

## Planning Commission Staff Report

August 27, 2014  
Item 6.a.

- SUBJECT:** PUD-102 and P14-0014
- APPLICANT/  
PROPERTY OWNER:** Michael Roesbery/MD Roesbery, Inc.
- PURPOSE:** Applications at the approximately 0.78-acre Valero service station site located at 3192 Santa Rita Road for: (1) rezoning from the C-N (Neighborhood Commercial) District to the PUD-C (Planning Unit Development – Commercial) District; (2) PUD Development Plan to convert approximately 1,752-square-foot of the existing approximately 2,634-square-foot auto service building to a convenience store and the remaining floor area of the building to a drive-through carwash; construct an approximately 715-square-foot addition to the proposed convenience store; construct a new trash enclosure and carwash equipment room; and undertake related site improvements; and (3) Conditional Use Permit to operate a convenience store with the sale of alcoholic beverages and a drive-through carwash in conjunction with an existing service station.
- GENERAL PLAN:** Retail/Highway/Service Commercial/Business and Professional Offices
- ZONING:** C-N (Neighborhood Commercial) District
- LOCATION:** 3192 Santa Rita Road
- EXHIBITS:**
- A-1. [Recommended Conditions of Approval for PUD-102](#)
  - A-2. [Recommended Conditions of Approval for P14-0014](#)
  - B. [Written Narrative and Proposed Plans](#)
  - C. [Noise Assessment Report by Illingworth & Rodkin, Inc.](#)
  - D. [Arborist Report by Arbor Resources](#)
  - E. [Memo from Pleasanton Police Department with Calls for Service Data](#)
  - F. [Minutes of the September 24, 2013 Planning Commission Work Session](#)

- G. [Public Comments](#)
  - H. [Draft Initial Study and Negative Declaration](#)
  - I. [Signed Petition from the Applicant](#)
  - J. [July 31, 2014 Neighborhood Meeting Sign-In Sheet](#)
  - K. [Convenience Market Data Sheet from the Applicant](#)
  - L. [Location Map and Noticing Map](#)
  - M. [Zoning Unit Map](#)
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## **BACKGROUND**

The project site is the existing Valero service station site located in the southeast quadrant of Santa Rita Road and W. Las Positas Boulevard. The gas station, along with an automobile service building, was constructed in 1989 for Exxon Mobile. Mr. Michael Roesbery, the property owner and business operator of the gas station and automobile service business, wishes to convert the existing automobile service building to a convenience market with a drive-through carwash facility while retaining the existing gas station operation. The convenience market would be a 7-Eleven store that would sell alcoholic beverages.

The project site is located in the Neighborhood Commercial (C-N) District. The C-N District does not allow a gas station with a convenience market or a drive-through car wash. Furthermore, the non-PUD zoning districts where a gas station with convenience store is allowed (the Freeway Commercial and Service Commercial Districts) do not allow the sale of alcoholic beverages. To pursue the proposed uses (convenience market with the sale of alcoholic beverages and a drive-through carwash), the applicant requests the zoning of the site be changed from the current C-N District to a Planned Unit Development – Commercial (PUD-C) District. The proposed PUD-C zoning would require a Conditional Use Permit for the convenience market with the sale of alcoholic beverages and drive-through carwash. As such, the applicant also requests the approval of a conditional use permit in order to accommodate the proposed uses.

### **September 25, 2013, Planning Commission Work Session**

In order to receive early feedback from the Planning Commission and any interested individuals regarding the proposed project, a Planning Commission work session was held on September 25, 2013. The Planning Commission provided the following comments on the work session discussion points (additional comments made by the Commission are in the attached minutes – Exhibit F):

#### Discussion Point No. 1:

Would it be appropriate to rezone the site from the current C-N District to a PUD-C (Planned Unit Development –Commercial) District in order to allow a convenience market with the sale of alcoholic beverages and a drive-through carwash in conjunction with the existing gas station?

Discussion Point No. 2:

Would 24-hour operation for the convenience market and 7:00 a.m. – 10:00 p.m. operation for the drive-through carwash be appropriate for this location?

*Commissioners combined Discussion Points 1 and 2 in their discussion. The Commission in general was concerned about the proximity of the proposed project to residential neighborhoods. Two Commissioners expressed concerns about the hours of the proposed carwash and convenience store (including impacts on adjacent residential uses) and potential noise impacts from the carwash facility. One Commissioner did not feel the proposed uses are suitable for the location and indicated that crime incidents need to be analyzed.*

Discussion Point No. 3:

Would it be acceptable to provide a total of 17 on-site parking spaces where a total of 18 on-site parking spaces would be required based on PMC?

*The Parking Ordinance requires self-service stations to provide one parking space and an additional parking space for each employee on the maximum shift. The applicant informed staff that the employee at the proposed convenience market would attend to patrons at the existing gas station. Therefore, the proposed 17 on-site parking stalls met the parking requirement. No discussion occurred.*

Discussion Point No. 4:

Are the proposed site plan, circulation, and parking layout acceptable?

Discussion Point No. 5:

Is the proposed building design acceptable?

*Commissioners combined Discussion Points 4 and 5 in their discussion. The Commission in general indicated that the existing circulation at the project site and the adjoining shopping centers to the east and south could be congested at times. The majority of the Commissioners stated the site layout is generally acceptable. One Commissioner questioned if another location on the project site would better suit the drive-through carwash and the other Commissioners indicated the location of the proposed carwash is appropriate if it meets the noise requirements.*

*The majority of the Commission stated that the proposed building design is acceptable. One Commissioner indicated that the design could be improved to be more complementary to the shopping center. One Commissioner indicated that the building needs to be designed to be energy efficient.*

**July 31, 2014, Neighborhood Meeting**

The applicant held a neighborhood meeting on July 31, 2014, at St. Elizabeth Seton Church located at 6001 Stoneridge Drive. Staff (Jenny Soo and Adam Weinstein) attended the meeting. The applicant presented the proposal to the residents, and the following key items were discussed:

- Hours of operation of the convenience market and drive-through carwash;

- Traffic impacts on Santa Rita Road, W. Las Positas Boulevard, and Fairlands Drive;
- Crime associated with a convenience market; and
- Noise generated from the carwash

Brad Hirst, representing the applicant, stated that the convenience market would not have a 24/7 operation. Instead, the convenience store would be open from 5:00 a.m. to 1:00 a.m. In response to traffic concerns, Mr. Hirst stated he had met with the City Traffic Engineer and both of them visited the site several times to observe the existing circulation patterns and traffic volumes at the intersection of Santa Rita Road and W. Las Positas Boulevard. Mr. Hirst indicated that congestion at Santa Rita Road and W. Las Positas Boulevard is an existing situation which would not be substantially worsened by the proposed project. Regarding potential crime, Mr. Hirst stated that the Calls for Service data from the Pleasanton Police Department did not show a concentration of criminal activity at the existing 7-Eleven stores. In response to potential noise from the proposed drive-through carwash facility, Mr. Hirst indicated that a noise assessment report was prepared by an acoustic consultant, and the report recommends a sound attenuated fence to be constructed at the carwash exit to mitigate noise.

