



Agenda Report

24-1216

Agenda Date: 1/15/2025

REPORT TO PLANNING COMMISSION

SUBJECT

Public Hearing: Action on a Conditional Use Permit and Variances (PLN23-00513) to Allow Expansion of an Existing Service Station by Removing a Portion of the Fuel Canopy and Two Fuel Dispensers, and by Adding a 1,605 square foot Convenience Store and Self-Service Carwash within the Rear Setback for the Store at 2455 Lawrence Expressway

File No(s): PLN23-00513

Applicant: Surjait Bains

Property Owner: Gadri Corporation

General Plan: Neighborhood Commercial

Classic Zoning: CN - Neighborhood Commercial

Updated Zoning: C-N - Commercial-Neighborhood

Site Area: 0.42 acres (APN: 220-18-005)

Existing Site Conditions: The project site is developed with a service station with a large canopy covering six fuel dispensers and a small kiosk in the center of the property.

Surrounding Land Uses:

- North: Multi-Family - PD - Planned Development
- East: Convenience Store - C-N - Commercial-Neighborhood
- South: Multi-Family - R3 - Medium-Density Residential
- West: Multi-Family - R3 - Medium-Density Residential

Issues: Consistency with the General Plan and Zoning Ordinance.

Staff Recommendation: Deny the requested conditional use permit and variance for a self-service carwash within the rear setback.

BACKGROUND

On November 6, 2023, Surjait Bains applied for a Conditional Use Permit and Variance (File No. PLN23-00513) for an existing service station to remove a portion of a fuel canopy and two fuel dispensers in order to install a new 1,605 square foot convenience store and a self-service carwash within the rear setback. The project was deemed complete on August 13, 2024, before the updated Zoning Map and Zoning Districts came into effect. The project is therefore subject to the Classic Code, which allowed Service Stations as a conditionally permitted use.

The City currently has no active Conditional Use Permit for the site. The project site has been used as a service station since at least 1969, as can be seen in the City's aerial imagery archives. Building records (File No. BLD1957-13434) indicate the original service station was built in 1957, and additional records indicate the original service station was demolished and a larger service station

built in 1985 (File No. BLD1985-68455). Due to the increase in size and scope of the updated service station in 1985, the project should have received a Conditional Use Permit for that update, however, there is no permit on record.

Per the Classic Code Section 18.34.040, the proposed use of 'Automobile Service Station' can be permitted with a Conditional Use Permit if they comply with standards set forth in Classic Code Chapter 18.68, Service Station Standards. Moreover, per the Classic Code Section 18.68.030(d), car-washing facilities are permitted at an automobile service station only with a Conditional Use Permit.

Pursuant to Table 6-1 (Chapter 18.112) of the Santa Clara City Code, Conditional Use Permits and Variances are decided by the Planning Commission. For the proposed project, the Architectural Review would be approved through the Development Review Hearing process.

DISCUSSION

Much of the surrounding area when the service station was originally built was either farmland or suburban tract housing. The property was zoned Neighborhood Commercial (CN) under the Classic Code and continues to be designated C-N under the Updated Code. The purpose of the updated C-N Commercial-Neighborhood Zone is to provide land areas for the construction, use, and occupancy of a broad range of neighborhood-serving commercial uses. It is the intent of this zone to encourage the development of neighborhood shopping centers that focus on neighborhood amenities including grocery stores, coffee shops, cafes, local-serving offices, and drug stores.

With the adoption of the comprehensive Zoning Code Update, all sections of the updated code except for Article 2, Zones, Allowable Uses, and Development Standards, went into effect on February 8, 2024. Article 2 went into effect on August 15, 2024, when the updated Zoning map became effective.

Zoning Code Section 18.02.070 - Effect of Zoning Code Amendments on Projects in Progress, states that all planning permit applications that are active and that have been determined to be complete by the Project Clearance Committee before the effective date of the Zoning Code, shall be processed in compliance with the requirements in effect when the application was deemed complete. This application was deemed complete on August 13, 2024; therefore, the project was reviewed based on the Classic Code's designation of CN. The Classic Code allows service stations as a 'Conditional use'; however, the Updated Code does not allow service stations in the C-N zoning district. In addition, Zoning Code Section 18.68 of the Classic Code has specific standards for service stations.

A Conditional Use Permit is required due to the expansion of the service station by adding a self-serve carwash facility. No conditional use permit is required for the proposed convenience store, as retail stores are an allowed use in the C-N zoning district. Furthermore, the proposed removal of the fuel dispensers and the introduction of the convenience store would not require any discretionary approvals, as it would be reducing the size of the existing use and adding a permitted commercial building.

