



# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** November 9, 2006  
**AGENDA DATE:** November 16, 2006  
**PROJECT ADDRESS:** 1929 Cliff Drive (MST2004-00492)  
**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470  
 Jan Hubbell, AICP, Senior Planner *JAH*  
 Kathleen Kennedy, Associate Planner *KK*

### I. PROJECT DESCRIPTION

The project consists of a proposal to demolish the existing 1,354 square foot (net) service station, six gas pumps, canopy and underground storage tanks and to construct a 2,618 square foot (net) mini mart, 1,272 square foot (net) car wash, 395 square foot (net) equipment room, 1,725 square foot canopy, four gas pumps and eight parking spaces. A variance, approved by the City Council, to allow encroachments into the Cliff Drive setback, would be required.

### II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. A Modification to allow less than the required number of parking spaces (SBMC§28.94.030);
2. A Modification to allow the building to encroach into the rear yard setback (SBMC§28.54.060);
3. A Conditional Use Permit to allow an automobile service station/mini-market in the C-P/R-2 Zone (SBMC§28.94.030);
4. Development Plan approval for 2,931 square feet of additional non-residential floor area (SBMC§28.87.300); and
5. A Coastal Development Permit to allow development in the non-appealable jurisdiction of the Coastal Zone (SBMC§28.45.009).

### III. RECOMMENDATION

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.

**DATE APPLICATION ACCEPTED:** September 13, 2006  
**DATE ACTION REQUIRED:** December 12, 2006



**Vicinity Map for 1929 Cliff Drive**

**IV. SITE INFORMATION**

Applicant: Jeff Gorrell, Architect	Property Owner: Jemesa Properties, LLC
APN: 045-015-016	Lot Area: 20,755 square feet (0.476 acres)
General Plan: General Commerce, Neighborhood Shopping Center	Zoning : C-P/R-2/SD-3, Restricted Commercial, Two-Family Residence and Coastal Overlay Zones
Existing Use: Gas Station	Topography: Relatively flat
Adjacent Land Uses:	
North – Commercial	East – Commercial
South – Residential	West – Commercial

**V. ZONING ORDINANCE CONSISTENCY**

The C-P Restricted Commercial Zone strives to provide a desirable living environment by preserving and protecting surrounding residential land uses in terms of light, air and existing visual amenities. The C-P Zone allows automobile service stations or automobile service station/mini-markets containing not more than six (6) pumps and limited to incidental tire and tube repairing, battery servicing, automobile lubrication and other minor automotive service and repair with a conditional use permit. Automobile service stations or automobile service station/mini-markets are also allowed in the R-2 Two-Family Zone with a conditional use permit. In addition, car wash establishments are allowed in the C-P Zone.

The proposed project, which consists of a gas station with four gas pumps, a mini-market and a car wash, is consistent with all provisions of the Zoning Ordinance including the proposed uses,

building height and setbacks, with the exception of the rear yard setback and the required parking; therefore, a rear yard setback modification and a parking modification are requested.

The two existing underground storage tanks were installed in 1982 and are scheduled to be replaced as part of the proposed development. The site has been identified by the Santa Barbara County Protective Services Division as a Leaking Underground Fuel Tank (LUFT) site and as such, is subject to their requirements for soil and groundwater monitoring and quarterly site status reports.

Staff is not in support of the setback variance request to allow the low screening and planter walls within the 55' Cliff Drive setback because the following finding cannot be made. "That there are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to all property affected by the setback line involved, and which produce unreasonable practical difficulties or unreasonable and unnecessary hardships in the way of adhering to the setback line or lines as established without the granting of leave for any variance therefrom."

Currently, the gasoline price sign is in the location of the proposed sidewalk; therefore, it must be relocated. Staff is in support of the request to allow the sign to remain within the 55' Cliff Drive setback because it is Staff's understanding that there are visibility requirements that need to be met for gasoline price signs that are not required for other types of signs.

#### **A. MODIFICATIONS**

*Parking Modification:* Staff has determined that the parking demand for the proposed use would be met with the provision of eight parking spaces. According to SBMC§28.94.030, the parking shall conform to the minimum parking requirements as outlined in Section 28.90.100 or a minimum of five (5) parking spaces shall be provided or one (1) parking space for each two hundred fifty (250) square feet of gross floor area used for mini-market use and one (1) space for each employee shall be provided; whichever is greater. In this case, the greater number of parking spaces is reached by applying the parking requirements as outlined in Section 28.90.100, which is one space for each two hundred (200) square feet of gross floor area in the C-P Zone. This results in 14 required spaces ( $2,749/200 = 14$ ). In addition, the requirement for a car wash is four spaces for each washer unit. Therefore, the project requires a total of 18 parking spaces. The project proposes 8 parking spaces, ten less than are required by the Zoning Ordinance; therefore, a parking modification of requested. Staff is supportive of the modification based on the determination by Transportation staff that the parking demand for the use is eight parking spaces. The car wash requirement of four spaces assumes that spaces will be needed for car wash customers for either drying or vacuuming of cars; however, in this case, the car wash is an automated drive-through facility with an automatic dryer and no outdoor vacuum areas. Also, it has been observed that the vast majority of customers who shop at mini-markets are also gasoline customers who remain parked at the fuel pump while shopping at mini-markets.

