



# City Council Memorandum

City of Arts & Innovation

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**TO: HONORABLE MAYOR AND CITY COUNCIL                      DATE: DECEMBER 17, 2019**

**FROM: COMMUNITY & ECONOMIC DEVELOPMENT              WARD: 5**  
**DEPARTMENT**

**SUBJECT: P18-0571 SPECIFIC PLAN AMENDMENT, P18-0612 ZONING CODE MAP AMENDMENT, P18-0432 CONDITIONAL USE PERMIT, P18-0433 CONDITIONAL USE PERMIT, P18-0434 CONDITIONAL USE PERMIT, P18-0436 DESIGN REVIEW, P18-0437 VARIANCE, P19-0282 PUBLIC CONVENIENCE OR NECESSITY – BY OSCAR ETEMADIAN OF MAGNOLIA CROSSINGS, LLC. FOR THE CONSTRUCTION OF A COMMERCIAL SHOPPING CENTER SITUATED AT 3483 AND 3505 VAN BUREN BOULEVARD, ON THE NORTHEAST CORNER OF VAN BUREN BOULEVARD AND STATE ROUTE 91**

## **ISSUE:**

Approve a proposal by Oscar Etemadian of Magnolia Crossings, LLC., to permit the following entitlements for the construction of a commercial shopping center including: 1) Specific Plan Amendment to amend the Magnolia Avenue Specific Plan to permit a Community Entry Sign (freeway-oriented sign); 2) Zoning Code Amendment to modify the boundary of the Neighborhood Commercial Overlay Zone; 3) Conditional Use Permit to permit a 3,812 square foot fast food drive-thru restaurant (In-N-Out Burger); 4) Conditional Use Permit to permit a vehicle fuel station with a 3,800 square foot convenience store in conjunction with off-sale of beer/wine (Type 20 Alcohol License) and a 1,300 square foot quick service restaurant; 5) Conditional Use Permit to permit a 1,200 square foot automated car wash facility; 6) Design Review of project plans; 7) Variance to allow alcohol sales within 100 feet of property zoned for residential uses; and 8) Determination of Public Convenience or Necessity to allow the off-sale of beer/wine in a Census Tract with an over concentration of alcohol licenses.

## **RECOMMENDATIONS:**

That the City Council:

1. Determine that this proposed project will not have a significant effect on the environment based on the findings set forth in the case record and adopt a Mitigated Negative Declaration and Mitigation and Monitoring Reporting Program (MMRP);
2. Approve Planning Cases P18-0571 Specific Plan Amendment, P18-0612 Zoning Code Map Amendment, P18-0432 Conditional Use Permit, P18-0433 Conditional Use Permit, P18-0434 Conditional Use Permit, P18-0436 Design Review, P18-0437 Variance, P19-0282 Public Convenience or Necessity, based on the findings outlined in the staff report and summarized in the attached findings and subject to the recommended conditions;

3. Adopt the attached Resolution amending the Magnolia Avenue Specific Plan; and
4. Introduce and subsequently adopt the attached Ordinance amending the Zoning Map.

### **PLANNING COMMISSION RECOMMENDATION:**

On October 31, 2019, the City Planning Commission recommended approval of Planning Cases P18-0571, P18-0612, P18-0432, P18-0433, P18-0434, P18-0436, P18-0437 and, P19-0282, by a vote of 4 ayes, 2 noes, and 1 absention, with staff recommended conditions of approval (Attachment 3 and 4).

### **BACKGROUND:**

The proposed project site is currently vacant and consists of two contiguous parcels, totaling 3.84 acres. The southernmost parcel was previously developed with a vehicle fuel station (Texaco) and the northernmost parcel was developed with a single-family residence and a commercial building for Rainbow Stereo, an automobile stereo and installation business. Records show the structures have either been relocated or demolished and the site is currently vacant.

Surrounding land uses include single-family residences to the east, commercial uses to the west (across Van Buren Boulevard), commercial uses and Arlington Fire Station No. 2 to the north, and State Route 91 to the south.

