



PLANNING COMMISSION AGENDA ITEM NO. E.1
02/20/2024

SUBJECT: An amendment to a conditional use permit (CUP 00-09-A2) to allow modifications to the existing ARCO gas station and carwash located at 2250 Balfour Road.

DEPARTMENT: Community Development

STAFF: Erik Nolthenius, Planning Manager
Jennifer Hagen, Senior Planner

TITLE/RECOMMENDATION

Staff recommends that the Planning Commission adopt Resolution No. 24-007, approving the amendment to Conditional Use Permit No. 00-09 (CUP 00-09-A2) to allow a modification to the existing ARCO gas station and carwash located at 2250 Balfour Road, as conditioned.

A mitigated negative declaration (MND) was prepared for the original project approval in 2001 in accordance with the requirements of the California Environmental Quality Act (CEQA) and the impacts of the proposed project fall within the scope of the original MND. A CEQA consistency analysis for the proposed project was prepared, which found that the proposed project would not create any impacts beyond those anticipated in connection with the original project. Therefore, the previously-approved MND remains valid and, pursuant to CEQA Guidelines Section 15162, which identifies the requirements for which subsequent analysis, no further environmental review is required.

OWNER/APPLICANT

Harbor Petroleum Inc. / Gurmeer Uppal

GENERAL PLAN

GC – General Commercial

ZONING/SURROUNDING LAND USES

Planned Development 20, Subarea General Commercial

PREVIOUS ACTION(S)

Previous actions related to this agenda item that were taken by the Planning Commission and City Council are listed below. To view prior actions and materials, and Brentwood Municipal Code references in the staff report, as applicable:



PLANNING COMMISSION AGENDA ITEM NO. E.1 02/20/2024

- Visit www.brentwoodca.gov/meetings, and select the meeting date(s) desired to see the reference materials and videos.
- Visit www.brentwoodca.gov/municipalcode to research references to the Brentwood Municipal Code and search by the code section(s) cited.

On June 5, 2001, the Planning Commission approved Conditional Use Permit No. 00-09 to allow a gas station development with a convenience store (including an off-sale liquor license) and an automated car wash on the project site by adopting Resolution No. 01-46.

On May 17, 2022, the Planning Commission approved an amendment to Conditional Use Permit No. 00-09 (CUP 00-09-A1) to allow modifications to the existing ARCO gas station and carwash by adopting Resolution No. 22-008.

On May 17, 2023, the amendment to Conditional Use Permit No. 00-09 (CUP 00-09-A1) expired after actual construction or alteration under valid permits had not begun and no request for an extension of time was received.

BACKGROUND

The Planning Commission approved the ARCO gas station, convenience store, and carwash on June 5, 2001. On May 17, 2022, the Planning Commission approved an amendment to Conditional Use Permit No. 00-09 (CUP 00-09-A1) to allow modifications to the existing ARCO gas station and carwash by adopting Resolution No. 22-008. The approval expired, however, prior to the applicant commencing construction.

At this time, the owner is requesting approval of an amendment similar to the previous approval in 2022 to allow for improvements to the carwash, which include the addition of a central vacuum system with shade canopies, expansion of the existing carwash tunnel to allow for the installation of a car wash conveyor system, and relocation of the existing trash enclosure. The improvements are intended to provide additional amenities and lead to greater efficiency in the flow of traffic through the carwash by providing a faster experience with state-of-the-art conveyor capabilities.

The project site is designated as General Commercial in the City's General Plan. This designation allows for concentrations of a variety of mixed commercial uses and service type businesses to serve specific areas of the city. The zoning designation is

Planned Development 20, Subarea General Commercial, intended for the development of commercial uses.

Surrounding Land Uses

North: Balfour Road with a commercial shopping center (Balfour Retail Center) and a single family residential neighborhood (Shadow Lakes) beyond

East: Vic Stewart's Restaurant and Retail Village, John Muir Medical Center, and State Route 4 beyond

South: Retail Village, Eagle Rock Way, and vacant property beyond

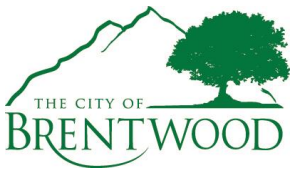
West: John Muir Parkway, day care center (Kinder Care), single family residential (Deer Ridge), and open space beyond

2020 Aerial Photograph of Project Site



PROJECT DESCRIPTION

The project includes an amendment to a previously approved conditional use permit (CUP 00-09-A2) to allow modifications to the existing ARCO gas station and carwash located at 2250 Balfour Road. The specific improvements include the expansion of the existing carwash tunnel by approximately 20-feet on the west side and 12-feet on the east side. This expansion will allow for the replacement of the carwash equipment located inside the carwash tunnel with a new conveyor system. The project will also remove the vacuum equipment and trash enclosure on the west side



PLANNING COMMISSION AGENDA ITEM NO. E.1
02/20/2024

of the building and replace them with new general use parking spaces. A new vacuum equipment area and five new vacuum designated parking spaces will be added to the east side of the building covered by two new overhead shade canopies. In addition, a new dog washing station will also be added. Overall, the site will be reconfigured to include a total of 14 general use parking spaces and five vacuum-designated spaces (a net increase of three vacuum-designated spaces). The trash enclosure will also be relocated to the east side of the building and redesigned to comply with current City standards.