*Setback Modification:* In the C-P Zone, buildings on property immediately adjacent to residentially-zoned property shall have an interior yard of no less than ten (10) feet or one-half (1/2) the height of the building, whichever is greater. In this case, the height of the proposed

building is 24 feet; therefore, the required setback would be 12 feet. The car wash portion of the building is proposed to be only 3 feet from the property line; therefore, a setback modification is being requested. Staff was not initially in support of a setback modification along the rear property line because it is adjacent to a residential use. However, because the adjacent apartments are located more than 40 feet from the property line and because the wall of the building would act as a sound wall for the car wash, Staff can support the modification request. Also, the twelve foot wide setback would most likely have become an unsightly outdoor storage area and by reducing it to three feet, with access through a sound sealed door, there would be minimal area for storage accumulation. In addition, the applicant has been in contact with the owner and residents of the adjacent apartment complex and has offered to enhance the landscaping on their property along the rear property line, which along with the new building and landscaping on the project site, will be more aesthetically pleasing than currently exists. The proposed landscape plan for the project includes the area on the adjacent property.

#### **B. CONDITIONAL USE PERMIT**

Staff has determined that the proposed project is consistent with the conditions, standards and limitations as required by the Zoning Ordinance for any automobile service station/mini-market subject to a conditional use permit. These include lot size, street frontage, architecture, driveway locations, internal circulation, parking, lighting, landscaping, and other design and operational provisions. (See Exhibit E for complete text). These provisions must be met in addition to the findings that are required and included in Section VII of this report. With the exception of the parking provisions, all requirements have been met.

#### **C. DEVELOPMENT PLAN (MEASURE E)**

The project includes the demolition of 1,354 square feet of existing non-residential square footage and the construction of a 2,618 square foot (net) mini mart, 1,272 square foot (net) car wash, and 395 square foot (net) equipment room for a total of 4,285 square feet of non-residential floor area. Pursuant to the provisions of SBMC §28.87.300, the project would be allocated a total of 2,931 square feet of Measure E non-residential square footage from the Small Addition category.

### **VI. OTHER REVIEW**

#### **A. GENERAL PLAN CONSISTENCY**

In order to approve a Coastal Development Permit and the Development Plan, the project must be found consistent with the City's General and Local Coastal Plan. The proposed development would result in an allowable commercial use in an existing urbanized area that is currently developed with commercial and residential uses.

##### **1. Land Use Element**

The project site has a General Plan land use designation of General Commerce and is located in the West Mesa neighborhood of the City, which is bounded on the north by Cliff Drive and by existing development oriented toward Cliff Drive; on the south by the Pacific

Ocean; on the east by a line running along Meigs Road to the ocean; and on the west by Arroyo Burro Beach Park. The Land Use Element describes the area as containing the Mesa Shopping Center with surrounding duplex and multiple-dwelling development. The proposed development is entirely appropriate in this location as it continues the existing gas station use with the addition of a mini-market and a car wash and has been designed to minimize potential impacts on the adjacent residential neighborhood.

## **2. Compliance with the Local Coastal Plan**

The project site is located within the Coastal Zone and thus must be found consistent with the City's Local Coastal Plan (LCP), which implements the California Coastal Act. The project site is located within "Component 2" of the LCP. This area is identified as having primarily single-family neighborhoods and a few neighborhood commercial areas with very limited additional development potential. The primary coastal issues in Component 2 include, in part, hazards of sea cliff retreat and flooding, bluff access, protection of archaeological resources, and the maintenance of public views of the coast and open space. Because none of these issues are applicable to the proposed project, the project can be found to be consistent with the City's Local Coastal Plan.

### **B. DESIGN REVIEW**

The ABR reviewed the proposed project on two occasions (see Exhibit D – ABR Minutes). The Board finds that the design is acceptable although there is some concern with the encroachment into the rear yard setback and the Board understands the Planning Commission will address the neighbors concerns about the location of the car wash. The majority of the Board would like to see a dark brown colored concrete rather than a black colored concrete and appreciates the introduction of the natural sandstone along the property line.

### **C. ENVIRONMENTAL REVIEW**

*Archaeological Resources:* The City's cultural sensitivity maps indicate that the project site is located in the Prehistoric Watercourses zone; therefore, a Phase I Archaeological Resources Report was required. A Phase 1 Archaeological Resources Report prepared by Stone Archaeological Consulting, dated May 2005, assessed any potential impacts to archaeological resources. The report was accepted by the Historic Landmarks Commission on June 8, 2005. The report recommends that, after removal of all structures and pavement, construction be temporarily suspended so that a City-qualified archaeologist can complete an intensive Phase I survey of the entire ground surface. This recommendation has been added as a condition of approval.