The residents commented on potential noise that would be generated from the drive-through carwash, potential criminal activities that might occur around the convenience market, and traffic on W. Las Positas Boulevard. The residents asked about the brand of gas that would be sold at the gas station and whether tobacco products would be sold at the convenience market. A copy of the sign-in sheet is attached as Exhibit J.

## **SITE DESCRIPTION**

The proposed project is located on an approximately 0.78-acre site located on the southeast corner of Santa Rita Road and W. Las Positas Boulevard at 3192 Santa Rita Road. The project site has been occupied by a gas station with an automobile service building since 1989. The site is generally flat. Vehicular access to the site is currently provided from three existing driveways: two on Santa Rita Road and one on W. Las Positas Boulevard.

The project site is bordered on the west by Santa Rita Road and residential uses west of Santa Rita Road, on the north by W. Las Positas Boulevard, and Livermore-Pleasanton Fire Station No. 3 and residential uses, on the east by commercial uses (Santa Rita Square Shopping Center) and residential uses, on the south by commercial uses (Meadow Plaza Shopping Center), and on the northwest by Valley Care Medical Center. Figure 1 on the following page shows the project location and Figure 2 on the following page shows a view of the existing gas station.

**Figure 1 – Project Location Map**



**Figure 2 – View of the Existing Gas Station From the Northwest**



## PROJECT DESCRIPTION

The applicant proposes to construct a new convenience market with a drive-through carwash, and undertake related changes to the site. The proposed project consists of the following:

### 1) PUD Rezoning and Development Plan (PUD-102):

- Rezone the existing approximately 0.78-acre (33,812-square-foot) site from the current C-N (Commercial Neighborhood) District to PUD-C (Planning Unit Development – Commercial) District. The uses allowed in this PUD-C would be those permitted and conditionally permitted in the C-N District with the additions of: 1) convenience market with or without the sale of alcoholic beverages as a conditionally permitted use in conjunction with a gas station and 2) drive-through carwash as a conditionally permitted use in conjunction with a gas station.
- Convert approximately 1,752 square feet of an existing approximately 2,634-square-foot auto service building to a convenience market and the remaining floor area of the building to a drive-through carwash;
- Construct an approximately 715-square-foot addition to the proposed convenience market;
- Construct a new carwash equipment room and a covered trash enclosure;
- Construct an approximately 55-60-foot long, eight-foot high sound attenuating fence near the carwash exit;
- Modify the existing parking layout and provide a total of 16 on-site parking spaces;
- Install a new propane tank to be used to refill portable propane canisters; and
- Install two vacuum units next to parking stalls 6 and 7, as shown in Exhibit B.

Minor changes are being proposed for the existing gas station, which include:

- Modify the hours of operation to coincide with the proposed convenience market;
- Replace the existing pump island canopy lighting with new LED lighting; and,
- Add cultured stone material to the bottom of the pump island canopy support posts to match the stone on the proposed convenience market.

### 2) Conditional Use Permit (P14-0014)

- Operate a convenience market from 5:00 a.m. to 1:00 a.m.
- Allow the sale of alcoholic beverages at the convenience market from 6:00 a.m. to 11:00 p.m.
- Allow convenience market employees at the market from 1:00 a.m. to 5:00 a.m. for merchandise stocking; and
- Operate a drive-through carwash from 7:00 a.m. to 10:00 p.m.

Two employees would staff the convenience market, and would also oversee operations at the existing service station.

Table 1 below summarizes the changes to the proposed project since the September 2013 work session.

**Table 1: Changes to the Project Proposal Since September 2013**

	<b>September 25, 2013</b>	<b>Current Proposal</b>
Hours of Operation	24 Hours	5:00 a.m. – 1:00 a.m. Employees allowed to be on site between 1:00 a.m.- 5:00 a.m.
Type of Market	7-Eleven store with snack, food and drinks with the sale of alcoholic beverages	No change
Drive-Thru Carwash	7:00 a.m. – 10:00 p.m.	No change
Existing Gas Station	5:00 a.m. – 12:00 midnight (existing)	5:00 a.m. – 1:00 a.m.
Parking Stalls	17	16
Tree Removal	Remove one tulip tree, and possibly retain all other trees on site	Remove one tulip tree and two redwood trees
Car Wash Noise Mitigation	None	An eight-foot tall fence and Quiet Dryer to mitigate noise from the proposed carwash
Bicycle Rack	None	Two

The proposed PUD rezoning and development plan application is subject to review and approval by the City Council, following review and recommendation by the Planning Commission. The Planning Commission normally reviews and takes final action on Conditional Use Permit applications. However, since the subject Conditional Use Permit is an integral part of the PUD application, staff believe that the Council should also take final action on the Conditional Use Permit application.

### **Site Plan**

The proposed convenience market would replace the existing automobile service use in the building. The drive-through carwash would be located on the east side of the convenience market with vehicles entering the carwash on the north side of the building and exiting on the south side. The new trash enclosure would be constructed to the northeast of the convenience market. The existing parking spaces along the north side would remain. New parking spaces would be provided on the north and south sides of the building.

The project site currently has a total of 17 on-site parking stalls; 16 on-site parking spaces are proposed as part of the project. The existing parking spaces located along the northern property line facing W. Las Positas Boulevard and along the eastern property line facing the adjoining shopping center would remain except for one parking stall at the east side, which would be removed to accommodate a walkway and two bicycle racks. The parking spaces located to the south of the existing building would be removed except for one accessible parking stall to accommodate the drive aisle for the drive-through carwash. Three parking

