.