



**Contra
Costa
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: April 26, 2022

Subject: 343 Rodeo Avenue General Plan Amendment, County File #GP20-0003

RECOMMENDATION(S):

1. OPEN the public hearing on the 343 Rodeo Avenue General Plan Amendment project (County File #GP20-0003), RECEIVE testimony, and CLOSE the public hearing.
2. DETERMINE that the project is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines section 15061(b)(3) and 15303(b).
3. ADOPT Resolution No. 2022/116, amending the General Plan Land Use Element Map to change the land use designation of the subject property from Public and Semi-Public (PS) to Multiple-Family Residential-High Density (MH).
4. APPROVE findings in support of the project.
5. APPROVE the conditions of approval for the project.
6. APPROVE the 343 Rodeo Avenue General Plan Amendment project.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **04/26/2022** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor

Candace Andersen, District II
Supervisor

Diane Burgis, District III Supervisor

Karen Mitchoff, District IV
Supervisor

Federal D. Glover, District V
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: April 26, 2022

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Daniel Barrios (925)
655-2901

7. DIRECT the Department of Conservation and Development to file a Notice of Exemption with the County Clerk.

FISCAL IMPACT:

The applicant has paid the required application deposits and is obligated to pay supplemental fees to cover all additional costs associated with the application process.
(100% applicant fees)

BACKGROUND:

Project Description

This hearing is to consider a General Plan Amendment (GPA) to change the General Plan land use designation from Public and Semi-Public (PS) to Multiple-Family Residential-High Density (MH) for a 5,750 square-foot (0.13-acre) vacant parcel.

General Information

A. Site/Area Description: The subject property is located at 343 Rodeo Avenue in Rodeo, Assessor's Parcel Number 357-081-015. The subject site, along with the adjacent parcel 341 Rodeo Avenue (APN 357-081-036), currently have a PS General Plan land use designation. The next four parcels to the north and the four parcels to the south are designated Office (OF), there are five parcels south of those that are designated MH. The land to the north and east is designated Downtown/Waterfront Rodeo Mixed-Use (M-2), and the large majority of remaining land to the west is designated Single-Family Residential-High Density (SH).

B. General Plan: The subject property's General Plan land use designation is PS. The PS designation includes properties owned by public governmental agencies such as libraries, fire stations, schools, etc., and privately-owned transportation and utility corridors (e.g., railroads, pipelines).

C. Zoning: The subject property is located in the Rodeo Planned Unit District (P-1). Land uses in the Rodeo P-1 are dictated by the property's General Plan land use designation.

County Planning Commission Hearing

On February 9, 2022, the County Planning Commission (CPC) conducted a hearing on the proposed General Plan amendment. The CPC voted unanimously (7-0) to recommend adoption of the GPA to the Board of Supervisors, with a modification that the new land use designation be Multiple-Family Residential-Medium Density (MM) instead of the applicant's requested MH. This would reduce the maximum unit yield of the property from four units down to three. The CPC was concerned with neighborhood compatibility, specifically that future development of a four-unit building would be too tall and inconsistent with the surrounding community, as the height limit for properties designated MH is 45 feet in the Rodeo P-1 zoning district. The topic of height limits and other applicable Rodeo P-1 development standards is discussed further under the "Staff Analysis" section below.

Environmental Review

The proposed GPA is exempt from the provisions of the California Environmental Quality Act. Per section 15061(b)(3) of the CEQA Guidelines, a project is exempt from CEQA if the activity is covered by the "common sense" exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

The potential development allowed by the GPA would not result in significant environmental impacts because of its location within a fully developed existing neighborhood, low unit yield, and infill characteristics. For example, air quality, greenhouse gas, and traffic impacts would be typical of a small multi-family project in an urbanized area, i.e., negligible. Noise impacts would also be negligible, as the surrounding area is a built-out residential and commercial environment and potential development would be consistent with that kind of development.

