

## **EXHIBIT 14**

COUNTY ZONING ADMINISTRATOR  
MONDAY, JULY 7, 2014

**FILE COPY**

I. INTRODUCTION

ALBERT RUBEY (APPLICANT & OWNER), COUNTY FILES #MS11-0006 and DP12-3029: Applicant requests approval of a Minor Subdivision, a Development Plan, and a Tree Permit as follows:

- A. **Minor Subdivision File #MS11-0006:** This is a request for approval of a vesting tentative map for a Minor Subdivision application which proposes to subdivide a developed 58,326-square-foot parcel into two commercial parcels of 51,651 and 6,675 square feet in area.
- B. **Development Plan File #DP12-3029:** This is a request for approval of a Development Plan for the construction of a new approximately 3,000-square-foot, two-story commercial building for mixed professional office and retail uses, and to modify the site's off-street parking configuration. The applicant also requests approval of a Tree Permit to work within the driplines of five (5) code-protected Valley Oak trees for the construction of the proposed commercial building.

The subject property is located at 3189 Danville Boulevard in Alamo. (Zoning: R-B/S2—Retail Business District/Sign Control Combining District) (Assessor Parcel Number: 191-093-048)

II. RECOMMENDATION

Staff recommends the following:

- A. That on the basis of the whole record before it, including the Initial Study and the comments received, the Zoning Administrator finds that there is no substantial evidence that the project will have a significant effect on the environment and that the Negative Declaration reflects the County's independent judgment and analysis;
- B. FIND the Negative Declaration is adequate for the project;
- C. APPROVE the vesting tentative map received by the Department of Conservation and Development, Community Development Division, subject to the attached findings and conditions of approval;

D. APPROVE the development plan for the construction of the proposed commercial building and modification of off-street parking; and approve the tree permit to work within the driplines of five (5) code-protected trees for the proposed development of Parcel B; and

**Y400 311**  
E. DIRECT staff to file a Notice of Determination.

### III. GENERAL INFORMATION

A. **General Plan:** The subject property has a General Plan land use designation of Commercial (CO).

B. **Zoning:** The subject property is zoned Retail Business District/Sign Control Combining District (R-B/S2).

C. **Lot Creation:** The subject parcel to be subdivided was created as Lot A of MS81-103, parcel map recorded on May 23, 1983.

D. **CEQA Status:** An Initial Study has been prepared for the project and no significant environmental impacts were found. A Negative Declaration was posted on March 5, 2014 and ended on March 25, 2014. One comment was received during the comment period (see Section VII).

#### E. **Previous Applications:**

1. DP80-3047: Final Development Plan for MS81-103, approved on February 4, 1981.
2. MS81-103: Application for a three-lot Minor Subdivision, parcel map recorded on May 23, 1983.
3. LP85-2030: Application for a Land Use Permit to install an automatic teller machine (ATM) in an existing shopping center, approved on April 30, 1985.
4. DP00-3014: Development plan amendment to construct a 250-square-foot, single-story expansion and modified parking to an existing multi-tenant office building, approved on June 25, 2001.

#### F. **Regulatory Programs:**

1. 60-dB Noise Control: The site is located within the 60 dB noise contour delineated in the Noise Element of the General Plan.

2. Flood Hazards: The project is located in an area designated Flood Zone "X", which indicates an area of little to no flooding.
3. Active Fault Zone: The project is not located within a seismic-hazard area under the purview of the Alquist-Priolo Earthquake Fault Zone Act.

#### IV. SITE/AREA DESCRIPTION

The address of the project site is 3189 Danville Boulevard, located on the northwest corner of the Stone Valley Road West/Danville Boulevard intersection. The existing parcel is entirely developed. The development consists of a two-story, multi-tenant office building and parking lot. Immediately adjacent to the subject parcel to the north and west is the Alamo Plaza shopping center. The surrounding area is also commercial in nature, consisting of various types of retail stores, service stations, banks, restaurants, and professional offices.

