

PLANNING COMMISSION

AGENDA REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

October 15, 2020

SUBJECT:

CHEVRON CONVENIENCE STORE CUP (PLN20-052): Public hearing to consider a conditional use permit and design review to construct a new 800 SF convenience store and install 3 underground fuel tanks at an

existing gas station.

PREPARED BY:

Emily Carroll, Planner I

LOCATION:

901 West Cutting (APN: 550-012-003)

OWNER:

Chevron USA Inc.

APPLICANT:

Robert Picard, Stantec Inc.

ZONING:

IL, Light Industrial District

GENERAL PLAN: Business/Light Industrial

CEQA:

Categorically Exempt per CEQA Guidelines Section 15303(c) construction

of new stores not exceeding 2,500 square feet of floor area

STATEMENT OF THE ISSUE/PROPOSAL:

Chevron Inc., the applicant and operator, requests a Conditional Use Permit (PLN20-052) and Design Review to construct a new 800 SF convenience store and install 3 underground fuel tanks at an existing gas station located at 901 W Cutting, APN: 550-012-003 (subject site).

RECOMMENDED ACTION:

1. Hold public hearing;

2. Adopt Resolution No. 20-18 in Exhibit A approving Conditional Use Permit and Design Review (PLN20-052) for a new 800 sf convenience store.



BACKGROUND:

The subject property is a ±20,000 square feet (SF) parcel located at the northwest corner of West Cutting Boulevard and Canal Boulevard with an existing gas station. It includes a small kiosk of approximately 80 SF, canopy, bathrooms, and a trash enclosure. The site is located approximately one block (300 feet) from Interstate 580 underpass and on-ramp on Canal Boulevard. The site is served by two driveways: one off Canal Boulevard and one off West Cutting Blvd. There is also a third driveway off West Cutting, which is shared with a motel to the north of the site. A business park is located across the street to the south and Point San Pablo Yacht Club kitty-corner. The subject parcel is in the IL, Light Industrial Zoning District and has a BM, Business/Industrial General Plan designation.

DISCUSSION:

The applicant submitted an application to the Planning Division for a Conditional Use Permit and Design Review for the construction and operation of a new 800 SF convenience market. As part of the project, Chevron will be doing a routine replacement of three underground fuel tanks. The convenience market is proposed in the center of the site, beneath the canopy between two fueling bays. This will allow a more efficient vehicular circulation and maintain safety for pedestrians. In response to feedback from the Point Richmond Neighborhood Council (PRNC) and the Design Review Board (DRB), the applicant proposes a brick building façade with images of historic Point Richmond installed on the side of the building. The project also includes updating the landscaping on the site. In response to comments from Trails for Richmond Action Committee (TRAC), the applicant will install a bicycle repair station on the site.

ZONING ANALYSIS:

The project is in compliance with the requirements set forth by Section 15.04.204 of the Zoning

Ordinance:

<u>Building Height</u>: The maximum building height of the proposed convenience store is 13.5 feet the existing canopy is approximately 16 feet in height. The permitted height in the IL zoning district is 55 feet. The project satisfies this requirement.

<u>Setbacks</u>: The IL zone allows for zero setbacks from all sides. The proposed convenience store will be situated beneath the existing canopy, and the site will effectively maintain the existing setbacks. The project satisfies the requirement.

Off-Street Parking & Circulation: The project will preserve the three parking spaces that are currently on the property, including an ADA parking space. The convenience store is less than 1,000 square feet of floor area and does not trigger providing additional parking spaces.

Currently, there are eight gasoline fueling station and one diesel station. The applicant submitted three preliminary site plan showing traffic circulation and alternate building location. Based on the flow, it appears that the proposed location of the kiosk and circulation of the site are adequate.

<u>Floor Area Ratio</u>: The maximum floor area allowed is 65 percent. The proposed floor area is less than 10 percent. Therefore, the project satisfies this requirement.

Hours of Operation: Per Richmond Municipal Code (RMC) section 15.04.610.150, permitted hours of operation are between 7:00 a.m. and 11:00 p.m., seven days a week, unless longer hours are allowed with a conditional use permit. The existing kiosk is in operation 24 hours a day, 7 days per week, and the applicant proposes continuing these hours of operation. Given that the gas station is adjacent to a freeway on/off ramp and distant from residential, there would be limited off-site impacts from a 24/7 operation. The convenience store will not sell alcohol, and per RMC section 15.04.610.150 no more than 20 percent of the sales display shelves shall be devoted to tobacco products.

