

ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY PLANNING DEPARTMENT

STAFF REPORT - PRELIMINARY HEARING

TO: Castro Valley Municipal Advisory Council

HEARING DATE: JANUARY 11, 2021

GENERAL INFORMATION

PLANNING FILE #

PLN 2020-00307, Preliminary Hearing

OWNER

John Tallman, Castro Valley Lumber Co., Inc.

APPLICANT

Ed Hale, 4G Development & Consulting, Inc.

PROPOSAL

Request to determine if a 5,116-square foot, 96-seat Chick-fil-A ('quick-service' aka fast-food, drive-in or drive-through) restaurant, which as proposed is not consistent with the applicable Specific Plan or the policies of the Castro Valley General Plan, is supported by the community at the subject

location.

LOCATION & SIZE OF

PARCEL

2495 Castro Valley Boulevard, unincorporated Castro Valley

area of Alameda County (southeast corner,). The parcel size

is 1.35 acres (59,773 square feet).

ASSESSOR'S PARCEL NO. 84A-0007-006-00

ZONING DISTRICT

Castro Valley Central Business District Specific Plan, Sub-Area 2, Strobridge/Lake Chabot South - Low Intensity Retail

Frontage/High Density Residential

GENERAL PLAN

DESIGNATION

Castro Valley General Plan, Central Business District, Regional Retail and Entertainment (CBD-CD-2) West

Gateway District / Regional Entertainment Focus Area

ENVIRONMENTAL

REVIEW

The current request is for preliminary zoning determination only. Approval and development of the site as proposed may

be subject to the California Environmental Quality Act

(CEOA, 1970, as amended). If an amendment to the Specific Plan and development application is considered, additional investigation of the site would be required to determine if the project would be exempt under CEQA Guidelines or if

detailed environmental review is necessary.

STAFF RECOMMENDATION

Planning staff recommends the Council review the staff analysis and accompanying materials. receive public and applicant comments, deliberate regarding the proposal and recommend to the Planning Director to preserve the existing land use limitations in the Castro Valley Central Business District Specific Plan, and the relevant policies of the Castro Valley General Plan. which prohibits drive-in businesses.

PARCEL ZONING HISTORY

On June 21, 1951, 12th Zoning Unit initially classified the site to the C-1 (Retail Business) District. On January 7, 1993, the Castro Valley Central Business District Specific Plan reclassified the site

to CVCBD Sub-Area 2 (Castro Valley Central Business District Specific Plan, Subarea 2) District.

SITE AND CONTEXT DESCRIPTION

The site is a 1.35-acre mostly rectangular corner parcel that is proportionally narrow and deep, extending 500' feet south of Castro Valley Boulevard along the east side of Stanton Avenue, with an average width of about 115'. A small narrow extension of the property like a triangular 'fin' (100' long and 40' wide at its base) provides a driveway for access by heavy trucks from Norbridge Avenue into the south end of the parcel. The lot is a generally unimproved former lumber yard (Castro Valley Lumber) with an estimated 10,000 square feet of building area in the north half of the parcel, primarily consisting of corrugated metal warehouse structures, and a single-story wood frame main building or storefront directly bordering Castro Valley Boulevard. Alameda County Assessor's records indicate the main building was constructed in 1928 and has a floor area of about 6,000 square feet. Most of the lot was used for open storage of lumber and building materials kept under plastic wrap, and a few large lumber trucks.

The driveways through the parcel have dirt and gravel surfaces. There are about six parking spaces for customers near a narrow entry (about 10' wide) from Castro Valley Boulevard on the east side of the front building, and no other designated parking areas. Access to the site by larger delivery trucks is through the 'fin' driveway at the opposite, south end of the site. A chain link fence and gate, topped with barbed wire, encloses the entire site along the property lines to secure the site.

