

Agenda Date: _____

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Approved and forwarded to Planning Commission

Rebecca Willis
Community Development Director

Date: May 19, 2008

To: Planning Commission

From: Ken Strelo, Senior Planner

Project: Neroly Commercial Center Phase II (PLN-2008-0416)

Applicant: Robert Ashin of Catlin Properties on behalf of Neroly Center L.L.C., 3620 Fair Oaks Blvd. Suite 150, Sacramento, CA 95864

Summary

The applicant is requesting approval of a tentative subdivision map to subdivide one parcel into six lots, a development plan for retail, office and up to three drive thrus totaling approximately 68,000 square feet on seven acres, and a conditional use permit to operate up to three drive-thru businesses.

Potential issues with this project include 1) showing stand alone pads as potential drive-thrus, and 2) architectural details.

Highlights of the project include an overall site plan that is modeled after the site plan design in the adopted commercial guidelines, providing shaded pedestrian plazas and outdoor rooms, connections to the street system in various locations, and attention to view corridors that frame and draw the eye toward the anchor tenant (Spare Time Sports Club).

The proposed project is in general compliance with the Zoning Code, Subdivision Ordinance, Magnolia Park P-1 District, Design Guidelines, and General Plan.

Staff recommends approval of the Tentative Subdivision Map, Development Plan and Conditional Use Permit, as conditioned.

Background

This application represents the second phase of development on the 17 acre commercial site. The development plan and conditional use permit for Phase I, the Spare Time Sports Club (PLN-2007-0276), was approved by the Planning Commission in June of 2007 under

Resolution No. 13-07. The plans for Phase I showed a conceptual site plan for Phase II, but the applicant (Spare Time Inc.) chose to not move forward with a final development plan for Phase II because a separate developer (Catlin Properties) that specialized in commercial development was under negotiations for that portion of the site. Due to internal timelines and the desire to start construction prior to the 2008 rainy season, Spare Time Inc. moved forward with the athletic club plans, leaving Phase II as a conceptual plan for the time being.

In August of 2007, the Planning Commission adopted Resolution No. 14-07 approving a Minor Subdivision (MS 07-976) to subdivide the 17-acre parcel into three parcels of approximately 10, 4.6 and 2.4 acres. This came after the development plan and conditional use permit approval for the athletic club (Phase I). The site was divided into the Spare Time Sports Club and a majority of the parking area on the 10 acre parcel, and Phase II (the current application) on the 4.6 and 2.4 acre parcels along the Neroly Road and Empire Avenue frontages of the site. The Planning Commission adopted conditions of approval to ensure no portion of the site would remain vacant for any significant period of time in the event Phase II did not proceed in a timely manner.

Surrounding uses include the approved Spare Time Sports Club on the same site, to the east with residential further to the east and partially to the north. North of the site, near the main intersection is a commercially designated residential use. West of the site, across Empire Avenue, is the recently approved Empire Station; a mixed-use, office/townhouse development. Further to the northwest beyond a vacant parcel is the Randall-Bold Water Treatment Plant operated by Contra Costa Water District. South of the site includes residential uses and the existing Union Pacific Rail Road tracks.

Project Description and Analysis

The current project consists of three entitlement requests: 1) An application for approval of a Tentative Map to subdivide one 4.62 acre parcel into six parcels; 2) An application for approval of a Development Plan consisting of a site plan, architectural elevations, and a landscape plans for up to 68,000 square feet of retail, office and restaurant related uses; and 3) An application for approval of a Conditional Use Permit to operate up to three drive thrus on three stand-alone pads. This staff report will summarize the description of each of the entitlement requests, and point the reader to the appropriate attachment when referring to detailed plans.