The proposed project requires the following five variances:

1. Reduced rear setbacks
2. Reduced landscaping planter depth along the street frontages

- 3. Reduced required landscape screening depth
- 4. Reduced required tree planter depth
- 5. Reduced required shrub planter depth

Per the Code definitions, the shorter frontage of a corner lot is the front of the lot and the opposite of the front of the lot is classified as the rear of the lot. Per the Classic Code, a rear setback of 20 feet is required at the rear of each lot that abuts a residentially zoned property. The project proposes a self-serve carwash at the rear of the lot closer to the residential development with a rear setback of seven inches. The project proposes a varied five-to-ten-foot landscaping planter area along street frontages where a 15-foot-wide planter area is required adjacent to any property line along a public street per Classic Code Section 18.68.020 (a)(1) & (2) that would have screened headlights or other activity. Lastly, the project does not incorporate the required five-foot-deep rear planter for screening; the project’s proposed planter is only two feet in depth, which limits the ability for screening planting.

Neighborhood Context

Adjacent properties to the north, south, and west are developed as multi-family residences, the property to the east is a 7-Eleven convenience store. See Vicinity Map attachment. The property to the south is a 50-unit multi-family development that directly abuts the rear of the subject parcel. The existing service station is the only service station in the vicinity, with the nearest stand-alone service station being about a mile away. The existing service station and the 7-Eleven are the only C-N zoned properties in the vicinity; all other surrounding properties are zoned as Residential or Public/Quasi-Public.

Consistency with the General Plan

The project site has a General Plan land use designation of Neighborhood Commercial. This classification is intended for local serving retail, personal service and office uses that meet neighborhood needs, excluding new gas stations. Permitted uses include supermarkets, stores, local serving offices, medical facilities, restaurants, cafes, hair salons/barber shops and banks. This classification of commercial is the smallest and most local in scope that the City has in the General Plan and the City Code.

The proposed expansion of the service station by including the self-serve carwash on balance does not meet the City’s General Plan goals. Due to the proximity of the service station to existing residential, the addition of a 24-hour self-serve carwash would likely produce potential conflicts in surrounding neighborhoods such as noise, odor, and light pollution. It would be expanding an incompatible use adjacent to residential uses. The following General Plan policies are applicable:

- 5.3.3 G4 New commercial uses that respect surrounding neighborhoods and are sited to reduce potential land use conflicts.
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- 5.3.3 P7 Encourage adequate protection of adjacent residential uses from incompatible commercial activities, such as loading, unloading and trash storage areas.
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- 5.3.3 P14 Allow convenience commercial uses and service stations, existing as of January 1, 2010, to conform to General Plan classification of Neighborhood Commercial, Community Commercial and Regional Commercial. New convenience commercial uses and service stations are restricted to the Community Commercial and
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Regional Commercial designations.

5.3.3 P15 Discourage auto oriented uses, such as repair shops and service stations, from properties abutting residential uses and in areas with a pedestrian or mixed use emphasis.

5.5.2 P4 Provide adequate separation between incompatible land uses in order to minimize negative effects on surrounding existing and planned development.

5.5.2 P5 Require that new development provide an appropriate transition to surrounding neighborhoods.

The proposal is not consistent with the above policies, in that the project expands a land use that could create conflict between the property and the adjacent residential neighborhoods due to the introduction of additional noise, odors, and light pollution.

Zoning Conformance

As stated earlier in this report, the project was reviewed based on the zoning designation and standards conformance with the City’s prior zoning code (the “Classic Code”).

Under the Classic Code, the CN zoning district was meant to provide retail goods and services for the convenience of the immediately adjacent residential neighborhood. In the Updated Code, the C-N zoning district is intended to provide land areas for the construction, use, and occupancy of a broad range of neighborhood-serving commercial uses. It is the intent of the C-N zone to encourage the development of neighborhood shopping centers that focus on neighborhood amenities.

Two driveways serve the site with access from both Monroe Street and Lawrence Expressway. The self-serve carwash would be accessed by using the Monroe Street entrance and the carwash will exit to the Lawrence Expressway egress. The proposed project includes the reduction of the current fuel canopy, the removal of two fuel dispensers, and the removal of the small kiosk in the middle of the property. The proposed project will construct a convenience store, a new trash enclosure, and a self-serve carwash.

Conditional Use Permit: Per Section 18.34.040(a), under the Classic Code, a service station is a conditional use. (As a reference, under the Updated Zoning Code, Service Stations are not allowed in the C-N zoning district). The self-serve carwash is an expansion of the service station and therefore requires a conditional use permit.

Permitted Use: The convenience store is considered a retail use and is allowed under the C-N designation.