Adjacent Area: The site is located within the western end of the Castro Valley Boulevard commercial corridor and central business district, between the Boulevard and a three-ramp interchange with Interstate Highway I-580 (access to west-bound I-580 and I-238 is via the Boulevard on separate ramps west of Strobridge Avenue). Stanton Avenue where it borders the site is one-way northbound with three traffic lanes (no on-street parking allowed), connecting I-580 to Castro Valley Boulevard. One-way (two-lane) access from the Boulevard to I-580 is on Strobridge Avenue, one block to the west. The block between Stanton and Strobridge is occupied by two major national fast-food restaurants, McDonald's and Wendy's, each with drive-through service. An AT&T corporation yard borders the rear corner of the site (near the 'fin'), and its long driveway from Castro Valley Boulevard directly borders the east side of the site. East of this driveway is a quarter-acre lot containing the Castro Valley Animal Hospital and the much larger, 3.1-acre Golfland miniature golf business, including a nearly-one-acre asphalt parking lot. Notably, a lumber vard (with a hardware store) is directly east of the miniature golf course, about 340' distant from the subject site. To the north across Castro Valley Boulevard, and to the west of Strobridge beyond the two fast food restaurants, is a blend of small commercial buildings, restaurants, and autorelated uses. A new two-story medical office building is under construction on John Drive almost directly northwest of the intersection of Strobridge Avenue and Castro Valley Boulevard.

An important landmark in the area is the Stanton House at 1700 Norbridge Avenue and opposite Norbridge from the 'fin' of the subject site. The Stanton House is a designated historic residence associated with early Castro Valley history, relocated from its original site on Lake Chabot Road and now used for professional offices.

PROJECT DESCRIPTION

The applicant seeks to develop a 5,116 gross square-foot fast food restaurant, understood to be a Chick-fil-A franchise location, with 98 interior seats, four outdoor tables within a roughly 20'-deep front setback from Castro Valley Boulevard, two drive-thru queuing lanes parallel to Stanton Avenue, a single pick-up window, and 58 parking spaces including two ADA-compliant accessible parking spaces. Driveway access (both ingress and egress) would be from a single driveway on Castro Valley Boulevard on the east side of the building, approximately 60' from the corner. Access to the drive-through ordering and pick-up lanes would be through a single central two-way driveway extending to the rear or south end of the parcel. The long queue lane is intended to provide the maximum capacity for vehicle queuing, and the long parking access driveway would provide additional queuing capacity. The Chick-fil-A chain is wide-spread throughout the country but has no existing locations in the central Bay Area (the nearest location is in Pleasanton).

All existing structures on the site would be demolished. Site improvements would include new pavements, walkways, landscaping and closure of access from Norbridge Avenue. Landscaping is indicated in the cover sheet rendering in front of the restaurant on Castro Valley Boulevard and along Stanton Avenue. Two stormwater detention areas are proposed, on the southwest corner to replace the existing heavy truck entry (in the 'fin' area), and also on the west side of the restaurant, bordering Stanton Avenue. A sidewalk along the east side property line between Castro Valley Boulevard and the accessible parking spaces is shown, connected to a crosswalk aligned with the central main building entry A covered free-standing trash enclosure would be placed behind the restaurant, opposite the pick-up window.

The new one-story restaurant would be just below 22' in height with a flat roof accented by articulated offset planes. The application drawings show a long rectangular building with dimensions of approximately 116' by 42', a primary entry oriented perpendicular to Castro Valley Boulevard, facing east and the entry driveway. Smaller and fewer windows are proposed on the western elevation, facing Stanton Avenue. The building exterior is comprised of a muted brown brick or faux stone base wainscot, with a tan color stucco band and columns above, topped with a white stucco band above on all elevations, some white stucco panels for articulation and the multiple level flat roof above. Six (6) dark bronze metal attached canopies are proposed at entries, and above windows and the drive-thru service window.

CASTRO VALLEY CENTRAL BUSINESS DISTRICT SPECIFIC PLAN

<u>Project Site Designation</u>. The <u>Specific Plan</u> designates the site and several parcels to the east, up to Lake Chabot Road on the south side of Castro Valley Boulevard, as Subarea 2: Strobridge/Lake Chabot South. For the Subarea, the designation allows Land Use Group B uses, summarized as "Low Volume, Predominantly Motor Vehicle-Oriented Retail and Service Commercial, Whole-sale Commercial and Industrial" uses, throughout the subarea, with a caveat that these are the only uses allowed along the Castro Valley Boulevard frontage, but Land Use Group D – High Density Residential – uses are permitted on upper stories, to the rear, or above commercial development located along the frontage.

