

## Planning Commission Staff Report

September 25, 2013

Item 6.a

**SUBJECT:** P13-0336

**APPLICANT/  
PROPERTY OWNER:** MD Roseberry, Inc.

**PURPOSE:** Work Session to review and receive comments on a Preliminary Review application to: (1) replace the existing auto service use with a 24-hour 7-Eleven convenience market and a drive-through carwash; (2) add approximately 700-square feet to the existing building; and (3) modify the existing site improvements at the existing Valero 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. Discussion Points
- B. Project Plans, Photo Simulations, Arborist Report, Survey of Service Station/Convenience Markets' Operation Hours and Number of Parking Spaces, Call for Service Data Sheets from Police and Fire Departments, and Applicant's Information Letter to Surrounding Residents/Business Tenants
- C. Public Comments
- D. Location Map and Noticing Map

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### BACKGROUND

Michael Roseberry has submitted a preliminary review application to convert the existing auto service building into a convenience market and a drive-through carwash, retain the existing gas pumps, and modify the existing site improvements at the current Valero service station. The convenience market would be a 7-Eleven store and its merchandise would include the sale of alcoholic beverages.

The subject property is zoned Neighborhood Commercial (C-N) where neither a convenience market nor a drive-through carwash is allowed. To pursue the proposed uses, the current zoning of the site would need to be changed, and a Planned Unit Development (PUD) development plan would need to be approved.

### SITE DESCRIPTION

The subject site is approximately 33,812 square feet in area and is located northeast of the intersection of Santa Rita Road and W. Las Positas Boulevard. Please refer to the location map where the site is outlined in red.



Location Map

The site is bounded by Santa Rita Square/Meadow Plaza Shopping Center to the immediate south and east, residential uses beyond the shopping center to the east, and to the north except for the Fire Station located at the northeast corner of Santa Rita Road/W. Las Positas Blvd., to the west, and further south across Arroyo Mocho, and Valley Care Medical Center to the northwest.

The existing Valero service station has seven fuel islands under a canopy that is approximately 4,067 square feet, as well as an auto service building of approximately 2,604 square feet. Access to the site is presently provided by three driveways, two from Santa Rita Road and one from W. Las Positas Boulevard.



**Northwest View**



**Southwest View**



## PROJECT DESCRIPTION

The project proposal consists of the following components:

### Building:

- ◆ Convert approximately 862 square feet of the existing auto service building to a drive-through carwash;
- ◆ Remodel the remaining auto service building and construct a 700-square-foot addition for a 2,467-square-foot 7-Eleven convenience market;
- ◆ Modify the existing elevations; and
- ◆ Construct a new storefront tower element.

### Operation:

- ◆ Operate a 24-hour convenience store;
- ◆ Include the sale of alcoholic beverages;
- ◆ Modify the existing hours of the gas station from the current 5:00 a.m. – 12:00 midnight to 24 hours; and
- ◆ Operate a drive-through carwash from 7:00 a.m. – 10:00 p.m.

