



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 19-0912, Version: 1

REPORT TO THE ZONING ADMINISTRATOR

SUBJECT

Proposed Project:

USE PERMIT to demolish a 240-square foot kiosk and construct a new 1,386 square foot convenience store with sale of beer and wine at an existing Chevron gas station and install associated site improvements. The project proposes operate 24-hours seven days a week.

Location: Street (APN): 1265 Lawrence Station Rd. (APN 110-15-030)

File #: 2018-7570

Zoning: M-S (Industrial and Services)

Applicant / Owner: PM Design Group / Chevron USA Inc

Environmental Review: A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act (CEQA) provisions.

Project Planner: Cindy Hom, 408-730-7411, chom@sunnyvale.ca.gov.

BACKGROUND

The item was scheduled and advertised for the Zoning Administrator Hearing of August 28, 2019 and continued to the September 11, 2019 Zoning Administrator Hearing to allow additional time needed to complete the project analysis and report.

Description of Proposed Project

The subject site is located on a 0.63-acre commercial site located at the southeast corner of the intersection at Lawrence Station Road and Elko Drive. The site is bounded by Lawrence Expressway on the west, Elko Drive to the north, Lawrence Station Road to the east, and industrial buildings to the south. The subject site is an existing Chevron Gas Station gas station developed with one fueling canopy and five fuel dispensers. The applicant proposes to demolish an existing pay kiosk building and construct a new 1,386-square foot convenience store, remove and rebuild an existing trash enclosure, rehabilitate existing landscaped areas and improve path of travel for handicap accessibility. The proposed project also includes a request to allow for beer, wine and tobacco sales and to operate 24-hours, seven days a week

See Attachment 1 for a map of the vicinity and mailing area for notices.

Previous Actions on the Site

In December 1967, the Planning Commission approved Use Permit #1613 that allowed for a full-service gas station. In November 1984, the Planning Commission granted Use Permit #5309 and Variance VA-84-61 to convert the existing facility into a self-service gas station and allow a 7-foot setback for the utility buildings (restroom and trash enclosure) where 35-foot was required along the Lawrence Expressway frontage. Other subsequent approvals included Miscellaneous Plan Permits

for installation of signage and clean air separator system.

ENVIRONMENTAL REVIEW

A Categorical Exemption Class 3, Section 15303 (New Construction or Conversion of Small Structures) relieves this project from CEQA provisions. The project entails construction of 1,386 square foot convenience store and minor site improvement to an existing gas service station.

As part of the review of this project, a Phase I Site Assessment was required. Based on the analysis, the consultant recommended a soil and groundwater management plan (SGMP) due to the presence of Volatile Organic Compounds (VOCs) in the groundwater below the site that are at concentrations above the State of California maximum contaminant levels. The VOCs appear to be migrating from an off-site source and represents a potential vapor encroachment condition as well as a recognized environmental condition. While impacts noted in the Phase I do not rise to a level that is considered significant per CEQA, staff recommends the following best practices as a condition of approval to be completed prior to issuance of a building permit:

1. Phase II to be completed to determine the nature and extent of contamination potentially beneath the site.
2. SGMP shall be prepared and implemented by a license professional.
3. SGMP shall be approved by and obtain the necessary regulatory oversight from the appropriate lead agency including but not limited to Department of Environmental Health, Regional Water Quality Control Board, or Department of Toxic Substance Control.

DISCUSSION

Proposed Use

The application is submitted pursuant to SMC 19.22.030 which requires a Use Permit for the proposed alcohol beverage sales in conjunction with an automobile gas service station.

The sale of alcohol in the State of California is regulated by the Alcoholic Beverage Control Act (California Business and Profession Code Sections 23000-25762). The applicant is requesting a Type 20 license (Off-sale beer and wine) which authorizes the sale of beer and wine for off-site consumption where minors are allowed on the premises.

Public Convenience or Necessity

Due to the concentration of other establishments that also sell alcohol within the vicinity, a finding of public convenience is required to allow for the ABC license. Based on staff's analysis, the following findings can be made:

- The project is consistent with the General Plan in that it provides retail and services to residents and businesses of the city that is conveniently located on a major north-south arterial.
- The project is consistent with the purpose and intent of the M-S zoning district which provides for the use and occupancy of buildings and facilities for offices, manufacturing, hotels and motels, restaurants, retail sales and services, and other uses compatible with the zoning district. The gas station and convenience store provides a neighborhood service to adjacent residents and businesses. The sale of beer and wine in conjunction with a gas service station

is permitted with a Use Permit.

- Generally, staff notes that the proposed hours of operations would not cause disruption or impact the quiet and peaceful enjoyment of the neighborhood

Site Layout and Architecture

The general layout, access and site circulation remains relatively the same as existing conditions. Currently, access to the project site is provided from two driveways located along the Lawrence Station Road frontage. The existing fueling canopy, fuel dispensers and utility building will remain in the same location. As part of the accessibility upgrades, a new pedestrian ramp and path of travel from the public sidewalk along Lawrence Station Road will be provided. The new pedestrian path will link the customer parking area to the proposed convenience store. New driveway and curb ramps will be installed to replace the existing non-compliant ramps at the driveway entries and at the crosswalk on the southwest corner of the intersection at Lawrence Station Road and Elko Drive.

