



Legislation Details (With Text)

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| File #: | 16-515 | Version: | 1 | Name: | PLN16-0030; Modification of CUP and SPR for convenience store and self-serve fuel sales at 712 Lewelling Boulevard |
| Type: | Staff Report | Status: | | | Agenda Ready |
| | | In control: | | | Board of Zoning Adjustments |
| On agenda: | 10/6/2016 | Final action: | | | |
| Enactment date: | | Enactment #: | | | |

Title: PLN16-0030; Modification of an existing Conditional Use Permit (CU-84-5) and Site Plan Review to construct and expand an already operating 24-hour self-service gas station and convenience store that includes a State of California Alcohol Beverage Control (ABC) License Type 20 for sale of beer and wine for off-site consumption at 712 Lewelling Boulevard (southwest corner of Lewelling Boulevard and Washington Avenue); the new construction includes pump island layout, overhead canopy, convenience store building and site landscaping; CC Community Commercial District; Alameda County Assessor's Parcel Number 80G-1114-6-2; H. Alam, Faizan Corporation (applicant and property owner).

1. Adoption of the finding that this project is categorically exempt under CEQA Guidelines, Article 19, Section 15303, as new construction of small structures;
2. Adoption of the attached Recommended Findings of Fact for Conditional Use Permit, PLN16-0030; and
3. Approval of Conditional Use Permit, PLN16-0030, subject to the Recommended Conditions of Approval.

Sponsors: Cynthia Battenberg

Indexes:

Code sections:

Attachments: 1. PLN16-0030 Vicinity Map 10-6-2016.pdf, 2. PLN16-0030 Findings of Fact.pdf, 3. PLN16-0030 Recommended COA 11-3-2016, 4. PLN16-0030 Exhibits A-J 11-3-2016.pdf, 5. Google street views.pdf, 6. Informational - Sidewalk Repair Locations Exhibit E&T Dept.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------------|--------|--------|
| 11/3/2016 | 1 | Board of Zoning Adjustments | | |

PLN16-0030; Modification of an existing Conditional Use Permit (CU-84-5) and Site Plan Review to construct and expand an already operating 24-hour self-service gas station and convenience store that includes a State of California Alcohol Beverage Control (ABC) License Type 20 for sale of beer and wine for off-site consumption at 712 Lewelling Boulevard (southwest corner of Lewelling Boulevard and Washington Avenue); the new construction includes pump island layout, overhead canopy, convenience store building and site landscaping; CC Community Commercial District; Alameda County Assessor's Parcel Number 80G-1114-6-2; H. Alam, Faizan Corporation (applicant and property owner).

1. Adoption of the finding that this project is categorically exempt under CEQA Guidelines, Article 19, Section 15303, as new construction of small structures;
2. Adoption of the attached Recommended Findings of Fact for Conditional Use Permit, PLN16-0030; and
3. Approval of Conditional Use Permit, PLN16-0030, subject to the Recommended Conditions of

Approval.

SUMMARY AND RECOMMENDATION

The applicant proposes to modify an existing Conditional Use Permit, CU-84-5, as referenced above which would redevelop the subject property with a new self-service gasoline station and convenience store. The site is zoned CC Community Commercial District. The proposal to modify the existing Conditional Use Permit (CUP) is determined to be a change in the conditions of the CUP and a change to the development plans. Per Zoning Code Section 5-2220 A., a request for changes in conditions of approval of a use permit or a change to development plans that have a substantial effect on conditions of approval shall be treated as a new application. In addition, the Zoning Code requires that convenience stores and service stations in the CC District obtain a Conditional Use Permit (Zoning Code Section 2-606 B.14 and B.40., respectively.).

The redevelopment of the property with a new convenience store and self-service gas station with the appropriate conditions of approval such as, improving traffic circulation, supplying adequate off-street parking, providing and maintaining new landscaping, requiring strict conditions for beer display and sales, policing for litter, prohibiting outdoor display and storage and loitering, should make the new development and continued land use compatible with the existing adjacent residential and commercial neighborhood. Staff recommends that the Board of Zoning Adjustments make the attached findings and approve PLN16-0030 subject to the attached recommended conditions of approval.