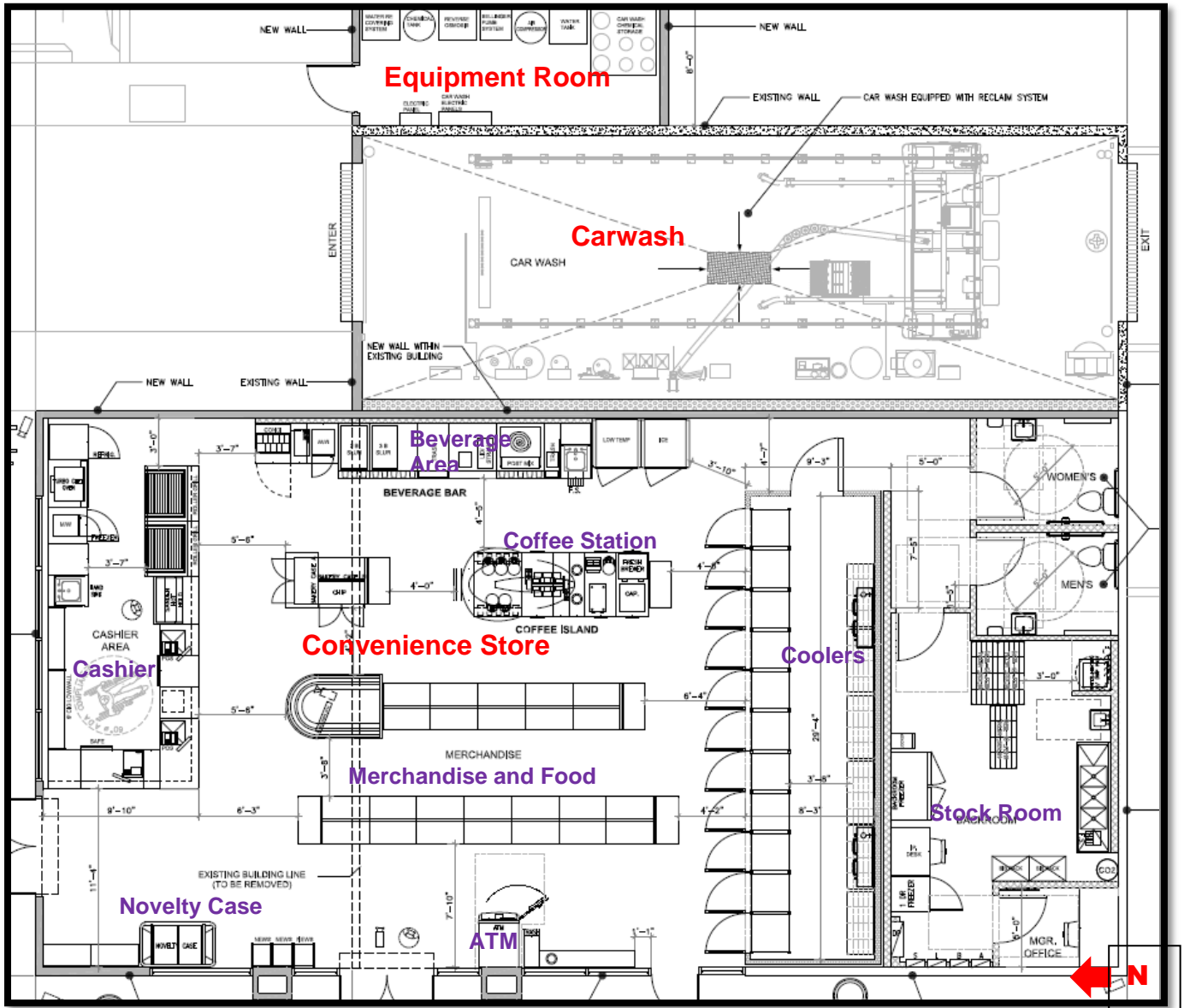




**Floor Plan**

The proposed convenience market includes merchandise shelves, refrigerator cases, a hot food counter, beverage area, coffee station, cashier area, restrooms, and a stockroom. Approximately 3-4% of the sales floor area would be devoted to beer and wine merchandise. Specifically, four of the 11 coolers would be for beer display, and three wine cases, each case approximately 13"x16" in dimension, would be placed on the floor. The market would have two entrances: one on the west side of the building and one on the north side of the building. The proposed carwash is a single tunnel carwash. Figure 4 below illustrates the layout of the convenience market and carwash.

**Figure 4 – Proposed Floor Plan**



## Elevations

The proposed convenience market is a two-toned stucco building with stone veneer wainscoting and a tile roof. A tower element would be located on the west side of the building, defining the main entrance. The body of the building would be stucco with colors of very light cream and very light brown. The main roof would be mansard style with a hipped roof over the tower element. The building would be 17 feet 3 inches in height as measured at the top of the mansard roof and approximately 24 feet in height as measured at the top of the tower element roof. The convenience market would have wall-mounted 7-Eleven signs on the north and west elevations. Figure 5 below shows the proposed building elevations.

**Figure 5 –Proposed Elevations**



## Tree Removal

An arborist report, dated July 8, 2013, was prepared by Arbor Resources (included as Exhibit D) and discusses the existing trees on the subject site and trees located on the adjoining properties with tree canopies that overhang onto the subject site. A total of 17 trees were surveyed: six are located on the subject site, two are street trees, and nine are located on the adjoining properties to the south and east. Three of the existing six trees on the site are proposed to be removed as a part of this project. Among the three trees, two are heritage-sized redwood trees, and a non heritage-sized tulip tree. The arborist report indicates the tulip tree is dying and recommended removal. The arborist report indicates that one coast redwood tree to be removed (identified as tree number 9) is valued at \$3,040, the other coast redwood tree to be removed (identified as tree number 10) is valued at \$2,050.

## **ANALYSIS**

The applicant is seeking entitlements to construct and operate a convenience market with the sale of alcoholic beverages and a drive-through carwash in conjunction with the existing gas station. The following sections evaluate the proposed project with respect to land use, the PUD rezoning and development plan, architectural design and other considerations such as the proposed use and hours of operation, parking and circulation, traffic, noise, landscaping, criminal activity, and signage.

### **Land Use**

#### Conformance with the General Plan

The project site has a General Plan Land Use Designation of “Retail/Highway/Service Commercial; Business and Professional Offices” which permits commercial and service uses. The current zoning of the project site, C-N District, does not allow the proposed convenience market with the sale of alcoholic beverages and carwash uses in conjunction with a gas station. The site would be rezoned to Planned Unit Development – Commercial to conditionally allow these uses. The proposed convenience market would have a floor area of 2,471 square feet, lower than the Municipal Code’s maximum allowable square footage for a convenience market of 2,500 square feet located on the same site as a gas station. The square footage of the proposed convenience market and drive-through carwash building would be compatible the surrounding uses. The proposed FAR of 9.5% conforms to the 60% maximum FAR limit in the General Plan. The proposed project conforms to the following General Plan policies and programs:

*Policy 13: Ensure that neighborhood, community, and regional commercial centers provide goods and services needed by residents and businesses of Pleasanton and its market area.*

*Program 13.1: Zone sufficient land for neighborhood, community, and regional commercial uses to support Pleasanton’s increasing business activity.*

Policy 14: Provide adequate neighborhood commercial acreage to serve the future needs of each neighborhood at buildout.

Program 14.1: Locate appropriately-scaled commercial centers with reasonable access to the residential neighborhoods they serve.

### **Rezoning and Development Plan**

Section 18.44 of the Pleasanton Municipal Code (PMC) includes six commercial districts. One of the purposes of having various commercial districts is to provide appropriately located areas for retail stores, offices, service establishments, amusement establishments, and wholesale businesses offering commodities and services required by residents of the City and its surrounding market area. As such, some uses may be permitted in one commercial district but not in another commercial district.

The applicant is seeking specific uses that are not allowed by the existing C-N District. Also, the sale of alcoholic beverages in conjunction with a gas station is not allowed in any of the commercial zoning districts. As such, rezoning the subject site from the current C-N District to

a Planned Unit Development - Commercial (PUD-C) District would be needed in order to allow the development of the desired uses. In addition, a PUD development plan would also need to be processed for the proposed site and building changes.