Being a developed neighborhood, there also is no sensitive habitat that could be disturbed by development. Additionally, the property receives public utilities and is not the type of development associated with hazardous materials. Therefore, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Furthermore, under CEQA Guidelines Section 15303(b), multi-family buildings that include up to six dwelling units and are located in urbanized areas are categorically exempt from environmental review.

Staff Analysis

The proposed project involves a GPA to change the General Plan land use designation from PS to MH for a 5,750 square-foot (0.13-acre) vacant parcel. The subject property was previously owned by the County and was purchased at auction by the current owners.

The new property owner is interested in developing the site with a small multi-family project. It is noted that adjacent parcels are developed as single-family residences, a four-plex, offices, and commercial shops. The applicant has stated their intention to develop the property to its maximum potential while still maintaining compatibility with the development pattern in the community. As such, the applicant is requesting the MH land use designation, which has a density range of 22.0-29.9 units per net acre. This density translates to a range of three to four units on the subject property. The MH land use designation is consistent with the overall residential character of the community and numerous other examples of MH designations with multi-family development are present nearby.

Rodeo P-1 zoning requires a minimum lot size of 10,000 square feet for multi-family development, 6,000 square feet for a duplex, and 2,800 square feet for a single-family residence. Although it does not meet the minimum lot size for the P-1, the size of the property would not preclude development of up to four units. This is evidenced by multiple properties within the vicinity having similarly sized lots with multi-family buildings on them, including a four-plex directly adjacent to the south.

The height limit for properties designated MH in the Rodeo P-1 is 45 feet, which allows significant vertical room to accommodate potential units, off-street parking, and outdoor space for the tenants. As indicated above, the CPC's recommendation for modifying the GPA from MH to MM was in response to the potential for future development of four units to be built up to the 45-foot height limit of the Rodeo P-1. Since the MM designation has the same height limit of 45 feet, the reduction of units does not necessarily achieve the intended height reductions; it may simply reduce the chances of a taller building being constructed. A multi-family project adhering to the P-1 development standards can be developed on the subject property if designed properly.

Staff notes that the adjacent four-unit building to the south is less than 30 feet tall. Staff also notes that the subject property is at a lower base elevation than the adjacent single-family neighborhood to the west, so while the height limit for a property designated MH or MM is 10 feet taller than the adjacent single-family neighborhood, the difference is largely offset by topography.

Considering Contra Costa County's 6th Cycle Regional Housing Needs Allocation (RHNA) of 7,610 units, 58.8 percent of which must be below market rate, changing the land use designation to MH is, from staff's perspective, preferable to MM. While none of the units resulting from the GPA are required by ordinance to be affordable, they will be more affordable by design. The reduction in density from MH to MM would not necessarily achieve the intended height reduction and would only serve to eliminate a housing opportunity when the County needs a substantial influx of housing.

Conclusion

Changing the land use designation to MH is consistent with the goals and policies of the General Plan, and the overall development pattern of the Rodeo community. Therefore, staff recommends that the Board of Supervisors adopt the requested GPA pursuant to the recommendations listed above in this staff report.

CONSEQUENCE OF NEGATIVE ACTION:

The subject property will retain its PS land use designation if the proposed GPA is not adopted. The PS designation is intended for land owned by public agencies and other entities serving the public, but the property is now under private ownership. Retaining the PS designation would severely limit opportunities for future development and preclude the project applicant from realizing their ultimate goal of constructing housing.

CLERK'S ADDENDUM

Speakers: Mr. Abassi (Applicant); Troy Styles. Written commentary received from (attached): Troy & Sandra Styles

ATTACHMENTS

Resolution 2022/116

Attachment A - GP20-0003_Findings & Conditions of Approval

Attachment B - GP20-0003 General Plan Amendment Map

Attachment C - Existing Zoning Map

Attachment D - Assessor's Parcel Map

Attachment E - Aerial Photo

Attachment F - GP20-0003 Presentation