#### V. PROPOSED PROJECT

The proposed project is to subdivide a 1.33 acre rectangular parcel into two lots, resulting in a 51,651-square-foot lot (Parcel A) and a 6,675-square-foot lot (Parcel B). The vesting tentative map submitted for the project shows that Parcel A will be a semi-rectangular corner lot located at the intersection of Stone Valley Road West and Danville Boulevard, and Parcel B will be divided out of the northwest corner of the existing 1.33-acre parcel. The project also proposes the eventual development of an approximately 3,000-square-foot, two-story commercial building for mixed professional office and retail uses to be constructed on Parcel B, and modification to the off-street parking configuration of both proposed parcels. The applicant has submitted a conceptual building design of possible future development for Parcel B.

#### VI. AGENCY COMMENTS

- A. **Grading Section, Building Inspection Division**: On January 10, 2013, the Grading Section mandated that any drainage water collected from roofs, awnings, canopies, marquees, or condensate from mechanical equipment shall not flow over a public walking surface.
- B. **Public Works Department**: The Public Works Department submitted their comments, dated April 21, 2014. In the memorandum, the Department included a list of recommended conditions of approval (attached).

- C. **Alamo Improvement Association (AIA):** On October 30, 2013, the AIA submitted a letter approving the project with recommendations regarding review of the off-street parking requirements for the project.
- D. **Alamo Municipal Advisory Council (MAC):** On October 1, 2013, the MAC approved the application with a recommendation that the applicant return to the MAC for an architectural review of the proposed building.
- E. **California Historical Resources Information System (CHRIS):** In comments dated December 12, 2011, CHRIS stated that according to an archeological assessment done in 1982, no cultural resources were identified in the project area, so no further study for cultural resources was recommended. CHRIS also recommended that the applicant contact local Native America tribes prior to commencement of project activities.
- F. **San Ramon Valley Fire Protection District:** On January 14, 2013, the fire district submitted a letter containing general conditions of approval for address identification, plan review, emergency access to the site, etc. The project conditions of approval contain an advisory note instructing the applicant to confer with the fire district in order to assure that their requirements will be implemented properly.
- G. **East Bay Municipal Utility District (EBMUD):** On January 7, 2013, EBMUD submitted comments requiring a separate meter for each lot, once subdivided, and further instructs the applicant to avoid any construction within the EBMUD right-of-way located on the subject property without their review and approval.
- H. **Contra Costa Environmental Health Division (CCEHD):** On January 17, 2013, the CCEHD submitted a standard letter of comments requiring the division's review of any soil borings, wells, septic tanks, proposed retail food operations or generation of medical waste.
- I. **Building Inspection Division:** The division returned the comment-request form with no comments.
- J. **Local Agency Formation Commission (LAFCO):** No response to the comment-request form was received.
- K. **Central Contra Costa Sanitary District:** No response to the comment-request form was received.

VII. COMMENTS RECEIVED DURING THE CEQA NOTICING PERIOD

**East Bay Municipal Utility District (EBMUD):** In a letter (attached) dated March 20, 2014, EBMUD submitted comments requiring a separate meter for each lot, once subdivided, and further instructs the applicant to avoid any construction within the EBMUD right-of-way located on the subject property without their review and approval. EBMUD further requested that the County include in its conditions of approval a requirement that the project sponsors comply with the Contra Costa County Landscape Water Conservation Guidelines, and that the applicant should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