The project site is located on the southeast quadrant of Santa Rita Road and W. Las Positas Boulevard. The site is currently occupied by a gas station and abuts shopping centers to the south and east. Staff feels that having a convenience market on the same site of the existing gas station would provide a convenience to the gas station patrons. The convenience market is proposed to have longer store hours than the stores in the shopping center; therefore, it would provide a convenient service to surrounding residents to get needed items without having to travel farther to stores that are open. For the benefit and convenience of the community and the public at large, staff feels that rezoning the site from the existing C-N District to PUD-C District is appropriate for this location. To ensure the operation of the convenience market and carwash would not cause adverse impacts to the community, these uses will be a conditionally permitted which would allow the City to mitigate potential problems in the future.

The proposed PUD-C development shows that the proposed convenience market and the drive-through carwash would occupy the existing automobile service building. In addition, the proposal would add approximately 715 square feet to the north side of the existing building. Table 2, below, shows (for informational purposes) the proposed development standards compared to the development standards of the C-N zoning district.

**Table 2: Development Standard Comparison**

	C-N District	Existing Automobile Service Building	Proposed Development
Setback			
Front:	20'	94'	94'
Sides:	20'/40' combined side yards	40'/147'	40'/127'
Rear:	10'	10'	10'
Building Height	30'	20'	17'-3" (23'-11" at tower)
Floor Area Ratio (FAR)	30%	7.7%	9.5%

Staff finds the proposed development standards are acceptable as they would reflect the design characteristics of the existing building in terms of setbacks, building height, and FAR.

**Proposed Uses**

The proposed convenience market would be a 7-Eleven store with a variety of merchandise including snacks (cold and hot), drinks, and sundries. The market would also include the sale of alcoholic beverages (beer and wine only). As indicated by the applicant, approximately 3-4% of the sales floor area would be devoted to alcohol sales. There are four existing service stations with convenience markets in the City offering beer and wine for sale: the Shell station located at 5251 Hopyard Road, the Chevron station located at 1797 Santa Rita Road, the

Chevron station at Bernal Corners located at 1875 Valley Avenue, and the American Gas located at 3121 Bernal Avenue. All of these service stations are located in a PUD zoning district and the PUD approvals allowed the sale of beer and wine. Staff finds that the proposed convenience market with the sale of alcoholic beverages is similar to other service stations that have been approved by the Planning Commission and City Council, which are not considered uses that are incompatible with their surroundings. Therefore, staff feels the proposed uses are supportable.

The proposed carwash is a single-tunnel carwash. The driver would remain in the vehicle while the vehicle is being washed, rinsed, and dried. Mechanical equipment of the carwash would be installed in the adjoining equipment room. Water used at the carwash would be recycled.

One of the Commissioners requested that the applicant provide an updated list which would include the location of the existing gas stations, zoning districts, whether alcoholic beverages are sold, and proximity to residential uses. The applicant has provided a list, which is attached in Exhibit K. Staff has confirmed the information provided by the applicant is accurate, but and would like to note that the distances noted are driving distances instead of straight line distances.

**Hours of Operation**

The applicant proposes the following hours of operation as shown in Table 3 below:

**Table 3 – Proposed Hours of Operation**

	<b>Hours of Operation</b>
<b>Convenience Market</b>	5:00 a.m. – 1:00 a.m.
<b>sale of alcoholic beverages</b>	6:00 a.m. – 11:00 p.m.
<b>Carwash</b>	7:00 a.m. – 10:00 p.m.

Convenience Market: The project site is surrounded by two shopping centers, Meadow Plaza to the south and Santa Rita Square to the east. Neither shopping center allows all-night businesses and both shopping centers restrict store delivery hours between 6:00 a.m. to 10:00 p.m. Walmart Neighborhood Market located in the adjoining Meadow Plaza operates between 6:00 a.m. and 12:00 midnight. The proposed hours for the convenience market appear to be reasonable and acceptable to staff. The applicant requests that employees of the proposed convenience market be allowed to be at the store between 1:00 a.m. and 5:00 a.m. when the market is closed for store cleaning, merchandise stocking, etc. Staff finds this request is acceptable.

To be consistent with the adjoining shopping centers, staff recommends that the delivery hours of the convenience market be the same, i.e., 6:00 a.m. to 10:00 p.m. Staff has added a condition to address this item, and the applicant has agreed.

State law prohibits selling alcohol between 2:00 a.m. and 6:00 a.m. (per California Business and Professions Code Section 25631). The proposed hours that alcoholic beverages would be sold at the market are consistent with the State law. However, if the sale of alcohol from the convenience market were to become problematic, the Director of Community Development can refer the Conditional Use Permit to the Planning Commission for subsequent review at a public hearing. Staff has added several conditions to the Conditional Use Permit addressing the sale of beer and wine from the convenience market (e.g., training for the convenience market operators in dealing with inebriated drivers). The applicant concurs with these requirements.

The existing gas station currently operates from 5:00 a.m. – 12:00 midnight. With the proposed project, the gas station would close at 1:00 a.m. instead of 12:00 midnight to coincide with the convenience market hours.

Carwash: There currently are five drive-through and one non drive-through carwash facilities in the City. Table 4 below lists the location and the hours of operation of the existing carwash facilities.

**Table 4: Hours of Operation for the Existing Carwash Facilities**

BUSINESS/LOCATION	TYPE OF CARWASH	HOURS OF OPERATION
Hopyard Shell and Car Wash 5251 Hopyard Road	Drive-Thru	24/7
Chevron at Bernal Corners 1875 Valley Avenue	Drive-Thru	6:00 a.m. to 9:00 p.m.
Chevron 5280 Hopyard	Drive Thru	24/7
Shell 6750 Santa Rita Road	Drive Thru	24/7
American Gas Car Wash 3121 Bernal Avenue	Drive-Thru	24/7
Pleasanton Car Wash (4005 Pimlico Drive)	Non Drive-Thru	8:00 a.m. to 6:00 p.m. or dusk

At the Planning Commission Work Session, two Commissioners expressed concern that the proposed 10 p.m. closing time for the carwash may be too late due to noise concerns. To respond to this concern, staff reviewed the operation of the existing Chevron drive-through carwash at Bernal Corners located at 1875 Valley Avenue as this carwash, similar to the proposed project, is located in close proximity to residential uses on East Gate Way in the Walnut Hills Neighborhood. The Bernal Corners carwash operates 6:00 a.m. to 9:00 p.m. When the carwash first opened, staff received complaints from neighbors concerning noise from the carwash. The operator of the carwash was required to modify the facility by adding a door facing the residential development to contain noise within the carwash facility when it is in use. Later, the operator changed the mechanical equipment and added a second door. These modifications reduced the noise level. Similar to the carwash at the

Chevron station, the proposed facility would include quieter mechanical equipment in the carwash and a sound attenuating fence to mitigate anticipated noise. Staff has included conditions that if the noise from the carwash becomes an issue, the applicant will be required to shorten the carwash hours and/or implement additional mitigation measures to reduce noise. With the conditions in place, staff finds that the proposed drive-through hours of 7:00 a.m. to 10:00 p.m. are comparable to the existing Chevron drive-through carwash hours.