APPLICANT'S SUPPORTING STATEMENT

Expansion to an existing service station to include addition; fueling position and expanded shop. Additional landscaping and overall site enhancements will be included.

RELATIONSHIP TO SURROUNDING AREA

The intersection of Washington Avenue and Lewelling Boulevard is developed with various commercial uses. This includes a Big-O Tire shop and a smog test shop at the northwest corner (CU-98-7, Conditional Use Permit), Greenhouse Marketplace Shopping Center at the northeast corner (PD-83-3, Planned Development) and a Walgreens with 24-hour drive through pharmacy at the southeast corner (PLN2003-00033, Conditional Use Permit). Adjacent property to the west is developed with a three story apartment complex (Chateau Manor Apartments) and to the south is a dental office building.

BACKGROUND

The 23,371 square feet subject property is located at the southwest corner of Lewelling Boulevard and Washington Avenue. This property was originally developed with the ARCO Service Station prior to the requirement for a Conditional Use Permit. A Conditional Use Permit was granted in 1985, to convert a portion of the existing building 1,500 square foot building into a convenience store with self-serve gasoline sales. At that time, all auto service was discontinued (CU-84-5). The convenience store operates 24-hours a day and has a State of California Alcoholic Beverage Control (ABC) License Type 20 for sale of beer and wine for off-site consumption.

DETAILS OF THE PROPOSAL

The applicant requests approval to construct a new Arco AM/PM convenience store, self-service gas station and site improvements to enhance the property's appearance and operations. The existing on-site improvements would be demolished and removed. The proposal includes retention of the 24-hour business operations and ABC License Type 20 for sale of beer and wine for off-site consumption.

Site Plan

Three driveways, two on Lewelling Boulevard and one on Washington Avenue, would access the property. This includes the removal of the closest driveway to the intersection on Washington Avenue. A new 2,900 square foot convenience store building will be located at the rear corner of the property facing the intersection. The two existing pump islands and canopies will be consolidated and centered on the site located between the front of the building and the street corner of the property and will be covered by a 47-foot by 69-foot canopy. Beneath the canopy will be six fueling dispensers arranged in two rows of three. Service from the dispensers is available on both sides; thus 12 vehicles can fuel at one time. See attached Exhibit A - Site Plan.

New landscape planters along the street frontage will have a minimum depth of five feet and will enlarge to depth of 20 feet at the corner adjacent to the intersection. In total, the proposed on-site landscaping would comprise 2,360 square feet of the site area satisfying the 10 percent minimum requirement, per Zoning Code Section 2-688 B.

Floor Plan

The proposed 2,900 square foot building would consist of a 1,163 square foot public sales area with various convenience choices for hot or cold beverages, hot or cold ready-to-eat foods, packaged snack foods, reach-in coolers with 11 doors and reach-in freezer with two doors and a cashier's area. The remaining area behind the sales floor would be for storage room, cold storage behind the reach-in shelves, a utility room, and preparation area, office, and two restrooms, one for each gender (see Exhibit E - Floor Plan).

Beer Display and Sales

The beer display and sales would be limited to the reach-in coolers numbered 1 through 5 and the ends of the shelves facing the cooler doors, as shown in Exhibit E - Floor Plan. To comply with ABC requirements, the reach-in coolers are equipped with locks so they can be locked at 2:00 a.m. to 6:00 a.m. To address the beer displayed on the shelves which are not locked, the applicant and employees receive training not to sell alcohol between the hours of 2:00 a.m. to 6:00 a.m. The beers on the shelves are not single cans or single bottle sales, and they are not refrigerated.

ABC has the following restrictions for licensees who sell both alcoholic beverages and gasoline:

1. No beer or wine shall be displayed within five feet of the cash register or the front door unless it is in a permanently affixed cooler as of January 1, 1988.
2. No advertisement of alcoholic beverages shall be displayed at motor fuel islands.
3. No display or sale of beer or wine shall be made from a drive-in window.
4. No display or sale of beer or wine shall be made from an ice tub.
5. No beer or wine advertising shall be located on motor fuel islands and no self-illuminated

advertising for beer or wine shall be located on buildings or windows.

