



# Department of Conservation and Development

## County Planning Commission

**Tuesday, November 18, 2014 – 7:00 .P.M.**

### **STAFF REPORT**

**Agenda Item # \_\_\_\_\_**

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<b>Project Title:</b>	Stone Valley Center Rezone
<b>County File(s):</b>	RZ14-3227
<b>Applicant/Owner:</b>	John L. Lineweaver, Trustee, et. al.
<b>Zoning/General Plan:</b>	Planned Neighborhood Business District (P-N-B), S-2 Sign Control Combining District (-S-2) and Single-Family Residential District (R-20)/Commercial (CO), Single-Family Residential-Low Density (SL)
<b>Site Address/Location:</b>	3160 Danville Boulevard, Alamo/APN'S: 192-081-004, 192-071-064 & 192-071-030.
<b>California Environmental Quality Act (CEQA) Status:</b>	Per California Code of Regulations Section 15070 a Negative Declaration (Initial Study) has been prepared for the project.
<b>Project Planner:</b>	Francisco Avila, Senior Planner (925) 674-7801
<b>Staff Recommendation:</b>	Adopt a motion recommending that the Board of Supervisors approve the project.

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### **I. PROJECT SUMMARY**

The applicant is requesting a rezoning of three properties totaling 6.18 acres from P-N-B, -S-2 and R-20 to Retail Business District (R-B), -S-2 and R-20. No physical development is associated with this rezoning application.

### **II. RECOMMENDATION**

Staff recommends that the County Planning Commission adopt a motion recommending that the Board of Supervisors do the following:

- A. FIND, for the purposes of compliance with the provisions of the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines, that the Initial Study prepared for the project adequately analyzes the potential environmental impacts and ADOPT the proposed Negative Declaration.
- B. ADOPT a motion to rezone the subject properties, Parcels: 192-071-064, 192-071-030 & 192-081-004, from Planned Neighborhood Business District, Sign Control Combining District and R-20 Single-Family Residential District to Retail Business District, Sign Control Combining District and R-20 Single-Family Residential District.
- C. Direct Department of Conservation and Development staff to file a Notice of Determination with the County Clerk.

### **III. BACKGROUND**

In 1965, the subject site was rezoned from Transition Residential Agricultural District and Multiple-Family Residential District to Planned Neighborhood District. The impetus of that application was a proposal by Safeway Stores Inc. to construct a retail store at this site. Proponents of the application argued that the site was uniquely situated at a prominent intersection, as well as, the fact that a Shell service station had already been built on the same corner. Opponents of the application claimed that residents had purchased their homes in close proximity to the site with the understanding that the downtown commercial district was not going to be enlarged beyond a "Master Plan" which was in effect at that time. The Board of Supervisors approved the rezoning application on July 26, 1966, and ultimately the courts sustained that approval by denying an appeal by the Alamo Improvement Association.

Subsequently, the site was developed with the subject shopping center and associated parking. Over the years minor modifications have been made to the site, such as the addition of a drive-through espresso hut, and addition of patio seating at one of the restaurants within the complex. In 1987, the County initiated an attempt to rezone the property to the R-B zoning District as the P-N-B zoning district has since been deemed obsolete by staff. That effort was met with neighborhood opposition and the rezoning effort was withdrawn; however all other P-N-B zoning districts were successfully eliminated. Currently the shopping center includes twelve tenants such as CVS pharmacy, a dry cleaners and a Subway deli.

In early 2014, the property owner contacted County staff inquiring whether a farmers market (limited number of Sundays only) would be an allowable use at the parking lot of this site. As the P-N-B does not allow outdoor uses, staff was unable to support the request and as a result, the property owner began to inquire as to what steps were necessary to rezone the site to the Retail Business District. The R-B zoning district allows outdoor uses upon issuance of a land use permit. This rezoning application is a result of the unreasonable limitations the P-N-B zoning district places on the subject property.

#### **IV. GENERAL INFORMATION**

A. General Plan: The subject property has two General Plan designations. The first designation is Commercial (CO) and covers the majority of the site. The CO designation allows for a broad range of commercial uses typically found in smaller scale neighborhood, community and thoroughfare commercial districts, including retail and personal service facilities. The following development standards apply to uses in this designation:

- |                                      |               |
|--------------------------------------|---------------|
| 1. maximum site coverage:            | 40 percent    |
| 2. maximum building height:          | 35 feet       |
| 3. maximum floor area ratio:         | 1.0           |
| 4. average employees per gross acre: | 160 employees |

The second General Plan designation is Single-Family Residential-Low Density (SL). This designation covers a much smaller portion of the subject property which consists primarily of the flood control channel on the eastern portion of the site. Therefore, that portion of the site designated as SL is not suitable for residential development.