Additional discussion of the carwash noise can be found in the “Noise Assessment” section below.

### **Design and Architecture**

The exterior of the proposed building would consist of very light grey and light mocha colors. The majority of the building would have a light cream color and the tower element of the building would have a light brown color. The building would also have a cultured stone wainscot and stone would be used along the lower portion of the columns of the tower element. A horizontal trim band would help break up the building massing. In addition, painted metal trellises are included on the south elevation to add interest to the otherwise blank wall.

A mansard style roof is proposed for the main building except for the tower element. The roof cross-section shows that the parapet at the mansard roof would completely screen the roof-top heating, ventilation, and air conditioning (HVAC) units. The applicant intends to reuse the existing reddish-colored concrete roof tiles.

Wall-pack lights would be mounted on all four sides of the building for illumination and security. The applicant proposes several styles of LED wall pack lights for staff to choose (see Exhibit B). These wall-pack lights are typical “shoe box” lights that would not be complementary to the building design, in staff’s opinion. Staff recommends that a decorative style of light be utilized to enhance the appearance of the building. A recommended condition of approval has been included to address this item. Staff has also included conditions of approval requiring that water conservation devices and energy efficient lighting be installed as part of the project.

A new trash enclosure would be constructed northeast of the proposed convenience market. The trash enclosure would have stucco walls with cultured stone wainscoting and a tile roof to match the colors and materials of the convenience market and carwash building. The trash enclosure would be approximately 12 feet in height.

### **Parking**

As required by Section 18.88.030.C.17 of the Municipal Code, one parking stall is required for every 150 square feet of floor area of the convenience market. The market will be 2,467 square feet in floor area and, therefore, 16 parking spaces are required to support this use. The self-service station is required to provide one parking stall plus an additional parking stall for each employee on the maximum shift. The applicant has indicated that there will be no employees dedicated to the service station. Therefore, a total of 17 parking stalls are required.

The proposal includes a total of 16 parking spaces, one space short of what is required (the previous proposal included 17 spaces). This slight reduction in provided parking spaces was a result of responding to comments from the Building and Safety Division, which requires that an accessible pathway be provided from the convenience market to the propane tank. As such, the applicant converted the existing parking stall near the eastern property line directly in front of the proposed propane tank to a pathway and bicycle parking with a bike rack.

A PUD development plan allows flexibility in development standards; hence, it allows the applicant to propose project-specific development standards in terms of building setbacks, parking requirements, etc. With a parking shortfall of one space, the applicant is asking the City to consider applying the existing parking at the pump islands to meet the required parking for this proposal. Staff finds that this request could reasonably be considered because patrons who use the gas pumps may also visit the convenience market at the same time. In addition, only one parking space would need to be provided at the pump islands, which is not a significant number. Thus, staff finds that the proposed parking at the project site is supportable and would meet expected demand at the site.

### Traffic and Circulation

No changes are proposed to the existing ingress and egress to the project site. The circulation patterns associated with the existing gas pumps would remain in their existing condition. Travel routes to the proposed convenience market would be similar to the travel routes to the existing automobile service building. Vehicles using the drive-through carwash would enter the carwash tunnel from the north and exit at the south. After exiting from the carwash, vehicles would exit the project site from the southern driveway onto Santa Rita Road.

Concerns were raised by residents regarding vehicles exiting the existing driveway on W. Las Positas Boulevard, traveling eastbound for a short distance, and then illegally making a U-Turn at the median break that is meant for fire trucks. This movement has caused an unsafe situation for motorists traveling westbound on W. Las Positas Boulevard who are forced to react to the unexpected vehicles. Figure 6 below illustrates this circulation pattern. In response to the comments made at the Planning Commission workshop last September, to help prevent vehicles from exiting the project site and making such a movement, a No U-Turn sign has been installed at the median break.

**Figure 6: Vehicle Movement onto W. Las Positas Boulevard**





Project trip generation for the proposed project was developed based on trip generation rates contained in the Institute of Transportation Engineers (ITE) publication Trip Generation, 9th Edition. This is a standard reference used by jurisdictions throughout the country and is based on actual trip generation studies at numerous locations in areas of various populations. The convenience market is expected to generate approximately 165 additional trips in the a.m. peak hours and approximately 129 additional trips in the p.m. peak hours, based on the AM trip generation rate of 67.03 trips per 1,000 square feet of building space and the PM trip generation rate of 52.41 trips per 1,000 square feet. The ITE handbook indicates that approximately 50% of the trips to a convenience market are pass-by trips, i.e., trips associated with motorists who are already on the road and making a stop on their way to another destination. Taking pass-by trips into account, the project would generate 83 net new trips in the a.m. peak hours and 65 net new trips in the p.m. peak hours. This is not a significant increase in the peak hours. In addition the carwash would not be expected to generate a substantial number of independent vehicle trips because trips to the carwash would typically occur in conjunction with trips to the gas pumps and/or convenience market.

The City’s 2005-2025 General Plan Circulation Element includes existing and peak-hour traffic volumes on major roadways, and peak-hour volumes expected to occur at buildout of the General Plan. Table 5 below shows the existing and anticipated a.m. and p.m. peak-hour traffic volumes on Santa Rita Road and W. Las Positas Boulevard:

**Table 5: Existing and Buildout Traffic at Peak Hours**

	Existing A.M. Peak-Hour Volumes	Buildout Volumes	Existing P.M. Peak-Hour Volumes	Buildout Volumes
Santa Rita Rd. north of W. Las Positas Blvd.	2,290	3,400	3,330	4,400
Santa Rita Rd. south of W. Las Positas Blvd	3,010	3,400	3,340	3,900
W. Las Positas Blvd. east of Santa Rita Rd.	1,390	1,500	1,860	2,000
W. Las Positas Blvd. west of Santa Rita Rd.	2,190	3,400	2,620	3,700

The Pleasanton General Plan requires site-specific traffic studies for all major developments which have the potential to exceed Level of Service (LOS) D at major intersections and requires developers to implement the mitigation measures identified in these studies in order to maintain LOS D or better. Exceptions are made for the Downtown and Gateway Intersections<sup>1</sup> where the LOS D or better standard may be exceeded.

The General Plan indicates the existing LOS during the p.m. peak-hour at W. Las Positas Boulevard and Santa Rita Road is LOS C. At General Plan buildout, the LOS at the intersection would be LOS D. As the proposed project would generate a small amount of

<sup>1</sup> Per the General Plan, consideration may be given to traffic improvements at Gateway Intersections when it is determined that such improvements are necessary and are consistent with maintaining visual character, landscaping, and pedestrian amenities.

traffic to the intersection, the LOS would remain at the current LOS C. In addition, the LOS at General Plan buildout would not be substantially affected by project-related traffic.

