



REPORT TO PLANNING COMMISSION City of Sacramento

7

915 I Street, Sacramento, CA 95814-2671

PUBLIC HEARING
December 8, 2011

To: Members of the Planning Commission

Subject: Broadway Chevron Service Station (P11-070)

A request to continue to sell alcohol in an expanded convenience market on approximately .44 acres in the General Commercial (C-2) zone.

- A. Environmental Determination: Exempt (CEQA Guidelines Section 15301);
- B. Special Permit to allow the continued sale of beer and wine in an expanded convenience store.

Location/Council District:

1814 Broadway, Sacramento, CA

Assessor's Parcel Number 010-0212-017

Council District 4

Recommendation: Staff recommends the Commission approve the request based on the findings and subject to the conditions listed in Attachment 1. The Commission has final approval authority over items A-B above, and its decision is appealable to City Council.

Contact: Evan Compton, Associate Planner, (916) 808-5260
Stacia Cosgrove, Senior Planner, (916) 808-7110

Applicant: Steven Elser, K12 Architects, Inc., (916) 455-6500, 3090 Fite Circle, Suite 104, Sacramento, CA 95827

Owner: Darshan Mundy, Tera Properties, (916) 417-8860, 4810 Chiles Road, Davis, CA 95616

Summary: The site is currently developed with an existing service station and 384 square foot convenience market. The convenience market has sold alcohol for many years, prior to a special permit being required for alcohol sales. The site has been approved for a 484 square foot addition however, the Zoning Code requires the applicant to obtain a Planning Commission Special Permit to continue beer and wine sales in the new expanded convenience store. **At the time of writing this report, there were no outstanding issues regarding the project although staff received one phone call from a neighbor who opposes alcohol sales.**

Table 1: Project Information
General Plan designation: Urban Corridor Low (FAR: 0.3 to 3.0 and site is .20)
Existing zoning of site: C-2, General Commercial
Existing use of site: Service Station and Convenience Store
Size of building: 384 sqft existing and a total of 868 sqft after the expansion
Property area: 19,040 square feet or .44 acres

Background and Entitlement History: A building permit was issued in May of 1925 for a “1-story frame Service and Comfort Station.” Another building permit was issued in April 1941 to remodel the service station and in March 1968, the site was demolished and rebuilt. On November 10, 2005, the Planning Commission approved an application to demolish all structures on the site and construct a new service station with a 24 hour convenience market and beer and wine sales. (The request for a carwash was denied because of neighborhood concerns.) The project was not constructed and the applicant did not apply for a time extension within the three year time limit therefore, the project approval expired. On March 10, 2011, the Zoning Administrator approved a Special Permit Modification and staff level design review to approve an addition of 484 square foot to the existing 384 square foot convenience store with 24 hour operations. However, only the Planning Commission has the authority to approve continued beer and wine sales in the expanded building. On September 21, 2011, the applicant submitted an application (P11-070) to request a Special Permit to continue to sell beer and wine in the expanded market.

The project site is in the General Commercial (C-2) zone and since November 2003, service stations have required a Special Permit in the C-2 zone. Since the service station was constructed prior to this time, it is considered to have a “deemed” Special Permit. The site also has a small convenience market which has been operating with 24 hour operations for many years. Since the convenience market is a) located within 500 feet of parcels which are developed with residential uses and/or is residential zoned, and b) open after eleven p.m. and/or before six a.m., it is also considered to have a “deemed” Special Permit for the location and hours of operation. Therefore, any changes to the site which require a building permit are subject to planning review and approval.

Public/Neighborhood Outreach and Comments: An early notice was mailed on October 3, 2011 to property owners within 500 feet of the subject site to notify members of the community of the proposed project. The project was also routed to the Land Park Community Association, Beverly Way Neighborhood Association, and the Greater Broadway Partnership. Staff received one phone call from a neighbor who opposed the alcohol sales onsite but no other comments were provided at the time of writing this report.

A final public hearing notice was sent to property owners within 500 feet and neighborhood associations including the Land Park Community Association, Greater Broadway Partnership, and the Beverly Way Neighborhood Association. The site was also posted more than 10 days in advance of the public hearing.

Environmental Considerations: The Environmental Services Manager has determined the project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines (Section 15301). Section 15301 consists of existing facilities involving negligible or no expansion of an existing use.