6. Employees on duty between the hours of 10:00 p.m. and 2:00 a.m. who sell beer or wine shall be at least 21 years of age.

In this case, although the ABC license is for sale of beer and wine, the applicant stated that there is no intention to display or sell wine from the store.

Building Exterior and Elevations

The exterior of the building will predominantly be stucco; however the base of the building will be stone wainscot (see Exhibits G and H - Exterior Elevations and Color Elevations, respectively). The glazing and front door front elevation will be detailed with metal awnings. The front door would have a cantilevering awning. The glazing on each side of the front door would have anchored awnings. The parapet roof lines will vary in height and will be detailed with raised cornice trim. The exterior walls will be earth-tone colors and the stone veneer.

The front elevation has a symmetrical design with the front door as the center. The center facade and the two ends will be painted "Wooded Acre," a tan color. In between the center and the ends and the rear elevations of the building will be "Sand Dune," a light beige. The cornice on the varying parapets and the awnings will be "Weathered Brown," a dark brown color. The wainscot is "Alaskan Sunset," which has random shades of grays and tans. The window frames and the horizontal elements on the ends of the building will be clear anodized aluminum, which is gray-silver in color.

The parapet rooflines vary in height from 19 feet, six inches for the lowest points; 21 feet for the middle level at the ends of the of front elevation; and 24 feet, six inches to the center of the front elevation containing the front door. These parapets effectively conceal and screen the roof-well at approximately 15 feet, which would contain the rooftop equipment.

Canopy

The new canopy would be constructed with metal and it would have the Arco trademark design with its corporate branding of sign copy, red logo, and blue color (see Exhibit J - Canopy Elevations). The columns would be painted white and at the base of each will be the gray and tan stone veneer to match the wainscot on the building. The canopy height would be 18 feet, six inches tall with the minimum clearance of 16 feet beneath. This allows a two feet, six inch fascia for the Arco branding and signage.

Sign Program

The proposed sign program includes the replacement of the dated pole sign at the corner with a new monument-type, interior illuminated two-sided, identification and gasoline price signs in a new landscaped planter adjacent to the intersection. Its base would be the gray and tan stone veneer to match the wainscot on the building and the base of the columns for the canopy (see Exhibit B - Sign Plan and Details for Monument and Building). The sign will be six feet high and eight feet long. It will contain the name Arco, AM/PM and the prices of the four fuels sold. The height of the freestanding sign fits within the guidelines of current signs in the immediate area.

As mentioned previously, the canopy would be branded with Arco and its logo on north elevation facing the intersection and the east edge facing Washington Avenue. The west edge would contain

the logo only and the south edge facing the front of the convenience store would not have any sign copy or logo.

The convenience store, being a different product, will be branded with the AM/PM trademark prominently on the front wall of the building above the front door and awning.

Other Site Improvements

The site plan includes nine off-street parking spaces along the front of the convenience store building, in addition to the 12 customer vehicles that can queue at the pumps, beneath the canopy. The plan adequately allows for the tanker truck deliveries via Washington Avenue and for it to egress via Lewelling Boulevard.

The proposed site plan includes new landscaping at the corner, the street frontages excluding the driveways, and the interior property lines.

The recyclable and solid waste containers would have an enclosure constructed along the western property line. It would maintain the 10 foot minimum setback from the Lewelling Boulevard right-of-way line (front property line). There will also be an air and water dispenser for customer use on the west property line.

STAFF ANALYSIS

Per Zoning Code Section 5-2220 (A), a request for changes in conditions of approval of a use permit or a change to development plans that have a substantial effect on conditions of approval shall be treated as a new application.