The Specific Plan guidance for Subarea 2 provides various other limitations and objectives such as allowing convenience markets or other neighborhood commercial development, excluding

intensive retail uses that are sought elsewhere in the *Plan* area (pedestrian-oriented retail areas), and setting density goals for residential development. Most importantly and of relevance to the subject proposal, the objectives for the Subarea state that "New development on the parcel on the east side of Strobridge Avenue must reflect its location at a major entrance to the community." (Meant to refer to the subject site, although erroneously referring to the east side of Strobridge, which is in the adjacent Subarea 1.) Design policies allow for auto-oriented development with stand-alone buildings, but discourage parking areas that are close to the street, even with landscape buffer zones.

Because the proposal would emulate the existing chain drive-through restaurant uses in Subarea 1, directly west of and opposite Stanton Avenue, the land use policies for Subarea 1 may be pertinent to the analysis. Subarea 1 is identified as the "Western Entrance, Low-Intensity Retail" Subarea, which has somewhat comparable provisions for auto-oriented, Land Use Group B uses, including uses that benefit from the proximity to the freeway access. It allows all Land Use Group C (Office) uses specifically in the Stanton House, and intensive retail commercial uses are disallowed unless the specific use conforms to the development objectives of the Subarea. Land Use Group D, residential uses, are not indicated to be allowed in Subarea 1.

In addition to its detailed discussions of development objectives, allowed land use groups and design policies for each Subarea in the Specific Plan, there are four other important sections of the Plan that have to be considered in evaluating the subject proposal for a fast food franchise outlet. These include: a) detailed discussion of each land use group definition; b) a "Special Issues" section that discusses food service outlets and other food services, among other concerns unique to the Plan area; c) "Additional Land Use Policies", comprising twenty general policies; and d) the Design Guidelines section. The first three of these sections, as they apply to the subject proposal are summarized below. Analysis of the project from the perspective of the Design Guidelines is deferred until there is direction from the community that the project, including a Specific Plan Amendment, would be viable for consideration.

Land Use Group B: Low Volume. Predominantly Motor Vehicle-Oriented Retail and Service Commercial, Wholesale Commercial, and Industrial. The classification applies to uses that meet specified criteria, but may include some uses that do not necessarily meet all of the criteria:

- Land extensive (a low floor area to land area ratio).
- Predominantly auto or truck-oriented, not pedestrian-oriented.
- Generally, the focus of a single purpose trip.
- Benefit from easy access to major arterial roads and freeways.
- Typically provide a service such as food, gas, or lodging to transient roadway users or provide service of products at retail which requires fast delivery.
- May require outdoor storage of materials and/or vehicles.
- Typically, not compatible with residential development due to high noise, dust, odor, and fume levels, higher hazard risk, and aesthetic conflicts.
- Should not be mixed with intensive retail commercial development.
- Some of these businesses will have a high customer volume.

A list of uses specifically allowed in Land Use Group B includes Food Service Outlets, which are discussed in detail in the "Special Issues" section. Allowed uses also include, for example, supermarkets, furniture and major appliance service and sales, laundry services (including laundry plants), research and development, manufacturing uses, equipment sales and rental, contractors' yards, auto sales and service businesses, nurseries and motels. Office uses (Land Use Group C), except those ancillary to an allowed use, and intensive retail commercial uses (Land Use Group A) are prohibited unless specifically allowed in the Subarea (such as the office uses allowed in the Stanton House). A select number of other uses are allowed contingent on assessment of the design, the unique aspects or characteristics of the use, or how it serves the development objectives of the Subarea, including convenience stores, food stores (as defined), carwashes, and two subclasses of office uses, Type C2 and C3, respectively professional-type offices, and headquarter and staff support offices, with minimal customer contact.