Policy Considerations: The 2030 General Plan Update was adopted by City Council on March 3, 2009. The 2030 General Plan's goals, policies, and implementation programs define a roadmap to achieving Sacramento's vision to be the most livable city in America. The 2030 General Plan Update designation of the subject site is Urban Corridor Low which includes street corridors that have multistory structures and more intense uses at major intersections, lower-intensity uses adjacent to neighborhoods, and access to transit service throughout. At major intersections, nodes of intense mixed-use development are bordered by lower-intensity single-use residential, retail, service, and office uses. Street-level frontage of mixed-use projects is developed with pedestrian-oriented uses. The streetscape is appointed with landscaping, lighting, public art, and other pedestrian amenities.

2030 General Plan Policies:

Development Review. *The City shall continue to include the Police Department in the review of development projects to adequately address crime and safety, and promote the implementation of Crime Prevention through Environmental Design principles. (PHS 1.1.7)* Staff finds that the Police Department reviewed the proposal and has placed conditions of approval on the project to address safety issues.

Infill below Minimum Standards. *The City shall allow renovations and expansions of existing development that fall below the allowed minimum density and floor area ratio (FAR), provided that the existing structure is not demolished. (LU 1.1.6)* **Development Intensity at Less than the Minimum Floor-Area-Ratio (FAR).** *The City shall permit development at less than the required minimum FAR if only a ministerial permit is required. Where a discretionary permit is required, a development with a FAR at less than the required minimum may be deemed consistent with the General Plan if the City finds that (1) the use involves no building or by its nature normally conducts a substantial amount of its operations outdoors, or (2) the initial site development is being*

phased and an overall development plan demonstrates compliance with the FAR standard, or (3) the use is temporary and would not interfere with long-term development of the site consistent with the FAR standard, or (4) the building size or lot coverage is constrained beyond what is otherwise allowed by the zoning designation of the site, due to the existence of an overlay zone or because of environmental features, such as wetlands. (LU 1.1.13) Staff finds that the service station use by its nature conducts its operations outdoors and that the applicant has been approved to construct an addition to an existing convenience store.

Surrounding Uses

On the north side of Broadway, there is a mix of commercial including a restaurant. On the west side of the property is a liquor store and restaurant. On the east side of the building is a retail store for auto parts. On the south, there are residential properties and a church.

Land Use	Location	Distance from Site
Residential	Burnett Way and Freeport	Abuts residential
First Baptist-Tabernacle Church	1800 Burnett Way	161 feet
Victory Restoration Center Church	1969 Burnett Way	430 feet

Alcohol Beverage Control (ABC) License:

The applicant has a Type 20 (Off Sale Beer and Wine). The Type 20 license authorizes the sale of beer and wine for consumption off the premises where sold.

Land Use

The applicant proposes to continue alcoholic beverage sales in the expanded building and this request requires a Planning Commission Special Permit. The service station currently has a deemed Special Permit for alcohol sales, since the sales began prior to the City having a Special Permit requirement. Section 17.24.50 footnote 40(c)(iii) states that a new Special Permit is required for alcohol sales uses that were established prior to Special Permit regulations when premises are being modified by expanding the gross floor area by more than 10%. The proposed convenience market is being expanded by 126%. The proposal is for two lineal feet of shelving and three coolers to be used for beer and wine. (See floor plan on Exhibit B) Currently, there are two shelves in the coolers for beer. Conditions are proposed to be placed on this Special Permit that are

consistent with other similar alcohol sales permits in the area, including prohibiting the sale of single bottles of less than 24 ounces in size.

Per Section 17.24.050(40) of the zoning code, the Planning Commission is required to consider whether the proposed retail sales will detrimentally affect nearby residentially zoned areas, and give consideration to the distance of the proposed use from residential buildings and from churches, schools, hospitals, public parks, playgrounds, day care centers, and social welfare institutions. The proposed project is located along a commercial corridor and there are residential uses to the south of the project site. Staff is unaware of any schools, hospitals, parks, playgrounds, day care centers or social welfare institutions within 1,000 feet of the subject site. Table 2 above provides information regarding uses in the general vicinity of the subject site.