B. Zoning: The parcel is zoned a combination of Planned Neighborhood Business District (P-N-B), -S-2 Sign Control Combining District (-S-2) and R-20 Single-Family Residential District (R-20). The western portion of the site has been developed with retail business uses and is zoned P-N-B and -S-2.

The -S-2 district is intended to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the design, quality of materials, location and maintenance of all signs and sign structures. Essentially, the -S-2 ordinance encourages well designed signs that account for the character of the neighborhood and safety of vehicular as well as pedestrian traffic.

The eastern portion of the site is zoned R-20. The R-20 district establishes the development standards for single-family homes and other uses allowed within this zoning district. However, this portion of the site overlays the previously mentioned flood control channel. As such, it is inconceivable that any residential development could be pursued in this location.

C. Environmental Review: A Negative Declaration (ND) (attached) was prepared for the project. The ND did not identify any potential environmental impacts associated with the project. The public review and comment period for the ND extended from October 3, 2014, to October 23, 2014. No comments were received within the comment period.

D. Previous Applications:

1. DP95-3002: A development plan application which allowed the construction and operation of an "Espresso To Go" drive through hut within the parking lot of the subject shopping center.
2. VR1002-93: A variance application to the development standards for new signage at the subject shopping center. The application was denied.
3. LP2048-93: This land use permit allowed "take-out" food for several tenants with the shopping center.
4. RZ-2757: This was a County Initiated rezoning effort which proposed to rezone the site from P-N-B to R-B. Due to neighborhood opposition, the application was withdrawn by staff on August 17, 1988.
5. DP3019-85: This development plan application allowed the expansion of two buildings at the subject site.
6. DP82-3064: A development plan application which permitted the renovation of the subject shopping center.
7. 546-66: This land use permit allowed Safeway Stores Inc. to establish a retail store at the subject site. The space Safeway occupied has changed tenants and is currently leased by CVS Pharmacy.

8. RZ-1084: This rezoning application converted the subject property from Multiple Residential and Transition Residential Agricultural District to the current P-N-B zoning.

## **V. SITE/AREA DESCRIPTION**

The subject site is located at the northeast corner of the Stone Valley Road/Danville Boulevard intersection in Alamo. The combined property consists of three parcels, Assessor's parcel numbers: 1) 192-081-004=3.49 acres, 2) 192-071-064=2.12 acres and 3) 192-071-030=0.57 acres. All three parcels are developed with the Stone Valley Center's retail shops and parking, with the exception of parcel 1 which contains a significant flood drainage channel. Parcels in the vicinity range in size from 0.1-acre to over 13 acres and tend to be developed with retail business and/or residential uses. The site is surrounded by properties zoned Planned Unit District (housing), Retail Business District, and R-20 Single-Family Residential District. Much of this commercial corridor incorporates the -S-2 Sign Control Combining District as an overlay district. The area is characterized by smaller office buildings and shops along Danville Boulevard while being surrounded by residential properties along the periphery. As this portion of Alamo is generally flat, the vast majority of land has been developed leaving few if any remaining locations vacant.

## **VI. PROJECT DESCRIPTION**

The P-N-B District is an obsolete zoning district that is no longer applied within Contra Costa County. In 1966 the subject properties were rezoned from Multiple-Family Residential District (M-R-B) and Transition Residential Agricultural District (R-H) to P-N-B. This application is in response to the current needs of a modern retail business shopping center (e.g., outdoor seating and farmers markets). No physical development or site modifications are proposed at this time, and the project applicant has not indicated that the proposed rezoning is a precursor to substantial changes to the site in the future. No changes to the -S-2 are proposed.

## **VII. AGENCY COMMENTS**

- A. Alamo Municipal Advisory Council (AMAC): AMAC staff submitted a memorandum dated September 8, 2014, indicating that the project was unanimously recommended for approval at their September meeting.

- B. Alamo Improvement Association (AIA): AIA staff via a phone conversation indicated that the project was recommended for approval at their September 2014 meeting.
- C. East Bay Municipal Utility District (EBMUD): In a correspondence dated August 11, 2014, EBMUD staff indicated that EBMUD operates and maintains a 48-inch pipeline located at the southern boundaries of the subject property. The correspondence goes on to state that no buildings or structures are to be located within this area. As the project does not include any proposed physical changes to the property, it is not expected that any conflicts would occur with the siting of the pipeline as a result of this rezoning project.
- D. San Ramon Valley Fire Protection District (Fire District): In a correspondence dated August 7, 2014, the Fire District indicated that after reviewing the planning application for the subject site, it had no comments on the proposed project.

Agency comments were not received from the Central Contra Costa Sanitary District.

## **VIII. STAFF ANALYSIS**

### Appropriateness of Rezone

#### *Existing Zoning Conditions*

County File #RZ-1084 was approved in July of 1966 to rezone the subject site from Multiple Residential and Transition Residential Agricultural District to the current P-N-B zoning. At that time Safeway Stores, Inc. along with the property owner gained approval of the County Board of Supervisors to develop the site with a retail shopping center. The development was considered appropriate for the area given its proximity to the Danville Boulevard/Stone Valley Road intersection and other retail businesses adjacent to the site and in the general area. The general footprint of that early development is more or less consistent with what exists at the site today.