The purpose for the CUP review is to ensure that the proposed use will not be detrimental to public health, safety or welfare of persons and properties in the neighborhood, and to determine that the project carries out the City's policies listed in the General Plan to enhance and improve the consistent with the character of the districts in the City and to improve the design and aesthetic quality of new and existing development while also being compatible to adjacent commercial and residential development. In addition, concurrent with the CUP, the purpose of the Site Plan Review (SPR) is to see if the proposed site plan elements are in compliance with the minimum standards of the Zoning Code and are arranged to achieve the intent of the Code's requirements by providing a harmonious and orderly development; parking, loading and service areas are appropriately screened by building placement, and/or landscaping; the building has adequate articulation and use of detailing; and the landscaping complements the architectural design.

The proposed use has been thoroughly reviewed by the various City Departments including the Environmental Services Division, Building Division, Fire Department, Engineering and Transportation Department, Police Department and the Planning Division.

Site Plan

Locating the building to the rear corner of the site, combining the two pump islands into one central area, and closing the Washington Avenue driveway closest to the intersection, improves on-site circulation and parking. The site plan configuration also provides a large landscaped planter at the corner, adjacent to the intersection. Placing the building on or close to the property line eliminates

areas behind the building that could attract nuisances and would be difficult to secure.

The station is designed so that gas customers enter from either Lewelling Boulevard or Washington Avenue and proceed to the pump islands. There is adequate space for circulation to work from both directions. Nine parking spaces are arranged in front of the building. One space will be designated a disabled space. Since fueling customers usually leave their cars at the pump island while purchasing fuel and items in the store, they will usually not be using the on-site parking and they will be available for employees and convenience store customers. The underground fuel storage tanks are arranged to facilitate the proposed construction and access by tanker trucks.

Beer Display and Sales

In addition to the minimum standards set forth previously in this report, the Board of Zoning Adjustments may provide that any approval for the concurrent sale of motor vehicle fuel and alcoholic beverages be contingent upon acceptance and observance of specified conditions or limitations determined by the Board to be reasonable and necessary in order to make the required findings, including but not limited to any of the following conditions or limitations (Z.C. Section 4-1644 B.) relating to:

1. Additional limitations on advertising and display of alcoholic beverages;
2. Banning of video game machines and/or jukeboxes or similar devices where concurrent sale of motor vehicle fuel and alcoholic beverages take place;
3. Limitations on hours of operation and on amount of shelf space devoted to alcoholic beverages;
4. Requirement for security guards and other security devices on the premises;
5. Minimum parking lot lighting and fencing;
6. Minimum training for sales personnel and/or security guards;
7. Policies to discourage drinking alcoholic beverages outside the premises; or
8. A minimum distance required between businesses engaged in the concurrent sale of motor vehicle fuel and alcoholic beverages.

Conditions of Approval requirements have been added for the proposed project to comply with the above standards, which include:

- Consumption of beer and wine shall not be permitted on-site;
- Mandatory training by ABC or its equivalent shall be required for all cashiers who sell beer every two years;
- Cash register systems which sell beer shall include date of birth entry, or an equivalent identification monitoring system;
- No beer shall be displayed within five feet of the cash register or the front door of the convenience store, unless it is in a permanently affixed cooler;
- No display or sale of beer shall be made from an ice tub;
- No beer advertising shall be located at or on motor fuel islands or otherwise visible from outside the convenience store. No advertising or self-illuminated advertising for beer shall be located on the building, windows, or site;
- Applicant/property owner shall install video cameras for security and crime prevention purposes in the cashier area; beer storage and display areas; as well as in front of the building, directed out to the parking lot sufficient to capture images of cars parked directly in

front of the business;

- Applicant/property owner shall register and participate in the “Crime-free Business Program” or its equivalent with the San Leandro Police Department;
- Installation or use of video or pinball game machines, sales of pornographic videos and magazines, pay telephones, jukeboxes or similar devices, and other items that would encourage loitering or minors patronizing the store shall be prohibited; and
- The site shall be well maintained and shall be kept free of litter, debris and weeds. Twice daily, the store operator shall patrol the property and adjacent streets for a distance of 500 feet from the exterior property lines to pick up any trash or litter attributable to the convenience store and sweep street gutters.