In evaluating special permit proposals of this type, the Planning Commission is required to make the following findings:

- a. The proposed use will not adversely affect the peace or general welfare of the surrounding neighborhood in that: a) the alcohol related use is located along Broadway in the Tower District which is promoted as a retail corridor; and b) the project has been conditioned by the Police Department to limit the hours that alcohol may be sold;
- b. The proposed use will not result in undue concentration of establishments dispensing alcoholic beverages in that the site currently sells beer and wine;
- c. The proposed use will not enlarge or encourage the development of a skid row or blighted area in that the establishment a) has been conditioned by the Police Department to prohibit single sales; and b) has large windows to allow visibility into the convenience market; and
- d. The proposed use will not be contrary to the General Plan which designates the site as Urban Corridor Low because it allows commercial, retail, and service uses.

Staff believes that the Planning Commission can make adequate findings as required to approve the alcohol sales and staff does not have any objections to the requested entitlements.

Access, Circulation and Parking

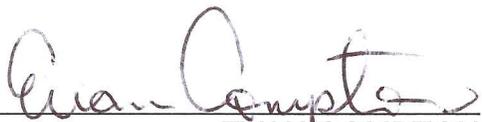
The site has two existing driveways on Broadway and two existing driveways on Freeport Boulevard. There is no change to the access or parking from the approved expansion plans approved by the Zoning Administrator on March 10, 2011.

Table 3: Parking*			
Use	Required Parking	Proposed Parking	Difference
Convenience Market	2 spaces	2 spaces	No

Design Review

All exterior changes require Design Review approval. The applicant received staff level design review approval for the expansion to the convenience market and this approval is valid until March 10, 2014. Any changes to the approved design will require additional review and approval.

Conclusion: Staff recommends approval of the project since the proposal: a) allows good neighbor conditions such as prohibiting single sales smaller than 24 ounces and limiting the hours of alcohol sales to be placed on an alcohol-related use that has existed before the Special Permit requirements; and b) has been reviewed and conditioned by the Police Department.

Respectfully submitted by: 
EVAN COMPTON
Associate Planner

Approved by:


STACIA COSGROVE
Senior Planner

Recommendation Approved:

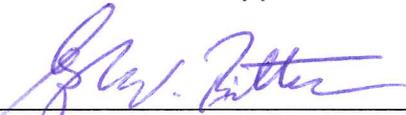

GREGORY BITTER, AICP
Principal Planner

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**Attachment 1
Proposed Findings of Fact and Conditions of Approval
Broadway Chevron (P11-070)
1814 Broadway**

Findings Of Fact

- 1. Environmental Determination:** Based on the determination and recommendation of the City's Environmental Planning Services Manager and the oral and documentary evidence received at the hearing on the Project, the Planning Commission finds that the Project is exempt from review under **Section 15301 Existing Facilities** of the California Environmental Quality Act because it involves negligible or no expansion of an existing use.

- B. The Special Permit** to allow the continued sale of beer and wine in an expanded convenience store is **approved** subject to the following Findings of Fact:
 1. The proposed use will not adversely affect the peace or general welfare of the surrounding neighborhood in that: a) the alcohol related use is located along Broadway in the Tower District which is promoted as a retail corridor; and b) the project has been conditioned by the Police Department to limit the hours that alcohol may be sold;
 2. The proposed use will not result in undue concentration of establishments dispensing alcoholic beverages in that the site currently sells beer and wine;
 3. The proposed use will not enlarge or encourage the development of a skid row or blighted area in that the establishment a) has been conditioned by the Police Department to prohibit single sales; and b) has large windows to allow visibility into the convenience market; and
 4. The proposed use will not be contrary to the General Plan which designates the site as Urban Corridor Low because it allows commercial, retail, and service uses.

Conditions Of Approval

B. The Special Permit to allow the continued sale of beer and wine in an expanded convenience store is **approved** subject to the following conditions of approval:

