




STAFF REPORT

Date: Tuesday, June 9, 2015
To: Bryan H. Montgomery, City Manager
From: Joshua McMurray, Planning Manager
Subject: **3920 and 3980 Empire Avenue Preliminary General Plan Amendment (PA 01-15)**

Approved and Forwarded to City Council:


Bryan H. Montgomery, City Manager

Summary

This is a work session on a request by Roy and Erica Pantle (c/o Todd Fujinaga) ("Applicant") to discuss the merits of a potential project regarding amending the General Plan land use designation from "Single-Family Residential, Medium Density" (3.8 dwelling units per acre maximum density) to "Commercial" (to allow for commercial land uses) for the purposes of rezoning the property from the Single-Family Residential (R-10) District to the General Commercial (C) District. In addition to the General Plan Amendment and Rezone, the applicants would propose, in partnership with 7-11 Inc., a new gas station and convenience store which would also require a Conditional Use Permit and Design Review. The Pantle's own the property at 3920 Empire Avenue and the City of Oakley Successor Agency to the Oakley Redevelopment Agency owns the parcel at 3980 Empire Avenue. The proposal would require the parcel owned by the Successor Agency as well to provide access of off Laurel Road.

This is an advisory work session. There is no process to approve the project as a result of this work session. Upon conclusion of the work session, the City Council may act in an advisory role to the applicant on whether there is interest in considering an application for the requested project. If the Council shows favorable interest in the preliminary application, it may advise the applicant submit, and direct Staff to process, a General Plan Amendment application. Directing staff to process a General Plan Amendment application would not guarantee Staff support or City Council approval of the project.

Background and Project Description

Preliminary General Plan Amendment Process

The process of amending the City of Oakley 2020 General Plan ("General Plan") is subject to California Government Code ("GC") Sections 65350 – 65362, which apply to the preparation, adoption and amending of general plans and general plan elements. GC Section 65351 is written as follows:

"During the preparation or amendment of the general plan, the [City] shall provide opportunities for the involvement of citizens, California Native American Indian tribes,

public agencies, public utility companies, and civic, education, and other community groups, through public hearings and any other means the planning agency deems appropriate."

The application process for a general plan land use amendment can come with significant costs when factoring in Staff time involved in preparing documents, conducting analysis, holding non-public and public meetings, hiring consultants for technical and environmental studies and documents, and communicating and meeting with several outside agencies. Since a general plan land use amendment is a legislative and discretionary action that sets the tone for all other land use decisions on a property, Staff encourages potential applicants to first file a Preliminary General Plan Amendment, or "PGPA". The purpose of the PGPA is to allow the applicant to provide a brief description of the proposed amendment, and provide a concept of the project in mind in the event an eventual GPA is approved. A concept of the project is strongly encouraged by Staff. This also helps to prevent requests for land use amendments for the sole purpose of increasing allowable densities or intensities and therefore property value. A Preliminary Site Plan is included in this staff report's attachments.

Land Use Designation (Existing and Proposed)

The existing land use designation on the subject site is "Single-Family Residential, Medium Density (SM)". The purpose of the SM Land Use Designation is to accommodate moderate density, single-family residential development. These neighborhoods will more closely resemble a typical suburban development with spacious yards and little resemblance to a rural neighborhood. This designation allows for a minimum of 2.3 dwelling units and a maximum of 3.8 dwelling units per acre, with parcel sizes ranging from 8,600 to 14,000 square feet. Primary permitted land uses include detached single-family homes and accessory structures. Secondary uses may include home occupations, small residential care and childcare facilities, churches and other places of worship, and other uses and structures incidental to the primary use.

The proposed preliminary land use designation amendment is to change the SM designation on the property to "Commercial" ("CO"). As stated in the Oakley 2020 General Plan:

"This designation allows for a broad range of commercial uses typically found adjacent to residential neighborhoods, downtowns, and freeways. The particular form of commercial zoning for different areas of the City will depend, among other factors, on the characteristics of surrounding land uses. General types of commercial uses include retail and service facilities, and limited office uses. Through sensitive design, commercial uses can be located near single-family residences with minimal disruption or impact. Typical uses will vary widely in size and purpose and include large-scale retail, regional-serving retail, grocery and convenience stores, salons, professional offices, restaurants, drug stores, dry cleaners, post office facilities, banks, and other uses of similar character and impacts."