CONDITIONAL USE PERMIT FINDINGS:

A conditional use permit may be required for uses not allowed as a matter of right in a district. A use permit is typically required for a use classification having unusual site development features or operating characteristics requiring special consideration so that the use may be designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area. Per Richmond Municipal Code (RMC) Section 15.04.204.020, Conditional Use Permits are required for convenience stores, which are only permitted with a use permit at existing service station sites in the IL Zone.

A Conditional Use Permit may be approved or conditionally approved, on the basis of the application, plans, materials, and testimony provided at the public hearing, if the Planning Commission adopts all of the required findings, with supporting statements of fact, in accordance with Section 15.04.806.040 of the Zoning Ordinance as listed below:

A. The location of the proposed conditional use is in accordance with the General Plan and any applicable specific plan and the land use designations for the project site;

- B. The location, size, design, and operating characteristics of the proposed use will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood;
- C. The proposed use will not create any nuisances arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding ambient conditions;
- D. The proposed use complies with all applicable provisions of Article XV; and
- E. The site of the proposed use is adequately served by highways, streets, water, sewer, and other public facilities and services.

The required findings and supporting statements of fact are included in the draft Planning Commission Resolution No. 20-18 (Exhibit A).

DESIGN REVIEW:

The purpose of Design Review is to promote orderly, attractive, and harmonious development; to recognize environmental limitations on development; to enhance land values and investments; to maintain and enhance the character of existing residential, commercial, and industrial areas; and, to promote the general welfare by preventing development having qualities that would not meet the specific intent, clauses, or performance standards of RMC Section 15.04.805, Design Review, or that are not properly related to their sites, surroundings, or their environmental setting.

Pursuant to RMC Section 15.04.803.050, when multiple applications that require public hearings are filed for the same projects, all issues shall be heard together by the review authority with the most authority. In this case, since the project requires a Conditional Use Permit, the Planning Commission shall also be the reviewing body for Design Review and the Design Review Board (DRB) is a recommending body.

DRB Recommendation

On September 23, 2020, the Design review Board considered the subject project and voted unanimously to recommend the project to the Planning Commission.

The required findings and supporting statements of fact are included in the draft Planning Commission Resolution No. 20-18 (Exhibit A).

ENVIRONMENTAL REVIEW:

The proposed project has been determined to be categorically exempt from the California Environmental Quality Act per CEQA Guidelines, Section 15303(c) consisting of projects including construction of new stores not exceeding 2,500 square feet of floor area.

PUBLIC COMMENTS:

Public notification consisted of publishing a legal notice in the local newspaper, notification by mail of owners within a 300-foot radius of the subject property, and notification by mail of the neighborhood council for the subject site.

The applicant presented the project to the Point Richmond Neighborhood Council (PRNC) and returned to the August 26, 2020 meeting with requested revisions. The project was approved unanimously with no added conditions requested by the PRNC.

Staff received a comment concerning the sales of candy and the impact of retail on the surrounding area.

Additionally, staff received comments from Trails for Richmond Action Committee (TRAC) requesting that the project consolidate points of ingress and egress, provide a bicycle repair station and contribute to on-street bicycle improvements. In response to the comments from TRAC, the applicant has added a bicycle repair station and bicycle rack on the site. The applicant has a shared lease with an adjoining property owner and cannot modify the driveways.

CONCLUSION:

The proposed use advances the City's 2030 General Plan policy LU5.1 which aims to promote a balanced mix of land uses in key corridors and industrial areas. The project will enhance the aesthetics of the corner of West Cutting and Canal Blvds. In addition, the convenience store and gas station are appropriate auxiliary services to the industrial uses in the area. Therefore, staff recommends that the Planning Commission approve Conditional Use Permit (PLN20-052) and Design Review to construct a convenience store at an existing gas station, subject to the conditions of approval listed in draft Planning Commission Resolution 20-18 (Exhibit A).