Planning

1. The project shall meet the previous planning and design review conditions of approval for the expansion in Z10-168.

Police Department

2. Alcohol sales shall be limited to the hours between 8 A.M. and 11 P.M.
3. Beer, ale, and/or malt beverages shall be sold in original factory packages of a six pack or greater, except malt based coolers. At no time, shall a single unit smaller than 24 ounces be sold individually.
4. Wine and/or wine coolers shall be sold in no less than 750 ml containers or 4-pack containers.
5. No distilled spirits or fortified wine shall be sold.
6. Any rear door used to admit employees or deliveries shall be equipped with a 180 degree viewing device to screen persons before allowing entry.
7. Height markers which display height measures shall be required on the interior doorway of the business.
8. All exterior lighting fixtures shall be maintained and operational.
9. No public telephone/pay phone shall be allowed on the premises.
10. Window signage is a barrier to security because it prevents officers and citizens who are passing by from seeing inside the business.
11. The applicant shall post the property No Trespassing / No Loitering in accordance with section 602(k) of the California Penal Code, and sign an enforcement agreement with the police department to prosecute all violators.
12. Signs shall be posted prohibiting consumption of alcoholic beverages in the business or in the parking areas. The proprietor, or their agent, shall immediately disperse anyone drinking on the property in order to prevent nuisance or unreasonable interference with adjacent properties.
13. The proprietor or his agent is responsible for reasonably controlling the conduct of persons on or immediately adjacent to the site and shall immediately disperse loiterers in order to prevent nuisance or unreasonable interference with adjacent properties.
14. There shall be no video/arcade machines maintained upon the premises at any time.
15. All dumpsters shall be kept locked.

16. The applicant shall be responsible for the daily removal of all litter generated by the business, from the subject site, adjacent properties and streets.
17. Closed-circuit color video cameras shall be employed to monitor the cash registers and the entrances.
18. The recording device shall be a digital video recorder (DVR) capable of storing a minimum of 7 days worth of activity. (A DVR capable of storing 30 days worth of activity is preferable.)
19. The DVR shall be kept in a secured area that is accessible only to management.

Advisory Notes:

Police Department

ADV1. Television style monitors should be mounted in a visible location near the entrance so that patrons can clearly see their activities are being monitored when they come through the front door.

ADV2. Closed-circuit color video cameras should also be used in the parking lot area to create comprehensive coverage. Parking lot cameras often make an immense difference during the investigation of a crime.

Sacramento Regional County Sanitation District

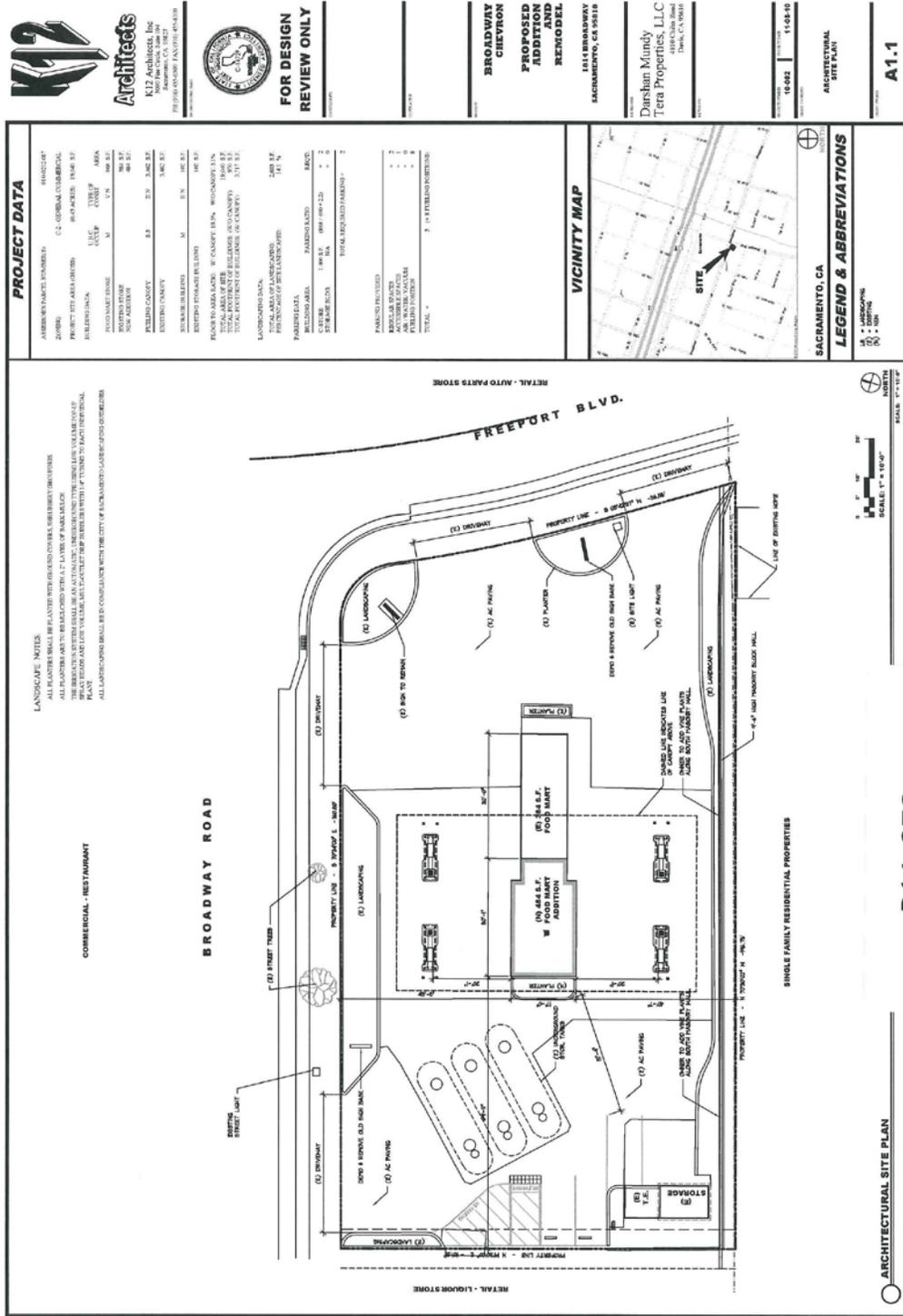
ADV3. Improvements to the property will require payment of SRCSD sewer impact fees. Impact fees must be paid prior to issuance of building permits. Applicant should contact the Fee Quote Desk at 916-876-6100 for sewer impact fee information.