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The General Plan caps the maximum density at 3.8 dwelling units per gross acre within the SM designation. That means under the current General Plan Land Use Designation and zoning, a maximum number of 13 units would be permitted on both parcels.

The General Plan caps the maximum Floor Area Ratio (FAR) of 1.0 within the CO designation. Under the proposed request, there is a development potential of around 140,000 square feet. That number is based solely on the maximum allowable FAR and does not take into account a maximum site coverage of 40% and the landscaping, parking and other site improvements necessary to make a commercial project function. With that said, the more realistic development on a parcel designated CO would most likely include several one story, either single or multi-tenant retail buildings, food uses, and could include a gas station as this project would propose.

Existing Conditions and Surrounding Land Uses

The project sites are located on the southeast corner of Laurel Road and Empire Avenue. Undeveloped land (See Figure 1. Street View of Project Site) and a single family residence currently occupy the site. The property to the east is occupied by a single-family residence and to the south a single family residence and a vineyard exist (See Figure 2. Aerial of Project Site and Adjacent Properties). The 3920 and 3980 Empire Avenue sites are bordered by Empire Avenue to the west and Laurel Road to the North. The Randall-Bold Water Treatment plan is further to the west, across Empire Avenue, and the Contra Costa Canal is further to the north, across Laurel Road.

