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ORDINANCE NO. 1623

CITY OF WALNUT CREEK
COMMUNITY DEVELOPMENT DEPT.

AN ORDINANCE PROVIDING FOR THE REZONING OF CERTAIN PROPERTY WITHIN THE CITY OF WALNUT CREEK BY ADDING AN OVERLAY ZONE TO THE NATURAL CREEK AREA BETWEEN RUDGEAR ROAD AND YGNACIO VALLEY ROAD WHICH IS ZONED R-15 (SINGLE FAMILY RESIDENTIAL), M-H (HIGH DENSITY MULTIPLE FAMILY RESIDENTIAL), R-O (RETAIL AND OFFICE), O-C (OFFICE COMMERCIAL), P-D (PLANNED DEVELOPMENT), P-D-C (CORE AREA PLANNED DEVELOPMENT), AND AMENDING THE WALNUT CREEK MUNICIPAL CODE ACCORDINGLY (OVERLAY ZONE NO. 16)

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 and shown on topographic aerial photos on file in the Community Development Department titled "Creek Overlay Zone" #7068-39 is hereby rezoned by adding an Overlay Zone to the natural creek area between Rudgear Road and Ygnacio Valley Road which is presently zoned R-15 (Single Family Residential), M-H (High Density Multiple Family Residential), R-O, Retail and Office), O-C (Office Commercial), P-D (Planned Development), P-D-C (Core Area Planned Development), subject to all provisions of the Walnut Creek Municipal Code, and subject to the following conditions, and the Municipal Code is hereby amended accordingly.

1. The purpose of this overlay zone is to preserve the existing natural creek's scenic beauty and riparian habitat, prevent impedance of water flow and erosion in the creek areas, and to encourage the public's enjoyment of the creek's visual amenities.

The U.S. Army Corps of Engineers will be constructing the San Ramon Creek Bypass Project. This flood control channel will eliminate the floodwaters within the confines of San Ramon Creek (approximately Newell Avenue to Creekside Drive) and substantially reduce but not totally eliminate the floodwaters in the confines of Walnut Creek (approximately Broadway to Arroyo Way). The project will allow a residual flow during the non-rainy season to maintain the riparian habitat.

The Contra Costa County Flood Control and Water Conservation District, hereinafter referred to as "District", is the designated local sponsor of this Federal project. As local sponsor the District is required to obtain all necessary rights-of-way. The State Department of Water Resources reimburses the District for a portion of the right-of-ways costs based on the District satisfying certain conditions. One of these conditions is compliance with the Colby-Alquist Flood Plain Management Act. This Act requires the local agency with jurisdiction over land use regulations to adopt a floodway ordinance preventing structures in

a residual flood plan, in this case, the "bypassed" San Ramon and Walnut Creek, which may endanger life or significantly restrict the carrying capacity of the floodway. Also, the U. S. Army Corps of Engineers has required the District to agree to prevent any encroachment that would reduce the carrying capacity of the creek and maintain the scenic qualities and riparian habitat.

2. The overlay zone shall apply to the existing natural creek areas commonly known as Walnut Creek and San Ramon Creek. The overlay zone shall apply to the entire existing creek cross-section from top of bank to top of bank plus a tenfoot wide setback area outside the top of banks.

3. No new permanent structures shall be built within the overlay zone unless such structures will encourage public access and enjoyment of the creek's scenic beauty. No grading, dumping, removal of trees or any other activity disturbing the scenic environmental resources of the creek will be allowed.

4. If flood control, erosion protection measures, replacement of existing bridges that provide access to properties, or facilities to provide for public enjoyment of the creek environment of any kind are proposed in the overlay zone, the City shall review the necessity for and the design of these improvements. If the construction of said improvements is determined to be necessary and acceptable by the City's Community Development Director, such a project would be referred to the City's Design Review Commission for final approval related to physical appearance and a conditional site development permit would be issued by the Community Development Department.

5. In the event of the destruction of any building which is nonconforming to these regulations, the building shall not be rebuilt. Destruction as used in this article means destruction, either by a natural force, by an accident, or by deliberate action, to the extent that the reconstruction cost exceeds fifty percent (50%) of the total building value. If the cost of rebuilding is fifty percent (50%) or less than the total building value, the building may be rebuilt exactly as it previously existed with any necessary additional creekbank erosion protection facilities.

6. As used herein, permanent structures do not include public utility, electric, gas, water, sewer, communication lines, or facilities integral to the City's Creek Development Recreation Plan from Broadway through Civic Park.

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 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 May, 1985, by the following called vote:

AYES: Councilmembers: Hall, Lucas, Hildebrand, Kovar, Mayor Murray

NOES: Councilmembers: None

ABSENT: Councilmembers: None

/s/ Gail Murray
Mayor of the City of Walnut Creek

ATTEST:

/s/ Barbara M. Rivara
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 May, 1985.

City Clerk of the City of Walnut Creek