Based on the anticipated small amount of additional trips generated by the project, the City's Traffic Engineer concluded that the proposed project would not substantially change the LOS of the intersection of W. Las Positas Boulevard and Santa Rita Road in either the existing or cumulative (General Plan buildout) condition. Therefore, no project-specific traffic study or improvements to the existing circulation system are warranted. However, the project applicant would be required to pay regional and local traffic fees to offset the increase in trips resulting from the proposed project. Staff has included this as a condition of approval of the project.

### **Noise Assessment**

Concerns regarding potential noise impacts from the proposed project, especially from the proposed drive-through carwash, were raised at the Planning Commission work session and at the neighborhood meeting. With respect to potential noise impacts generated by the proposed project, the City's Noise Ordinance (Chapter 9.04 of Pleasanton Municipal Code) does not allow any person to produce any noise or allow any noise to be produced by any machine, animal, device, or any combination of the same, on commercial property, in excess of 70 dBA at any point outside of the property plane.

A Noise Assessment report was prepared by Illingworth & Rodkin, Inc. for the proposed drive-through carwash component of the project. Noise measurements were taken at the project site and its vicinity between November 22, 2013, and November 25, 2013. The noise measurements showed an anticipated noise level of 75.5 dBA at approximately 22 feet from the carwash exit, exceeding the noise limit established by the City's Noise Ordinance. The report indicated that to meet the City's Noise Ordinance, the proposed drive-through carwash should include: 1) an AeroDry Systems quiet dryer system<sup>2</sup> or equivalent will be installed in the drive-through carwash, and 2) IVS Power Vacuum System or equivalent will be used for the two vacuum units near parking spaces 6 and 7, and 3) a noise barrier.

Staff discussed two noise-barrier options with the applicant to reduce the noise level and thus bring the project into compliance with the Noise Ordinance: 1) add a door to the carwash exit, and 2) construct a sound attenuating barrier. The applicant indicated that the door option was not desirable because the depth of the carwash would need to increase in order to shift the carwash equipment further away from the exit to make room for a door and there is not sufficient space to increase the size of carwash building. The applicant also indicated that it would be a financial hardship to have his consultant redesign the project to increase the depth of the carwash. Therefore, the applicant is proposing to install a sound attenuating barrier consisting of an eight-foot tall wood fence with two solid layers rigidly connected.

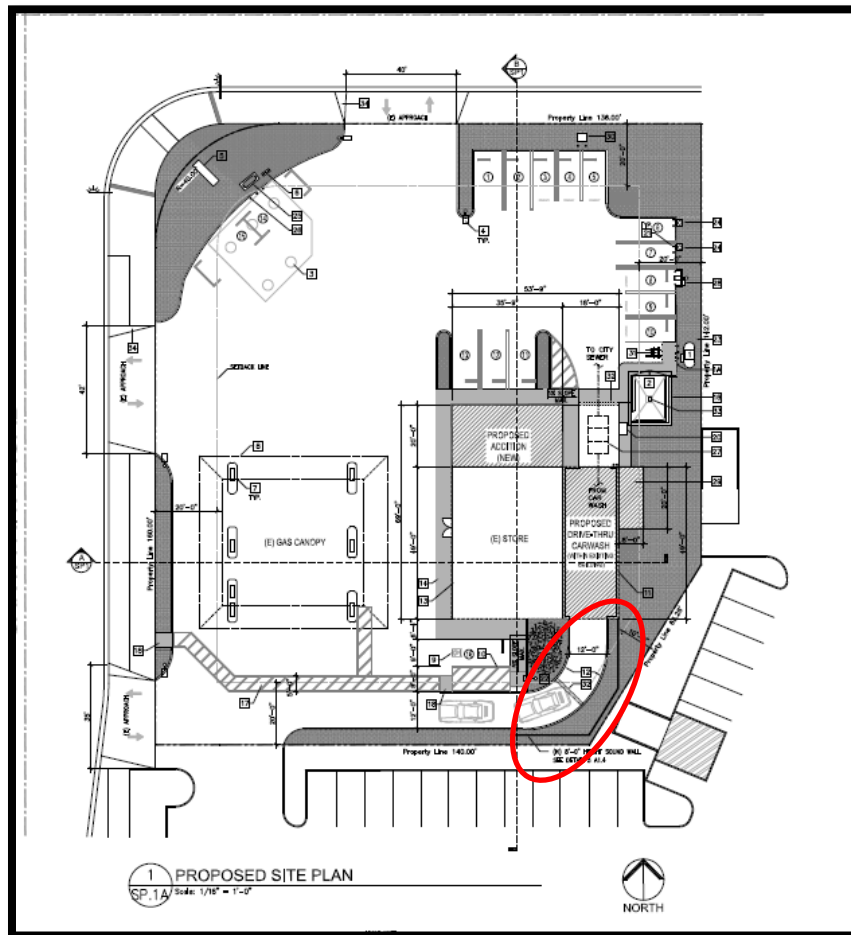
The proposal shows an eight-foot tall wood fence with two solid layers rigidly connected (see Figure 9 on the following page for the proposed location of the sound barrier). The wood fence would begin at the southeast corner of the carwash building and extend 55-60 feet in length along the side of the carwash exit drive. Staff recommends that this fence be modified to a

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<sup>2</sup> This is a dryer system that dries the vehicle after the wash/rinse cycle stops, but before the vehicle leaves the carwash building.

stucco and stone wall matching the materials and colors of the proposed convenience market and carwash building. The applicant has agreed to make this change. Staff has included conditions of approval requiring the applicant to install quiet dryers (blowers), quiet vacuum units, and a sound barrier. Staff has also included a condition requiring written certification by the acoustic consultant prior to operation to verify the drive-through carwash facility is operating in compliance with the City's Noise Ordinance.

**Figure 9: Location of the Sound Barrier**



Short-term noise would be generated during the construction phase. Conditions have been included to limit the hours of construction to minimize impacts on the surrounding uses. Construction equipment would be required to meet Department of Motor Vehicle (DMV) noise standards and be equipped with muffling devices.

**Tree Removal and Landscaping**

An arborist report (dated July 8, 2013) was prepared by Arbor Resources which discusses the existing trees on the site. It surveyed 17 trees, including seven located off-site to the south and east with tree canopies overhanging the project site. Among the surveyed trees, five trees are coast redwood with the remainder comprising raywood ash, London plane, American sweetgum, tulip, flowering plum, and camphor. One tulip tree (Tree No. 11), a non-heritage sized tree, was recommended to be removed as it is dying. Two coast redwood trees (Tree

Nos. 9 and 10), both heritage-sized trees and in fair condition, would be severely impacted by the proposed development. The arborist report indicated that the roots of the trees would be significantly impacted by the proposed excavation of the drive aisle for the drive-through carwash. The arborist report states that if these two trees are to be retained with a reasonable degree of assurance for their survival and stability, the drive aisle needs to be located at least nine feet from the tree trunks. The arborist report was prepared prior to the noise assessment report, which recommends the construction of a sound barrier at the carwash exit to mitigate noise impacts. With the proposed sound barrier, these two heritage-sized trees would need to be removed.

