DATE: March 27, 2018

TO: Bryan Montgomery, City Manager

FROM: Joshua McMurray, Planning Manager

SUBJECT: ARCO Tentative Map, Conditional Use Permit and Design Review – Consideration of an application requesting approval of a Conditional Use Permit (CUP 07-17) and Design Review (DR 09-17) for approval of a new 3,180 square foot convenience store, a fueling island with 8 multiple product dispensers under a new 42 foot by 116 foot fuel island canopy and a new 25 foot by 115 foot car wash tunnel with outdoor vacuums and a Tentative Parcel Map (TPM 02-17) to subdivide the 4.17-acre parcel into 2 parcels. The Project is located at 2140 Laurel Road and is designated Commercial in the Oakley 2020 General Plan and zoned General Commercial (C) District. (APN: 041-042-002) (Joshua McMurray, Planning Manager)

Summary and Recommendation

This is a request by Woodcreek Oaks Petroleum, Inc. (“Applicant”) requesting approval of a Conditional Use Permit (CUP 07-17) and Design Review (DR 09-17) for approval of a new 3,180 square foot convenience store, a fueling island with 8 multiple product dispensers under a new 42 foot by 116 foot fuel island canopy and a new 25 foot by 115 foot car wash tunnel with outdoor vacuums. A Tentative Parcel Map (TPM 02-17) is being proposed to split the 4.17-acre parcel into 2 parcels, with Parcel A being 1.56-acres and Parcel B being 2.61-acres. The ARCO AM/PM is being proposed on the Parcel A and Parcel B will be developed sometime in the future. The project site is designated Commercial in the Oakley 2020 General Plan and zoned General Commercial (C) District. The Project is located at 2140 Laurel Road (APN: 041-042-002).

Staff recommends the City Council adopt the Resolution approving Conditional Use Permit (CUP 04-17) and Design Review (DR 03-17) to establish and construct a gasoline service station use and Tentative Parcel Map (TPM 02-17) to subdivide a 4.17-acre parcel into 2 parcels on a site located at 2140 Laurel Road (APN 041-042-002), as conditioned.
Background

General Plan and Zoning
In 2002 the site was designated “Commercial” in the Oakley 2020 General Plan. The “Commercial” designation allows for a broad range of commercial uses. The project site is zoned General Commercial (C) District. The C District is compatible with the “Commercial” General Plan Land Use designation (Oakley 2020 General Plan Table 2-6, General Plan/Zoning Compatibility Matrix). The proposed “Gasoline Service Station” use is permitted in the C District with the approval of a Conditional Use Permit per Section 9.1.506(c)(17) of the Oakley Municipal Code.

Existing Conditions and Surrounding Land Uses
The approximately 4.17-acre project site is located on the northwest corner of Empire Avenue and Laurel Road at 2140 Laurel Road. The current site is improved with a single-family residence, 2 barns and a work shop located in the northwestern portion of the site. The remainder of the site has been an active vineyard for several years. Before that, the remainder of the site was vacant for some time and an almond orchard existed before that. The site is located on a main City arterial, Laurel Road, and near a residential neighborhood to the north, west and east, separated by the Contra Costa Canal and Trail. The property directly to the south, across Laurel Road, is being developed with the 7-11 and Oakley Gateway Self-Storage project and further south lies the Randall Bold Water Treatment Plant. Figure 1 below and 2 on the following page show a street view of the project site and an aerial view of the site respectively.

Figure 1. Street View of Project Site Looking Northeast
Project Description

Conditional Use Permit
The proposed use is defined as “Gasoline Service Station”, which is allowed in the General Commercial (C) District with the approval of a Conditional Use Permit. The purpose of a Conditional Use Permit is to allow for uses that are not allowed by right, and to ensure, through conditions, that the proposed land use is compatible with the surrounding land uses in the neighborhood per Oakley Municipal Code Section 9.1.1602.

Proposed Tentative Parcel Map
The project proposal includes a Tentative Parcel Map to split the approximately 4.17-acre parcel into two parcels with Parcel A being 1.56-acres and Parcel B being 2.61-acres. The ARCO AM/PM is being proposed on the Parcel A and Parcel B will be developed sometime in the future. That future development on Parcel B will require additional City Council approvals and until the parcel develops, the vines will remain on site.
Design Review
The Design Review Ordinance has different levels of procedures for review and approval of a Design Review Permit. Oakley Municipal Code section 9.1.1604(c)(2)(i) requires that any new commercial structure be heard and approved by the Planning Commission\(^1\). The proposed new development fits the criteria above and requires Design Review.