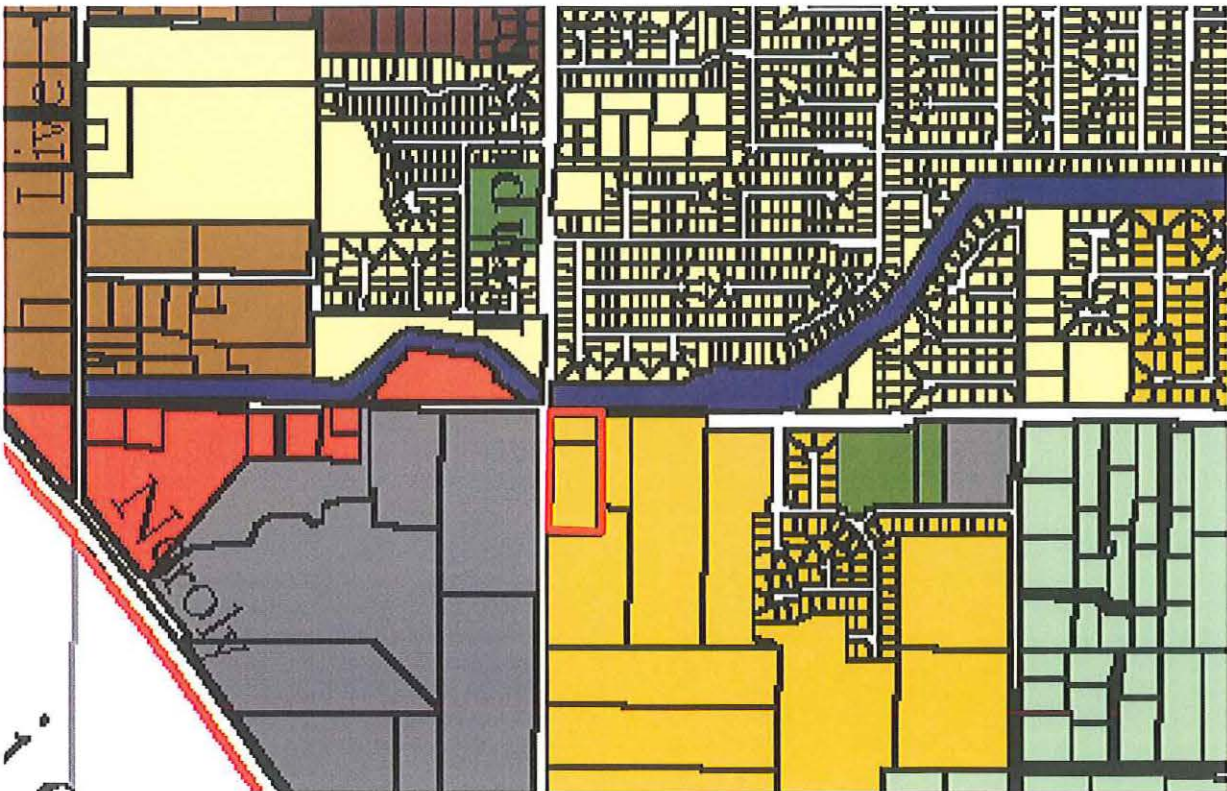
Figure 1. Street View of Project Site



Figure 2. Aerial of Project Site and Adjacent Properties



Figure 3. Land Use Diagram



Analysis

The purpose of this work session is to allow Staff to provide objective information, related to the existing conditions and potential conditions as proposed by the Applicant, to the public and City Council, and provide the applicant an opportunity to present their preliminary plan to the Council and receive feedback. The public and City Council has

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been provided information related to the existing and proposed land use designations and their relative potential zoning designations and potential densities. The attached documents and maps should be used as reference for surrounding land use designations and uses.

Amending the General Plan in this specific location to allow for Commercial land uses instead of the currently anticipated residential land uses could be added benefit to the City in terms of both job creation and property tax revenues. Since the relinquishment