

RESOLUTION NO. 16-2014

RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, INCORPORATING A RECOMMENDATION AND FINDINGS FOR A REQUESTED REZONE AT 3160 DANVILLE BOULEVARD IN THE UNINCORPORATED ALAMO AREA OF SAID COUNTY.

WHEREAS, on July 30, 2014, John L. Lineweaver, Trustee et al (Applicant & Owner) submitted an application (County File #RZ14-3227) for a request to rezone a portion of three properties (Parcel 1. 192-081-004 3.49 acres, Parcel 2. 192-071-064 2.12 acres and Parcel 3. 192-071-030 0.57 acres) located at 3160 Danville Boulevard in the unincorporated Alamo area from Planned Neighborhood Business District to Retail Business District; and

WHEREAS, for purposes of compliance with the provisions of the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines, an Initial Study/Negative Declaration ("Initial Study") was prepared by the Department of Conservation & Development to determine the scope of the project's environmental impacts and whether or not an environmental impact report should be prepared; and

WHEREAS, the Initial Study identified no potentially significant environmental impacts related to the project; and

WHEREAS, on October 3, 2014, the Department of Conservation & Development published a Notice of Intent to Adopt a Negative Declaration, which recited the foregoing facts, indicated that the project would not result in potentially significant impacts to the environment, and began the period for public review and comments on the adequacy of the environmental documentation that ended on October 23, 2014; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled before the County Planning Commission on Tuesday, November 18, 2014, whereat all persons interested in the matter might appear and be heard; and

WHEREAS, on Tuesday, November 18, 2014, the County Planning Commission fully reviewed, considered, and evaluated all testimony and evidence submitted in this matter.

NOW, THEREFORE BE IT RESOLVED that the County Planning Commission recommends that the Board of Supervisors:

1. FIND, for purposes of compliance with the provisions of 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.

In making this recommendation the County Planning Commission certifies that it has been presented with the Initial Study, and that it has reviewed and considered the information contained in the Initial Study and the other pertinent information in the administrative record. The County Planning Commission further certifies that the Initial Study reflects the County's independent judgment and analysis, and that the Initial Study has been completed in compliance with CEQA regulations.

2. ADOPT a motion to rezone that portion of Parcels 1, 2 and 3 currently zoned Planned Neighborhood Business District to Retail Business District, County File #RZ14-3227.

BE IT FURTHER RESOLVED that the County Planning Commission finds that sufficient evidence has been provided to determine that the proposed project conforms with the County *Growth Management Performance Standards* (County General Plan 2005-2020, Growth Management Element, Section 4.4) and makes all of the findings required by County Code § 26-2.1806 to allow approval of the proposed rezone as follows:

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

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.


The instructions by the County Planning Commission to prepare this resolution were given by motion of the County Planning Commission on Tuesday, November 18, 2014, by the following vote:

AYES:	Commissioners -	Steele, Swenson, Stewart, Terrell, Wright and Snyder
NOES:	Commissioners -	None
ABSENT:	Commissioners -	Clark
ABSTAIN:	Commissioners -	None

Don Snyder,
Chair of the Planning Commission,
County of Contra Costa, State of California

I, Aruna Bhat, Secretary of the County Planning Commission, certify that the foregoing was duly called and approved on November 18, 2014.

ATTEST:


Aruna Bhat,
Secretary of the Planning Commission
County of Contra Costa, State of California