General Plan and Zoning

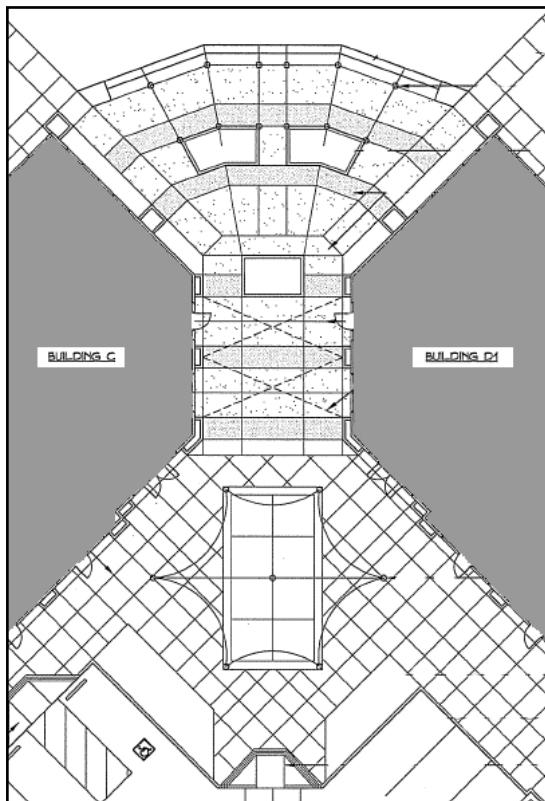
The project site is part of the Magnolia Park development (SUBD 8731), which includes approved areas for residential, recreational, school, and commercial related land uses. In March of 2005, the City Council adopted Ordinance No. 07-05 rezoning the project area from A-2 District to P-1 District. City Council Resolution No. 26-05, approved in conjunction with the Magnolia Park Subdivision, conditioned the commercial portion of the site to comply with the standards in the City of Oakley's Zoning Ordinance for commercial zoned properties. The RB (Retail Business) District is the best fit commercial district in the Oakley Zoning Ordinance and is the applicable district for this development. The RB District was used in analyzing the Spare Time Sports Club project, as well.

Tentative Subdivision Map

The Tentative Subdivision Map (Attachment 2) applies to the 4.62 acre parcel created by the minor subdivision (MS 07-976), referred to as "Parcel 2" in this application. MS 07-976 was approved by the Planning Commission on August 6, 2007 through adoption of Resolution No. 14-07. Parcel 2 runs north along Empire Avenue and a portion of Neroly Road. The six parcels proposed by the subdivision each contain one building. All three of the proposed drive-thrus are originally a part of Parcel 2, and shown as Lots 1, 2 and 6 on the proposed tentative map. Typical conditions of approval related to reciprocal access and parking agreements are included in the attached draft resolution. This subdivision will share many of the conditions placed on the original subdivision splitting the site into three lots. The conditions will ensure an adequate maintenance plan is in place so that all resulting lots are maintained equally. This is common with a commercial development with a commercial subdivision. Please refer to Attachment 2 for details related to the size of each lot, location of each building on the respective lot, and other information not summarized in the staff report.

Development Plan

Site Plan – Attachment 3



The applicant's plans (Site Plan, Attachment 2) include a site plan showing Lots 1, 2, and 6 as 3,500 square foot drive-thrus and an alternative site plan showing them as 6,000 square foot buildings without drive-thrus. An enlarged site plan showing the detail for the plaza area at the corner of Neroly Road and Empire Avenue is also included. Other sheets in the plans include a trash enclosure detail, and free standing light standards (conditioned to match Spare Time's final approved light design) and wall mounted light fixture details.

The site plan shows the Spare Time Sports Club (under construction at the time of this staff report) approved under Phase I, and the additional nine buildings proposed for Phase II. Sheet A1.1 of Attachment 2 shows drive-thrus on Lots 1, 2 and 6, and Sheet A1.1.1 of Attachment 2 shows those lots as 6,000 square foot buildings without drive-thrus. The parking lot layout is generally the same as it was presented in the conceptual plan analyzed with Phase I. More detail is shown, including the

corner plaza area (Sheet A1.2), special paving areas, and the anticipated use (Retail, office, or drive-thru) for each building (See building pads in Attachment 2). The image to the left shows an enlarged detail of the plaza area on the corner of Neroly Road and Empire Avenue.

In analyzing the site plan, the RB District applies for all development standards such as setbacks, minimum lot areas, building height and maximum site coverage. Table 1 displays a summary of the applicable RB District development standards.