of Highway 4 from Caltrans to what now is Main Street, Laurel Road is being used more and more as it provides direct access to Highway 4 (bypass). Currently there is no fuel option along the Laurel Road corridor and the addition of a fuel station would provide both Oakley residents and non-residents a fuel option other than what is exists along Main Street.

It should also be noted, but not intrinsically tied to this proposal, that the southwest corner of Laurel Road and Empire Avenue was recently declared as surplus property by the Contra Costa Water District. As part of that process, they have sold approximately 3 acres of land to a Bay Area developer who has indicated they plan to submit for a similar General Plan Amendment in the near future. This is important to note as this intersection has the potential to have more commercial land uses.

Recommendation

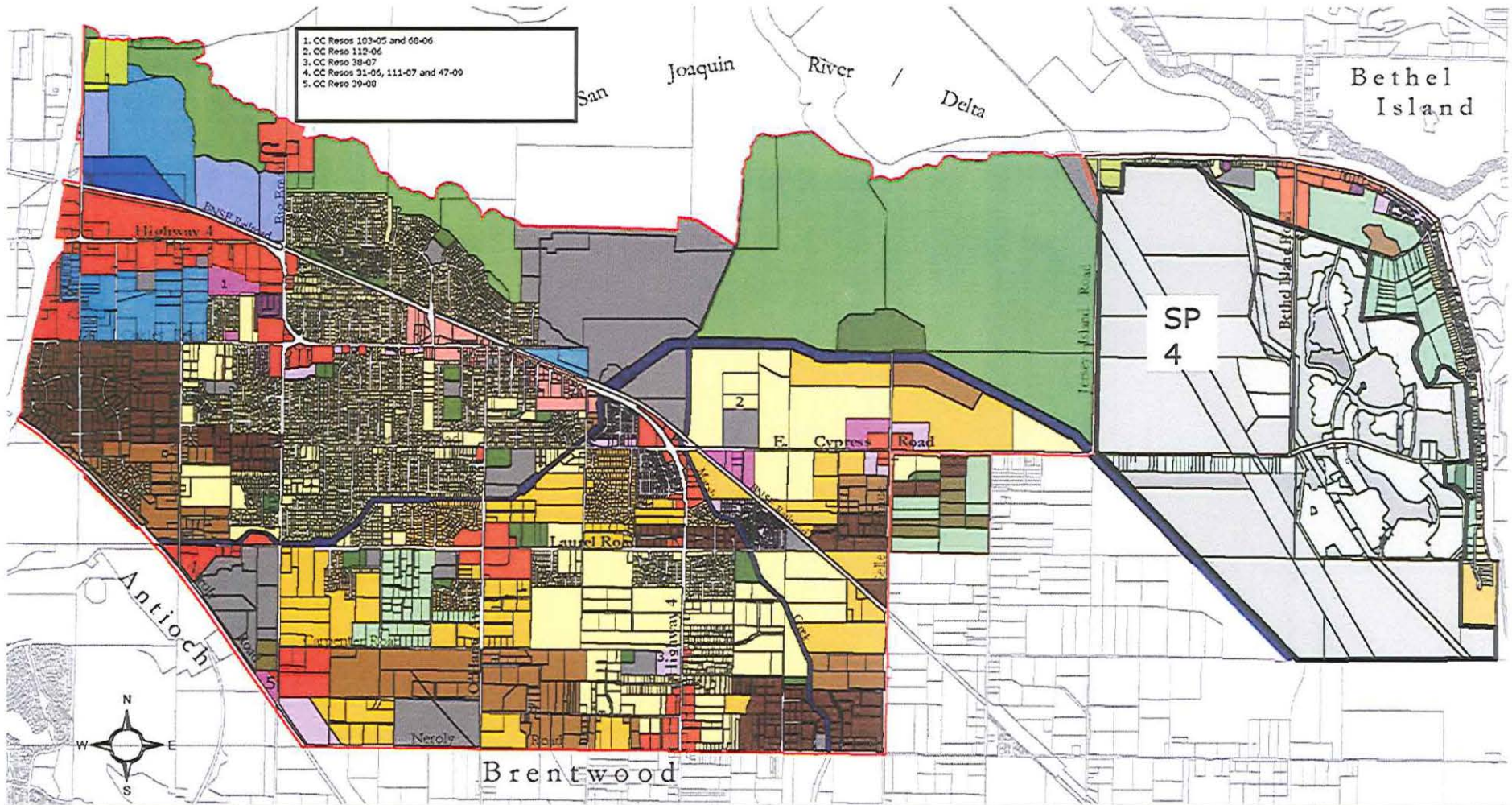
Staff recommends the City Council provide the applicant and staff with feedback regarding the Preliminary General Plan Amendment so that the applicant may decide whether to file an official application.