DOCUMENTS ATTACHED:

Exhibit A: Draft Planning Commission Resolution No. 20-18

Exhibit B: Project Plans
Exhibit C: Public Comment

cc: Chevron U.S.A. Inc.
Attn: Darin O'Kelley
6001 Bollinger Canyon Road
San Ramon, CA 94583

Robert Picard, Stantec Inc. 1383 N. Mcdowell Blvd #250 Petaluma, CA 94954

Point Richmond Neighborhood Council

APPEAL PERIOD:

The Planning Commission's decision may be appealed to the City Council by written notice thereof and payment of appeal fee to the City Clerk's office by **5:00PM on October 26, 2020.**

PLANNING COMMISSION RESOLUTION NO. 20-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RICHMOND APPROVING A CONDITIONAL USE PERMIT (PLN20-052) AND DESIGN REVIEW TO CONSTRUCT A NEW 800 SQUARE FOOT CONVENIENCE STORE AND REPLACE 3 UNDERGROUND FUEL TANKS AT AN EXISTING GAS STATION LOCATED AT 901 W CUTTING BOULEVARD, APN 550-012-003

WHEREAS, Chevron, Inc. (the "applicant" or "permittee"), filed Planning Application PLN20-052 with the City of Richmond requesting a Conditional Use Permit and Design Review for an 800 square foot convenience store at an existing gas station located at 901 W Cutting Blvd., Assessor's Parcel Number 550-012-003 (the "subject site" or "premises"); and

WHEREAS, the subject site is located in the IL, Light Industrial Zoning District with Business/Light Industrial General Plan Land Use Designation; and

WHEREAS, the proposed use has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, New Construction; and

WHEREAS, on September 23, 2020, the Design Review Board conducted a properly noticed public hearing pursuant to California Government Code Section 65090; and

WHEREAS, on September 23, 2020, the Design Review Board recommended approval of the design of the proposed project, subject to conditions; and

WHEREAS, the Planning Commission has reviewed the Conditional Use Permit for conformance to the Zoning Ordinance and all other applicable regulations of the Richmond Municipal Code as required by Sections 15.04.806 and 15.04.610.150; and

WHEREAS, the Planning Commission has reviewed the proposed project for conformance with the Zoning Ordinance and all other applicable regulations of the Richmond Municipal Code pursuant to Section 15.04.806 and 15.04.805; and

WHEREAS, on October 15, 2020, the Planning Commission conducted a properly noticed public hearing pursuant to California Government Code Section 65090; and

WHEREAS, on the basis of the application, plans, materials, and testimony provided at or prior to the public hearing, including the agenda report, the Planning Commission adopts the following findings and statements of fact in approving the proposed project:

CONDITIONAL USE PERMIT FINDINGS:

A. The location of the proposed conditional use is in accordance with the General Plan and any applicable specific plan and the land use designations for the project site;

Staff Statement: Criterion Satisfied. The proposal is consistent with the General Plan Business/Light Industrial land use classification, which includes industrially related uses. In addition, the project supports policy LU5.1 which aims to promote a balanced mix of land uses in key corridors and industrial areas. The project will enhance the aesthetics of the corner of West Cutting and Canal Blvds., and the convenience store and gas station are appropriate auxiliary services to the industrial uses in the area.

B. The location, size, design, and operating characteristics of the proposed use will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood;

<u>Staff Statement:</u> **Criterion Satisfied.** The size, design, and operating characteristics of the proposed convenience store are compatible with the abutting properties. The gas station is located 300 feet from a highway on/off-ramp and is an appropriate use in the business and industrial corridor. The convenience market will replace an existing kiosk that is currently operating on a 24/7 basis.

C. The proposed use will not create any nuisances arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding ambient conditions;

<u>Staff Statement:</u> *Criterion Conditionally Satisfied.* In accordance with RMC Section 15.04.608 (Performance Standards) and Section 15.04.605 (Noise), the proposed use will comply with all provisions of these sections and will not cause any nuisances related to the abovementioned noise and performance standards. The conditions of approval further reinforce the noise and performance standards.

D. The proposed use complies with all applicable provisions of Article XV;

Staff Statement: Criterion Conditionally Satisfied. The proposed use conforms

to Zoning Ordinance Section 15.04.610 which governs the issuance of Conditional Use Permits. The project conforms to the standards for convenience markets set forth in 15.04.610.150. The conditions of approval limit the percent of sales display shelves devoted to tobacco products to 20 percent and require a prompt response to any graffiti or litter on the site.

