



*City of Arts & Innovation*

# City Council Memorandum

**TO: HONORABLE MAYOR AND CITY COUNCIL** **DATE: FEBRUARY 3, 2015**

**FROM: COMMUNITY DEVELOPMENT DEPARTMENT** **WARD: 5**  
**PLANNING DIVISION**

**SUBJECT: PLANNING CASES P13-0967, P13-0968, P14-0341 AND P14-0342 – REZONE, CONDITIONAL USE PERMIT, PUBLIC CONVENIENCE AND/OR NECESSITY AND DESIGN REVIEW FOR A VEHICLE FUEL CANOPY WITH SECOND-STORY OFFICE**

## **ISSUE:**

The issue for City Council consideration is a Proposal by Fred Cohen of CJC Design, Inc., to consider 1) an Amendment to the Municipal Code (Title 19) to rezone approximately 1.2 acres from the R-1-7000-SP – Single Family Residential and Specific Plan (Riverwalk Vista) Overlay Zones to the CG-SP – Commercial General and Specific Plan (Riverwalk Vista) Overlay Zones; 2) a Conditional Use Permit to allow construction of a vehicle fuel station with an automated vehicle wash facility and two self-service (coin-operated) vehicle wash facilities and the concurrent off-sale of beer and wine in conjunction with vehicle fuel sales; 3) Findings of Public Convenience and/or Necessity to permit a second off-sale alcohol license in the subject Census Tract where one off-sale license is expected; 4) the Design Review of the plot plan and building elevations for an approximately 4,760 square-foot vehicle fuel canopy, an approximately 4,700 square-foot convenience store with second-story office and storage areas, an approximately 2,277 square-foot attached vehicle wash facility with a single-lane automated vehicle wash and two-lane self-service (coin-operated) vehicle wash; located on approximately 1.2 vacant acres of a 13 acre site situated on the northeasterly corner of La Sierra Avenue and Indiana Avenue.

## **RECOMMENDATIONS:**

That the City Council:

1. Determine the proposed project will not have a significant effect on the environment based upon the findings and mitigation measures set forth in the case record and adopt a mitigated Negative Declaration;
2. Adopt the Mitigation Monitoring and Reporting Program (MMRP) found in the attached staff report, pursuant to Section 21081.6 of CEQA; and
3. Approve Planning Cases P14-0341 (Rezoning), P13-0967 (Conditional Use Permit), P13-0968 (Design Review) and P14-0342 (Findings of Public Convenience and/or Necessity) based on and subject to the Planning Commission findings and recommended conditions found in the attached staff report and introduce the appropriate rezoning ordinance.

## **PLANNING COMMISSION RECOMMENDATIONS:**

On August 7, 2014, the City Planning Commission recommended approval of Planning Cases P14-0341, P13-0967, P13-968, and P14-0342 by a vote of 7 ayes, 1 no and 0 abstentions, with modifications to staff recommended conditions.

## **BACKGROUND:**

The applicant is proposing to establish a vehicle fuel station with related retail sales and services on the subject site. The proposed vehicle fuel station will contain eight pumps under an approximately 4,760 square-foot vehicle fuel canopy, an approximately 4,700 square-foot convenience store with second story office and storage areas and vehicle wash facilities, including a single-lane automated vehicle wash bay and two-lane self-service (coin-operated) vehicle wash bays. The convenience store will have a minimum of two employees on each shift and will operate 24 hours a day. The car wash is proposed to operate 24 hours a day as well. In conjunction with this project, the applicant is proposing the concurrent sale of motor vehicle fuel and the off-sale of beer and wine within the convenience store.

The proposed building architecture includes towers on each corner of the front elevation of the building. Additionally, cornice trim, a stacked stone base, and earth-tone colors are proposed to be utilized on the exterior of the convenience store building. The gas canopy has been designed to match the new convenience store building with similar architectural treatments and colors. Primary vehicular access to the vehicle fuel station is proposed from a proposed two-way driveway along the Indiana Avenue frontage that will be shared with the adjacent transit-oriented residential development to the east. A second driveway along the La Sierra Avenue frontage is proposed and will be limited to ingress only to the site.

To facilitate the proposed project, the following entitlements are requested:

- An Amendment to the Zoning Code (Title 19 of the Municipal Code) to rezone approximately 1.2 acres from the R-1-7000-SP – Single Family Residential and Specific Plan (Riverwalk Vista) Overlay Zones to the CG-SP – Commercial General and Specific Plan (Riverwalk Vista) Overlay Zones;
- A Conditional Use Permit to allow construction of a vehicle fuel station with an automated vehicle wash facility and two self-service (coin-operated) vehicle wash facilities and the concurrent off-sale of beer and wine in conjunction with vehicle fuel sales;
- Findings of Public Convenience and/or Necessity to permit a second off-sale alcohol license in the subject Census Tract where one off-sale license is expected; and
- The Design Review of the plot plan and building elevations for an approximately 4,760 square-foot vehicle fuel canopy structure, an approximately 4,700 square-foot convenience store with second story office and storage areas, an approximately 2,277 square-foot attached vehicle wash facility with a single-lane automated vehicle wash bay and a two-lane self-service (coin-operated) vehicle wash bays.

## *Land Use*

Per the City's General Plan 2025 land use and urban design element, the project site is within the MU-U – Mixed Use Urban General Plan land use designation. The proposed vehicle fuel station with convenience store and vehicle wash facility constitutes a "horizontal" mix of uses on the project site, when combining the project with the adjacent recently recommended transit-oriented residential development located directly adjacent to the project site. The mix of uses facilitated by this project will further the objectives of the MU-U General Plan designation, which is intended for high-density

residential development, including transit-oriented developments and ancillary commercial and retail uses to serve the neighborhood and greater area.

