

CITY OF WALNUT CREEK  
ORDINANCE NO. 1982AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE  
CITY OF WALNUT CREEK BY REPEALING ORDINANCE NOS. 1367  
AND 1908 AND ESTABLISHING A NEW OVERLAY ZONE 2

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

Section 1.

Overlay Zone 2 is hereby established. It shall apply to all properties on the north side of Sunnyvale Avenue from 1660 Sunnyvale Avenue to Reiner Lane as shown on Exhibit A to this ordinance, and shall read as follows:

1. Purpose and Intent - The purpose of the Overlay Zone is to encourage a more comprehensive development of the properties identified as 1660 to 1748 Sunnyvale Avenue and to improve drainage conditions in the area. The intent is to allow smaller lots in exchange for parcel aggregation. As an incentive to aggregate parcels, the General Plan density can be increased to 7.23 units per net acre and the lot sizes can be reduced accordingly, if certain conditions are met. This slight increase in density is an appropriate transition from the higher density housing to the east and west and the lower density, single-family homes to the south and north.
2. Land Uses - All land uses permitted, permitted with limitations, or conditionally permitted in the R-8 District are equally permitted, permitted with limitations, or conditionally permitted in the Overlay Zone.
3. Minimum Lot Size - The minimum lot size of 8,000 square feet may be reduced by the granting of a conditional use permit in one or more of the following cases:
  - a. If the site contains more than 40,000 square feet, but not more than 100,000 square feet, the minimum lot size may be reduced to 7,260 square feet (net lot area).
  - b. If the site contains more than 100,000 square feet, the minimum lot size may be reduced to 6,000 square feet (net lot area).
  - c. If the site contains more than 200,000 square feet and/or provides full frontage improvements on Reiner Lane, lots designed to front on Reiner Lane opposite Lots 1, 2, 3, and 4 of Tract 6359 may be reduced to 4,500 square feet (net lot area).
4. Property Development - All development within Overlay Zone 2 shall comply with the following property development regulations and the property development regulations of the R-8 District, except as modified herein:
  - a. Minimum Lot Width/Street Frontage for lots less than 8,000 square feet - 63 feet. Additional reduction in lot width/street frontage may be allowed, subject to the granting of a conditional use permit.
  - b. Minimum Lot Depth for lots less than 8,000 square feet - There shall be no minimum lot depth requirement.

c. Minimum Setbacks for lots less than 8,000 square feet -

1. Front – 15-foot minimum setback. Garages shall be setback so as to provide a 20-foot minimum length driveway. Minimum front yard setbacks may be further reduced on individual lots, subject to the granting of a conditional use permit and upon making a finding that the proposed setback will not create an undesirable environment.
2. Northern Boundary – The first floor of any building shall be setback a minimum of 15 feet from the northern boundary of Overlay Zone 2. The second story of any building shall be set back a minimum of 20 feet from the northern boundary.
- d. Building Height- Homes fronting on the east side of Reiner Lane shall be limited to a 1-½ story facade (one-story plus dormers) facing Reiner Lane.
- e. Floor Area Ratio (FAR) – The maximum FAR for all new projects that contain less than 270,000 square feet is 0.4, including garages.

The maximum FAR for all new projects that contain 270,000 square feet or more shall be as follows: Development on new lots along the perimeter of Overlay Zone 2 shall not exceed an FAR of 0.48, including garages. Development on new interior lots shall not exceed an FAR of 0.5, including garages. Accessory structures less than 120 square feet combined shall be excluded from the FAR calculations, but are counted toward lot coverage requirements.

- f. Vehicular Access – Vehicular access should be designed to minimize access points along Sunnyvale Avenue.
  - g. Parking – All residential dwellings shall be provided with a minimum of two covered, off-street parking spaces and a driveway approach that can accommodate parking for two additional vehicles. If a driveway approach that can accommodate parking for two additional vehicles cannot be provided, the Planning Commission may waive the requirement, if it finds that at least two spaces per unit of on-street parking will be provided.
  - h. Second Family Units – Second Family Units are permitted to be constructed according to the requirements set forth in the City's Second Family Residential Unit Ordinance.
5. Affordable Housing – The State density bonus law (Government Code Section 65915) generally provides that if a proposed housing development includes a certain percentage of affordable housing units, the City shall either (1) grant at least a 25% increase in the permitted density of the development together with other incentives, or (2) provide other incentives of equivalent financial value based upon the land cost per dwelling unit. If the granting of increased density should result in an average minimum lot size of less than 6,000 square feet (net lot area), the City shall not grant such an increased density and shall instead provide other incentives of equivalent financial value based upon the land cost per dwelling unit. All units must be single family, detached dwellings. The affordable housing units shall be similar to the market rate residential units.
6. Drainage Improvements – If funding is available, the City may assist with financing any off-site drainage improvements. The City may also consider forming an Assessment

District to fund these improvements, with the cooperation of the affected property owners.

Section 2.

Ordinance Nos. 1367 and 1908 are hereby repealed.

Section 3.

This ordinance shall take effect on the 31<sup>st</sup> day after its adoption.

PASSED AND ADOPTED by the City Council of the City of Walnut Creek at a regular meeting thereof held on the 17th day of July 2001, by the following called vote:

AYES: Councilmembers: Regalia, Skrel, Abrams, Rainey, Mayor Hicks

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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Mayor of the City of Walnut Creek

Attest:

\_\_\_\_\_  
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 17th day of July 2001.

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City Clerk of the City of Walnut Creek

**EXHIBIT A**

**CITY COUNCIL ORDINANCE NO. 1982**

**AMENDING OVERLAY ZONE NO. 2**