Parks

ADV4. The applicant will be responsible to meet his/her obligations regarding Chapter 18.44 of the City Code pertaining to park development impact fees (PIF). The fee is due at the time of issuance of a building permit and is estimated to be \$87.12. This is based on the addition of 484 square feet to the market at the commercial services commercial target infill rate of \$0.18 per square foot. Any change in the project's factors will change the amount of the PIF due. The fee is calculated using factors at the time that the project is submitted for building permit.

Solid Waste

ADV5. The project must meet the requirements outlined in the Sacramento City Code Chapter 17.72.



PROJECT DATA

ADDRESS: 1111 BROADWAY, SACRAMENTO, CA 95818

PROJECT NO: P11-070

DATE: 09/21/11

SCALE: 1" = 10'-0"

FOR DESIGN REVIEW ONLY

PROJECT DATA

PROJECT NO.	P11-070
DATE	09/21/11
SCALE	1" = 10'-0"
PROJECT NO.	P11-070
DATE	09/21/11
SCALE	1" = 10'-0"

LEGEND & ABBREVIATIONS

(L) LANDSCAPING
 (P) PLANTER
 (A) AC PAVING

P11-070
 SEPTEMBER 21, 2011

Exhibit B: Floor Plan



K12 Architects, Inc.
1412 Broadway
Sacramento, CA 95818
TEL: 916.441.1234
WWW.K12ARCHITECTS.COM



**FOR DESIGN
REVIEW ONLY**

**BROADWAY
CHEVRON**

**PROPOSED
ADDITION
REMODEL**

1414 BROADWAY
SACRAMENTO, CA 95818

**Darshan Mundy
Tera Properties, LLC**
4148 Chiles Road
Sacramento, CA 95818

18-022 11-08-10
FLOOR PLAN
A2.1

KEY NOTES

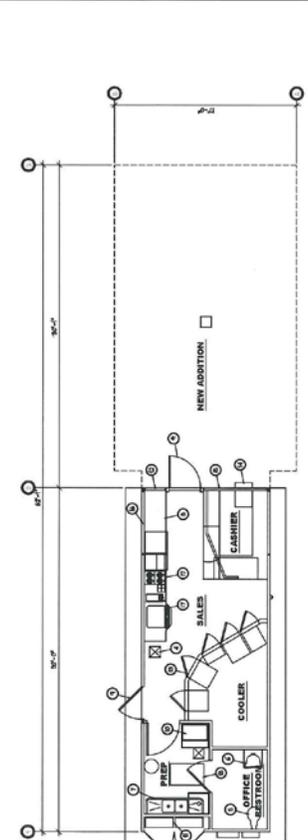
NOTIFY AISC
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REPAIR CONC. CURB
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GENERAL NOTES