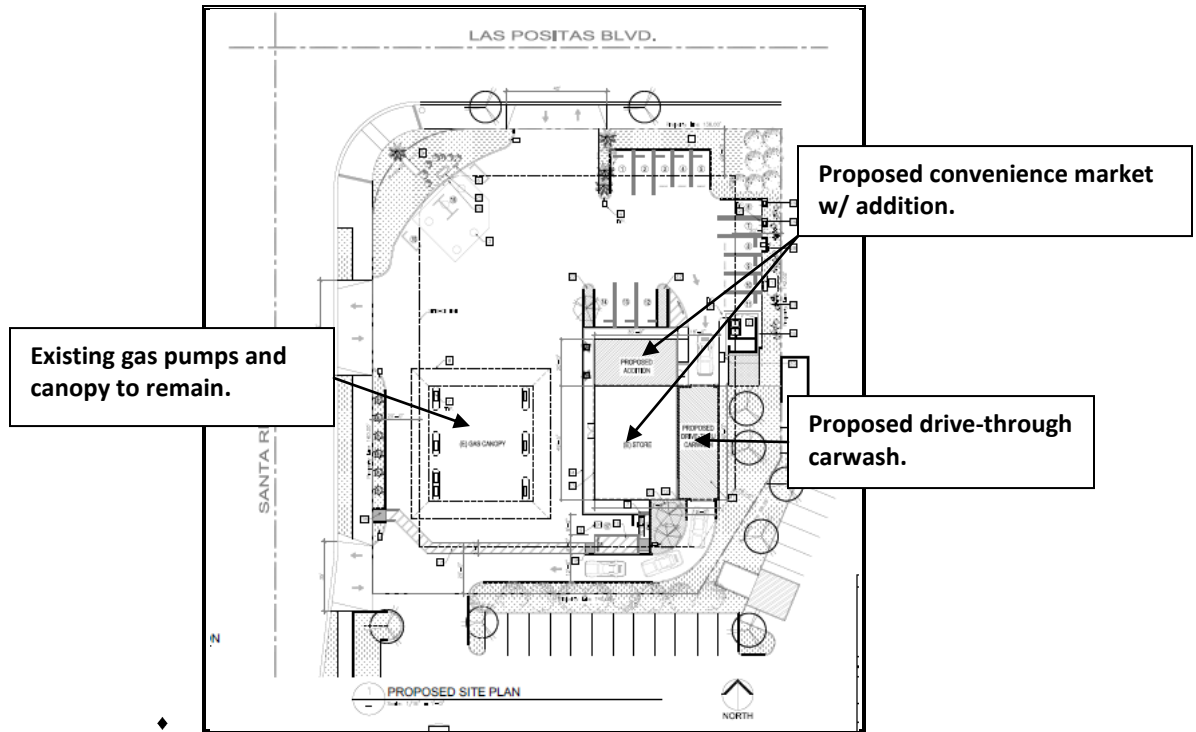
### Site Development:

- ◆ Construct a new trash enclosure;
- ◆ Add additional planting, and other site improvements;
- ◆ Modify on-site circulation and parking; and
- ◆ Install a new propane tank to be used to refill portable propane canisters.

The drive-through carwash would be a “self-serve” carwash without attendants. The driver remains inside the vehicle as the vehicle is being shampooed, rinsed, and air dried. The proposed convenience market would have two employees at all times.

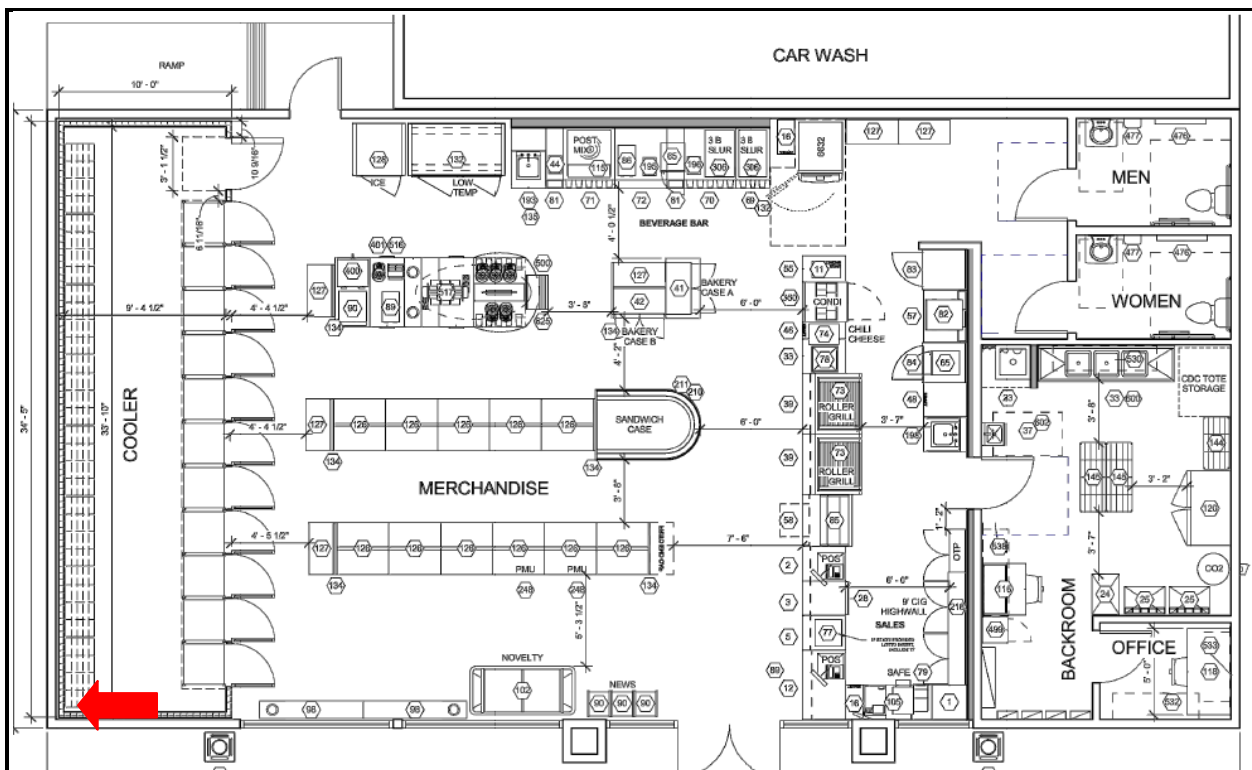
No changes are proposed to the existing gas pumps.