E. The site of the proposed use is adequately served by highways, streets, water, sewer, and other public facilities and services.

<u>Staff Statement:</u> *Criterion Satisfied.* The proposed use will be located within an urbanized area of the City at the northwest corner of West Cutting and Canal Boulevards, which is accessible by existing streets and highways. The subject site is also served by existing City police, fire and utility networks and services.

DESIGN REVIEW FINDINGS:

Design Review Board may only approve a design review application if it finds that the application is consistent with:

A. The General Plan and any applicable specific plans;

Staff Statement: The proposal is consistent with the General Plan. The Business/Industrial General Plan designation for the subject property is specifically intended for light industrial type uses as proposed by the applicant. The project is also consistent with the General Plan Land Use Goal LU1 and Land Use Policy LU-6 as the proposed project promotes high quality design, construction and maintenance of development and infrastructure projects.

B. Any applicable design guidelines;

Staff Statement: There no applicable design guidelines in this neighborhood.

C. Any approved tentative map, Use Permit, Variance, or other planning or zoning approval that the project required;

<u>Staff Statement:</u> The final approval shall be at the discretion of the Planning Commission. The project is subject to a Conditional Use Permit which must be approved by the Planning Commission.

D. The design review criteria in Section 15.04.805.04.

EXHIBIT A

The	e project must satisfy these criteria to the extent applicable.	Criteria	a Met?
A.	The overall design of the project, including its scale, massing, site plan, exterior design, and landscaping, reflects design integrity and the relationship of form and function in a coherent manner.	Yes 🛚	No 🗌
B.	The project design evidences a sense of place and consideration of scale, mass, height, building siting, and privacy in a neighborhood and community context; does not overwhelm or adversely impact adjoining properties; and respects prevailing setbacks and the scale and heights of neighboring buildings and how they relate to the street.	Yes ⊠	No 🗌
C.	The project's design elements, materials, signage, and landscaping are internally consistent, fully integrated with one another, and applied in a manner that is visually consistent with the proposed architectural design.	Yes 🛚	No 🗌
D.	Lighting and lighting fixtures are designed to complement buildings, be of appropriate scale, provide adequate light over walkways and parking areas to create a sense of pedestrian safety, and avoid creating glare.	Yes 🛚	No 🗌
E.	The proposed building design and landscaping supports public safety and security by allowing for surveillance of the street by people inside buildings and elsewhere on the site.	Yes 🛚	No 🗌
F.	Landscaping is designed to be compatible with and enhance the architectural character of the buildings on site. Proposed planting materials avoid conflicts with views, lighting, and signage.	Yes 🛚	No 🗌

<u>Staff Statement:</u> The project is compatible with the surrounding industrial land uses. The proposed project enhances the safety, integrity and aesthetic quality of the surrounding area by providing overall site maintenance and enhancements including a renovating look with landscaping and the installation of EV chargers. The design of the structure is simple and the landscaping and materials are appropriate for the gas station use.

Given that conditions of approval will be incorporated, such as color scheme change and adding a bicycle rack, the proposed project will be further enhanced.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Richmond, does hereby approve Conditional Use Permit and Design Review (PLN20-052), subject to the following conditions of approval:

- 1. This Conditional Use Permit (CUP) is granted for an 800 square foot convenience market proposed in an existing gas station located at 901 West Cutting Boulevard, Assessor's Parcel Number 550-012-003, in substantial conformance with the project plans, description and all standards pursuant to Richmond Municipal Code Sections 15.04.806 (Use Permits) and 15.04.610.150 (Convenience Markets), 15.04.605 (Noise) and 15.04.608 (Performance Standards).
- 2. No live or amplified music and/or entertainment shall be allowed at any time.
- 3. No more than 20 percent of the sales display shelves shall be devoted to tobacco products