The applicant intends to retain the existing landscaping except for the two redwood trees that would be removed to accommodate the fence and the tulip tree. The proposed landscape plan shows the planting of two, five-gallon sized pittosporum shrubs between the convenience market and carwash exit aisle, installation of rosemary groundcover, and the planting of one, 24-inch box Texas ash tree on the north side of the building. Staff has added a condition requiring that all proposed plant locations be shown on a final landscape plan to be submitted with the building permit plans and subject to review and approval by the Director of Community Development prior to the issuance of a building permit. Staff has also added a condition requiring that drought-tolerant plants be used. To mitigate the loss off the two existing healthy, heritage-sized redwood trees, staff has included a condition requiring the applicant to pay for the appraised value of two heritage-sized trees (\$5,090). Staff is not recommending the applicant mitigating for the removal of the tulip tree because of its health condition.

### **Police Calls for Service<sup>3</sup>**

At both the Planning Commission Work Session and the neighborhood meeting, concern about the potential for the proposed convenience market to generate increased crime was expressed. The residents at the neighborhood meeting also mentioned the robberies at the nearby Golden Chopsticks restaurant as well as the robbery at a 7-Eleven store on Valley Avenue.

Table 7 on the following page shows total police calls for service, between January 2010 and July 2014 at the project site, the two shopping centers to the east and south of the project site, and each of the two existing 7-Eleven locations in Pleasanton. The Police Department has reviewed the data and indicated that the criminal activity associated with the shopping centers and 7-Eleven locations are primarily a function of the location of these businesses (along major streets and intersections) rather than their uses. The Police Department further indicated that the data reveals no significant issues or concerns related to the presence of the two existing 7-Eleven stores. Furthermore, based on the data, the Police Department finds no reason to believe the presence of a new 7-Eleven store at the subject site will produce any significantly different results. In addition, the applicant believes that increasing the number of employees from the existing one employee to the proposed two employees and having both employees be on-site 24 hours would also reduce the likelihood of crime occurring on the site.

A detailed list of all calls for service is attached as Exhibit E of the staff report.

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<sup>3</sup> Calls for Service is a phone call log listing the number of calls that the Police Department receives. The nearest site address may be used to register the call, not necessarily the location of the reported incidents.

**Table 7: POLICE SERVICE CALLS**

<b>Year</b>	<b>3192 Santa Rita Road and Adjacent Shopping Centers</b>	<b>7-Eleven Store at 3760 Hopyard Road</b>	<b>7-Eleven Store at 4307 Valley Avenue</b>
<b>2010</b>	283	82	15
<b>2011</b>	276	107	9
<b>2012</b>	220	70	14
<b>2013</b>	389	48	10
<b>January 1 - July 31, 2014</b>	252	48	7

**Signage**

Conceptual building-mounted signs are shown on the building’s north and west elevations for the proposed convenience market. The signs consist of the business name with the number “7” in orange/red colors and the word “Eleven” in green. Additionally, signs indicating the entrance and exit of the carwash would be installed above the entrance/exit. No other signs are shown on the proposed plans. The conceptual designs appear to be acceptable to staff. A condition of approval requires that all new/modified signs be subject to Sign Design Review approval prior to installation.

**PUD DEVELOPMENT PLAN FINDINGS**

The Zoning Ordinance of the Pleasanton Municipal Code sets forth the purposes of the Planned Unit Development (PUD) District and the considerations to be addressed in reviewing a PUD Development Plan. The Planning Commission must find that the proposed PUD development plan conforms to the purposes of the PUD District, as listed below, before making its recommendation to the City Council.

**1. Whether the plan is in the best interests of the public health, safety, and general welfare:**

Staff believes that the project is protective of the public health, safety, and general welfare for the following reasons:

- The project would expand commercial uses within an existing commercial district in the City, allowing for more effective utilization of an already-developed property.
- The site is adequately buffered from surrounding residential uses by major roadways or existing commercial uses.
- The proposed store would provide a convenient place for residents to purchase staples (milk, bread, fruit) locally.
- According to correspondence from the Pleasanton Police Department, and a review of service call data for similar uses in the City, the proposed use would not be expected to generate substantial increased demand for police service.

- Because the project would combine uses on the site (gas, carwash, and convenience store), and is located in close proximity to other commercial uses, it would maximize the potential for pass-by trips, which is a means of reducing vehicle miles traveled.
- As indicated in the Initial Study/Negative Declaration prepared for the project, all potential environmental impacts associated with the project (including noise and traffic) would be less than significant with implementation of conditions of approval. The convenience market with beer and wine sales, and the carwash would be conditionally permitted, meaning that the City could impose additional conditions on these uses if unexpected problems were to materialize in the future.

Therefore, staff believes that the proposed plan is in the best interests of the public health, safety, and general welfare, and that this finding can be made.

**2. Whether the plan is consistent with the City's General Plan and any applicable specific plan:**

The proposed project conforms to the "Retail, Highway, and Service Commercial/Business and Professional Offices" Land Use Element designation for the project site. The project site is located at the southeast corner of Santa Rita Road and W. Las Positas Boulevard, and is surrounded by two shopping centers to the south and east. The proposed convenience market and drive-through carwash would be compatible the surrounding uses. The proposed FAR of 9.5% conforms to the 60% maximum FAR limit in the General Plan. The project location is not located in a specific plan area. Therefore, staff believes the proposed development plan is consistent with the City's General Plan, and staff believes that this finding can be made.

**3. Whether the plan is compatible with previously developed properties in the vicinity and the natural, topographic features of the site:**

The subject property is bordered by a variety of uses: two shopping centers, a fire station, a hospital, and residences. The proposed project would modify the existing automobile service building and would have similar building setbacks as the existing building. The building height and massing would be compatible with the buildings in the vicinity. A sound attenuating fence would be constructed at the carwash exit to mitigate noise impacts. The proposed development would require limited grading for the construction of the building and other site improvements. Grading conducted on the site will be subject to engineering and building standards prior to any development.

Therefore, staff believes that the plan is compatible with the previously developed properties and the natural, topographic features of the site, and staff believes that this finding can be made.

**4. Whether grading takes into account environmental characteristics and is designed in keeping with the best engineering practices to avoid erosion, slides, or flooding to have as minimal an effect upon the environment as possible.**

The site topography is generally flat. Grading for the proposed project would be limited to that required for preparation of the convenience market and carwash additions. Erosion control and dust suppression measures will be documented in the building permit plans and will be administered by the City's Building and Public Works Division. The site is not located within an Alquist-Priolo Earthquake Fault Zone. The flood hazard maps of the Federal Emergency Management Agency (FEMA) indicate that the subject property is not located within a 100-year flood zone. Therefore, staff believes that this finding can be made.