The Classic Code applicable development standards are analyzed as follows:

1. Height Section 18.34.070: The Code allows structures up to 35-feet in height. The proposed convenience store is to be 24’-8” in height and the carwash tunnel is proposed at 17’-6” in height. *The proposed height meets code.*
2. Rear Yard Section 18.34.100: The self-serve car wash required a rear yard setback of 20-feet,

and a seven-inch rear yard setback is proposed. *A variance is required to reduce the rear yard setback.*

3. Landscape Planter Section 18.34.140(b): Requires a five-foot-deep planter of screening shrubs and trees to be permanently maintained adjacent to the fencing and property line abutting any residentially zoned property, the applicant proposes to plant a two-foot-deep planter with the shrub *Pittosporum Tobria* (Japanese Cheesewood) along the rear of the property. *A variance is required for the reduced planter depth of 2'-2" along most of the rear property line and 0'-0" between the proposed carwash and the rear property line.*
4. Parking Section 18.74: Requires one space for every 200 square feet of gross floor area. Based on the size of the store, eight spaces are required, only three spaces are proposed onsite. The applicant is exempt from meeting the parking standards due to AB 2097.
5. Required Landscaping; Trees and Shrubs Section 18.36.050: The project seeks to remove eight 'Chinese Pistache' trees planted on the eastern and southern perimeter of the parcel and replace them with twelve 24" box trees and 76 5-gallon *Pittosporum Tobria* shrubs *The proposed trees do not meet the requirements of a five-to-ten-foot minimum planter width and the proposed shrubs do not meet the requirements for a minimum planter width of four feet.*

Per the Updated Zoning Code Section 18.36.020, if existing development is expanding by more than 10 percent, it shall be subject to the City's landscaping requirements. The proposed project is subject to all requirements of the Updated Zoning Code landscaping requirements except for the specific zoning district requirements, which was approved after the project was deemed complete. The Updated Zoning Code applicable development standards are analyzed as follows: The applicant is not able to meet the following due to the proposed development and site constraints:

1. Landscaping requirements, including landscaping in setbacks. *A variance is required for minimum screening planter depth from 5-feet to a varied depth of 2'-2" to zero, minimum planter depth for require trees of 5'-10' to 2'-2", minimum planter depth for required shrubs from 4' to 2'-2".*
2. Screening the vehicles and associated headlights from view of abutting streets and rights-of-way. *A variance is required.*

To reduce the potential impact of the carwash tunnel, staff has suggested the applicant consider several modifications such as:

- Increase the depth of the rear planter to five feet and plant four-foot-high shrubs to screen the queued cars,
- Use a closed tunnel with automatically closing doors that would inhibit sound travel, use 'quiet' dyers for the tunnel, hand dry the vehicles, or limit hours of operation.
- Relocate the proposed carwash tunnel to the eastern property line where no variance would be required.

The applicant has not proposed any of these modifications to reduce the impacts of the proposed project.

Section 18.60.220 of the Updated Zoning Code establishes development standards and requirements for Service Stations in the City of Santa Clara. The Updated City Code does not include development standards for car washes, either self-serve or full service other than parking standards.

Architectural Review

The applicant has revised their submission several times and worked with the Planning Division to get to a design plan that the Planning Division may support. Full review of the architecture will take place during the Development Review Hearing, to be held after determinations are made for the Conditional Use Permit and Variance requests.

Conclusion

The project would not be compatible with adjacent land uses, the intensification of the current service station would produce higher levels of noise, odor, and light pollution. The project does not attempt to lower those proposed increases in noise, odor, or light pollution and the residential property located to the south will be directly affected. On balance, the project is not consistent with the General Plan and is not consistent with the zoning designation.

ENVIRONMENTAL REVIEW

Staff's recommendation is that the Planning Commission deny the Conditional Use Permit and deny the Variance requests. CEQA Guidelines Section 15270(a) provides that "CEQA does not apply to projects which a public agency rejects or disapproves."

If, however, the Planning Commission votes to approve the Use Permit and Variance, the project could be found categorically exempt per Class 3, Section 15303 (e) New Construction or Conversion of Small Structures, which allows for the construction of limited numbers of new, small facilities or structures including "[a]ccessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences."

COORDINATION

This report was coordinated with the City Attorney's Office.

PUBLIC CONTACT

On January 2, 2025, a notice of public hearing was mailed to property owners within 500 feet of the project site. At the time of this staff report, Planning staff has not received public comments in support or opposition to the proposed project.

Public contact was also made by posting the Commission agenda on the City's official notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

- 1. Adopt** a Resolution Denying a Conditional Use Permit to allow expansion of an existing service station for removing a portion of fuel canopy and two fuel dispensers, and adding a 1,605 square foot convenience store and a self-service carwash within the rear setbacks at 2455 Lawrence Expressway.
- 2. Adopt** a Resolution Denying a Variance to allow reduced rear setbacks, reduced landscaping planter depth along the street frontages, reduced required landscape screening depth, reduced required tree planter depth, and reduced required shrub planter depth in connection

with a proposed expansion of an existing service station at 2455 Lawrence Expressway.

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Reviewed by: Afshan Hamid, Director

Reviewed by: Alexander Abbe, Assistant City Attorney

Approved by: Lesley Xavier, Planning Manager

ATTACHMENTS

1. Resolution Denying a Conditional Use Permit
2. Resolution Denying a Variance
3. Project Data Sheet
4. Development Plans
5. General Plan Vicinity Map
6. Zoning Vicinity Map