The applicant and/or property owner will install video cameras for security and crime prevention purposes. The security cameras will be in the cashier area, beer storage and display areas, as well as in front of the building for the surveillance of the business. Other standard San Leandro Police Department recommendations to increase the safety and security of the convenience store, for employees and customers, include restricting the obstruction of the store front windows and posting the property to prohibit loitering. Additionally, the San Leandro Police Department reviewed the proposed use and had no objections since the sale of beer for off-site consumption would be accessory to present sales at the convenience store.

Architecture/Exterior Design

The proposal modernizes the subject property and contains a variety of visual elements that provide interest. The elevations are articulated with varying wall planes and roof lines. Features such as the metal awnings, aluminum accents, stone wainscot, corniced trimmed roof lines add visual interest. Proposed building colors include shades of complimentary earth-tones. Parapets for the main building are designed to screen rooftop equipment. If the parapet cannot adequately screen the rooftop equipment, a condition of approval has been included that a screen be constructed and painted to blend in with the design and color of the building.

The varying roof lines have a graduated range of heights measuring 19 feet, six inches to 24 feet, six inches for the convenience store building and 18 feet, six inches for the canopy structure. These heights are well below the maximum height of 50 feet allowed in the CC District.

Sign Program

The building wall sign, two-side monument sign, and various canopy signs total 180 square feet. The Arco copy on the spandrels above the pumps are approximately three square feet, thus they total 36 square feet. All of the signs have a cumulative area of 216 square feet. The Zoning Code permits 15 times the square root of the site's frontage (Z.C. Section 4-1806). In this case the corner lot has 311.25 lineal feet of frontage, thus the maximum sign area is 265 square feet. The proposed sign program conforms to the maximum allowable sign area. Most importantly, the CUP replaces the dated and out-of-scale corner pole sign

Site Plan Review

Article 25 requires that the site plan for new non-residential development projects over 2,500 square feet in size comply with applicable site development standards of the Zoning Code, including site plan, building articulation, landscaping and detail features. This project includes constructing a new

2,900 square-foot convenience store and a 3,243 square foot canopy over the fueling islands. A Site Plan Review for this proposal is required. Site Plan Review is usually under the administrative discretion of the Zoning Enforcement Official, but as this proposal requires a Conditional Use Permit to modify the existing CUP, the Site Plan Review is included in the Conditional Use Permit review by the Board of Zoning Adjustments.

The layout and design of the building, landscaping, parking and signage shown on the proposed site plan is in conformance with the regulations for minimum required yards in the Zoning Code Section 2-680 for the CC Commercial Community District. The building and the canopy maintain front and corner side yards in excess of 10 foot minimum. The interior property lines are permitted to be zero feet. The proposed building height, FAR (less than 0.5), lot coverage (less than 50 percent), and parking also conform to the requirements of the Zoning Code as relates to the CC District. The nine parking spaces, plus the 12 spaces that can queue at the pumps total 21 spaces, where a 2,900 square foot retail sales store requires 15 spaces (one space per 200 square feet, Z.C. Section 4-1704).

As discussed previously in this report the placement of the building, orientation of the fueling dispensers and driveways provides for a harmonious and orderly development that relates well with the existing intersection and adjacent development and improvements.

Engineering and Transportation Department

Typical engineering requirements for land development are included in the Recommended Conditions of Approval. The project is in an Underground Utility District; thus the project will be requiring the actual undergrounding of the utilities or payment of the in-lieu fee to do so. Site inspections have been made and areas of sidewalk, curb, gutter and driveway have already been identified for repair and construction to current standards, including the coordination maintaining the AC Transit bus stop and the required ADA path adjacent to it.

