

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #CDLP25-02021;
DANIEL HOY (APPLICANT) & JOHN LINEWEAVER (OWNER)**

FINDINGS

A. Land Use Permit Findings

1. The project shall not be detrimental to the health, safety and general welfare of the County.

Project Finding: The project is required to comply with all applicable building, civil, fire, and environmental health codes and regulations. There is sufficient parking located at the subject site to accommodate the anticipated number of attendees. Compliance with all conditions of approval and applicable codes and regulations is considered to be evidence that the project will not present health and safety risks to users of the site or public in general.

2. The project shall not adversely affect the orderly development within the County or the community.

Project Finding: The project will not obstruct the existing walkway as shown in the project plans, and the project is conditioned with traffic safety measures such as speed bumps and barriers between the outdoor dining area and traffic. Therefore, the project will not adversely affect the orderly development within the County or the surrounding community.

3. The project shall not adversely affect the preservation of property values and the protection of the tax base within the County.

Project Finding: The project is not of a type and scale that would expectedly adversely affect property values as it will be permitted to not impact traffic flow and it is not anticipated to impact parking availability based on the project parking study prepared by the project architect, Daniel Hoy, dated August 5, 2025. Therefore, the project is not anticipated to adversely affect the tax base within the County.

4. The project shall not adversely affect the policy and goals as set by the General Plan.

Project Finding: The Stone Valley shopping center and project site is located in a mixed-use designated area. The Mixed-Use, Community – Alamo (MUC) designation allows for various housing types, along with a wide range of neighborhood and community-serving retail, personal service, office, hospitality, entertainment, and public uses. The existing tenant space was a restaurant, and a new restaurant is to

move into this space, and the project is to provide an outdoor dining area for this new restaurant. An outdoor dining area is an accessory use to a restaurant, and a restaurant is a consistent use with the MUC designation, and is not in conflict with any of the Alamo policies of the General Plan. Therefore, the project is not anticipated to adversely affect the policy and goals as set by the General Plan.

5. The proposed project shall not create a nuisance and/or enforcement problem within the neighborhood or community.

Project Finding: The project as conditioned will be constructed in a manner that does not encourage any nuisance related to drainage, mosquito or vector habitat, substandard buildings/structures, or any other known nuisance types. Therefore, the project will not create a nuisance and/or enforcement problem within the neighborhood or community.

6. The project shall not encourage marginal development within the neighborhood.

Project Finding: The project as conditioned will not encourage marginal development within the neighborhood because development is controlled by the County's Zoning Code and General Plan. Therefore, the project will not encourage marginal development within the neighborhood.

7. That special conditions or unique characteristics of the subject property and its location or surroundings are established.

Project Finding: The project has received the support of both the Alamo Municipal Advisory Council (MAC) and Alamo Improvement Association (AIA).

B. Development Plan Findings

1. The project is consistent with the intent and purpose of the Retail Business (R-B) zoning district and is compatible with other uses in the vicinity, both inside and outside the district.

Project Finding: The shopping center and project site is located within a Retail-Business (R-B) zoning district. The R-B district is intended to allow sales, demonstrations, displays, services, and other retail business that is conducted within an enclosed building. A commercial restaurant is considered a service business and therefore meets the intent and purpose of the R-B district. The outdoor dining area on a platform and covered by a shade structure is considered an acceptable accessory use to this business type. The R-B zoning district allows for business activities to be conducted outside of the enclosed building under County Code Section 84-52.404,

Uses – Requiring a Land Use Permit (10) if certain findings can be made. Further review of the project’s compliance with the required Land Use Permit Findings is discussed in the above Land Use Permit Findings section. Therefore, staff finds the addition of these outdoor activities for a restaurant consistent with the R-B zoning district.

The shade structure, and platform recommended by the Alamo MAC and AIA, are also subject to the R-B Development Standards and as such requires approval of a Development Plan. The structure meets the required yards and height restrictions of the R-B district. The maximum height will be approximately 30-feet (where 50-feet is the maximum permitted). There are not minimum side or rear yards in R-B, and the structure more than meets the required 10-foot frontage setback requirement as it is located at the rear of the shopping center.