VIII. STAFF ANALYSIS/DISCUSSION

- A. **General Plan Consistency:** The General Plan land use designation for the site is Commercial (CO), which allows 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. The proposed use on the newly created Parcel B is planned to be for the construction of a two-story office building for mixed professional office, banking, or retail businesses, all of which are consistent with the Commercial General Plan designation. The CO designation requires a site-coverage maximum of 40%, a maximum floor-area ratio of 1.0, and a building-height maximum of 35 feet. The site coverage for Parcel A will be 23.4%, and the site coverage for Parcel B will be 21.6%. The floor area ratio for Parcel A will be 0.5, and the floor area ratio for Parcel B will be 0.4. The proposed new building on Parcel B is shown to be 26 feet in height. Based on the project plans and data, the proposal is consistent with the overall goals and policies of the General Plan.
- B. **Zoning Consistency:** The site is zoned Retail Business District/Sign Control Combining District (R-B/S2). The proposed use on the newly created Parcel B will be for the construction of a two-story office building for mixed professional office, banking, and retail businesses, all of which are consistent with the Retail Business zoning designation. The minimum lot size standard in the R-B district is 3,500 square feet, and in order to subdivide in the R-B district the subject parcel would be required to be at least 7,000 square feet in lot area. Since the original subject parcel is 58,326 feet in area, subdividing the site is consistent with the R-B zoning district. The subdivision proposal will divide the 58,326-square-foot subject parcel into two. The new Parcel A will have a lot area of 51,651 square feet,

and the new Parcel B will have a lot area of 6,675 square feet; both of the new parcels also exceed the minimum 35-foot lot-width requirement of the R-B district.

The R-B district also requires approval of a Development Plan for any new development. The applicant has submitted a conceptual building design for the possible future development of Parcel B. Based on the conceptual architectural plans, new development on Parcel B will most likely consist of approximately 26-foot, two-story professional building with a floor area of about 3,000 square feet. The R-B zoning district requires a minimum building setback of 10 feet from any existing road or highway; the new building proposed on Parcel B is shown on the project plans to be sited more than 10 feet from Stone Valley Road and Danville Boulevard. No other setbacks are required by the R-B district. Any future development will have to conform to the building standards of the R-B zoning district. Based on the plans and materials submitted, the proposed project is consistent with the zoning standards of the Retail Business District.

- C. **Off-street Parking:** The existing subject parcel currently has 97 parking spaces on site and an additional 30 spaces located off site on adjacent parcels APN191-090-047 and APN191-180-018 that were deeded to the property owner for exclusive use by patrons of the subject parcel APN191-090-048 (see attached 1979 grant-of-easement, recorded on April 17, 1979 in Book 9312, Official Records, pages 440-459). The subject parcel currently has an off-street parking requirement of 98 spaces with a total of 127 spaces available, inclusive of the thirty 1979 easement spaces. Once the subject property is subdivided, Parcel B will eliminate 24 of the existing 97 parking spaces currently located on the subject parcel, while replacing them with 11 on the Parcel B site, thus creating a net loss of 13 spaces from the existing 127 spaces, and providing a new overall total (inclusive of the 30 deeded spaces) of 114 spaces. Based on Sheet A0 of the project plans (see attached in "Maps and Plans"), which includes the current tenant matrix, the overall parking requirement for Parcels A and B will be 110 spaces. The project will be conditioned so that a new grant-of-easement, or other such legal document, that sufficiently assures both Parcels A and B exclusive use of the 30 deeded parking spaces be recorded in order to meet the parking requirements. The parking configuration on Parcel A will not change beyond that of the elimination of the 24 spaces to accommodate the creation of Parcel B.

The following tabulation summarizes the parking requirement for the project:

Total Required = 110 Spaces

Total Provided = 114 Spaces

- 1979 Easement: 30 Spaces Deeded in the Alamo Plaza Parking Lot
- Parcel A: 98 Spaces Required  
73 Provided on Parcel A and 25 from 1979 Easement
- Parcel B: 12 Spaces Required  
11 Provided on Parcel B and 1 from 1979 Easement

The 114 parking spaces proposed for the project will exceed the off-street parking requirement with a surplus of 4 spaces. No variance to the Off-street Parking Ordinance will be required.