The applicant has also provided a noise study for the proposed drive-through carwash. However, the noise study will need to be revised to demonstrate whether the carwash complies with Pleasanton’s Noise Ordinance and whether noise mitigation will be required. As such, the noise study was not attached to this report. A noise study will be required with the formal application submittal.



The Proposed Site Plan

The floor plan of the convenience market, below, includes a sales area, merchandise display, coolers, a back area for storage, and restrooms.



The convenience market's exterior finishes include a two-tone stucco with stone veneer wainscoting. A tower element would be located at the store entrance. Additional planting would be added to the areas immediately surrounding the building and along the perimeter of the site.

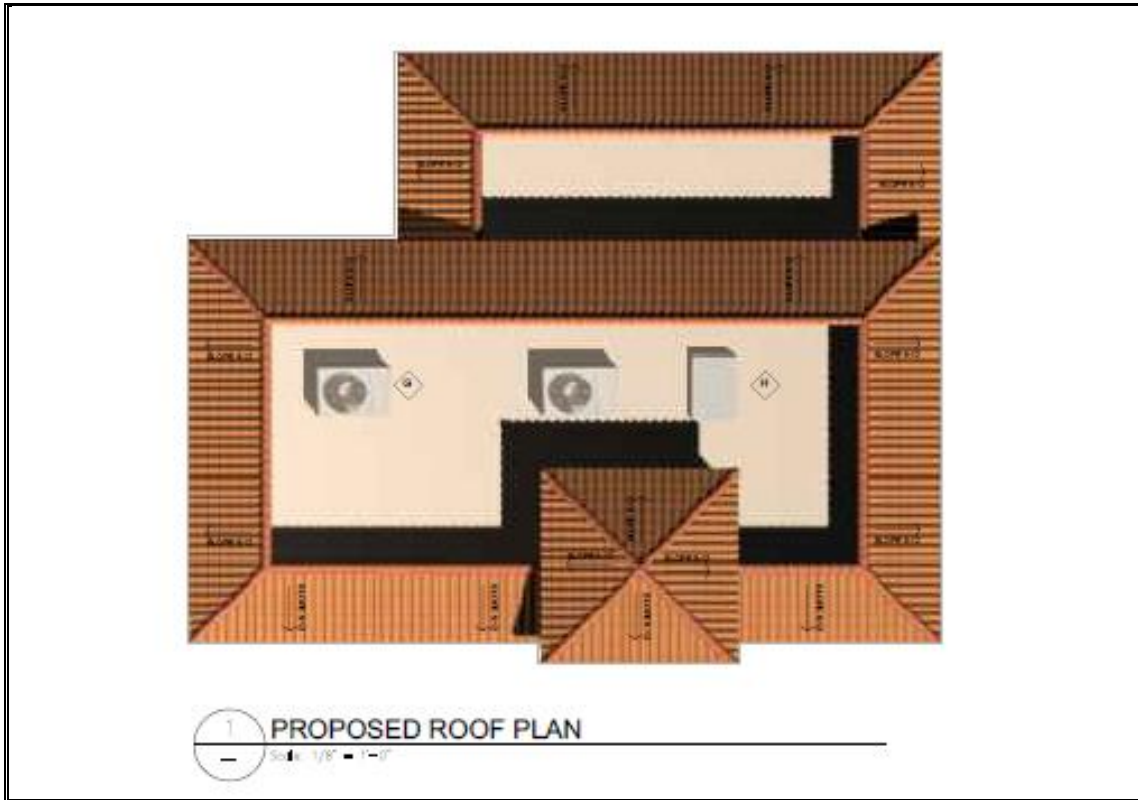
The existing auto service building is approximately 18 feet in height, measured from the grade to the peak of the roof. The proposed drive-through carwash would maintain the existing building height, but the height of the 7-Eleven convenience market would be increased to 22 feet, measured from the grade to the peak of the roof. The proposed tower element would be 26 feet.