Table 1 – RB District Development Standards

Development Standard	RB District
Min. Lot Area (sq. ft.)	3,500
Min. Lot Width (ft.)	35
Min. Lot Depth (ft.)	N/A
Min. Front Yard (ft.)	10
Min. Rear Yard (ft.) [when adjacent to residential]	N/A [20]
Aggregate Width of Side Yard (ft.) [when adjacent to residential]	N/A [10]
Width on One Side (ft.)	N/A
Max. Building Height (ft.)	35
Max. FAR	1.0
Max. Site Coverage (%)	40

As proposed on the applicant's plans, the project meets all of the development standards in Table 1.

Architectural Elevations, Floor Plans and Roof Plans – Attachments 4 and 5

The application includes several details of all proposed buildings (Buildings A-H). Details for each building include: a roof plan that shows roof slopes, mechanical equipment and other roof related details; a floor plan that shows typical suite areas and restrooms; and a section of the building that shows how the sloped roofs and parapets relate to each other and screen the roof top equipment. Please note that the single detail sheet for Buildings A, B and E, located on Lots 1, 2 and 6, are for the optional retail alternative and not the drive-thru alternative*.

The architectural elevation sheet for each building follows each detail sheet. Each elevation sheet shows all four sides of the building and includes a paint color schedule, awning color schedule, and other key notes. Again, there is one elevation for Buildings A, B and E, which represents the retail alternative for those buildings. There are two noticeable themes for the different anticipated users. The retail buildings differ from the office buildings by showing more colors per building and a more diversified roof-line. An example of a retail elevation and office elevation is shown below to illustrate this difference. Please refer to the color plans (Attachment 5) as needed.

* Drive-thrus will be build-to-suit and, if approved to operate under this Conditional Use Permit, will require separate Development Plan approval through the Planning Commission.

Retail Building D1 (below) North Elevation (faces Neroly Road)



Office Building F (below) North Elevation (faces project driveway off of Neroly Road)



Consistency with the Adopted Commercial Design Guidelines

The site design and architecture was analyzed using the adopted “Oakley Commercial and Industrial Design Guidelines.”

Site Plan - The proposed site plan is modeled after the “Prototype II – Large Shopping Center” example in the Commercial Guidelines. Examples of consistency include, trash areas being screened and covered, articulated building facades facing the street (no blank walls), accent planting and special paving to highlight entries, pedestrian links to the street (sidewalk), focal element at the main corner (plaza), views into the site and to anchor user (Spare Time will be visible through a view corridor from the main intersection), and an outdoor room with seating and shade.

The building locations, setbacks and orientation proposed by the project are consistent with the intent of the guidelines. The buildings are placed close to the street and oriented towards them with the main corner being a focal point of the shopping center. Plazas and widened sidewalks are proposed throughout the project

The entries, circulation and parking proposed by the project are consistent with the intent of the guidelines. The proposed site plan provides adequate, visible vehicle entries, marked by special paving. The site will have up to eight different properties all sharing just two vehicle driveways, thereby minimizing curb cuts and increasing safety for pedestrians and traffic. The parking areas are centrally located, allowing shoppers to park just about anywhere on the site and have a reasonable walking distance to any of the uses. Also, the parking area for the proposed office uses is somewhat separated from the rest of the site, providing the

look of many “smaller parking lots.” Bicycle racks are proposed throughout the project. Pedestrian connections from the street are clearly marked; there are at least nine points of connection with the right of way sidewalk and sidewalks traveling into the project (across the landscaped area). The plaza areas are further enhanced in some area by being tucked in between buildings to create outdoor rooms.

Landscaping - The project is consistent with all the applicable landscape setbacks and buffers guidelines. It complies with the guidelines for location of trash enclosures, loading and service areas, and mechanical equipment.

Architecture – The buildings’ architectural designs are consistent with the applicable guidelines. The buildings relate to each other in design by having a shared theme amongst the retail buildings, which is separate and more prominent than the more subdued theme of the office buildings. Buildings C1 and D1, at the corner, are two of the more architecturally interesting buildings. They somewhat mirror each other to enhance the pedestrian entry and plaza area. Each building shows a sloped roof element at the corner to further enhance the plaza area. Although tower elements would seem to comply more accurately with the guidelines, they would also potentially draw attention away from or block the view of the icon building (the focal point) of the commercial center, the Spare Time Sports Club situated within the plaza view corridor. In order to maintain the prominence and attraction of the icon building and not compromise the overall intent of the view corridor, the architectural enhancement to the corner buildings respect the hierarchy of rooflines of the buildings on site.