Special Issues / Food Service Outlets. The Specific Plan (pages 79-83) breaks down business that provide food into six categories: Supermarkets, Convenience Markets, Food Stores, Food Delivery Services, Full Service Restaurants, and Food Service Outlets, and provides definition for each, and drawing distinctions between food service outlets and full service restaurants. The latter involve preparation of food on demand, leisurely consumption of the food prepared primarily on the site, while the former has a faster turnover, a substantial degree of pre-preparation of food, higher levels of self-service, and high volume of take-out. The production capacity of the kitchen at a food service outlet will typically far exceed the seating capacity of the establishment.

Additional discussion in the Specific Plan of food service outlets guide their placement in shopping centers, such as for design consistency, architecture and signage, and limits on the percentage of gross leasable area in a shopping center for such uses. The discussion also includes this especially relevant policy: "All transactions shall occur within the individual shop. Drive-up and walk-up windows are not permitted." Furthermore: "Each outlet shall provide seating area for patrons wishing to consume their food items on the premises." Another policy provides that when they are located in Subareas allowing Land Use Group B uses, new food service outlets may be in free-standing buildings, as well as within shopping centers. The guidance also disallows new free-standing outlets where the Subarea allows only Land Use Group A uses, and the remainder of the discussion addresses the circumstances by which non-conforming food outlets (i.e., that do not conform to the Plan standards) can be required to be made conforming.

Additional Land Use Policies. The final section of the Land Use chapter in the Specific Plan (pages 84 through 91) lists general policies, a through s, on diverse topics, beginning with development standards such as how height, parking, yards/setbacks and similar features are determined (by Site Development Review or SDR), how to protect residential uses or areas so designated from the adverse effects of commercial uses, how land use compatibility on a given site is determined, and exactly how SDR are to be processed. Other issues covered include interim and temporary uses and structures, non-conforming uses, when variances can be granted, sign review, small-scale outdoor businesses, parcel subdivision, and appeals. However, for the subject proposal, the most important general land use policy is subsection i – Prohibited Uses, which lists drive-in businesses (along with recreational vehicle storage parks and general advertising signs) as not appropriate in the central business district and disallowed in the Plan Area. As a result, the proposal would require a Specific Plan Amendment, subject to approval by the Planning Commission and County Board of Supervisors, based in part on Municipal Advisory Council recommendations.

The Specific Plan does not itself define "Drive-in business" but relies on the Zoning Ordinance Definitions section (17.04.010), which defines it to mean "a business activity consisting of sales or service activity predominately rendered to patrons who normally receive the product or utilize the service, at least in part, while in automobiles upon the premises. This definition includes drive-in restaurants and automobile car washes." The Ordinance further defines "Drive-in restaurant" to mean: "any eating establishment which contains any of the following characteristics:

- 1. The floor area available for public use is less than one-half of the total floor area;
- 2. Has an outside service window; or
- 3. Is designed for or uses service to patrons while in automobiles on the premises.

<u>Parking Requirements</u>. As indicated above, parking standards are generally determined through the SDR process. Subsection a of the *Additional Land Use Policies* provides the following:

... standards shall be based on the Zoning Ordinance for the Corresponding District or type of use, except as otherwise dictated by the design element and overall policies of this Plan, but may be modified by the Site Development Review to the extent that they are consistent with the design element of this Plan and with the overall goals and policies of this Plan.

Planning practice deems the C-1 Zone District to be the Corresponding District for the purpose of setbacks. For parking requirements, Section 17.52.920 of the Zoning Ordinance is used, which provides that for places of assembly, including restaurants, one parking space is required per 60 square feet of net floor area, or 1 for each 4 occupants based on occupancy load, whichever is the greater requirement.