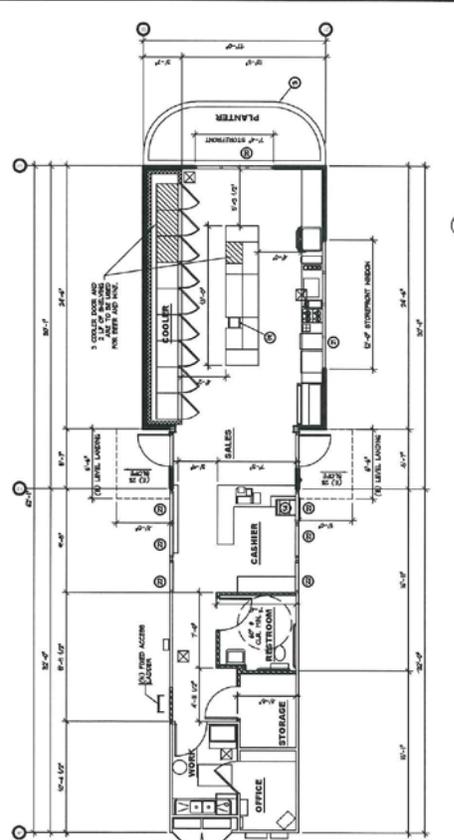
1. ALL GRID LINES ARE FROM F.A. RETAIL PANEL WALL.
2. VERIFY WITH OWNER BEFORE ANY CONSTRUCTION.
3. VERIFY WITH OWNER BEFORE ANY CONSTRUCTION.

WALL LEGEND

- EXISTING RETAIL PANEL WALL
- NEW 8" RETAIL PANEL WALL
- COLOR MALL (BUTYROL)
- COLOR MALL (BUTYROL)



EXISTING & DEMO FLOOR PLAN
SCALE: 1/8" = 1'-0"



NEW FLOOR PLAN
SCALE: 1/8" = 1'-0"

P11-070
SEPTEMBER 21, 2011



Attachment 4: Prior Conditions of Approval from Z10-168

Page 4

Conditions of Approval:

General:

1. The proposed project shall conform to the submitted plans. Any changes to the approved site plan or building size and elevations are subject to additional Planning review and approval.
2. The applicant shall obtain all necessary permits before beginning construction.
3. The project is limited to the addition to the existing building only, and the required site work. No changes to the canopy or fueling islands are proposed.
4. Parking shall be provided as shown on the site plan. A minimum of two (2) parking spaces are required.
5. Copies of this signed Zoning Administrator report, including the attached exhibits, shall be included on full-size sheets as part of the Building Permit plans submittals.
6. An affidavit signed by the applicant that affirms the plans submitted for the Building Permit comply with all conditions of approval and approved exhibits shall be included on full-size sheets as part of the Building Permit plans submittals.

Police:

7. The applicant shall post the property "No Trespassing" and sign an agreement with the Police Department to prosecute all violators. This agreement shall be kept on file on the premises and in the Police Department.
8. Applicant shall work with the South Patrol Police Facility to ensure that the property is posted for "No Loitering" in accordance with 602(k) P.C. An agreement is to be filed with the Police Department which will allow officers to remove loiterers and reflects to operator/owners agreement to prosecute.
9. Store windows shall be left unobstructed by either signage and/or display racks, shelving, and merchandise in order to allow viewing of the interior of the business by patrolling police.

Department of Transportation:

10. Repair or replace/reconstruct any existing deteriorated curb, gutter and sidewalk fronting the property along Broadway and Freeport Boulevard per City standards and to the satisfaction of the Department of Transportation.
11. All existing driveways shall be inspected and verified to be ADA compliant. The applicant shall reconstruct any of the existing driveways if found to be Non-ADA compliant per City Standards and to the satisfaction of the Department of Transportation.
12. All existing and proposed signs shall be placed a minimum of 10-feet behind the right-of-way. Any existing detached sign that has a valid sign permit can remain in place. Applicant will provide staff with verification of sign permit for existing detached sign(s).
13. The site plan shall conform to the parking requirements set forth in chapter 17 of City Code (Zoning Ordinance).
14. The site plan shall conform to A.D.A. requirements in all respects. This shall include the replacement/reconstruction of the Curb ramps at the south-west corner of the intersection of Broadway and Freeport Boulevard if found to be non-ADA compliant to the satisfaction of the Department of Transportation.

Z10-168

March 10, 2011

Design Review Conditions:

Design Review Site Conditions: The design of the site (see plans attached) is hereby approved subject to the following conditions.