Proposed West Elevation (Front)



The main roof is a mansard style. Heating ventilation and air conditioning (HVAC) units would be located on the roof and be screened by the parapet. No changes to the existing canopy at the fuel pumps are proposed. The convenience market would have 7-Eleven logo and signage.



An arborist report was prepared by Arbor Resources (dated July 8, 2013) which discusses the existing trees on the site. It surveyed 15 trees, including seven off-site to the south and east. Among the surveyed trees, five trees or 33% of the trees are coast redwood with the remainder comprised of raywood ash, London plane, American sweetgum, tulip, flowering plum, and camphor. One tulip tree (Tree No. 11), a non-heritage sized tree, would need to be removed due to the proposed development, and two coast redwood trees (Tree Nos. 9 and 10), both heritage-sized trees, would be severely impacted by the proposed development. The arborist report pointed out 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 further 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. Unless the applicant changes the site layout, these two trees most likely would need to be removed. The aerial on the following page shows the locations of the trees that would be removed/impacted by the proposed development.



Aerial Map of Impacted Trees

## **CONSIDERATIONS FOR THE WORK SESSION**

Staff seeks the Planning Commission's direction and comments on the proposed development. The items listed below are those for which staff would find the Commission's input most helpful. The Commission may also comment and provide direction on topics that are not included in this list.

### **Rezoning**

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, depending on the uses, some uses may be permitted in one commercial district but not in another commercial district.

Among the six commercial districts, service stations with a convenience market excluding the sale of alcoholic beverages and a drive-through carwash are conditionally permitted in the C-S (Service Commercial) District and C-F (Freeway Interchange Commercial) District. The zoning code limits the gross floor area of a convenience market to 2,500 square feet and allows a limited inventory of food, beverages and convenience items.



The following table shows the purposes of the C-S District, C-F District, and the C-N District of the subject the site:

Zoning District	Special Purposes of the Zoning District (Section 18.44 of PMC)
C-N (Neighborhood Commercial)	<p>A.To provide appropriately located areas for retail stores, offices, and personal service establishments patronized primarily by residents of the immediate area;</p> <p>B.To permit development of neighborhood shopping centers of the size and in the appropriate locations shown on the general plan, according to standards that minimize adverse impact on adjoining residential uses.</p>
C-S (Service Commercial)	<p>A.To provide appropriately located areas for commercial uses having features that are incompatible with the purposes of the other commercial districts;</p> <p>B.To provide sites for businesses that typically are not found in shopping centers, that usually have relatively large sites providing off-street parking, and that attract little or no pedestrian traffic.</p>
C-F (Freeway Interchange Commercial)	<p>A.To provide appropriately located areas for establishments catering to freeway travelers and tourists;</p> <p>B.To enhance the appearance of certain entrances to the city, and to protect motel and restaurant patrons from nuisances by limiting or prohibiting certain commercial service uses that often are unsightly or have nuisance features;</p> <p>C.To provide appropriately located areas for establishments that generally require large sites and do not require close proximity to other commercial uses.</p>