Attachments

1. Vicinity Map
2. Oakley 2020 General Plan Land Use Map
3. Preliminary existing and proposed general plan land use designations for the project site
4. Applicant's 7-11 Concept Plan

3920 and 3980 Empire Avenue
Preliminary General Plan Amendment (PA 01-15)
APN: 034-010-020 and 034-010-033





1. CC Resos 103-05 and 60-06
2. CC Reso 112-06
3. CC Reso 38-07
4. CC Resos 31-06, 111-07 and 47-09
5. CC Reso 39-00



- | | |
|------------------------|------------------------|
| Agriculture | Commercial |
| Agricultural Limited | Commercial Downtown |
| Single Family High | Commercial Recreation |
| Single Family Medium | Business Park |
| Single Family Low | Light Industrial |
| Single Family Very Low | Utility Energy |
| Multi-Family Low | Public and Semi-Public |
| Multi-Family High | Delta Recreation |
| Mobile Home | Parks and Recreation |

- Roads
- Waterways
- County
- City Boundary
- Expansion Area Boundary
- Cypress Lakes Project

City of Oakley
General Plan 2020

Figure 2-2 - Land Use Diagram
December 11, 2002
Updated Through October 2009

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Existing and Proposed General Plan Land Uses

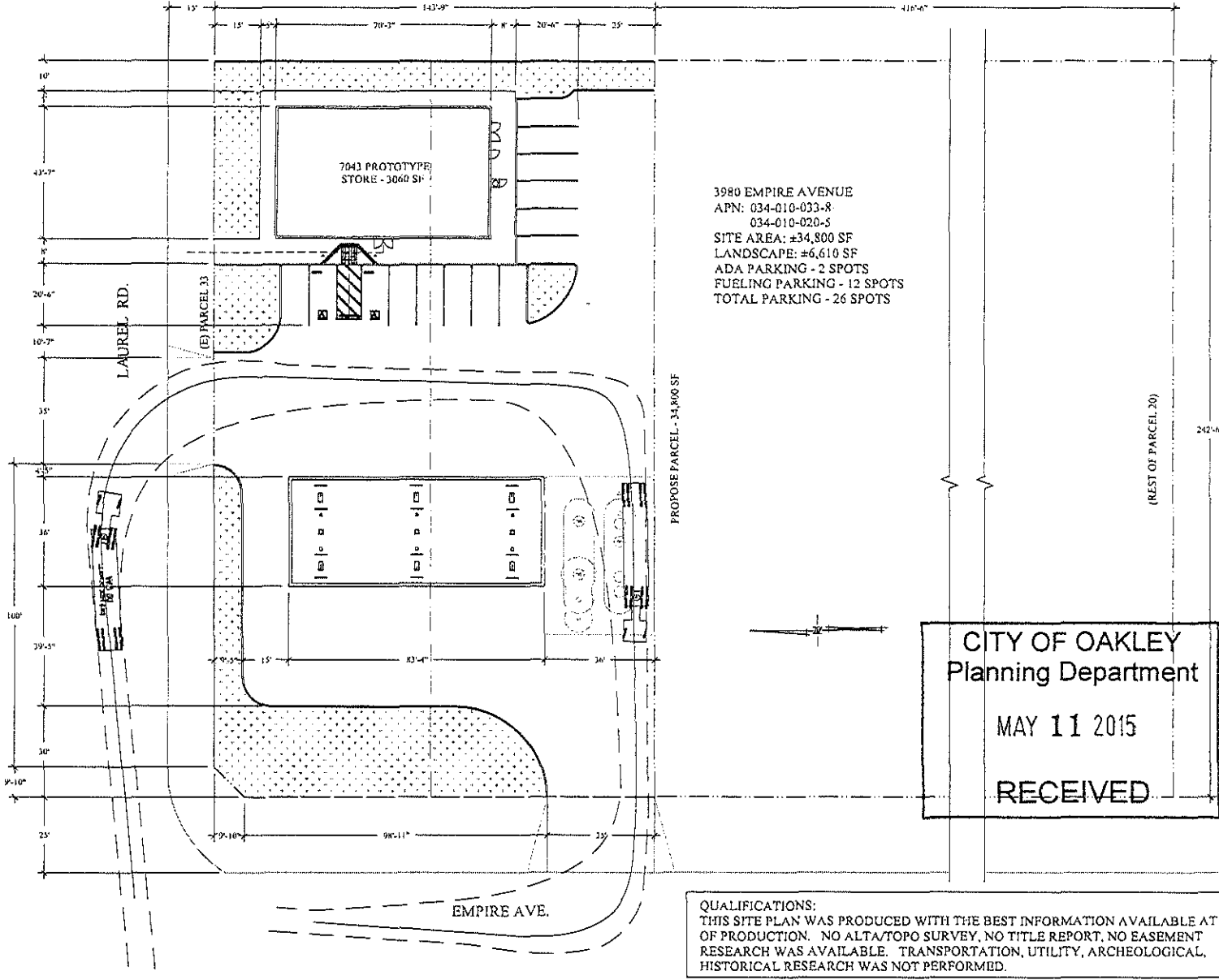
Existing

Proposed



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3980 EMPIRE AVENUE
 APN: 034-010-033-R
 034-010-020-S
 SITE AREA: ±34,800 SF
 LANDSCAPE: ±6,610 SF
 ADA PARKING - 2 SPOTS
 FUELING PARKING - 12 SPOTS
 TOTAL PARKING - 26 SPOTS

PROPOSE PARCEL - 34,800 SF

(REST OF PARCEL 20)

CITY OF OAKLEY
 Planning Department

 MAY 11 2015

 RECEIVED

QUALIFICATIONS:
 THIS SITE PLAN WAS PRODUCED WITH THE BEST INFORMATION AVAILABLE AT DATE OF PRODUCTION. NO ALTA/TOPO SURVEY, NO TITLE REPORT, NO EASEMENT RESEARCH WAS AVAILABLE. TRANSPORTATION, UTILITY, ARCHEOLOGICAL, HISTORICAL RESEARCH WAS NOT PERFORMED.



1037929 - 7-ELEVEN
 NEW STORE
 3880 Empire Ave.
 Oakley, CA

APN: 034-010-033-R
 034-010-020-S
 CIVILS

SITE
 LAYOUT 2

Scale: 1/8" = 1'-0" @ 20x34
 Date: 1/27 - 1/28 - 11/12

A101

4/30/15 SITE DESIGN 2