The proposal to rezone the approximately 1.2 acre project site from the R-1-7000-SP–Single Family Residential and Specific Plan (Riverwalk Vista) Overlay Zones to the CG-SP – Commercial General and Specific Plan (Riverwalk Vista) Overlay Zones can be supported as well, as the proposed rezoning will facilitate a project which contributes to a mix of uses consistent with the MU-U General Plan designation. The existing single family residential zoning of the property is not consistent with the current MU-U General Plan designation for this site and the current zoning would not allow for the proposed vehicle fuel station to be constructed on this site. While the proposed CG-SP Zone is not directly consistent with the current MU-U General Plan land use designation, exact zoning and General Plan consistency is not required for Charter Cities in California. Furthermore, the project has been designed to integrate with the recently considered, adjacent, transit-oriented residential development, as elements (i.e. pedestrian connections) to create a cohesive horizontal “mixed-use” area surrounding the La Sierra Metrolink Station.

The Riverwalk Vista Specific Plan was originally established in 1991 and has been revised several times over the years. “Planning Area 1” of the Riverwalk Vista Specific Plan is an approximately 20 acre area located on the northerly side Indiana Avenue, easterly of La Sierra Avenue. Currently, the La Sierra Metrolink station parking lot exists in Planning Area 1 and the recently considered 1987 unit Transit Oriented Development was approved for a majority of the balance of Planning Area 1. The horizontal mix of uses on the site is considered consistent with the General Plan 2025 and the vision for Planning area 1 of the Riverwalk Vista Specific Plan as the proposed project entails the development of a commercial component on a larger site, which already includes parking for public transit and a tentatively approved, but not yet constructed, residential transit-oriented development.

Under the proposed zoning of CG-SP – Commercial General and Specific Plan (Riverwalk Vista) Overlay Zones, a vehicle fuel station and the off-sale of beer and wine concurrently with motor vehicle fuel sales would be conditionally permitted and subject to compliance with the provisions of Chapters 19.410 (Vehicle Fuel Stations), 19.425 (Vehicle Wash Facilities), and Chapter 19.450 (Alcohol Sales) of the Zoning Code.

### *Environmental Analysis*

A Mitigated Negative Declaration was prepared pursuant to the California Environmental Quality Act (CEQA) for this project. It was determined that the project will not have a significant impact due to the mitigation measures incorporated in the recommended conditions of approval.

Vehicle wash facilities have been known to have the potential to cause incompatibility problems when sensitive receptors, such as residential development, are in close proximity to an automated car wash with little or no noise attenuation inside the wash tunnel. In this instance, the nearest residentially zoned property is located directly adjacent to the project, site, therefore, any concerns related to noise have to be attenuated through the design of the facility. In this instance, the applicant is proposing to establish a vehicle wash facility with 24-hour operation. In the Noise Assessment prepared by GMEP Engineers dated March 21, 2014, it is concluded that the automated vehicle wash facility, when in operation, will not exceed the noise thresholds as established for residential areas so long as the manufactured produced silencer package for the car wash blowers is installed and the site is bounded by six-foot high masonry walls. Staff recommends the use of the silencer package, and notes that six-foot high masonry walls are proposed adjacent to the residentially zoned areas. However, to fully ensure compatibility with the adjacent future transit-oriented residential use, Staff recommends that the hours of operation of both the automated vehicle wash and the coin-operated wash be between 7:00 a.m. to 10:00 p.m. as recommended by the Noise Assessment. As well, the use is required to comply with the City’s adopted Noise Code in all aspects. With the recommended conditions of approval, the vehicle wash facility will not create a nuisance to adjacent uses.

### *Conclusion*

This proposal has been designed in a manner that is sensitive to surrounding uses and complementary to the surrounding neighborhood. With implementation of the recommended conditions of approval, the proposal, including the off sale of beer and wine, will provide an additional convenience to the area. For these reasons, no detrimental impacts are anticipated in conjunction with this use and the project can be supported.

Please refer to the August 7, 2014 City Planning Commission staff report, recommended conditions and minutes.

### *Summary Vacation*

An approximately 9,923 square-foot portion of the project site located directly contiguous to La Sierra Avenue is located within the public-right-of-way. Designed as McMillian Street, this area is not developed for street purposes and is only retained as right-of-way to provide access to the adjacent flood control channel, railroad, and La Sierra Avenue Bridge. In order for the proposed project to be constructed, this area will be required to be removed from the public right-of-way. The applicant has submitted a concurrent Summary Vacation case (Planning Case P14-0091) which will be considered by the City Council on January 27, 2015.

### **FISCAL IMPACT:**

There is no impact to the General Fund, since all project costs are borne by the applicant.

Prepared by: Emilio Ramirez, Deputy Director  
for Al Zelinka, FAICP, Community Development Director

Certified as to  
availability of funds: Brent A. Mason, Finance Director/Treasurer

Approved by: Deanna Lorson, Assistant City Manager  
for Lee McDougal, Interim City Manager

Approved as to form: Kristi Smith, Interim City Attorney

### Attachments:

1. City Planning Commission Recommended Conditions
2. City Planning Commission Report – August 7, 2014
3. City Planning Commission Minutes
4. Rezoning Ordinance