Overall, the buildings use a good mix of color and materials. The office buildings are more subdued with colors and materials, but this is by design, to draw more attention to the retail buildings that will provide more of a customer base. Requiring the office buildings to replicate the ornamentation of the retail buildings may result in a cookie cutter appearance from a design perspective. The rooflines have decent degrees of variation and angle changes, which comply with the guidelines.

Plaza Areas – The plaza area located between buildings C1 and D1 consists of a bench wall and enhanced paving near the intersection and a fabric shade structure with lighting closer to the parking area (see diagram on Page 3). Other smaller pedestrian plazas are located between buildings D1 and D2 (retail buildings) and G and H (office buildings). These pedestrian plaza areas encompass the intent and spirit of the design guidelines by providing an opportunity for customers and employees to enjoy the outdoor air in a shaded environment so that they may be used during all four seasons.

Consistency with Nearby Uses

There are two nearby uses that this project has the opportunity to complement from a design standpoint; the Spare Time Sports Club and the Empire Station. The Spare Time Sports Club is located on the same site and is the anchor tenant of the shopping center. The proposed project has a slightly different design, using more detail in the retail buildings, and less in the office buildings. The architect is attempting to design an attractive project without

drawing attention away from the Spare Time building. Still, it is important to have some similar architectural characteristics, without just copying the design.

The Spare Time design, while unique and attractive for a building of that size, is not ideal for smaller, separate tenant buildings. Instead, the proposed buildings have attempted to complement the Spare Time building in the following ways: Both phases use a similar standing seam metal roof where roofs are sloped; The gables shown on Phase II complement the angles of the shed roofs shown on the sports club; the colors on Phase I and II are not a perfect match, but do use similar hues and tones that work well to not contrast too much, but rather complement each other; the sports clubs is a concrete tilt up building that is sprayed with a stucco dry-vit color coat that Phase II is striving to match in texture for all of the stucco covered walls on all the buildings.

Like the Spare Time building, the Empire Station project, to the west across Empire Avenue, has a unique architectural design. The office buildings on the corner of Empire Avenue and the future alignment of Neroly Road are three-story buildings that display a range of materials, colors and detail. Due to the one-story element, buildings in the proposed project do not have the same opportunities to match this design. The proposed project and the office component of Empire Station are somewhat similar in that the colors on both mainly earth-tone and the standing seam metal roofs on the proposed project will complement the metal siding that is visually predominant on the front and one side elevation of each of the three office buildings.

The residential buildings approved for Empire Station are located behind the office buildings but will still be highly visible from Empire Avenue and Neroly Road, as well as some areas of the proposed project. Due to the enhancement on the roof system of the residential component, the proposed project has more areas of complementary design, such as similarly angled standing seam metal roofs, complementary colors, and like the office buildings the residential buildings have a metal siding that will complement the standing seam metal roofs on the proposed project.

Conditional Use Permit

The application includes a request for approval of up to three drive-thru uses on Lots 1, 2 and 6 as shown on the proposed tentative map. As required by Oakley Municipal Code (OMC) section 9.1.504 (c) (9) of the applicable RB District, "Drive-thru Restaurants and Services" require approval of a conditional use permit prior to operation. Current City policies and regulations to not prohibit drive-thru uses, only require the conditional use permit. The applicant has stated that it is not the intent to provide three drive-thrus on the site, but rather to provide flexibility to an initial user interested in providing a drive-thru service, so that they may choose to operate on any of the three pads. The applicant has also stated that they have received some interest in a sit-down restaurant for one of the stand-alone pads, although there is no such use proposed for any of the pads at this time. Since there are only three pads that could be used as a stand-alone, sit-down restaurant, sports bar or other similar use, staff is recommending the Planning Commission consider allowing up to a maximum of two drive-thru uses on the site, which would reserve at least one stand-alone pad for a full-service/sit down restaurant or other similar use. This would

mean drive-thru uses may occupy any two combination of Lots 1, 2 and 6. Approving only two drive-thrus under the conditional use permit will ensure that at least one pad is reserved for a sit down restaurant or other similar use; thereby increasing the mix of uses, which should attract a more diverse customer base to the center.