Therefore, the project is consistent with the intent and purpose of the Retail Business (R-B) zoning district and is compatible with other uses in the vicinity, both inside and outside the district.

C. Variance Findings to Required Number of Parking Spaces

1. That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located.

Project Finding: The granting of a variance to allow for 205 parking spaces (where 282 spaces is required) due to the increase in customer seating will not constitute a grant of special privilege because the reduced parking lot will be of comparable size and capacity as the neighboring businesses with parking lots.

2. That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district.

Project Finding: The project requires approval of the variance stated above. However, the existing parking lot is currently at variance with 209 spaces where 282 are required. The current amount of parking is sufficient, and according to the project parking study the loss of four spaces will not impact parking, even during peak times. Additionally, this project is conditioned to require a replacement ADA parking space, proper separation between the outdoor dining area and traffic, and speed bumps. Thus, strict application of the Off-Street Parking Ordinance would deprive

the subject property of the rights enjoyed by other properties in the immediate vicinity and within the identical land use district.

3. That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the subject property is located.

Project Finding: The intent and purpose of the Retail Business (R-B) land use district is to allow sales, demonstrations, displays, services, and other retail business that is conducted within an enclosed building. A commercial restaurant is considered a service business and therefore meets the intent and purpose of the R-B district, and the reduced parking lot will remain sufficient for patrons of the entire shopping center. Therefore, approval of the variance previously stated for the parking lot would meet the intent and purpose of the R-B land use district.

D. California Environmental Quality Act (CEQA) Findings

The project is categorically exempt from the review requirements of the California Environmental Quality Act (CEQA) per section 15303(e), which exempts construction of accessory structures including garages, carports, patios, swimming pools, and fences. A platform and covered patio structure for an outdoor dining area, and parking lot modifications, fall within this category of an accessory structure, and therefore, meet the criteria of this categorical exemption.

II. CONDITIONS OF APPROVAL FOR COUNTY FILE #CDLP25-02021:

Project Approval

1. This Land Use Permit/Development Plan combination for an outdoor dining area with 92 seats located in the parking lot of the Stone Valley Center for Suite 3160 A with a shade structure, platform, and planter boxes around the perimeter, is APPROVED.
2. The Variance to the County Off-Street Parking Ordinance to allow the removal of 4 parking spaces leaving 205 parking spaces (where 282 is required) is APPROVED.
3. The project approval is granted based on what is generally shown in the following documents:
 - Application and materials accepted by the Department of Conservation and Development, Community Development Division (CDD) on August 26, 2025,

including the project Parking Study prepared by the project architect, Daniel Hoy, dated August 5, 2025; and

- Project plans accepted by CDD on August 21, 2025.
4. Any change from this approval may require review and approval by CDD and may require the filing of an application to modify this Land Use Permit/Development Plan.
 5. No construction is approved with this permit. Any part of the project that requires a building permit shall obtain a grading and/or building permit from the Department of Conservation and Development, Building Inspection Division, prior to commencement of work.
 6. This application is subject to an initial application deposit of \$5,500.00, which was paid with the application submittal, plus time and material costs if the application review expense exceeds the initial fee deposit. **Any additional fee due must be paid prior to submittal of building permit(s), or within 60 days of the effective date of this Land Use Permit, whichever occurs first.** Pursuant to Contra Costa County Board of Supervisors Resolution Number 2019/553, where a fee payment is over 60 days past due, the Department of Conservation and development may seek a court judgment against the applicant and will charge interest at a rate of ten percent (10%) from the date of judgement. The applicant or owner may obtain current costs by contacting the project planner.