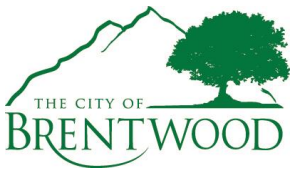
ANALYSIS

GENERAL PLAN CONSISTENCY

The project site is designated General Commercial (GC) by the City's General Plan. The GC designation allows for concentrations of a variety of mixed commercial uses and service type businesses to serve specific areas of the city and neighborhoods that are related to State Route 4 and some arterial intersections, on parcels generally ranging from one to 20 acres. Such uses do not lend themselves to being located in regional commercial centers, but are encouraged in orderly clusters in suitable locations proximate to State Route 4 and adjacent to major arterials. Depending upon the size of the development, a single major tenant (e.g., supermarket or small department store) or a single small tenant (e.g., convenience stores) should provide the anchor. As a secondary use, independent small businesses (e.g., hair salons, shoe repair, offices, and restaurants) are also allowed. The subject property is adjacent to the Vic Stewart's Restaurant and Retail Village commercial center, which includes tenants such as Chill Tea and Coffee shop, Pacific Funding Group, Central Rx Pharmacy, Dudum Real Estate Group, and Crystal's Nails and Spa. The ARCO gas station, convenience store, and carwash development is a commercial and service use; and, therefore, is consistent with the General Commercial designation.

ZONING CONSISTENCY

As mentioned above, the project is located within the Planned Development 20, Subarea General Commercial, zoning designation. Under Brentwood Municipal Code (BMC) Chapter 17.470.002, this subarea permits general retail uses, professional offices, beauty shops, dry cleaners, and similar uses, and service uses. Auto service stations and automated car washes are listed as conditionally permitted uses within the zone, per BMC section 17.470.003(B), which necessitated the original ARCO conditional use permit. At that time, conditions of approval specific to the carwash included compliance with the City's noise ordinance limits and the installation of automatic bi-fold carwash doors for both the entrance and exit of the carwash to minimize any potential noise generated by the car wash.



PLANNING COMMISSION AGENDA ITEM NO. E.1
02/20/2024

Conditionally permitted uses are those uses that, by their nature, require special consideration so that they may be located properly with respect to the objectives of the BMC and with respect to their effect on surrounding uses and properties. In order to achieve these purposes, the Planning Commission is empowered to approve, conditionally approve, or deny applications for use permits.

Under BMC section 17.830.005, a conditional use permit may be granted only if the proposal conforms to all of the following general criteria, as well as to all other applicable specific criteria:

- A. The location, size, design and operating characteristics of the proposed development must be compatible with and must not adversely affect the livability of appropriate development of abutting properties and the surrounding neighborhood. Consideration shall be given, but shall not be limited to:

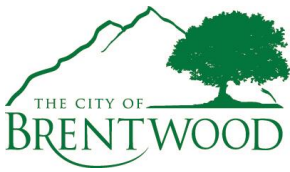
1. The harmony in scale, bulk, coverage, and density.

One of the primary concerns in reviewing a conditional use permit application is the effect of the proposed use on surrounding properties, such as compatibility with the scale, bulk, coverage, and density of both existing and proposed land uses on surrounding lots. This particular project entails only minor exterior modifications to the existing carwash. The project is already consistent with and compatible with existing and proposed land uses around the subject site, as the project site was determined to meet all applicable setback, height, and floor area ratio requirements at the time of original approval. Approval of the requested amendment would not change the scale, bulk, coverage, or density/intensity of development on the subject site. The modernization of the carwash equipment has no impact on these factors.

2. The availability of public facilities and utilities.

The site is served by the appropriate public facilities and utilities, including water, sewer, garbage, and electricity needed to serve the existing and proposed use.

3. The harmful effect, if any, upon desirable neighborhood character or the planned specialization of retail, commercial, or community service areas.