**5. Whether streets, buildings, and other manmade structures have been designed and located in such manner to complement the natural terrain and landscape:**

The project site is in a developed area of the City and would not involve the extension of any new public streets. The building and parking areas are located in an area of the site where the grades are not steep. The proposed building will be compatible in size and scale with surrounding structures. The trees that are currently on site, except for three, will be retained. Conditions of approval would require the applicant to mitigate the loss of the two existing heritage-sized trees by making a payment for the trees' appraised value into the City's Urban Forestry Fund. Therefore, staff believes that this finding can be made.

**6. Whether adequate public safety measures have been incorporated into the design of the plan:**

The project site currently provides adequate access for police, fire, and other emergency vehicles. The new convenience market and carwash building would be equipped with automatic fire suppression systems (sprinklers). Structures would be required to meet the requirements of the California Building Code, Fire Code, other applicable City codes, and State of California energy and accessibility requirements. Site specific soils analyses would be conducted in conjunction with the building permit review.

Therefore, staff believes that the plan has been designed to incorporate adequate public safety measures.

**7. Whether the plan conforms to the purposes of the PUD District:**

The proposed PUD development plan conforms to the purposes of the PUD district. One of these purposes is to ensure that the desires of the developer and the community are understood and approved prior to commencement of construction. Staff believes that the proposed project implements the purposes of the PUD ordinance by providing a building that is well-designed and sited on the subject property. In addition the project fulfills the desires of the applicant, and meets the City's General Plan goals and policies.

The PUD process allows for ample input from the public and for an ultimate decision by the City Council regarding appropriateness of the proposed uses and development plan.

Staff believes that through the PUD process the proposed project has provided residents, the applicant, and the City with a development plan that optimizes the use of this infill site in a sensitive manner. Therefore, staff believes that this finding can be made.

## **CONDITIONAL USE PERMIT FINDINGS**

The Planning Commission must make the following findings prior to granting the conditional use permit for the proposed convenience market including alcoholic beverage sales and drive-through carwash.

- 1. The location of the proposed conditional use is in accordance with the objectives of the zoning ordinance and the purpose of the district in which the site is located.**

The objectives of the Zoning Ordinance include fostering a harmonious, convenient, workable relationship among land uses, protecting land uses from inharmonious influences and harmful intrusions, promoting a safe, effective traffic circulation system, and ensuring that public and private lands ultimately are used for the purposes which are most appropriate and beneficial to the City as a whole. As conditioned, staff believes that the proposed use would be consistent with these objectives.

One purpose of the Commercial District is to provide opportunities for retail markets, offices, service establishments, amusement establishments, and wholesale businesses to concentrate for the convenience of the public and in mutually beneficial relationship to each other. The proposed uses would be operated on a site that currently allows commercial uses. The proposed convenience market would be compatible with adjoining shopping centers located to the south and east of the project site. The proposed convenience store would be limited to the hours of 5:00 a.m.-1:00 a.m. with alcohol sales limited to the hours of 6:00 a.m. to 11:00 p.m. The proposed carwash would operate from 7:00 a.m. to 10:00 p.m. Staff believes that the proposed hours of operation would be compatible with the commercial businesses in the adjoining shopping centers and would minimize impacts on the surrounding residents. Staff believes the proposed use, as conditioned, will be compatible with the other businesses in the surrounding areas. The applicant will be required to mitigate any future nuisances which may occur as a result of the proposed use.

Therefore, staff believes that this finding can be made.



2. **The proposed location of the conditional use and the conditions under which the conditional uses would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity.**

Staff believes that the uses, as conditioned, would not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. The project site has adequate vehicular access from Santa Rita Road and W. Las Positas Boulevard. Additionally, the proposed project would have adequate parking for patrons and employees. To help reduce noise levels, the proposed project includes the construction of a sound barrier at the carwash exit to mitigate noise and the proposed carwash would utilize a quieter dryer system. The applicant is required to provide noise specifications for the two vacuum units next to the parking stalls to ensure compliance with the Noise Ordinance. Staff has included conditions of approval that will ensure the subject use will not be operated in a manner that is detrimental to the public health, safety, or welfare or be materially injurious to the properties or improvements in the vicinity.

Therefore, staff believes that this finding can be made.

3. **The proposed conditional use will comply with each of the applicable provisions of this chapter.**

The site would be rezoned to conditionally permit the subject uses. Chapter 18.124 of the Municipal Code states that, because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to their effects on surrounding properties. Staff finds that the recommended conditions of approval will help to integrate the proposed uses without adversely affecting the surrounding properties and the City in general. As with any use permit, this use can be revoked if the conditions are not met. As conditioned, the proposed use permit would comply with all applicable provisions of the Zoning Ordinance. Therefore, staff believes this finding can be made.

## **PUBLIC NOTICE**

Notices regarding the proposed applications were mailed to the surrounding property owners and tenants within a 1,000 foot radius of the project site. A map showing the noticing area is attached to this report. The public notice was also published in *The Valley Times*.

Staff has received a petition signed by 30 residents, an email from Ms. Vicki Salins on Weymouth Court, and an email from Mr. Henry Bailey at 3182 Montpelier Court, opposing the proposed project. A copy of the petition and emails is attached as Exhibit G. Staff will forward to the Planning Commission any additional public comment received after publication of the staff report.

## **ENVIRONMENTAL ASSESSMENT**

A draft Initial Study/Negative Declaration (Exhibit H) has been prepared for the proposed project. Based on the Initial Study, staff believes that the project would not have any significant environmental impacts. Staff, therefore, believes that the Initial Study/Negative Declaration can be issued in conformance with the California Environmental Quality Act (CEQA). If the Planning Commission concurs with this environmental assessment, it must make the finding that the Initial Study/Negative Declaration adequately evaluates the potential environmental impacts of the project prior to taking action on the project.

## **CONCLUSION**

As proposed by the applicant and conditioned by staff, staff believes that the uses will be compatible with the surrounding businesses and will not detrimentally affect the surrounding uses or properties. Conditions of approval have been included which will ensure that the safety and general welfare of the surrounding area, and the City in general, is maintained. Staff believes that the project's building and site design, as proposed and conditioned, is appropriate for the surrounding area, conforms to the purposes of the PUD Ordinance, and merit a favorable recommendation by the Commission.

## **STAFF RECOMMENDATION**

Staff recommends that the Commission take the following actions:

1. Find that the proposed project would not have a significant effect on the environment and adopt a resolution recommending adoption of the attached draft Negative Declaration;
2. Find that the proposed PUD rezoning and Development Plan are consistent with the General Plan and the purposes of the PUD Ordinance;
3. Make the PUD and Conditional Use Permit findings as listed in the staff report; and
4. Adopt resolutions recommending approval of Case PUD-102, subject to the draft conditions of approval listed in Exhibit A-1 and Case P14-0014, subject to the draft conditions listed in Exhibit A-2, and forward the applications to the City Council for public hearing and review.

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