15. River stone in existing planter strip at western section of site plan shall be removed and new shrubs with automatic irrigation system shall be installed. *Raise curb if necessary.*
16. Old signage base and foundation on eastern end of site plan shall be removed prior to issuance of a Building Permit. New larger shrubs and landscaping shall be provided in existing planter on eastern end of site.
17. Old signage base and foundation on northern end of site plan shall be removed. New shrubs to match existing shall be planted in the area where old base is removed and in bare spots in the landscape.
18. New shrubs shall be provided in the planter directly behind rear doors of building.
19. Provide additional vine plants at south masonry wall per approved plans.

Design Review Building Conditions: The design of the building (see plans attached) is hereby approved subject to the following conditions:

20. New slump block wainscot shall match existing slump block wainscot on all elevations per approved plans.
21. New painted metal wall panel shall match existing metal panel on all elevations per approved plans.
22. New metal fascia panel with blue stripe shall match existing metal fascia panel on all elevations per approved plans.
23. New clear anodized aluminum storefront systems on north, south and west elevations shall be provided per approved plans. *4 windows wider.*
24. New painted mechanical screen shall match existing mechanical screen per approved plans.
25. New painted fixed access ladder with security gate shall be provided per approved plans.

Design Review General Conditions:

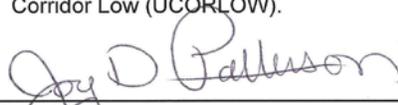
26. The approval of this project supersedes the previously approved project conditions of DR06-234.
27. The design review approval for this project expires three years from the approval date.
28. No building permit shall be issued until the expiration of the ten (10) calendar day appeal period. If an appeal is filed, no permit shall be issued until final approval is received.
29. Any person dissatisfied with the design review staff action that was approved by the Zoning Administrator has the right appeal the decision to the Planning Commission. Appeals (including fees) must be received within ten (10) calendar days of the Zoning Administrator action.
30. All other notes and drawings on the final plans as submitted by the applicant are deemed conditions of approval. Any changes to the final set of plans stamped by Design Review staff shall be subject to review and approval prior to any changes. Applicant shall comply with all current building code requirements.

Advisory Notes:

1. *PLANNING*: This project has not reviewed proposed new signage. All new signage must submit comply with sign code and obtain required permits.
2. *PLANNING*: This site has not been approved for the sale of alcohol. A Planning Commission Special Permit is required to be approved in order sell alcohol. The previously approved Special Permit for alcohol sales expired on November 10, 2008.
3. *BUILDING*: Provide 18" min. on the strike side of entry door to office, and also provide 12" min. on the push side of entry door to office if the door is equipped with both a closer and a latch per CBC figure 11B-26A (a).
4. *BUILDING*: Cashier counter to be accessible with counter height to be 34" maximum.
5. *BUILDING*: Note that cooler be anchored to concrete floor per manufacturer's recommendations.
6. *BUILDING*: Reference to sheet A1.1, fueling canopy is classified as M per 2010 CBC section 309.1.
7. *FIRE*: Provide a water flow test. (Make arrangements at the Permit Center walk-in counter: 300 Richards Blvd, Sacramento, CA 95814). CFC 508.4

Findings of Fact – Special Permit:

1. Granting the special permit is based upon sound principles of land use in that:
 - a. A service station is an allowed use with a special permit in the in the General Commercial, (C-2) zone; and
 - b. A 24 hour convenience market located within 500 feet or residential property is an allowed use with a special permit in the in the General Commercial, (C-2) zone; and
 - c. The uses are existing uses and the expansion is requested to provide additional convenience market products.
2. Granting the special permit would not be detrimental to the public welfare nor result in the creation of a public nuisance in that:
 - a. The project is conditioned to minimize impacts to surrounding properties; and
 - b. Adequate parking is provided.
3. The project is consistent with the General Plan which designates the site as Urban Corridor Low (UCORLOW).



Joy D. Patterson
Zoning Administrator

The decision of the Zoning Administrator may be appealed to the Planning Commission. An appeal must be filed within 10 days of the Zoning Administrator's hearing. If an appeal is not filed, the action of the Zoning Administrator is final.

A use for which a Special Permit is granted must be established within three years after such permit is approved. If such use is not so established the Special Permit shall be deemed to have expired and shall be null and void. A Special Permit which requires a Building Permit shall be deemed established when such Building Permit is secured and construction there under physically commenced. If no building permit is required, the use shall be deemed established when the activity permitted has been commenced.