### **DISCUSSION:**

#### **Project Description**

The applicant is requesting approval of the following entitlements for the construction of a commercial shopping center: 1) Specific Plan Amendment to amend the Magnolia Avenue Specific Plan to permit a Community Entry Sign (freeway-oriented sign); 2) Zoning Code Amendment to modify the boundary of the Neighborhood Commercial Overlay Zone; 3) Conditional Use Permit to permit a 3,812 square foot fast food drive-thru restaurant (In-N-Out Burger); 4) Conditional Use Permit to permit a vehicle fuel station with a 3,800 square foot convenience store in conjunction with off-sale of beer/wine (Type 20 Alcohol License) and a 1,300 square foot quick service restaurant; 5) Conditional Use Permit to permit a 1,200 square foot automated car wash facility; 6) Design Review of project plans; 7) Variance to allow alcohol sales within 100 feet of a property zoned for residential uses; and 8) Determination of Public Convenience or Necessity to allow the off-sale of beer/wine in a Census Tract with an over concentration of alcohol licenses.

#### **Specific Plan Amendment**

The proposed project is located within the Arlington District of the Magnolia Avenue Specific Plan (MASP). The applicant requests approval of a Specific Plan Amendment to permit a Community Entry Sign (Freeway Oriented Sign) within the Arlington District to identify and highlight the entrance to the Arlington District from the freeway. The proposed amendment is consistent with the MASP which recommends a prominent community entry into the Arlington District.

## Zoning Code Amendment

There are two zones covering the project site. The portion of the site facing Van Buren Boulevard is zoned CR-SP – Commercial Retail and Specific Plan (Magnolia Avenue) Overlay Zones. To the east, the parcel is zoned CR-NC-SP – Commercial Retail, Neighborhood Commercial and Specific Plan (Magnolia Avenue) Overlay Zones. The NC Overlay Zone protects the adjacent residential neighborhood to the east from potential conflicts from incompatible uses.

The applicant is requesting approval of a Zoning Code Amendment to modify the boundary of the NC - Neighborhood Commercial Overlay Zone boundary. This will facilitate the uses along Van Buren Boulevard. The Zoning Code Amendment would move the NC Overlay Zone boundary approximately 16 feet to the east. Uses and improvements proposed within this area include a multi-tenant commercial building, a convenience store, associate landscaping and parking, consistent with the NC Overlay Zone. The proposed zoning map modification will ensure adequate separation from the fast food drive thru business, car wash facility, and vehicle fuel station, proposed along Van Buren Boulevard.

## Conditional Use Permits, Design Review, Variance, and Determination of Public Convenience or Necessity

The proposed commercial development includes the following:

Parcel 1:

- Vehicle Fuel Station, Convenience Store with Off-Sale of Alcoholic Beverages and a Quick Service Restaurant

A vehicle fuel station (Arco) is proposed along Van Buren Boulevard on the northern area of the site. The vehicle fuel station includes the construction of a 3,800 square foot convenience store with the off-sale of beer and wine (Type 20 Alcohol License), a 1,300 square foot quick service restaurant, and a 4,600 square foot fueling canopy consisting of 8 multi-product dispensers with two gasoline pumps each.

The proposed vehicle fuel station and convenience store will operate 24 hours a day, seven days a week. The applicant has indicated that fuel delivery is typically scheduled during off-peak hours. The vehicle fuel station will have approximately three to five employees per shift. A 1,300 square foot quick service restaurant (QSR) is proposed adjacent to the convenience store. A tenant has not been identified for the QSR.

- Automated Car Wash Facility

The automated car wash facility is proposed to the west of the fueling canopy along Van Buren Boulevard. It consists of a single bay with a queuing lane that is 12 feet wide and 150 feet long. An overhead trellis is proposed at the entrance of the carwash tunnel to screen it from Van Buren Boulevard. A 3-foot high decorative screen wall is also proposed along the south side of the queuing lane for additional screening along Van Buren Boulevard. The self-serve car wash will operate daily from 7:00 a.m. to 10:00 p.m.