The subject site is located at the southeast corner of Santa Rita Road and W. Las Positas Boulevard in a shopping center. Businesses within the shopping center include restaurants, a supermarket, an urgent care medical clinic, an indoor recreational use, a music shop, and miscellaneous retailers and personal service businesses. The land uses beyond the shopping center boundaries are predominately residential uses except for a regional medical center located at the northwest corner of Santa Rita Road/W. Las Positas Boulevard and the fire station located on the northeast of Santa Rita Road/W. Las Positas Boulevard.

The applicant is seeking specific uses that are not allowed by the 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 district would be needed in order to facilitate the desired uses. In addition, a PUD development plan would also need to be processed for the proposed site and building changes.

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 24-hour convenience market with the sale of alcoholic beverages and a drive-through carwash in conjunction with the existing gas station?

### **Hours of Operation**

The convenience store would be open 24 hours a day, seven days a week. The drive-through carwash would be open from 7:00 a.m. – 10 p.m.

The convenience market, while proposed to be open 24 hours a day, would be restricted by State law from selling alcohol between 2:00 a.m. and 6:00 a.m. (per California Business and Professions Code Section 25631).

There are potential adverse impacts which could occur as a result of locating a convenience market with 24-hour operation approximately 150 feet from residential uses. The PUD approvals for the adjoining shopping centers do not allow all night businesses. Thus, other than Valley Care Medical Center located at 5555 W. Las Positas Blvd., no surrounding businesses operate 24 hours. Locating a convenience market with 24-hour business operation in close proximity to residences could create potential impacts to those residents in terms of noise. Staff has received emails and calls from residents on Weymouth Court and W. Las Positas Boulevard, expressing concerns and objections to a 24-hour store. Staff has also received calls from other residents in the Fairlands Neighborhood expressing similar concerns.

The applicant has provided a survey of the operating hours of service stations and convenience markets throughout the city. This survey included 10 gas stations, two 7-Eleven stores, one AM-PM market, and three coffee shops (two Starbucks stores and one Pete’s store). Among the 10 surveyed gas stations, seven are open 24 hours and have either a convenience store or a snack shop. In addition, among the surveyed gas stations, five sell alcoholic beverages in the convenience store/snack shop. The applicant has also obtained “Call for Service” data from the Police Department for the two existing Valero service stations and two 7-Eleven stores. In addition, the applicant obtained service call data from the Livermore-Pleasanton Fire Department for calls responded by Fire Station No. 3, north of the subject site. Please refer to Exhibit B.

In 2010, staff conducted a survey of the hours of operation of the existing supermarkets and convenience markets in the City. Staff found a mixture of 24-hour and non-24-hour markets: Safeway, 7-Eleven’s two existing locations, and the gas stations within Pleasanton that have ancillary convenience markets (such as the Shell and Chevron service stations) operate 24-hours a day, while Lucky’s, Raley’s, Smart & Final, Trader Joe’s, and Gene’s Fine Foods do not. Most of the existing markets are located in close proximity to residences.

Discussion Point No. 2: Would a 24-hour operation for the convenience market and a 7:00 a.m. – 10:00 p.m. operation for the drive-through carwash be appropriate for this location?

## **Parking**

If the proposed rezoning is supported by the Planning Commission, the applicant would also apply for a PUD development plan approval for the construction of the convenience market and the drive-through carwash. 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 requirement, etc.

The existing parking spaces located along the northern property line facing W. Las Positas Blvd. and along the eastern property line facing the adjoining shopping center would remain. 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. The applicant proposes three parking spaces to be located to the north of the proposed building and two parking spaces located near the landscaped area at the corner of Santa Rita Road and W. Las Positas Blvd. As shown on the site plan, a total of 17 on-site parking spaces are proposed.

