



Agenda Report

19-1661

Agenda Date: 1/9/2019

REPORT TO PLANNING COMMISSION

SUBJECT

Public Hearing: Action on Use Permit to allow the conversion of a service station building into a retail convenience store and potential restaurant at 3725 El Camino Real

REPORT IN BRIEF

Project: Use Permit to allow conversion of the vehicle repair bays within an existing service station building for a retail convenience store with off-site beer and wine sales (ABC Type 20 License), and also to allow a potential restaurant (that would not serve beer and wine for on-site consumption) in the current snack shop retail area of the service station.

Applicant: Royal Gas Zone, Inc.

General Plan: Regional Mixed Use

Zoning: Community Commercial (CC)

Site Area: 24,483 square feet (0.56 acres)

Existing Site Conditions: Developed with a one-story vehicle service station facility

Surrounding Land Uses

North and East: Lawrence Expressway Plaza Shopping Center parking lot and retail buildings

South: El Camino Real, and an existing service station and a new mixed use retail and residential development under construction

West: Halford Avenue and a commercial bank building and retail shopping center

Issues: Consistency with the City's General Plan, Zoning Ordinance and Design Guidelines - Regulation of on-site hours of operation and on-site parking to minimize the potential for off-site impacts on nearby commercial businesses, and improvement of on-site landscaping

Staff Recommendation: Alternative 1: Recommend that the Planning Commission approve the Use Permit to allow conversion of an existing service station repair building for a convenience store with off-site beer and wine sales (ABC Type 20 License) and potential restaurant (that would not serve alcoholic beverages for on-site consumption) on the property located at 3725 El Camino Real.

BACKGROUND

On May 29, 2018, the applicant, Royal Gas Zone Inc., applied for a Use Permit to allow conversion of the auto repair bays within an existing one-story service station building at the Mobil Service Station, located at the northeast corner of El Camino Real and Halford Avenue, into a 1,792 square foot convenience store and potential restaurant in two separate tenant spaces, that together with a shared restroom and electrical room would comprise the entire building area (PLN2018-13294). The property is zoned Community Commercial (CC) and is surrounded by office and retail shopping center uses to the north, east and west, and by the El Camino Real with an existing service station

and a new mixed use retail and residential development under construction beyond to the south. Service stations are a conditionally allowed use in the CC zoning district (Santa Clara City Code (SCCC) Section 18.36.040(a), which permits any conditional use permitted in the CN - Neighborhood Commercial zoning district). The use of a service station site for a customer convenience store including the sale of beer and wine for off-premises consumption, concurrent with other related retail uses such as a restaurant, shall only be permitted with a specific use permit granted pursuant to SCCC Sections 18.68.030 (d), 18.68.030 (f) and 18.110.040.

A Use Permit to operate a Service Station at the subject site was approved by the Planning Commission and City Council on July 2, 1968 (U.668).

On August 8, 1990, the Planning Commission approved a Use Permit for the conversion of a full service station to a self-service station, including the conversion of a 419 square foot portion of the 1,792 square foot building for a convenience market/snack shop without the approval to sell beer and wine.

Access to the project site is provided by driveways on El Camino Real and Halford Avenue, along with additional driveway access to El Camino and Halford Avenue provided between the project site and the adjoining Lawrence Plaza Shopping Center (to the north and east) across the adjoining shopping center parking lot by way of a private easement agreement.

DISCUSSION

1) General Plan Conformance

The General Plan land use designation for the subject property is Regional Mixed Use and is located within the El Camino Real Focus Area. The Regional Mixed Use classification is a combination of the Regional Commercial and High Density Residential designations and is intended for high intensity, mixed use development along major transportation corridors in the City. This designation supports all types of retail, local serving offices, hotel and service uses, except for auto-oriented uses; to meet local and regional needs. The project is consistent with this designation in that it would create more pedestrian oriented retail space within the existing building by conversion of the auto repair service bays of the service station, leaving only the self-service auto fueling component of the service station along with related signage on site. The project is also consistent with the following General Plan policies:

- **5.3.1 P10** Provide opportunities for increased landscaping and trees in the community, including requirements for new development to provide street trees and a minimum 2:1 on or off site replacement for trees removed as part of the proposal to help increase the urban forest and minimize the heat island effect; and,
- **5.3.1 P16** Consolidate curb cuts with new development on arterial roadways to minimize pedestrian/vehicle conflicts at driveway locations and improve traffic flow, in that the applicant is proposing to remove and replace the western-most El Camino Real driveway (closest to the intersection of Halford Avenue) to provide additional street frontage landscaping and street tree plantings per staff's recommendation. This driveway reduction will bring the property into closer conformance with the current El Camino Real Focus Area vision to provide signature streetscape landscaping and to encourage pedestrian oriented retail that provides services for surrounding neighborhoods.

2) Zoning Conformance

The proposed project is generally in compliance with the regulations set forth for service stations in Chapter 18.68, Service Station Standards, of the SCCC. Re-striping of the parking is needed to meet the parking requirement for the proposed retail uses of one space per 200 square feet and would be implemented as part of the project, which would exceed the base requirement of eight parking spaces for service stations pursuant to SCCC 18.68.020 (n). Per Santa Clara City Code Sections 18.36.040 and 18.34.040, the existing Community Commercial (CC) Zoning District lists automobile service stations as a conditionally allowed use. The proposed on-site changes would require an amendment to the existing Use Permit (U.668/U.1863) that was approved by the Planning Commission to operate a Service Station at the subject site. The project, as designed on the proposed project plans and as conditioned in the recommended conditions of approval attached to this report, would meet the setback requirements and the landscape requirements as listed in SCCC Chapter 18.68.

ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Section 15303, new construction or conversion of small structures. Class 3 consists of construction and location of limited numbers of new, small facilities or structures, and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

FISCAL IMPACT

There is no impact to the City for processing the requested application other than administrative staff time and expense typically covered by processing fees paid by the applicant.

COORDINATION

This report has been coordinated with the City Attorney's Office.

PUBLIC CONTACT

On December 21, 2018, a notice of public hearing of this item was posted in three conspicuous locations within 300 feet of the project site and mailed to property owners within 300 feet of the project site. Planning Staff has not received public comments for this application.

Public contact was 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.

ALTERNATIVES

1. Approve the proposed Use Permit to allow conversion of an existing service station building for a convenience store with off-site beer and wine sales (ABC Type 20 License) and potential restaurant (that would not serve beer and wine for on-site consumption) on the property located at 3725 El Camino Real.
2. Deny the proposed Use Permit to allow conversion of an existing service station building for a convenience store with off-site beer and wine sales (ABC Type 20 License) and potential restaurant (that would not serve beer and wine for on-site consumption) on the property located at 3725 El

Camino Real.

RECOMMENDATION

Adopt a resolution approving a Use Permit to allow the conversion of an existing service station building for a convenience store with off-site beer and wine sales (ABC Type 20 License) and potential restaurant (that would not serve beer and wine for on-site consumption) on the property located at 3725 El Camino Real.

Prepared by: Jeff Schwilk, Associate Planner

Reviewed by: Reena Brilliot, Planning Manager

Reviewed by: Alexander Abbe, Assistant City Attorney

ATTACHMENTS

1. Project Data Summary Sheet
2. Applicant's Statement of Justification
3. Development Plans
4. Resolution Approving Use Permit
5. Conditions of Approval