**PLANNING COMMISSION AGENDA ITEM NO. E.1
02/20/2024**

The proposed modifications will be located within and upon an existing development. As part of this application, the applicant was required to submit an acoustical analysis for the proposed modifications in order to verify that the project could comply with City's noise standards.¹ The acoustical analysis concluded that the noise levels associated with the daily operation of the newly remodeled carwash would not exceed the daytime (7:00 a.m. to 10:00 p.m.) noise level standard of 55 dBA at the nearest noise-sensitive residential receivers to the southwest. Staff recommends that the project be conditioned to include a noise analysis prior to commencing operation to verify compliance with the City's noise standards. In addition, staff recommends that the project be conditioned to limit the hours of the carwash to 7:00 am to 10:00 pm in order to comply with the nighttime hours identified in the BMC noise regulations (Chapter 9.32.030(B)(1)). As conditioned, there would be no harmful effect upon the desirable neighborhood character.

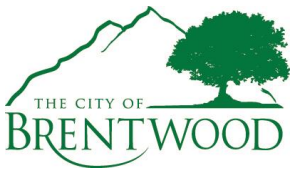
4. Generation of traffic and the capacity of surrounding streets.

The proposed project will be located within and upon an existing commercial building site that includes developed vehicular traffic access to and from the development. In addition, the project site is served by both east-west and north-south roadways, Balfour Road and John Muir Parkway, which provide adequate access to the development. The parking requirement for the development has been calculated at one space per 200 square feet for the convenience store retail use per BMC Section 17.620.012(G). Using this calculation, the total number of required parking spaces would be 14. The result of the improvements proposed as part of the application will increase the parking on the site to 19 spaces (14 general parking spaces and five designated for vacuum use) and provide adequate parking in compliance with the Brentwood Municipal Code. The requested additional features are not projected to generate any significant amount of additional traffic.

5. Any other relevant impact of the development.

The location, size, design, and operating characteristics for the proposed project are the same as envisioned for the overall purpose and intent of

¹ See 'Environmental Noise Assessment, Balfour am/pm Car Wash' prepared by Saxelby Acoustics, dated August 15, 2023 (Attachment 3).



PLANNING COMMISSION AGENDA ITEM NO. E.1
02/20/2024

Subarea General Commercial of the PD-20 zone, particularly since gas stations, convenience stores, and carwashes are listed as conditionally permitted uses; therefore, there are no adverse effects to the livability of abutting properties.

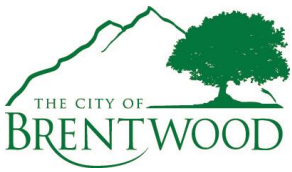
6. The criteria set forth in Chapter 17.820 for design and site development review if applicable.

The proposed project has been reviewed against the criteria set forth in Chapter 17.820 for design and site development review. The project including modifications to the carwash and vacuum system, additional vacuum units, two new shade canopies, and relocation of the trash enclosure, has been designed in a manner that is sensitive to nearby developments in that the project entails the use of the existing building with only minor exterior modifications proposed. As proposed, the project will relocate the existing vacuum stations and trash enclosure further away from the closest residential uses. The minor exterior changes have been designed to match the existing building continuing to provide a consistent design, which is harmoniously related to other facilities in the immediate area. The quality of the building design is reflective of and appropriate to the commercial and residential developments within nearby centers and neighborhoods serving to protect the value of, private and public investments in the immediate area. Finally, the project is consistent with the General Plan General Commercial land use designation and conforms to the applicable Planned Development 20, Subarea General Commercial, development standards. As designed, the project meets criteria set forth in Chapter 17.820 for design and site development review.

- B. The location, design, landscaping and screening, and overall site planning of the proposed development will provide an attractive, useful and convenient living, working, shopping or community-service area.

The project will be contained within and upon an existing building and improved site, which has previously been developed with particular attention to the location, design, landscaping and screening, and overall site planning. The ARCO development provides an attractive, useful and convenient living, working, shopping and community service area as developed.

Based upon the above, the project adheres to the criteria required to approve a conditional use permit amendment for modifications to the ARCO carwash and, if



**PLANNING COMMISSION AGENDA ITEM NO. E.1
02/20/2024**

approved by the Commission, will be consistent with the PD-20, Subarea General Commercial, zoning.

Site Plan, Access, and Parking

The project site is located at 2250 Balfour Road on a 1.29-acre parcel that is improved with an approximately 2,840 square foot convenience store, an 877 square foot carwash, a 423 square foot gas station canopy, landscaping, and asphalt pavement and parking. The site is accessed through three existing driveways, including two shared access points with the Vic Stewart's restaurant and Retail Village development, one along Balfour Road and one along Eagle Rock Way, as well as a direct site access driveway from John Muir Parkway.