- D. **Tree Protection and Preservation Ordinance:** The subject property has one 58-inch Valley Oak tree, which is a code-protected species under the County tree ordinance. It is located in the middle of an existing paved parking area; no construction or development activities are proposed to impact the tree. Four more code-protected Valley Oaks are located just over the northwestern property line in the area of the proposed Parcel B. The canopies of the trees extend over the property line where construction and development activities are proposed; therefore, the project will be conditioned with requirements which will include bonds to be posted by the applicant that can be used by the County for the replanting of damage trees, if necessary. No trees are proposed to be removed in order to implement the project.
- E. **S2—Sign Control Combining District:** The attractiveness of the community is an important factor of the general welfare of the citizens of the County, and reasonable control of signs is in the public interest. The objectives of the S2 Sign Control Combining District are to 1) Provide a reasonable system of controls of signs; 2) encourage signs which are well designed and pleasing in appearance, and provide incentive and latitude for variety, good design relationship, and spacing; 3) encourage a desirable community character with a minimum of overhead clutter; 4) enhance the economic value of a community by regulating the size, location, design, and illumination of signs; 5) attract and direct persons to various activities and enterprises in order to provide for the maximum public convenience;



6) encourage signs which are compatible with adjacent land uses; and  
7) reduce traffic and safety hazards through proper location and design of signs. Therefore, the project will be conditioned that all signage shall be reviewed and approved by the Community Development Division for conformance with the standards and requirements of the S2 Sign Control Combining District prior to installation or placement on the property or buildings.

#### IX. TRAFFIC/CIRCULATION/ACCESS

The subject site is located on the northwest corner of Danville Boulevard and Stone Valley Road West, both public roads. It appears that both proposed Parcels A and B gain access from Danville Boulevard and Stone Valle Road West through existing private driveways as well as through the adjacent parcels of Alamo Plaza, APN 191-093-047 and APN 191-180-018. The project shall be required to furnish proof that access rights from the adjacent parcel have been acquired, and that an access easement to the benefit of Parcel B across Parcel A shall be granted to ensure that Parcel B is not landlocked. Alternatively, access rights to the proposed Parcel B may be granted across the adjacent parcel to the west, via the driveway on Stone Valley Road West. It appears that all frontage improvements are in place, therefore, no additional frontage improvements are required. The applicant will be required, as a condition of approval, to remove and replace any broken, cracked and displaced curb, gutter, and sidewalk along the project frontage of Danville Boulevard and Stone Valley Road West.

A traffic study conducted on December 10, 2012, concluded that both proposed Parcels A and B would have access from both Danville Boulevard and Stone Valley Road West from the existing driveways. A third access is from the Alamo Plaza shopping center, which has numerous driveways to the surrounding streets. There are currently two internal connections to Alamo Plaza parking lots from the subject parcel, one of which will be displaced by the new office building on Parcel B. Nonetheless, the study concluded that the resulting traffic circulation should be "very adequate." The traffic study conducted a "mini" traffic-impact analysis of the Stone Valley Road/Danville Boulevard intersection, even though the project does not reach the 100-peak-hour threshold that would dictate the need for a full study. In the a.m. peak hour, a total of 3,493 vehicles use the intersection; five additional a.m. trips are expected to be generated by the proposed project, a 0.14% increase in traffic. In the peak p.m. hours, a total of 3,425 vehicles use the intersection; nine additional p.m. trips are expected to be generated by the project, a 0.26% increase in traffic. The traffic study concluded that these increases would be insignificant.

X. CONCLUSION

The proposed project is consistent with the Commercial General Plan designation and the zoning standards of the Retail Business District/Sign Control Combining District. The project would result in two parcels which are consistent with the sizes of other properties in the area. The Initial Study concluded that the proposed project would not adversely affect the environment. Therefore, staff recommends that the Zoning Administrator approve County Files MS11-0006 and DP12-3029 based on the attached findings and subject to the recommended conditions of approval.

GK

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