Outdoor Dining Area

7. This outdoor dining area is restricted to 92 seats.
8. The outdoor dining area shall be on a raised platform to be level with the shopping center outside walkway.
9. The planter boxes shall be maintained as a barrier between the outdoor dining area and traffic and shall be maintained and remain in good condition for the life of the outdoor dining area.
10. Speed bumps shall be installed at the main access routes to the outdoor dining area.
11. A new ADA parking space shall be installed in accordance with ADA parking standards and shall be adjacent to the location of the existing ADA parking space that will be removed with this project.

12. Prior to this permit being considered exercised, or prior to final building inspection, whichever is first, as-built photos shall be provided to CDD for review and approval to verify compliancy with the *Outdoor Dining Area* conditions of approval.

Business Operations

13. Prior to any new business operations, the permittee shall obtain a Property Use Verification form from CDD prior to applying for a business license from the County Treasurer-Tax Collector.

Indemnification

14. Pursuant to Government Code Section 66474.9, the applicant (including the subdivider or any agent thereof) shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the Agency (the County) or its agents, officers, or employees, to attack, set aside, void, or annul, the Agency's approval concerning this subdivision map application, which action is brought within the time period provided in Section 66499.37. The County will promptly notify the subdivider of any such claim, action, or proceeding and cooperate full in the defense.

Construction Period Restrictions and Requirements

15. The following shall be implemented during project construction and **shall be present on the site plan for building permit(s) as construction notes:**

Unless specifically approved otherwise via prior authorization from the Zoning Administrator, all construction activities shall be limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, and are prohibited on state and federal holidays on the calendar dates that these holidays are observed by the state or federal government as listed below:

- New Year's Day (State and Federal)
- Birthday of Martin Luther King, Jr. (State and Federal)
- Washington's Birthday (Federal)
- Lincoln's Birthday (State)
- President's Day (State)
- Cesar Chavez Day (State)
- Memorial Day (State and Federal)
- Juneteenth National Independence Holiday (Federal)
- Independence Day (State and Federal)
- Labor Day (State and Federal)

Columbus Day (Federal)
Veterans Day (State and Federal)
Thanksgiving Day (State and Federal)
Day after Thanksgiving (State)
Christmas Day (State and Federal)

For information on the actual days and dates that these holidays occur, please visit the following websites:

Federal: <http://www.federalreserve.gov/aboutthefed/k8.htm>

State: <http://www.sos.ca.gov/holidays.htm>

- a. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
- b. The project sponsor shall require their contractors and subcontractors to fit all internal combustion engines with mufflers which are in good condition and shall locate stationary noise-generating equipment such as air compressors and concrete pumps as far away from sensitive receptors as possible.
- c. The applicant shall make a good-faith effort to avoid interference with existing neighborhood traffic flows.
- d. Transporting of heavy equipment and trucks shall be limited to the hours of 9:00 A.M. to 4:00 P.M., Monday through Friday, and is prohibited on state and federal holidays.
- e. Unnecessary idling of internal combustion engines is prohibited.

ADVISORY NOTES

ADVISORY NOTES ARE NOT CONDITIONS OF APPROVAL; THEY ARE PROVIDED TO ALERT THE APPLICANT TO ADDITIONAL ORDINANCES, STATUTES, AND LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES THAT MAY BE APPLICABLE TO THIS PROJECT.

- A. NOTICE OF OPPORTUNITY TO PROTEST FEES, ASSESSMENTS, DEDICATIONS, RESERVATIONS OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.**

Pursuant to California Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations or exactions required as part of this project approval. To be valid, a protest must be in writing pursuant to Government

Code Section 66020 and must be delivered to the Community Development Division within a 90-day period that begins on the date that this project is approved. If the 90th day falls on a day that the Community Development Division is closed, then the protest must be submitted by the end of the next business day.

- B.** Prior to applying for a building permit, the applicant is strongly encouraged to contact the following agencies to determine if additional requirements and/or additional permits are required as part of the proposed project:
- Contra Costa County Public Works Department
 - Contra Costa County Building Inspection Division
 - Contra Costa County Health Services
 - Central Contra Costa Sanitary District
 - East Bay Municipal Utility District
 - San Ramon Valley Fire Protection District
 - County Treasurer-Tax Collector