

FINDINGS & CONDITIONS OF APPROVAL FOR COUNTY FILE #RZ14-3227, JOHN LINEWEAVER TRUSTEE, ET. AL. (APPLICANT & OWNER).

FINDINGS

A. Growth Management Performance Standards

1. Traffic: The site is accessed directly from Danville Boulevard and Stone Valley Road. Approval of the project would not allow for any type of development to automatically occur. Thus, there would be no impact to area streets or intersections and no traffic report is required.
2. Water: The subject site currently has water service. Rezoning the site does not change the fact that any proposal for future development must comply with all applicable ordinances and regulations pertaining to additional water services at the site.
3. Sewage: The subject site currently has sewer service. Rezoning the site does not change the fact that any proposal for future development must comply with all applicable ordinances and regulations pertaining to additional water services at the site.
4. Fire Protection: The subject site receives fire protection services from the San Ramon Valley Regional Fire Protection District. Simply rezoning the site would not impact fire protection services because adequate fire protection improvements and fees are typically required when physical development occurs.
5. Public Protection: The subject site receives public protection services from the Contra Costa County Sheriff. Simply rezoning the site would not impact public protection services because impacts to such services are mitigated at the time building permits are issued on lots created through a subdivision. This application does not trigger the need to mitigate such services.
6. Parks and Recreation: Approval of the proposed project would not increase the population in the Alamo area and therefore would not increase the demand for neighborhood parks and recreation facilities.
7. Flood Control and Drainage: The site is not located in a Special Flood Hazard Area, however, there is a significant flood drainage channel located on the eastern portion of the property. Nevertheless, this rezoning application does not involve any new construction. Therefore, if drainage improvements were ever necessary, they would be required at the time such construction plans were proposed and approved.

B. Rezone Findings

Section 26-2.1806 of the County Ordinance Code requires specific findings to be made by the planning agency when a request for change in land use district is made; they are as follows:

1. Required Finding: The change proposed will substantially comply with the general plan.
Project Finding: The Commercial (CO) General Plan land use designation is consistent with the Retail Business (R-B) zoning district. Rezoning the subject site from Planned

Neighborhood Business District (P-N-B) to the R-B District is consistent with the intent and purpose of the CO designation because the subject property would continue to be zoned for retail business uses. General Plan policies 3-114 through 3-124 provide specific direction for development within the Alamo area. In general, the General Plan policies seek to maintain the unique character of each localized community. Specifically, policy 3-122 states: Encourage commercial development that is related to the needs of the neighborhood and community. Regional scale shopping centers are not considered appropriate. Rezoning the site from P-N-B to R-B is consistent with the goals and policies contained the General Plan and will continue to allow the neighborhood service oriented businesses to operate at the site. No large scale modifications to the site have been proposed or considered. For these reasons, approval of the rezoning is appropriate and would substantially comply with the General Plan.

2. Required Finding: The use authorized or proposed in this land use district is compatible within the district and with uses authorized in adjacent districts.

Project Finding: The subject site is bordered on the north, west and south by land zoned for retail business/office uses (R-B, Limited Office (O-1) and P-1), and on the east side by land zoned R-20 Single-Family Residential District (R-20). Most of the uses allowed in adjacent R-B and P-1 districts are the same or similar. Uses allowed in the R-20 district are single-family residences, accessory buildings, care facilities and other uses indicative of a residential neighborhood. Given that the proposed R-B district allows for retail businesses which serve local communities, the two uses are intrinsically compatible as residential communities naturally require certain goods and services (e.g., dry cleaners, eateries etc.) to sustain themselves. Additionally, approval of this rezoning request will not result in any existing business currently located at this site to become a non-conforming use. Thus, the uses allowed in the R-B zone are found to be compatible with uses previously authorized for the site and currently established in adjacent districts.

3. Required Finding: Community need has been demonstrated for the use proposed, but this does not require demonstration of future financial success.

Project Finding: Approval of County File #RZ-1084 rezoned the subject property from Transition Residential Agricultural District and Multiple Family Residential District to Planned Neighborhood District in order to allow the subject shopping center to be constructed nearly 50 years ago. The shopping center has been in continuous use and has been improved over time. However, the P-N-B district no longer allows the flexibility that a modern shopping center requires to be responsive to perspective tenants (e.g., farmer's markets and outdoor seating). The P-N-B district is considered to be obsolete and all other P-N-B districts have already been rezoned to more appropriate zoning districts many years ago. The property is bordered on three sides by properties with similar zoning and on one side by residential zoning which the site currently provides services for. Rezoning the site to R-B is therefore justified.

CONDITIONS OF APPROVAL

Application Costs:

1. ____ This application is subject to an initial application deposit of \$6500.00, which was paid with the application submittal, plus time, and material costs if the application review expenses exceed 100% of the initial deposit. **Any additional costs due must be paid within 60 days of the permit effective date or prior to use of the permit, whichever occurs first.** The applicant may obtain current costs by contacting the project planner. If you owe additional fees, a bill will be sent to you shortly after permit issuance.

2. ____ Within four (4) business days of the final action on this project, **the applicant is required to pay the applicable California Department of Fish & Wildlife (CDFG) filing fee. Payment of this fee is mandated by Assembly Bill 3158, which became effective on January 1, 1991. Pursuant to Fish & Game Code Section 711.4(c)(3), the project will not be operative, vested, or final, and any local permits issued for the project will be invalid until either the fee is paid or a signed *No Effect Determination Form* is submitted indicating that the fee is not required. Also, if the fee is not paid by the date specified, then the 30-day statutory time limit to file a legal challenge against the approval will automatically extend to 180 days.**

ADVISORY NOTES

THE FOLLOWING INFORMATION DOES NOT CONSTITUTE CONDITIONS OF APPROVAL. IT IS PROVIDED TO ALERT THE APPLICANT TO LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES TO WHICH THIS PROJECT MAY BE SUBJECT.

- A. Notice of 90-day opportunity to protest fees, dedications, reservation, or other exactions pertaining to the approval of this permit.

This notice is intended to advise the applicant that pursuant to Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservation, and/or exactions required as part of this project approval. The opportunity to protest is limited to a 90-day period after the project is approved.

The ninety (90) day period in which you may protest the amount of any fee or imposition of any dedication, reservation, or other exaction required by the approved permit, begins on the date this permit was approved. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and delivered to the Department of Conservation & Development, Community Development Division within the 90 days of the approval date of this permit.