



Agenda Report

DATE: JUNE 6, 2023

TO: CITY COUNCIL

FROM: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

SUBJECT: PRELIMINARY REVIEW OF A PROPOSED GENERAL PLAN AMENDMENT AND REZONE TO ALLOW A TWO-STORY COMMERCIAL BUILDING AT 1200 ROSSMOOR PARKWAY (APPLICATION NO. Y23-024)

STATEMENT OF ISSUE:

The property owner, Thomas Bloxham, is proposing to redevelop the parcel at 1200 Rossmoor Parkway located at the corner of Rossmoor Parkway and Tice Valley Boulevard. The 1.35-acre site is currently developed with a single-story building formerly occupied by Bank of America. The former bank building would be demolished as part of the conceptual proposal to construct a two-story commercial building measuring between 17,000 to 29,000 square feet.

The existing General Plan land use designation for the subject site is Office (OF), which is intended to accommodate high quality administrative, professional, and general business offices that meet local and regional office space demands. The OF designation generally corresponds to the Office Commercial (O-C) zoning district. The OC zoning district prohibits retail uses outside of the Core Area with one exception allowing pharmacies associated with medical offices. The applicant is requesting a General Plan Amendment to change the existing land use designation to General Retail (GR), to allow various retail and commercial uses in a new building.

This application is for a preliminary review of the proposed General Plan Amendment. Pursuant to Section 10-9.105 of the Walnut Creek Municipal Code, the City Council may either 1) deny the proposed amendment, or 2) direct staff to continue to process the proposed amendment through a formal application. If directed to process the proposed amendment, the Municipal Code stipulates that “this direction shall not be construed as support for the proposed amendment[s]”, and the City Council retains its authority to evaluate the merits of such application at a later date. If the City Council does not believe the proposed amendment merits further consideration, it can deny the application at this early stage before the developer expends significant additional effort and cost.

The proposed project will also require a rezoning, design review, and tree removal permits.

RECOMMENDED ACTION:

Staff recommends that the City Council take either of the two following actions:

1. Provide preliminary comments on the proposal and direct staff to process the requested amendment of the General Plan, *or*
2. Deny the application.

DISCUSSION:

Site Description

The 1.35-acre site is located at 1200 Rossmoor Parkway, at the northeast corner of Tice Valley Boulevard and Rossmoor Parkway. Existing development includes a 5,273 square foot one-story commercial building formerly occupied by Bank of America. Assessor records note the building was constructed in 1973. The surrounding area consists of professional and medical offices to the north, church and community center to the east, Tice Valley Park to the south, and commercial uses to the west including the Rossmoor Shopping Center containing a different (separate) bank. Surrounding development generally consists of one to two-story office, retail, and community facility buildings. An aerial image and vicinity map is included as Attachment 1.

Project Description

The development concept proposes a two-story building measuring approximately 30.5' feet in height. The conceptual plans include two massing studies displaying two potential building sizes. The proposed building location in both scenarios is at the northeast corner of the site in the general location of the existing building. No other site development or improvement details are displayed. The applicant's project narrative, conceptual plans, and proposed zoning table (planned development regulations) are included as Attachments 2, 3, and 4.

General Plan

The applicant proposes a General Plan Amendment to change the existing Office (OF) land use designation to the General Retail (GR) designation, which encourages one-stop shop businesses that rely on customers arriving by auto and provide on-site parking including retail stores, restaurants, financial institutions, etc. The GR land use designation encourages ground floor retail and allows offices on the second floor. Allowed floor area ratio (FAR – the ratio of floor area to lot area) ranges between 0.30 to 2.8.

Existing Zoning

The subject site is zoned Planned Development, PD-1140. The Planned Development sets the use and building development standards as shown on Exhibit A of PD-1140 (Attachment 5). The PD was established in 1972 and included the northern adjacent two-story office building at 1210 Rossmoor Parkway. Pursuant to the Planned Development, the only allowed use at the subject site is a retail bank. No other allowed uses were noted. In 1994 the PD was amended by Ordinance No. 1834 to allow the construction of an addition to the existing office on the adjacent site at 1210 Rossmoor Parkway and establish PD-1834 for the adjacent site. While Ordinance 1834 does not impact 1200 Rossmoor Parkway (subject site) directly, it further clarifies that all uses and conditions to use shall continue as originally indicated on Exhibit A of PD-1140 with a bank allowed on Parcel 1 (1200 Rossmoor) and a general office allowed on parcel 2 (1210 Rossmoor). The existing PD is highly restrictive, allowing only one land use currently.

Section 6 of PD-1140 established the maximum allowed building height as not to exceed two-stories. Exhibit A also established the maximum allowed building area as the existing bank building footprint. The requested changes to the General Plan designation and zoning are described in the table below.

	Existing	Proposed
General Plan	Office (OF) allows FAR 0.5-4.5	General Retail (GR) allows FAR 3-2.8 – to allow various retail and commercial uses.
Zoning	Planning Development (PD-1140) – Only allows bank use	New Planned Development – Based on the Community Commercial (CC) District to allow various retail and commercial uses
Height	Two-stories per PD-1140 Existing bank is 19.5’ feet tall	New Planned Development – 30.5 foot height allowance (CC allows 20’)
FAR	.09 per PD-1140 Existing FAR is .09	New Planned Development – .50 FAR allowance (CC allows .30)

Other City Approvals/Entitlements

If the City Council directs staff to process the requested General Plan Amendment, the proposed project will also require several additional entitlements, including: a rezoning; design review; and tree removal permit(s).