EXHIBIT A

- 4. Any modification or expansion shall require a CUP amendment as required by the RMC.
- 5. The permitee shall operate in conformance with the Richmond Municipal Code (RMC), which are currently set forth, as may be amended from time to time, in Section 15.04.840, Performance Standards (as related to noise, odor, lighting and glare, tree preservation, creeks, design, fire hazard, liquid or solid waste, sidewalk and street trees, construction operation, screening of activities and mechanical equipment and maintenance). All uses, activities and operations shall be subject to the provisions of this RMC section.
- 6. The site must be maintained free of litter and graffiti at all times. The owner or operator must provide for daily removal of trash, litter, and debris from premises and on all abutting sidewalks within 20 feet of the premises. The owner or operator must also remove graffiti within 72 hours. One permanent, non-flammable trash receptacle shall be installed near to the entrance/exit of the building.
- 7. All off-street parking areas and building entries must be illuminated during all hours of operation with a lighting system that provides a minimum maintained horizontal illumination of one foot-candle of light on the parking surface and/or walkway.
- 8. The applicant agrees, on behalf of itself, its successor in interest and assigns, to defend, indemnify, and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter "City") from any claim, action or proceeding (hereinafter "Proceeding") brought against the City by a third party other than the applicant to attack, set aside, void or annul the City's actions regarding any development or land use permit, application, license, denial, approval or authorization, including, but not limited to, variances, use permits, developments plans, specific plans, general plan amendments, zoning amendments, approvals and certifications pursuant to the California Environmental Quality Act, and/or any mitigation monitoring program, or brought against the City due to acts or omissions in any way connected to the applicant's project, but excluding any approvals governed by California Government Code Section 66474.9. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, attorney's fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by applicant or City. If applicant is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City.

October 15, 2020 5 of 6 PC Resolution No. 20-18

EXHIBIT A

of the City of Richmond, California at a regular meeting held on October 15, 2020 bethe following vote:
AYES:
NOES:
ABSTENTIONS:
ABSENT:
DAVID TUCKER CHAIR, RICHMOND PLANNING COMMISSION Approved as to form:
JAMES ATENCIO SENIOR ASSISTANT CITY ATTORNEY