The proposed design review covers all of the physical development of the site, such as building siting, layout, architecture, colors and materials, landscaping, lighting, and parking. The project will fully develop approximately 1.56-acres of an approximately 4.17-acre site with a new 3,180 square foot convenience store, a fueling island with 8 multiple product dispensers under a new 42 foot by 116 foot fuel island canopy and a new 25 foot by 115 foot car wash tunnel with 18 outdoor vacuum spaces.

Figures 3 and 4 below and 5 and 6 on the following page highlight the project elevations.

**Figure 3. South Elevation (looking North from Laurel Road)**

![South Elevation](image)

**Figure 4. North Elevation (looking South from the canal)**

\(^1\) City Council acts as the Planning Commission per Ordinance No. 06-09
Figure 5. Southwest Elevation (car wash tunnel looking Northeast from Laurel Road)

Figure 6. Southeast Elevation (car wash tunnel looking Northwest from Laurel Road)

Analysis

Conditional Use Permit
The Conditional Use Permit (CUP) is required for the gasoline service station. The project is compatible with the surrounding areas in that there are no conflicts with adjacent land uses. The project is proposed within land designated and zoned for this type of commercial land use and what will be a future commercial center and is a typical use associated with multi-use commercial centers.

In terms of the convenience store, Staff has added several conditions of approval that deal with alcohol sales. Specifically, there are conditions that regulate the hours alcohol may be sold, a security plan, the type of alcohol that can be sold (beer and wine only), window signage, and other applicable conditions that make the overall use compatible with the surrounding area. Like most gasoline service stations, the gas pumps and convenience store are proposed to operate on a 24-hour a day basis while the sale of beer and wine is limited from the hours of 6:00 AM to 2:00 AM. These conditions are the same conditions placed on other gasoline service stations that have a convenience store that sells alcohol.

Tentative Parcel Map
The Tentative Parcel Map has been reviewed against all applicable codes including the Subdivision Map Act and the Zoning Ordinance. The General Commercial zone requires a minimum 7,500 square foot lot with no minimum lot depth or width. In addition the code allows for a maximum 1.0 Floor Area Ratio (FAR). Each lot proposed is well in excess of 7,500 square feet and the ARCO AM/PM (Parcel A) comes in at a 0.10 FAR. Parcel B is shown with a conceptual site layout, although nothing is being requested for approval at this time. Until Parcel B is developed the site will remain as is with the home, ancillary uses and the vines. The Tentative Parcel Map as proposed meets all applicable codes and regulations.

Design Review
Circulation/Parking: The project site will have a 30 foot wide right-in/right-out driveway (East Project Driveway) along Laurel Road for the gas station, convenience store, and carwash. This driveway is shown in the site plan to be located approximately 250 feet to the west of the Laurel Road and Empire Avenue intersection. The project site will also have a 35 foot driveway (West Project Driveway) along Laurel Road for vehicles to access the site from a left-in and for vehicles to make a left-turn out. This driveway is located approximately 350 feet to the west of the East Project Driveway, or 600 feet west of the Laurel Road and Empire Avenue intersection.

The project is proposing to construct a total of 16 parking spaces (including one ADA accessible parking space) around the south and west areas of the convenience store and 16 fueling spots underneath the canopy. There are also a total of 18 spaces designated as vacuum spaces. The propose project meets all of the code requirements in terms of parking and circulation.
Building/Site Design: The site plan within Attachment 3 of this report shows how the proposed project is laid out on the site. The 42' x 116' canopy with 8 Multi Product Dispensers is situated towards Laurel Road, towards the southwest area of the new Parcel A. The canopy has been upgraded over the prototypical canopy to include the use of concrete tile roofing and stucco. The convenience store is located north of the gas canopy and uses a combination of stucco, stone veneer, wood trim and a concrete tile roof. The building uses varying roof parapet heights and a center open gable as well as building wall articulation to provide for a high quality building exterior. The car wash tunnel is located on the east side of the site, and runs in a northwest to southeast direction. The car wash tunnel has been treated with the same materials as the convenience store, highlighted by a tower element, with a pyramid hip roof, at the carwash exit facing Laurel Road.
There are dedicated vacuum areas located south and southwest of the carwash tunnel. Figure 7, to the right, shows the site plan.