CASTRO VALLEY GENERAL PLAN

The parcel is also subject to the Castro Valley General Plan (CVGP, adopted March 2012), within which the site is designated Central Business District (CBD), and further classified as in the Regional Retail and Entertainment District (CBD-CD-2) (Figures 4-3 and 4-7, on pages 4-17 and 4-41 respectively). The description of the CBD-CD-2 classification is to: "provide for and protect the existing commercial recreation and entertainment uses. Complementary retail, hospitality, and office uses are allowed." (page 4-12). The classification also allows a floor area ratio of 2.0 (e.g., 200 square feet of gross building floor area per 100 square feet of building site area). Figure 4-7 in the CVGP, CBD Land Use and Development Strategy, also identifies the site and parcels to the east (up to and including the lumber yard) as West Gateway District/Regional Entertainment, one of ten Focus Areas for New Development identified by the CVGP within the CBD.

The policy section for the CBD (Section 4.7) acknowledges the 1993 CVCBD Specific Plan and cites the 2006 Redevelopment Strategic Plan for streetscape improvements, catalyst projects, and a focus on the core of the district, around Redwood Road. It also identifies two entertainment venues in the CBD, the historic Chabot Theater, and near the subject site, the miniature golf center. The overall goal of the CBD designation (page 4-38) is stated as follows:

Goal 4.7.1: "Enhance the Central Business District to create a pedestrian-oriented district of shops, restaurants, and services with a distinctive small-town character that reflects Castro Valley's history and culture. Improve the overall appearance of Castro Valley Boulevard. Attract and retain small local retail and restaurant businesses that will enhance the quality of life in Castro Valley."

The CVGP lists seven CBD Policies and fourteen CBD Actions, a few of which apply directly to the subject site and its immediate vicinity. General policies that apply throughout the CBD include 4.7-2 to establish attractive public spaces, 4.7-3 to facilitate more cultural, arts and entertainment venues, 4.7-4 to cluster retail and service uses within sub-districts (or subareas as defined in the *Specific Plan*), 4.7-6 to add new housing such as apartment buildings, condominiums, live-work spaces, and 4.7-7 to improve public and private parking capacity in strategic areas throughout the CBD. To elaborate, the following Policies and Actions may be most relevant:

- Policy 4.7-2 Public Spaces. Create a variety of attractive publicly-and privately-owned public spaces, which include seating areas, landscaping, water-features, and public art, throughout the Central Business District.
- Policy 4.7-3 More Cultural, Arts, and Entertainment Venues. Facilitate the development of more cultural, arts, and entertainment venues that offer quality arts and entertainment functions such as: live music, theater, or comedy while ensuring that such venues do not negatively impact adjacent residents or businesses.
- Policy 4.7-4 Sub-districts, Cluster retail and services within sub-districts in order to:
 - Reinforce a strong community identity
 - Allow people to easily walk from one business to the other; and,
 - Attract a greater customer base than any one business can attract on its own.
- Action 4.7-9 Regional Retail and Entertainment District. In order to preserve and enhance existing entertainment uses, the following strategies shall be implemented:
 - Amend the CBD Specific Plan to rezone the portion of Sub-area 2 indicated on Figure 4-7 to Regional Retail and Entertainment (CBDCE-2);
 - If sites are redeveloped, new development should be for community facilities, family entertainment uses, or retail uses. Office uses could be allowed in conjunction with other uses.
 - Prior to any redevelopment of the existing mini-golf, the County, and/or the Parks District should consider development of family entertainment uses somewhere easily accessible for the community.

PLANNING CONSIDERATIONS

On some superficial levels, the proposed fast-food franchise use is consistent with the *Specific Plan* Subarea 2 designation for motor-vehicle oriented land uses (Land Use Group B uses), and is a food service outlet that would be allowed by the *Specific Plan* — if it did not include the drive-up window service. In addition, the proposal cannot automatically or easily be categorized as serving the clear objective for Subarea 2, to "reflect its location at a major entrance to the community." Although stand-alone food service outlet buildings are permitted, parking areas close to the street as proposed are highly discouraged, even though a landscape buffer may be proposed. The centermost obstacle, of course, is that the *Specific Plan* prohibits in two separate text sections drive-through food outlets with window service. It is possible, but does not seem likely that the franchise operator would consider the alternative of a non-drive-through restaurant.