I CERTIFY that the foregoing Resolution was adopted by the Planning Commission



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SAN RAMON, CA 94583
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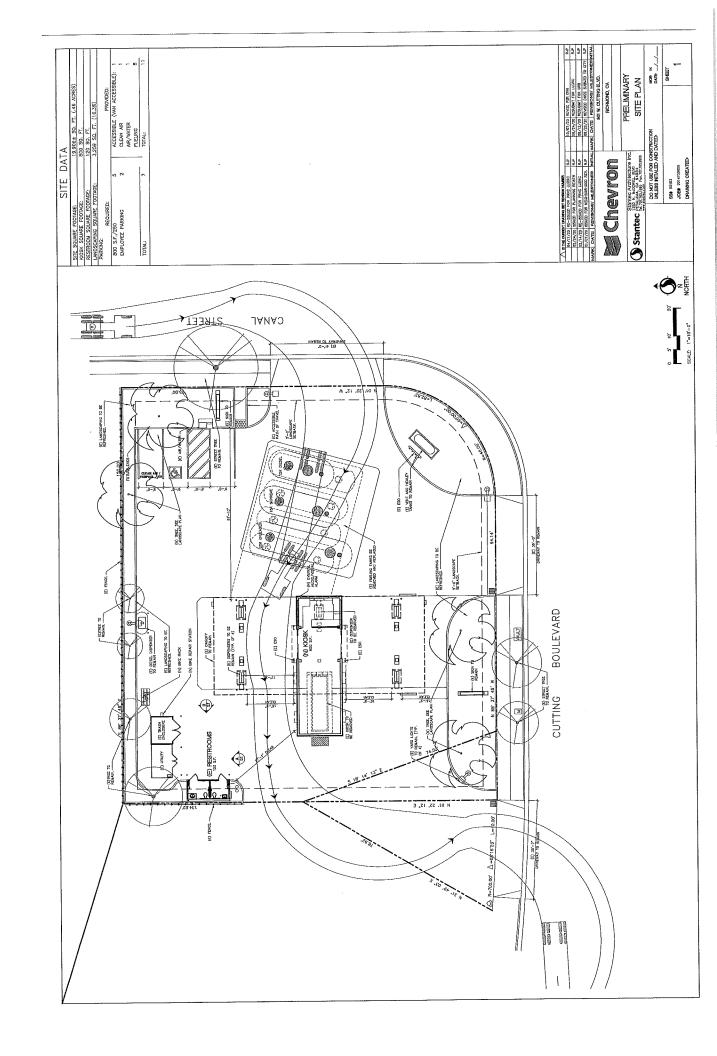
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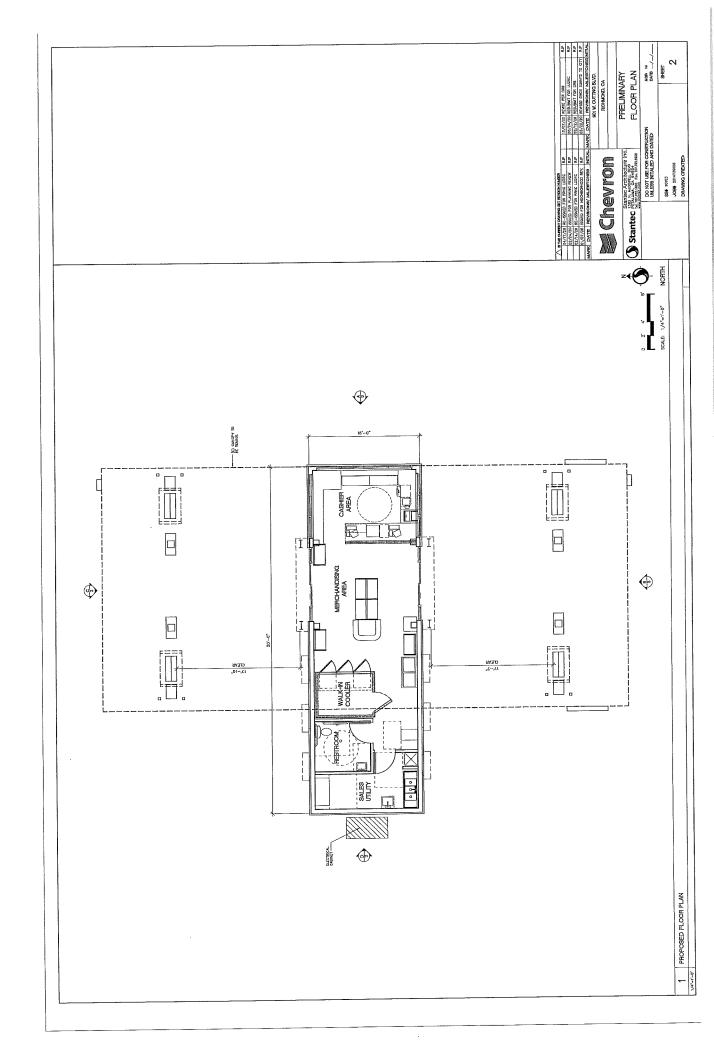
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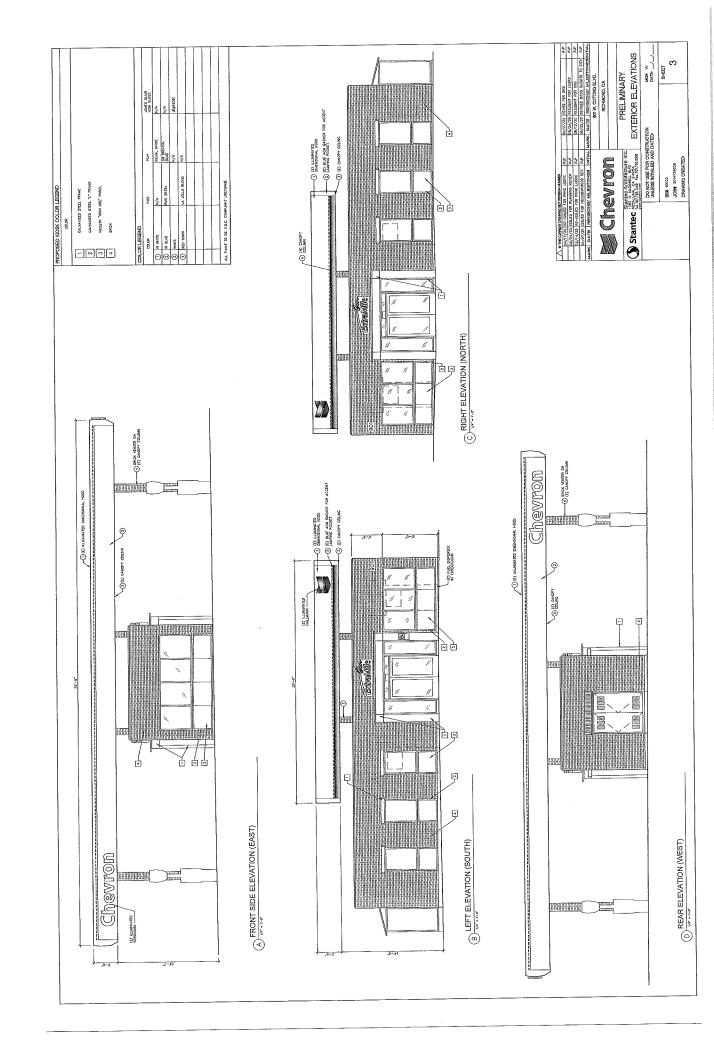