A total of 16 parking spaces (14 general parking spaces and two designated for vacuum use) currently exist on the project site. The parking requirement for the development was calculated at one space per 200 square feet for the convenience store retail use per BMC Section 17.620.012(G). Using this calculation, the total number of required parking spaces would be 14; therefore, the 16 spaces originally developed on the site exceed the parking required. As proposed, with the relocation of the trash enclosure, the spaces on the west side of the building will be restriped to accommodate five spaces. A portion of the parking spaces along the front (north) of the building will also be reconfigured to accommodate the proposed vacuum units. The result of these modifications would increase the parking on the site to 19 spaces (14 general parking spaces and five designated for vacuum use) and provide adequate parking in compliance with the City's requirements.

CONDITIONAL USE PERMIT

At the time of original approval and construction, the surrounding properties were generally vacant. Since that time, the area has developed with commercial uses to the north, east, and south, and open space and single-family residential to the west. At the time of the original 2001 approval, the ARCO development was not conditioned to limit the hours of operation for the carwash.

The ARCO gas station, convenience store, and carwash currently operate 24 hours per day, seven days per week. As part of this current application, the applicant was required to submit an acoustical analysis (Attachment 3) for the proposed modifications in order to verify that the project could comply with the City's noise standards. The acoustical analysis concluded that the noise levels associated with the daily operation of the newly remodeled carwash would not exceed the daytime (7:00 a.m. to 10:00 p.m.) noise level standard of 55 dBA at the nearest noise-sensitive residential receivers to the southwest. The acoustical analysis also concluded that the



PLANNING COMMISSION AGENDA ITEM NO. E.1 02/20/2024

noise levels associated with the daily operation of the newly remodeled carwash would be approximately 54 dBA at the outdoor dining area for Vic Stewart's. The carwash and vacuums are at least 425 feet from the nearest residential area, located southwest of the site on Fernwood Lane. The analysis also recommends that the carwash operate only during daytime hours. Draft conditions of approval are included that require the submittal of a noise analysis prior to commencing operation verifying compliance with the City's noise level standards and restrict the carwash and vacuum operation to daytime hours in order to avoid any further noise disturbances to nearby residential uses. The hours of operation for the gas station and convenience store would remain at 24 hours per day. As conditioned, the project would meet all City noise standards.

The application also includes the addition of two shade canopies over five parking spaces on the east side of the building for the vacuum stations. The canopies/vacuum stations are designed with stainless steel frames, with blue fabric awnings.

Land Use Compatibility

The proposed project includes modifications to the carwash and vacuum system, additional vacuum units, two new shade canopies, and relocation of the trash enclosure. These modifications include minor changes to the exterior architecture and landscaping changes. Given that the project will be modifying an existing use and mitigating noise impacts by limiting the hours of operation and installing noise absorbent materials for the carwash and vacuums, no negative impacts are anticipated. In addition, no new lighting is proposed that would result in impacts related to glare. Finally, parking for the use is adequate and addressed in more detail above. A draft condition of approval is included that addresses any unforeseen negative impacts by allowing the conditional use permit to be reconsidered should issues arise in the future as a result of project operation.

Signage

The ARCO development currently has approved and installed signage. No modifications to this signage are being proposed with this application. However, should any signage modifications be proposed for this location in the future, they will need to adhere to the BMC.

Noise

As mentioned above, the acoustical analysis prepared for the project concluded that the noise levels associated with the carwash are expected to comply with the BMC for daytime hours of operation. Draft conditions of approval are included that would require a noise analysis prior to commencing operation verifying compliance with the



PLANNING COMMISSION AGENDA ITEM NO. E.1
02/20/2024

City's noise standards and that would restrict the carwash and vacuum operation to daytime hours in order to avoid any potential night time noise disturbances to nearby residential uses.

DATE OF NOTICE

The City of Brentwood published a public hearing notice in the Brentwood Press and mailed it to all property owners within 300 feet of the site on February 9, 2024. The applicant also posted the project site with the required signage. During the processing of the application, staff did not receive any comments from neighboring property owners or members of the public at large.

ENVIRONMENTAL DETERMINATION

The City previously prepared a Mitigated Negative Declaration (MND) in accordance with the requirements of the California Environmental Quality Act (CEQA) for the original ARCO development. The environmental effects of the development on the proposed project site were analyzed in the MND, the proposed amendment falls within the scope of the original MND. An acoustical analysis was prepared for the project and concluded that with the recommended mitigation measures to restrict the carwash and vacuum operation to daytime hours in order to avoid any potential night time noise disturbances to nearby residential uses, noise levels associated with the operation are expected to comply with the BMC for daytime hours of operation consistent with the original MND. There is no new information or substantial changes identifying new significant environmental impacts that require additional environmental review. All mitigation measures in the MND not addressed by the standard conditions of approval were included as project-specific conditions of approval. No further environmental review is required at this time.

ATTACHMENT(S)

1. Resolution No. 24-007
2. Project Narrative and Plans
3. Acoustical Analysis