- Multi-Tenant Commercial Building

The proposed 9,250 square foot multi-tenant commercial building is proposed east of the convenience store. The proposed commercial building consists of seven suites which can be combined. Tenants have not been identified; however, the applicant has indicated uses will likely include retail and personal services that will serve the surrounding neighborhood.

- Community Entry Sign (Freeway Oriented Sign)

A Community Entry Sign (Freeway Oriented Sign) is proposed on the southeast portion of the site adjacent to State Route 91. The sign is 45 feet in height and has a sign area of 176 square feet. The sign copy includes "Arlington Business District" at the top of the sign and two additional panels for sign copy. Sign copy will consist of 5-inch deep LED (Light Emitted Diode) illuminated channel letters with translucent vinyl colors. The proposed panels will not be backlit.

#### Parcel 2:

- Drive-Thru Restaurant

The proposed 3,812 square foot drive-thru restaurant (In-N-Out Burger) is proposed on the southwest corner along Van Buren Boulevard. The drive-thru queuing lane is 12 feet wide, 566 feet long, and accommodates stacking for 28 vehicles. A 3-foot high decorative screen wall will screen the drive-thru lane from Van Buren Boulevard. The menu board is located on the west side of the building, facing Van Buren Boulevard, and the pick-up window on the east side of the building. An outdoor seating area is located on the north side of the building.

#### Access:

Primary access to the site is provided from a 49-foot, two-way driveway along Van Buren Boulevard. The driveway entrance will be signalized to allow south bound vehicles on Van Buren Boulevard to make left turn movements into the project site. Secondary access is provided via Andrews Street through the existing commercial development to the north. A shared access agreement currently exists between the subject site and the development to the north.

#### Parking and Screening:

A total of 158 vehicle parking spaces are provided to serve all uses in the shopping center. Reciprocal access and parking are proposed throughout the entire site.

Proposed landscaping includes a 15-foot wide landscaped setback along Van Buren Boulevard and a 6- to 30-foot wide landscape setback along State Route 91. A 5- to 10-foot wide landscape planter consisting of various shrubs and 24-inch box trees are proposed along the east property line adjacent to residences.

#### Building Design:

The proposed architectural design reflects a contemporary commercial style with Tuscan influences, consisting of: stone accents, stucco walls, metal panels to mimic rustic wood textures, and a tile roof. The proposed trash enclosures and the fueling canopy are consistent with the proposed building architecture using similar materials and finishes. The proposed color palette is primarily shades of white and brown.

#### Community Concerns

Following publication of the Planning Commission staff report, Staff received two letters; one in support of the proposed project and one expressing concerns regarding traffic on Farnham Place (Attachment 5).

The following summarizes the concern from a resident on Farnham Place and staff's response:

- Concern: Proposed development may exacerbate traffic on Farnham Place.

Response: The Traffic Engineering Division of the Public Works Department conducted a 24-hour traffic volume and speed count for Farnham Place. Based on the outcome of the counts, Public Works determined that no additional traffic calming measures are needed

at this time. After completion of the project, Public works can always reassess traffic in the area in response to any issues.

Letters received prior to publication of the Planning Commission Staff Report are included as an exhibit to that report. For additional background, please refer to the October 31, 2019, City Planning Commission staff report (Attachment 4), recommended conditions of approval and minutes.

**FISCAL IMPACT:**

There is no fiscal impact associated with this action, since all project costs are borne by the applicant.

Prepared by: David Welch, Community & Economic Development Director  
Certified as to  
availability of funds: Edward Enriquez, Chief Financial Officer/City Treasurer  
Approved by: Rafael Guzman, Assistant City Manager  
Approved as to form: Gary G. Geuss, City Attorney

**Attachments:**

1. Specific Plan Amendment Resolution
2. Zoning Code Amendment Ordinance
3. City Planning Commission Minutes – October 31, 2019
4. City Planning Commission Report – October 31, 2019
5. Planning Commission Comment Letters
6. Presentation