With regard to the General Plan policies for Castro Valley's Central Business District, the proposed fast food restaurant is not a cultural, entertainment, or art use that would be consistent with the intent and goal of the Regional Retail and Entertainment District. It would not serve the overall goal of the CBD land use designation for enhancing the overall CBD with pedestrian-oriented subdistricts of shops and services that have a small town character, or enhance the quality of life in Castro Valley. In broad terms therefore, the use is not compatible with either the Specific Plan or the General Plan policies and regulations.

There are already two fast food restaurants with drive-thru service in this area of Castro Valley Boulevard, that has already a high traffic volume at this intersection. This proposed use would bring the total count of fast food restaurant with drive-thru service at this intersection to three. For parking, the 98-seat restaurant may be assumed to have an occupancy rating of 98 persons, in which case the use would require only 25 parking spaces. However, based on an estimated 75% of the floor area as the net floor area (approximately 3,840 square feet, excluding kitchen, storage, bathrooms and other areas not used for customer services), 64 parking spaces would be required, and because it is the larger number, it is the operative requirement for parking. However, without actual building plans available at this early stage, it is not known if the net floor area may be a smaller quantity, in which case the proposed 58 parking spaces could be compliant.

Planning staff expects that an update to the Specific Plan will be initiated in 2021 to conform to the Castro Valley General Plan policies. It may be that drive-through service policies will be revisited in that process. However, Planning staff consider such uses (drive-through food service outlets) to be incompatible with the goals of the General Plan.

For further consideration of the proposal, the applicant would have to apply for both a Specific Plan Amendment, and a General Plan Amendment, as well as a Site Development Review. The Specific Plan and General Plan Amendments would have to be approved firstly by the Municipal Advisory Council and then by the Planning Commission and the County Board of Supervisors. A more careful evaluation of the design and its potential environmental and community planning impacts would occur at that time.

STAFF RECOMMENDATION

Planning staff recommends the Council review the staff analysis and accompanying materials, receive public and applicant comments, deliberate regarding the proposal and recommend to the Planning Director to preserve the existing land use limitations in the Castro Valley Central Business District Specific Plan, which prohibits drive-in businesses.

ATTACHMENTS

Site Plans Graphics

INITIALLY PREPARED BY: Carole Kajita
REVIEWED AND SUPPLEMENTED BY: Andrew Young
H:\2020Application \PLN 2020-00307\Staff Report

PLANNER III SENIOR PLANNER



STREET VIEW FROM CASTRO VALLEY BLVD OF SUBJECT PROPERTY (2490 CASTRO VALLEY BLVD.)



AERIAL PHOTO OF 2495 CASTRO VALLEY BLVD. & ADJACENT PROPERTIES

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2495 Castro Valley Boulevard Castro Valley, CA 94546



PROPOSED PARCEL AREA: 59,773 S.F.