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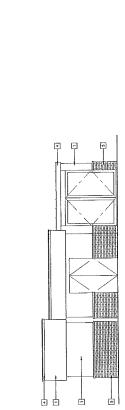
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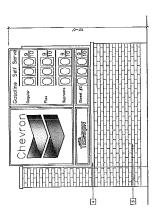
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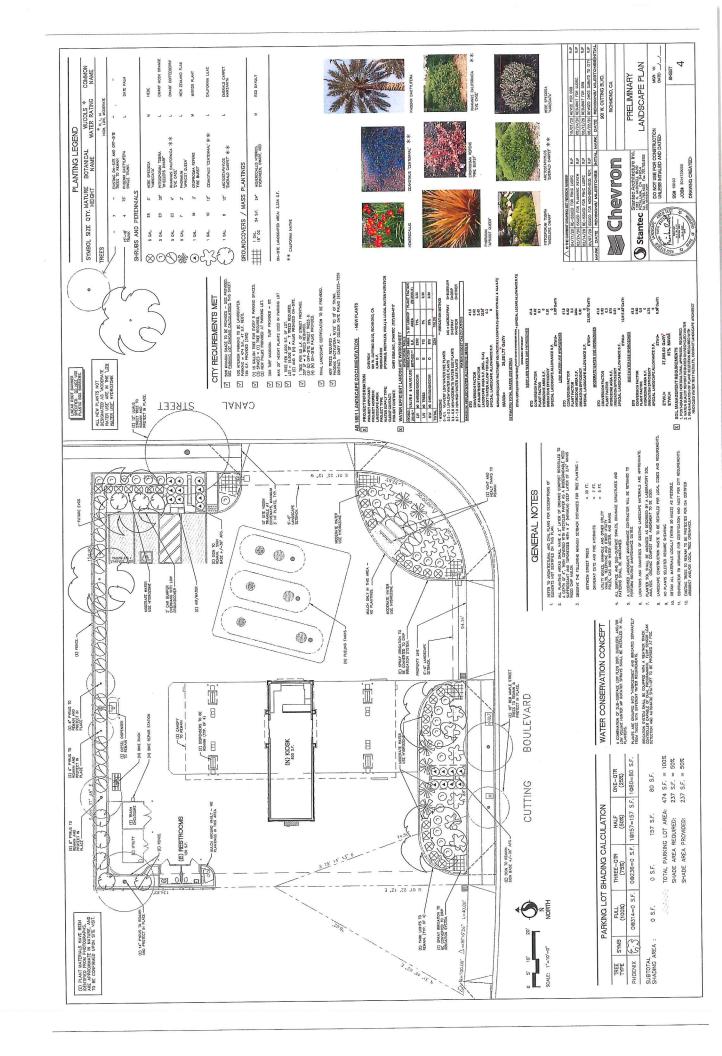
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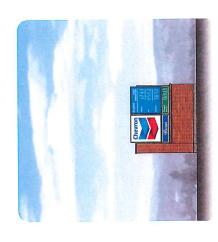