The convenience store features a main entry tower element with an open gable roof located at the center of the building. This tower element provides height and defines the entry to the building. The applicant has provided many enhanced materials that are shown on the applicant’s plans. The building will use a base stucco exterior, with extensive use of stone veneer on the front and side elevations. The parapets use an enhanced parapet cap along with a varying roof line to provide interest to the building’s exterior. Several faux windows have been used on the front of the façade to create height and the appearance of partial second floor. Lastly, wall scoring is used in strategic areas to further break up the wall sections and provide for a more interesting facade. The overall facade lends itself to architecture commonly scene on vineyard and winery properties and lends to the existing use of the site as an active vineyard.

The Laurel Road frontage improvements were completed when Laurel Road was expanded and improved to accommodate the then Highway 4 Bypass improvements (now Highway 4). A majority of the parking areas are screened from view.

There are several conditions placed within the resolution that require further information to be submitted like detailed landscape plans, and information about the trash enclosures and other site improvements prior to them being constructed. The building and site improvements have been reviewed and they do comply with both the development regulations and the spirit and intent of the Commercial and Industrial Design Guidelines. Staff has worked with the applicant to ensure that an adequate amount of landscaping, both bushes and plantings, are used along the project frontage to further enhance the overall look of the project frontage. The applicant has also agreed to retain some the vines along the projects frontage to maintain some of the existing character of the site.

With adoption of the proposed resolution for the Design Review approval, as conditioned, the project will comply with the Commercial and Industrial Guidelines.

**Environmental Review**

**Noise:** The proposed project is located near residential uses, located north of the project site across the Contra Costa Canal. At the request of City Staff, the applicant submitted a Noise Assessment (Bollard Acoustical Consultants, Inc.) that assesses the noise levels of the car wash tunnel and the outdoor vacums. The Oakley 2020 General Plan uses Table 9-1 for “Noise Level Performance Standards for New Projects Affected by or Including Non-Transportation Noise Sources.”

The noise report indicates that the project is in compliance with Table 9-1. The noise report also indicates that the project as currently designed will comply with the noise requirements of the General Plan and no further mitigation would be required.
Traffic Letter Report: The project applicant had Kimley-Horn (traffic consultants) analyze the potential traffic impacts both on and offsite that could result as a result of the proposed project. The traffic analysis was reviewed and approved by the City’s Public Works and Engineering Department. The traffic analysis concluded that there would be no significant transportation impacts according to established standards and no off-site traffic or transportation mitigations would be required because the applicant will be constructing several off-site improvements as follows:

- Install a traffic signal at the new intersection of Laurel Road and Proposed West Driveway.
- Coordinate the new traffic signal with the intersection of Laurel Road and Live Oak Avenue and the intersection of Laurel Road and Empire Avenue.
- A new eastbound left turn lane for 250 feet will be constructed, removing the existing landscaped median and replacing it with pavement.
- A new westbound left turn lane for 300 feet will be constructed, removing the existing landscaped median and replacing it with pavement.
- A new westbound right turn overlap phase would be implemented.

Since there is no new mitigation required for this project, the project is exempt from further environmental analysis under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15332, “Class 32 – In-Fill Development Projects”;

Citizen Planning Advisor Comments
The Oakley Citizen Planning Advisors received copies of the Applicant’s Plans via email on November 1, 2017. Per City Council Resolution 15-14, which established the Citizen Planning Advisors, Staff has attached the comments received from the Citizen Planning Advisors to the Staff Report. Although the process does not necessarily have Staff respond directly to each of the individual comments, Staff did review them and many of the comments are addressed in this report’s “Analysis” section or the conditions of approval, and Staff is prepared to address them at the City Council’s discretion.

Findings
Draft findings for the Conditional Use Permit and Design Review can be found in the proposed resolution.

Recommendation
Staff recommends the City Council adopt the Resolution approving Conditional Use Permit (CUP 04-17) and Design Review (DR 03-17) to establish and construct a gasoline service station use and Tentative Parcel Map (TPM 02-17) to subdivide a
4.17-acre parcel into 2 parcels on a site located at 2140 Laurel Road (APN 041-042-002), as conditioned.

Attachments
1. Vicinity Map
2. Public Hearing Notice
3. Applicant’s Plans
4. Proposed Resolution
5. Citizen Planning Advisor Comments