### *Comparison of Existing and Proposed Zoning Designations*

Uses allowed in the P-N-B district are those uses allowed in both the R-B and Neighborhood Business District (N-B), except the following (P-N-B, R-B, and N-B ordinances are attached):

1. *Residential uses including hotels and motels, except living accommodations of an accessory nature;*
2. *Non-accessory signs;*
3. *Roof signs, except gasoline service station signs attached to pump islands or pump island canopies;*
4. *Cabinet shops, animal hospitals or kennels, animal or poultry husbandry, granaries, dehydration plants, wineries, canneries, agricultural warehouses, sheet metal shops, pawn shops, mortuaries, cemeteries, or crematoriums, and lumber yards; and*
5. *Those business uses which are not maintained and conducted wholly within enclosed buildings.*

Although the proposed R-B district allows uses which tend to be more intense, the subject property is essentially "built-out" and is in close proximity to single-family residences. Any proposed use that was industrial in nature, would require approval from the County and must undergo its own environmental review. For those reasons it is unlikely that a major change in use would be considered for this site. Nevertheless, the primary land uses in the R-B district are generally community based services such as dry cleaners, restaurants and other residentially compatible uses. As the subject property is clearly located within Alamo's commercial Downtown area, and provides such community based services, the rezoning will result in the property being consistent with other R-B zoned properties in the immediate vicinity.

Additionally, the P-N-B does not allow outdoor uses of any type, such as farmers markets and outdoor seating, while the R-B district allows outdoor uses upon approval of a land use permit. Once again, outdoor uses such as contractor's yards, cabinet shops and lumber yards would be unrealistic candidates for the subject location due to the potential environmental impacts such as noise, odor and vibration. Ultimately, it is most reasonable to expect that the subject site might add low-intensity uses such as outdoor seating for restaurants during summer months, and farmers markets during harvest season and potentially modifying/upgrading the site's identification signage.

Table 1. below provides a comparison of the development standards of each district. Both zoning districts require approval of a development plan application prior to developing a particular site. It is that review process that allows County decision makers and the public alike (public comment/appeal process) to determine what uses are appropriate for the subject site. Therefore, given that both zoning districts are intended to allow neighborhood service oriented businesses, and the fact that the P-N-B zone no longer allows the flexibility of a modern retail shopping center and the fact that the County has abolished all other zoning districts of its kind, the P-N-B zone is no longer necessary or appropriate for this site.

**Table 1. Zoning Comparison Between P-N-B and R-B,**

Topic	PNB	R-B	R-B, More or Less Restrictive
Minimum Lot Area	Discretionary	3,500 sq.ft.	More
Average Width	Discretionary	35	More
Side Yards	Discretionary	None	Less
Front Setback	Discretionary	10 ft. from road/hwy	More
Building Height Max	2.5 stories or 30 ft. to top plate; signs = 25 ft. max	50 ft.	Less
Development Plan Req'd	Yes	Yes	Same
Lot Coverage	25% Max	N/A	Less
Parking	2.5 sq.ft. of parking for every 1 sq.ft. of building	County Off-Street Parking Ordinance would apply.	Less
Variances Allowed?	Yes	Yes	Same

Source: Title 8 Zoning Code

### *General Plan Consistency*

The subject property is designated a combination of Commercial (CO) and Single-Family Residential-Low Density (SL). The SL portion of the site covers the flood control channel and does not impact the retail portion of the site which is entirely designated as CO. Table 3-5 (Consistency Between the General Plan and the

Zoning Ordinance – attached) outlines which specific zoning districts are consistent with each General Plan designation, and those which might be considered consistent with the Plan category, depending on the particular use. As indicated within that table, the General Plan designation of CO is consistent with the R-B zoning district. As such, the CO designation allows for a broad range of commercial uses typically found in smaller scale neighborhood, community and thoroughfare commercial districts, including retail and personal service facilities, limited office, and financial uses. Therefore, the proposed R-B zoning is appropriate for this particular site.

## **IX. CONCLUSION**

The subject property was initially zoned Multiple Residential and Transition Residential Agricultural District and rezoned to the current P-N-B zoning to allow the establishment of the existing retail shopping center at the site. The P-N-B zoning district is antiquated and is no longer utilized within the County. Given that the proposed R-B zoning district requires an equivalent level of County review, the current zoning is unnecessary and inappropriately limits development. Therefore, staff recommends that the County Planning Commission adopt a motion recommending that the Board of Supervisors adopt the Negative Declaration for the project and approve County File #RZ14-3227 to rezone the portion of the property zoned P-N-B to R-B.