Rezoning: The applicant has proposed to rezone the site to a new planned development district based upon the Community Commercial (CC) zoning district land uses and standards, but with increased FAR (from .3 to .5) and increased maximum building height (from 20 feet to 30.5 feet). Regarding allowed uses, the existing PD only allows a bank use at the subject site. The new PD would remove the use constraints allowing various retail and commercial uses at the site in align with the use allowances in the Community Commercial zoning district.

The applicant submitted two massing studies displaying the proposed two-story building at a .30 and .50 floor area ratio (FAR) to demonstrate the different potential building sizes depending on what is allowed. Both building footprints appear to comply with the minimum 20-foot rear setback and 10-foot side setback in the Community Commercial zoning district (Attachment 6). Based on the difference in floor area, the conceptual building sizes range from 17,000 to 29,000 square feet.

The existing PD establishes a parking ratio of one parking space for every 250 square feet of floor area. It is unclear if any specific parking standards are proposed as part of the new PD, or if the PD would just defer to the standard parking ratio requirements based on specific use(s). These issues, however, would be addressed as part of the overall project review, should the City Council direct staff to proceed with processing the development application. If the City Council directs staff to proceed with processing the development application, staff would recommend that the proposed planned development district clarify all proposed development standards. In considering the request to allow additional floor area above the area allowed within the existing PD and Community Commercial zoning district, the Council could also consider incorporating community benefits as part of the planned development.

Height Limits: The proposed PD includes a 30.5-foot height maximum, which is 10.5 feet above the maximum height allowed in the Community Commercial (CC) zoning district and 11 feet above the

existing bank building height. For areas outside of the Core Area, the height limit map established by Measure A (the 1985 Building Height Freeze Initiative) refers to the zoning maps and zoning texts to determine height limits. In this case, Section 6 of PD-1140 notes the maximum allowed building height as not to exceed two-stories. However, since the pre-Measure A Planned Development-1140 established the maximum story height, the proposed two-story concept complies with the maximum two-story height limit for the site. The proposed PD does not change the story-limit however provides an actual building height maximum for new development.

Area Analysis

The project site is in the general vicinity of the Rossmoor Retirement Community. The 2025 General Plan for the City of Walnut Creek describes Rossmoor as a gated senior community that “is somewhat self-contained within its large valley setting”. Staff recognizes that an aging population creates a unique opportunity and responsibility to apply sound planning approaches and policies to address the needs of older adults. Desirable land uses within walking distances from these communities often include drug stores, restaurants, retail shops, and medical facilities. Due to physical mobility constraints often associated with retirement aged communities, the location and proximity to goods and services should be considered.

Economic Development

The PD for 1200 Rossmoor Parkway allows specifically for banks or similar financial institutions, but there are currently very few financial institutions that are in the market to lease the building. Given recent and current transitions in the banking industry, a broader land use classification would accommodate expanded commercial uses. Bank of America operated at this location as a retail branch from 1972 to 2021. Since its closure, the building has struggled to be re-tenanted due to the limited allowed uses under the current PD.

The property is located at a prominent intersection of Rossmoor Parkway and Tice Valley Boulevard, and two of the four corners are PDs that already allow for a range of commercial uses, including general retail, with strong occupancy numbers. Allowing a change in zoning for 1200 Rossmoor to General Retail allows for greater flexibility and commercial uses and could potentially provide a greater diversity of commercial uses to further activate the area, reduce drive times for residents, and complement the existing commercial inventory in the area.

Next Steps

If the City Council directs staff to process the requested General Plan amendment, the next step will be for the applicant to file a formal Planning Application so that staff may begin its in-depth analysis. The application and review would include: CEQA evaluation and documentation; the General Plan amendment; a rezone to a new planned development district, design review, and tree removal permits. Staff would conduct more in-depth analysis prior to appearing before the Design Review Commission and Planning Commission for recommendations to the City Council. Alternatively, if the City Council chooses to deny the proposed General Plan Amendment, there would be no subsequent application or staff analysis conducted.

ENVIRONMENTAL REVIEW:

If the City Council directs staff to continue to process the proposed amendment, environmental review will be completed as part of the application review process. Should the City Council decide to deny the application, no environmental review would be required, pursuant to Section 15270 of the California Environmental Quality Act (CEQA).

PUBLIC NOTICING:

Public hearing notices for the project were mailed to property owners within 300 feet of the subject parcel and posted within a 300-foot radius of the subject property at least 10 days prior to the scheduled hearing.

FINANCIAL IMPACTS:

There are no fiscal impacts to the City associated with this proposal, as this is a private development proposal completely financed by the applicant. Development of the project would, however, result in an incremental rise in property tax revenue as a result of the increased property valuation. Traditionally financial institutions do not generate significant sales tax revenue, should the site change to retail there is a potential for sales tax revenue to be generated.

ALTERNATIVE ACTIONS:

The City Council may choose to continue this item and request additional information of the applicant or staff.

DOCUMENTS:

- Attachment 1: Aerial and Vicinity Map
- Attachment 2: Project Narrative
- Attachment 3: Conceptual Plans
- Attachment 4: Proposed Zoning Table (PD based on the Community Commercial)
- Attachment 5: Planned Development-1140 and Ordinance No. 1834
- Attachment 6: Community Commercial (CC) Zoning Table

CITY COUNCIL ACTION RECOMMENDED:

Either:

1. Move to direct staff to process the requested amendments of the General Plan.
or
2. Direct staff to prepare and return to the City Council with a resolution to deny the proposed amendment to the General Plan.

STAFF CONTACT: Jessica Gonzalez, Associate Planner
(925) 943-5899, ext. 2647
jgonzalez@walnut-creek.org