For comparison and discussion purposes, §18.88.030(C) of the Pleasanton Municipal Code (PMC) requires service stations to have one parking space and an additional parking space for each employee on the maximum shift. Convenience markets are required to have one parking space for each 150 square feet of gross floor area. Based on two employees for the service station and the proposed convenience market at 2,467 square feet, a total of 18 parking spaces<sup>1</sup> would otherwise be required (two for the service station and 16 for the convenience market).

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?

## **Site layout and Circulation**

The site plan for the proposed project shows the existing auto service building would be replaced by the proposed convenience market in the expanded building, and a drive-through carwash provided in the remodeled space. Specifically, one third of the existing auto service building would be modified to a drive-through carwash, and an approximately 700-square-foot addition be constructed on the north of the existing auto service building for a 2,467 square foot convenience market. Vehicles using the drive-through carwash would enter from the north and exit via a 12-foot wide drive aisle located parallel to the southern property line. Access to and from the site would remain the same.

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<sup>1</sup> The Pleasanton Municipal Code Section 18.88.020.B. states that a fractional number of less than one-half can be rounded down.

The applicant proposes the following development standards. The development standards of the C-N zoning district are listed for comparison purposes.

Development Standards	Proposed	C-N District
Front Yard Setback (Santa Rita Road side/west side)	88'	20'
Side Yard Setback (south side)	19'/107'	20'/40'
Street-side Side Yard Setback (W. Las Positas Blvd./north side)	98'	20'
Rear Yard Setback (east side)	13'	10'
Building Height <sup>2</sup>	24'	30'
FAR (Floor Area Ratio)	9.6%	30%

The Traffic Engineering Division has reviewed the proposal and found that the on-site circulation with the proposed drive-through carwash is acceptable. The Traffic Engineering Division has analyzed the potential increase in vehicle trips due to the proposed convenience market and the drive-through carwash over and above the trips that are generated by the existing gas station and auto service business. It is estimated that the proposed project would generate an additional 118.92 trips in the pm peak; about 50% of these trips would be pass-by trips (i.e., motorists who are already on the road and making a stop on their way to another destination). As such, the Traffic Engineering Division did not require a traffic study to be provided. The applicant would be required to pay the required local and regional traffic fees.

Discussion Point No. 4: Are the proposed site plan, circulation, and parking layout acceptable?

**Building Design**

The exterior of the proposed building would consist of two earth-tone 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 cultured stone at the wainscot and the lower portion of the columns of the tower element, and score lines to break the building massing. A mansard roof is proposed for the main building except for the tower element. The applicant

<sup>2</sup> The Pleasanton Municipal Code Section 18.84.140 Height limits—Measurement states: except as otherwise noted in this chapter, the height of a structure shall be measured vertically from the average elevation of the natural grade of the ground covered by the structure to the highest point of the structure or to the coping of a flat roof, to the deck line of a mansard roof, or to the mean height between eaves and ridges for a hip, gable, or gambrel roof.



intends to reuse the existing reddish-colored concrete roof tiles. A color/material board would be available at the meeting.

HVAC units would be mounted on the roof-top and screened by the roof. Wall-pack lights would be mounted on the building for illumination and security.

Discussion Point No. 5: Is the proposed building design acceptable?
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## **PUBLIC NOTICE**

Notices regarding the proposed application 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*.

The applicant has contacted surrounding residential neighbors and business owners. Please see Exhibit B for applicant's letter regarding the proposal and the neighborhoods that the applicant has visited.

Staff has received emails and calls from residents on Weymouth Court, W Las Positas Blvd., Yuma Court, and in the Fairlands Neighborhood, expressing concerns regarding the hours of operation and potential crime to residential uses and their objections to the proposal. Please refer to Exhibit C.

## **ENVIRONMENTAL ASSESSMENT**

Since the Planning Commission will take no formal action on the project at the work session, no environmental document accompanies this work session report. Environmental documentation will be provided in conjunction with the Planning Commission's formal review of the PUD application.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission review the attached material, take public testimony, and make suggestions/comments to the applicant and staff regarding the development of the site.

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