Development Impact Fees

Table 2 shows the City-collected impact fees that apply to the project. All fees shown are the current fee amounts. Unless otherwise noted, this project will be required to pay the fees in place at the time building permit applications are deemed complete. This project is not subject to the HCP fee because it is a part of the previously approved Magnolia Park Subdivision 8731.

Table 2 - Current Development Impact Fees

Fee Amount	Type of Fee
\$4,748/sq. ft.	Traffic Impact Fee (local transportation improvements)
\$1,401/sq. ft.	Regional Transportation Development Impact Mitigation (regional transportation improvements)
\$631/sq. ft.	Park acquisition
\$677/sq. ft.	Park improvement
\$160/sq. ft.	East County Fire Protection District
\$300/gross acre	General Plan Fee
\$369/gross acre	Public Facilities Fee
\$352/gross acre	South Oakley Infrastructure Master Plan
Applicant to contact applicable agency	Ironhouse Sanitary District; Diablo Water District; Oakley Union Elementary School District; Liberty Union High School District, Flood Control District

The City of Oakley is currently preparing the South Oakley Infrastructure Master Plan for parcels south of Laurel Road. The plan will detail specific, sewer, storm drainage, and roadway improvements within the South Oakley area, as shown on the General Plan Special Planning Areas map. This proposed project site is within the South Oakley area and will be required to participate in the Infrastructure Master Plan.

Environmental Review

In January of 2005, the Oakley City Council certified the Magnolia Park Environmental Impact Report (EIR) (SCH# 2004062119), which identified and mitigated environmental impacts that were expected to occur as a result of development of the Magnolia Park Planned Unit District. The commercial site this project is proposed to be developed on was included in the analysis of the EIR at a higher intensity (i.e. square footage of floor area, lot coverage, etc) than what is currently being proposed.

Due to project design specifics that were unable to be analyzed at the time of the EIR, the project proponent had Fehr and Peers (traffic consultants) analyze the potential traffic impacts both on and offsite that could result as a result of the proposed project. Fehr and Peers also did an update for Phase I, which resulted in minor changes that were incorporated into the project design, and did not result in any new offsite mitigation. The update done for Phase II included the use of up to three drive-thrus. The findings of the update were that the three-drive thrus would represent the worst case scenario and result in an increase in the AM peak hour trips from that analyzed for Phase I. All scenarios resulted in a decrease in the PM peak hour trips from those analyzed for Phase I. Fehr and Peers ran additional studies to determine if the increase in AM peak hour trips would result in any additional offsite impacts not already addressed in the certified EIR. Fehr and Peers found that no new impacts would result from the worst case scenario of three drive-thru uses located on Pads A, B and E. The traffic analysis was reviewed and approved by the Public Works and Engineering Division. Because there were no new impacts identified on any of the intersections analyzed in the Magnolia Park EIR, there is no need for additional environmental review and/or new mitigation measures.

The proposed project will still be subject to all applicable mitigation measures and monitoring called out in the Magnolia Park EIR, which include the following impact categories: Land Use, Transportation and Circulation, Air Quality, Hazards, Biological Resources, Geology, Hydrology and Water Quality, Noise, and Public Services and Utilities.

Findings

Draft findings are included in the attached resolution.

Conditions of Approval

Draft conditions of approval are included in the attached resolution.

Recommendation

In order to approve the proposed project the Planning Commission must adopt the attached resolution approving the Tentative Subdivision Map, Development Plan and Conditional Use Permit, as conditioned.

Attachments

1. Notice of Public Hearing
2. Applicant's Plans – Tentative Subdivision Map
3. Applicant's Plans – Site Plans, Improvement Plans, Conceptual Stormwater Control Plan and Landscaping Plan
4. Applicant's Plans – Building Floor and Roof Plans, and Elevations
5. Applicant's Plans – Color Elevations (Planning Commission only)
6. Proposed Resolution