The new convenience store will be situated under the fueling canopy, in between the existing fuel pumps. To accommodate the new store, one of the five fuel dispensers will be removed. The proposed convenience store building will be articulated with a brick veneer base, expressed windows with metal eyebrow elements and metal awnings that help announce entries.

The project would also rebuild the existing trash enclosure in the same location. Staff recommends that the new trash enclosure maintains a 7-foot setback from the property line (Recommended Condition PS-1) to comply with approved setback allowed by Variance # VA-84-61. The trash enclosure would be enlarged to accommodate the proposed waste generation for the new convenience store and to comply with current development standards.

The Citywide Guidelines recommend that all structures on the site be architecturally consistent and contribute to a positive streetscape. All the building and structures on site, including the proposed convenience store, fueling canopy and trash enclosure are architecturally consistent and incorporate the same materials, colors and design elements.

Development Standards

The proposed project complies with the applicable development standards as set forth in the Sunnyvale Municipal Code, such as floor area ratio, lot coverage, parking, setbacks and height. The Project Data Table is provided in Attachment 2.

Parking

The Zoning Ordinance requires that a gas station provide 2.5 parking space for every 1,000 square feet for floor area for retail and office. Based on the proposed 1,386- square foot convenience store, four parking spaces are required. The project complies with parking requirements by providing five parking spaces. A new bike rack will also be installed on the north side of the new convenience store and provide three bicycle parking spaces. Parking will be maintained along the southern portion and two new parallel parking spaces will be striped on the north edge of the property.

Landscaping

The proposed project will remove approximately 254 square feet of landscaping to accommodate site improvements related to accessible path of travel and enlargement of the trash enclosure. As proposed, that project provides 23% of the total area as landscaping which complies with the 20% minimum requirement. The frontage landscaping strips are considered legal, nonconforming along portions of Lawrence Expressway and Lawrence Station Road. Per SMC require 19.37.040 (c) a fifteen-foot wide landscaped frontage strip is required. The proposed improvements will not expand or enlarge the legal, nonconformity. The widths of the landscaped frontages would remain the same as existing.

The existing landscaping includes 11 mature trees consisting of Pistache, Zelkova and Pine trees and various shrubbery which are proposed to remain and protected during construction. The applicant is proposing to rehabilitate landscaped areas and install additional groundcover and shrubbery including Dwarf Weeping Bottlebrush, California Lilac, California Coffeeberry, Yedda Hawthorn and Blue Fescue. The additional landscaping will help visually enhance the landscaping around the periphery of the site.

NEIGHBORHOOD IMPACTS / COMPATIBILITY

Staff does not anticipate any negative impacts with the neighboring uses in that it will not generate more traffic in the area or create an unsafe site circulation condition. In addition, the site improvements and design of the convenience store helps to improve the aesthetics of the site.

Staff also consulted with the Sunnyvale Department of Public Safety (DPS) regarding this proposal. To reduce potential public safety concerns, staff recommends a silent or audible alarm system, and digital security cameras with instant viewing capabilities that cover the store entrance and exit, parking lot areas and store interior (Recommended Condition No. AT-7).

To ensure potential negative safety impacts are minimized, staff recommends the following conditions (Recommended Condition of Approval No. AT-7 through AT-14):

- No beer or wine shall be displayed within five feet of the cash register or front door unless it is in a permanently-fixed cooler;
- No advertisement of alcoholic beverages shall be displayed at motor fuel islands; and
- Employees on duty between the hours of 9:00 p.m. and closing who sell beer or wine shall be at least twenty-one years old.
- The Permittee shall ensure all employees receive "Responsible Alcoholic Beverage Service" training as offered through programs established by the Alcoholic Beverage Control of the State of California. Evidence of such training and the training records of all employees shall be maintained on-site during business hours, and made available for inspection upon request.
- The sale of single servings of beer or wine is prohibited. For the purpose of this condition of approval, a single serving shall be defined as "less than 24 fluid ounces of beer or wine."
- The display of alcoholic beverages shall be limited to be no more than 40% of the total floor area.
- The Permittee shall install "No loitering" signs to discourage customers from loitering and drinking of alcohol on the property.

- The Permittee shall be responsible in pick up litter and abate graffiti twice each day.
- The Permittee shall implement a silent or audible alarm system to increase security at this location and utilize digital security cameras with instant viewing capabilities that cover the store entrance and exit, parking lot areas and store interior.

PUBLIC CONTACT

104 notices were sent to surrounding property owners and residents adjacent to the subject site in addition to standard noticing practices, including advertisement in the Sunnyvale Sun Newspaper and on-site posting. No letters or calls were received from the public by staff.

ALTERNATIVES

1. Approve the Special Development Permit with recommended Conditions in Attachment 3.
2. Approve the Special Development Permit with modifications.
3. Deny the Special Development Permit.

RECOMMENDATION

Alternative 1 - Approve the Special Development Permit with recommended Conditions in Attachment 3.

Prepared by: Cindy Hom, Associate Planner

Approved by: Noren Caliva-Lepe, Principal Planner

ATTACHMENTS

1. Vicinity and Noticing Map
2. Project Data Table
3. Recommended Findings
4. Standard Requirements and Recommended Conditions of Approval
5. Project Plans