GENERAL PLAN CONFORMANCE

The property is designated General Commercial in the City's General Plan Land Use Map. General Commercial areas are characterized by "larger shopping centers, shopping districts and commercial uses providing broad range of goods and services. These areas also contain primarily auto-oriented uses." (General Plan page 3-11). The convenience store and self-serve fuel station at this well-traveled intersection appears in keeping with the intent of the uses characterized and therefore will be consistent with the City of San Leandro General Plan for this land use designation. The following General Plan policies would apply:

- **8.01: Retail Hierarchy** - Maintain a range of retail uses in the City.
- **8.02: Retail Diversity** - Encourage a diverse range of commercial uses in the City, offering goods and services that fully meet the needs of San Leandro residents and act as a catalyst for attracting other retailers to the City.
- **8.03: Aesthetics** - Upgrade the City's commercial corridors by building upon their existing strengths and improving their aesthetic qualities. The City should implement programs to underground utilities, abate weeds and graffiti, eliminate litter, improve buffers to adjacent residential uses, control excessive signage, and provide streetscape amenities and

landscaping along the corridors.

- **43.01 Promoting Quality Design** - Use the development review and permitting processes to promote high quality architecture and site design. Design review guidelines and zoning standards should ensure that the mass and scale of new structures are compatible with adjacent structures.
- **43.06: Architectural Interest** - Encourage new structures to incorporate architectural elements that create visual interest such as trellises, awnings, overhangs, patios, and window bays. Avoid solid or blank street-facing walls.
- **43.07 Commercial And Industrial Standards** - Improve the visual appearance of the City's commercial and industrial areas by applying high standards of architectural design and landscaping for new commercial and industrial development and the re-use or remodeling of existing commercial and industrial buildings.
- **44.01 Greening San Leandro** - Promote landscaping, tree planting, and tree preservation along San Leandro streets as a means of improving aesthetics, making neighborhoods more pedestrian-friendly, providing environmental benefits, and creating or maintaining a parklike setting.
- **44.05 Street Beautification** - Upgrade the City's commercial thoroughfares by building upon their existing strengths and improving their aesthetic qualities. The City should implement programs to underground utilities, abate weeds and graffiti, eliminate litter, improve buffers to adjacent residential uses, prohibit excessive or out-of-scale signage, remove billboards, and provide streetscape amenities and landscaping along these thoroughfares.

ENVIRONMENTAL REVIEW

This item is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines, Article 19, Section 15303, as new construction of small structures. In urbanized areas, the exemption applies to up to four commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use store, office, restaurant or similar structure.

PUBLIC OUTREACH

This item received normal noticing, including a legal advertisement in the East Bay Times Newspaper, posting of the property, and mailing notification of both business and property owners within a 500-foot radius. At the writing of this report, no comments had been received by any members of the public.

RECOMMENDATION

Staff recommends that the Board of Zoning Adjustments:

1. Adopt the finding that this project is categorically exempt under CEQA Guidelines, Article 19, Section 15303 New Construction of Small Structures;
2. Adopt the attached Recommended Findings of Fact for Conditional Use Permit and Site Plan

Review, PLN16-0030; and

3. Approve the Conditional Use Permit and Site Plan Review, PLN16-0030, subject to the Recommended Conditions of Approval.

ATTACHMENTS

Vicinity Map

Recommended Findings of Fact

Recommended Conditions of Approval

Exhibit A - Site Plan (Sheet SP-1)

Exhibit B - Sign Plan and Details for Monument and Building (Sheet SNA-1)

Exhibit C - Sign Plan and Details for Canopy (Sheet SNA-2)

Exhibit D - Landscape Plan (Sheet L-1)

Exhibit E - Floor Plan (Sheet Q1.1)

Exhibit F - Floor Plan Equipment Schedule (Sheet Q2.1)

Exhibit G - Exterior Elevations (Sheet A2.1)

Exhibit H - Color Building Elevations (Sheet A2.1)

Exhibit I - Canopy Plans (Sheet CA1.1)

Exhibit J - Color Canopy Elevations (Sheet CA2.1)

Street Views of Project Site (via Google)

Informational Exhibit - Sidewalk Repair Requirements

PREPARED BY: Elmer Penaranda, Senior Planner, Planning Services Division