East Elevation from Canal St



South Elevation from Cutting Blvd





Monument signs (on Cutting Blvd and Canal St)



East Elevation from Canal St



South Elevation from Cutting Blvd



RM: Kathryn Dienst, Richmond Resident

To: Richmond Design Review Board, drbcomments@ci.richmond.ca.us

RE: Agenda Item #2 (June 22) Chevron Convenience Store PLN20-052

I have been a regular patron of Chevron's Station on Canal for more than a decade. It is clean, well-lighted, with many wide bays, and laid out so that customers can get in and out quickly.

Some days there are on-site traffic flow challenges, both because of the high volume of cars entering and leaving from two points (Canal and West Cutting), and the occasional oversized trucks with trailers.

Both border streets have their own awkward layouts with lane mergers, train crossings and bikes. Surrounding hotel and office space entrances overlap in ways that visitors don't always grasp. There are many bikes on Canal and Cutting, especially on weekends. And of course, the trains blocking Canal for way too long (but that is another story). I can understand Chevron wanting a redesign.

However, I don't want the retail convenience store added, crowding more buildings in less space, and generating more pedestrian activity (as people leave their cars to enter the convenience store). I suspect that there will be an unfortunate **pedestrian accident** from this.

And retail will increase the amount of time that any one car stays on site. And retail will also just add more tossed trash, which Richmond struggles to keep under control already.

The number of gas pumps will be reduced to allow for more retail function – this would be a mistake. **Fewer pumps will slow down the time** it takes to fill up and back up cars onto Canal and West Cutting.

Only one exit south, 7-11 has a convenience store at Harbor and 580, so there are already convenience stores nearby if retail is needed.

Unlike many in this town, I am fine with the standard Chevron design. Chevron's branding is immediately recognizable. And buildings at this intersection of Point Richmond already lack the historic quaintness of town. Most of them are fairly modern. In the Bay Area, local design accommodation by Chevron seems limited to roof materials, and many times the affect is awkward at best. To attempt a historic design mimicking a railroad would be bizarre at best.

From:

Bruce Brubaker

To:

DRBcomments; Lina Velasco; Emily Carroll

Cc: Subject: TRAC (tracbaytrail@earthlink.net); June Hight; Peter Thelin
Public Comments - Agenda Item #2 - Chevron Convenience Store

Date:

Tuesday, July 21, 2020 4:04:08 PM

Dear Design Review Board Members,

TRAC is submitting this comment letter in reference to the Cutting Chevron Station project.

This project is on the north side of Cutting. The Ferry to Bridge to Greenway Complete Streets Plan proposes a two-way cycle track on the south side of Cutting, meaning the main Bay Trail route in both directions would be on the other side of from this site. However, this improvement is currently unfunded and will need to seek funding for implementation.

Even after implementation of the F2B2G Complete Streets project, there will still be bicyclists and pedestrians using the north side of Cutting and safety has long been a big concern in this area.

In the bicycle-pedestrian design field, it is always best practice to consolidate driveways when possible. Currently there are three driveways at the gas station (two on Cutting, one on Canal). Conflicts between bicycles, pedestrians and drivers would be reduced if one of the driveways on Cutting were eliminated, and the best candidate is the driveway closest to Canal.

Given so many cyclists are using the nearby Bay Trail, a bike repair station (and rest area) should be included as part of the project. Next to the existing air and water station would be a perfect location. See this link for an example: https://www.halt-inc.com/deluxebikerepairstation

Finally, TRAC also recommends that the DRB include a condition for the proponent to contribute to the City of Richmond a fair share for bicycle/pedestrian safety improvements in the Point Richmond area to help offset the impacts of increased vehicle traffic to the proposed convenience store. This will help seed funding for the Bay Trail/Complete Streets project and other safety improvements. There is a precedent for property owners to contribute to bike/ped improvements, as Sims Metal recently contributed \$65K to help with future improvements to Hoffman Boulevard. The same amount would be most useful for this location.

Thank you for your consideration,

Bruce Brubaker

Vice-chair, TRAC

From: Planning Department, City of Richmond < listserv@civicplus.com>

Sent: Friday, July 17, 2020 6:36 PM

To: rdsatre@live.com < rdsatre@live.com >

Subject: Design Review Board TELECONFERENCE Meeting Agenda and

Staff Reports - July 22, 2020

View this in your browser

The Planning Department of the City of Richmond, California has published an agenda for an upcoming meeting of the Design Review Board in the City's online at:

Agenda:

http://www.ci.richmond.ca.us/Archive.aspx?AMID=61

Staff Reports:

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