STREET ADDRESS: 2486 CASTRO VALLEY BOULEVARD

ADDRESS

CITY: CASTRO VALLEY

STATE: CA ZP: 95546

PROJECT DATA

BULDING AREA: 5,116 SF

VICINETY MAP

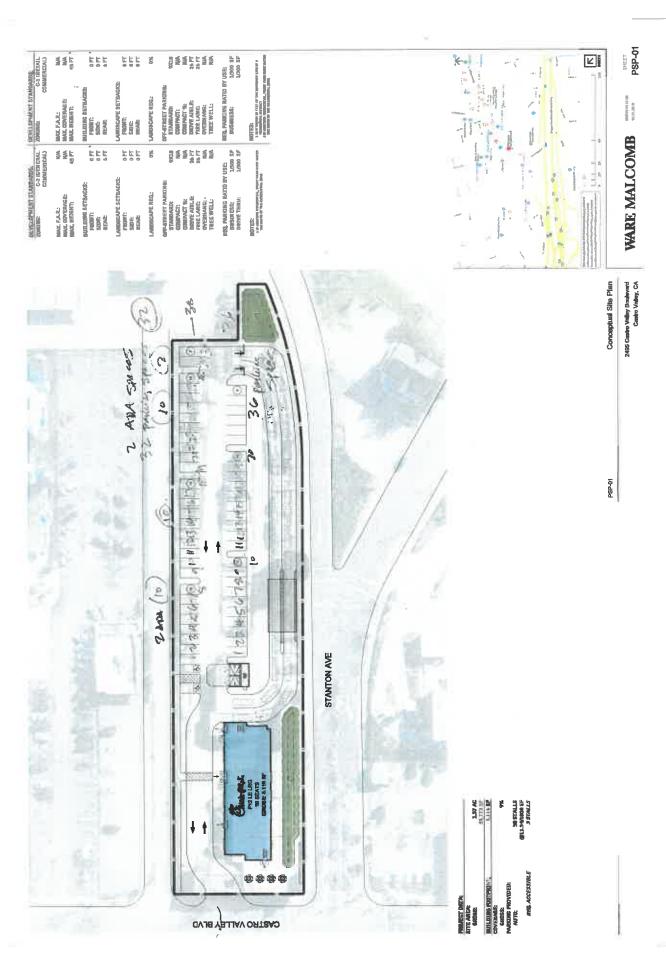
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2495 Castro Valley Boulevard Castro Valley, CA 94546

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PERSPECTIVE VIEW - FRONT RIGHT

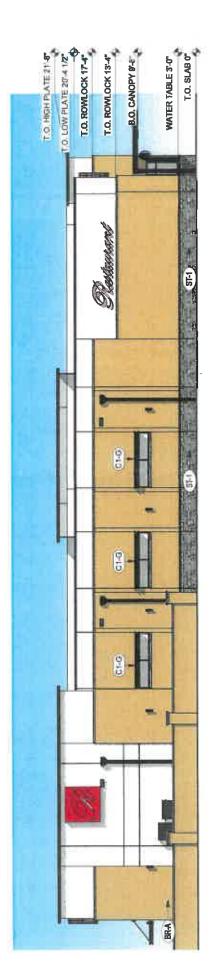


PERSPECTIVE VIEW - REAR LEFT

PERSPECTIVE VIEWS



EXTERIOR ELEVATION
1"=10"-0"



EXTERIOR ELEVATION 1"= 10-0"

00000, CASTRO VALLEY, 2495 Castro Valley Boulevard, Castro Valley, CA 94546

EXTERIOR ELEVATIONS

09/16/2020

D-080 B/16/5050 S-49:57 PM

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C1-6 C1-1 C1-1 C1-4 C1-0 G1-0 Grand total

Mark

EXTERIOR ELEVATION
1"= 16'-0"



EXTERIOR ELEVATION
1"=10'-0"

00000, CASTRO VALLEY, 2495 Castro Valley Boulevard, Castro Valley, CA 94546

EXTERIOR ELEVATIONS

Count Width Depth (Offset From Top) Lighting 10 9-8° 1'-0° 0° Yes 2 13-4° 1'-0° 0° Yes 4 13-4° 1'-0° 0° Yes 2 5-8° 4'-0° 0° Yes 2 7'-1° 4'-0° 7'-8° Yes 2 10'-0° 4'-0° 7'-8° Yes 2 10'-0° 2'-4° Yes PREFINISHED METAL COPING **EXTERIOR FINISHES** COLOR: DARK BRONZE FINISH: SEMI-GLÖSS COLOR: DARK BRONZE ATTACHED CANOPY SCHEDULE **EXTERIOR PAINT** EG. BRACK VENEER COLON: VION SIZE: MODULAR MORTAR: ARGOS SAN TAN Description Extentor Canopy Extentor Carnety Extentor Canopy Extentor Carnopy Extentor Carnopy Extentor Carnopy COLOR: WHITE FINISH: SAND MEDIUM SC-1 STUCCO SYSTEM

09/16/2020

STCA STOREFRONT COLOR: DARK BRONZE

BRICK VENEER COLOR: CITADEL SIZE: MODULAR MORTAR: ARGOS SAN TAN