*Noise:* A review of the City's Noise Contour Map indicates that the project site is within an area in which the noise level is between 60 and 65 dBA Ldn. Because the project is located adjacent to residential uses, a noise study addressing the proposed car wash was required.

The noise analysis, prepared by URS Corporation, dated April 2005, and an addendum dated September 19, 2005, states that the existing noise level at the second floor of the apartment complex to the south of the project site was estimated to be 59.9 dBA. The report concludes that the design of the car wash structure would provide a better noise barrier for the residences to the south than what currently exists because it would shield the sound of the existing traffic

on Cliff Drive. The main factors that serve to reduce the mechanical car wash noise are (1) the use of a concrete southern wall for the structure, (2) the eight foot high concrete wall extending beyond the structure to shield the adjacent properties, and (3) housing the drying blower within the structure.

Also, the proposed project would not include a PA (public address) system at the entry to the car wash but instead would use an entry code system that uses no sound. This has been added as a condition of approval.

*Conclusion:* The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303 (new construction of small structures).

## **VII. FINDINGS**

The Planning Commission finds the following:

### **A. PARKING MODIFICATION (SBMC§28.94.030)**

In order for the Planning Commission to approve the requested modification to allow less than the required number of parking spaces, it must be found that the modification will not be inconsistent with the purposes and intent of the Zoning Ordinance and will not cause an increase in the demand for parking spaces in the immediate area. The parking demand would be met by the provision of eight (8) parking spaces for the commercial use; therefore, it can be found that the modification is consistent with the purpose and intent of the Zoning Ordinance.

### **B. YARD MODIFICATIONS (SBMC§28.54.060)**

In order for the Planning Commission to approve the requested modification to allow the building to encroach into the required rear yard setback it must be found that the modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to (i) secure an appropriate improvement on a lot, or (ii) prevent unreasonable hardship, (iii) promote uniformity of improvement or (iv) construct a housing development which is affordable to very low-, low-, moderate-, or middle-income households. The modification is consistent with the purposes and intent of the Zoning Ordinance in that the proposal will provide an adequate sound barrier and landscape buffer between the proposed use and the adjacent residential uses, and it is necessary to secure an appropriate improvement on a lot because reducing the setback area from twelve to three feet will eliminate the potential for the area behind the carwash building to accumulate outdoor storage.

### **C. CONDITIONAL USE PERMIT (SBMC §28.94.030)**

1. The use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan; *(The proposed project is consistent with the General Plan land use designation of General Commerce, Neighborhood Shopping Center.*

*Additionally, it may result in a small reduction of trips by Mesa area residents to other car wash facilities in town, contributing to the public convenience.)*

2. The uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved; *(The proposed project is an allowed use and there is a sufficient landscape and sound buffer between the project and the residential uses to the south.)*
3. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided; *(The lot area of the site and the setbacks including the rear yard setback modification are sufficient for the proposed project and will not impact the surrounding properties.)*
4. Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time; *(The parking demand of eight spaces is met onsite.)*
5. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area; *(The proposed project received positive comments from the Architectural Board of Review (ABR) and would return to the ABR for final approval.)*
6. The proposal is in compliance with any additional specific requirements for a conditional use permit. *(The proposed project is in compliance with the specific requirements for the mini-market as shown in Exhibit E, except for the parking, for which a parking modification has been granted.)*

**D. DEVELOPMENT PLAN (SBMC §28.87.300)**

1. The proposed development complies with all provisions of the Zoning Ordinance; *(The proposed project is an allowed use and meets all requirements of the Zoning Ordinance for a gas station, mini-market and car wash.)*
2. The proposed development is consistent with the principles of sound community planning; *(The design of the proposed project is appropriate for the commercial area and is consistent with the neighborhood pattern of development.)*
3. The proposed development will not have a significant adverse impact upon the neighborhood's aesthetics/character in that the size, bulk or scale of the development will be compatible with the neighborhood; *(The proposed project received positive comments from the Architectural Board of Review (ABR) and would return to the ABR for final approval. Additionally, it has been designed to minimize impacts to adjacent residential development.)*

4. The proposed development will not have a significant unmitigated adverse impact upon City and South Coast affordable housing stock; *(The proposed gas station, mini-market and car wash will not impact housing in the City.)*
5. The proposed development will not have a significant unmitigated adverse impact on the City's water resources; *(Sufficient water resources are available for the proposed project.)*
6. The proposed development will not have a significant unmitigated adverse impact on the City's traffic; *(The proposed project will not result in an increase in the number of vehicle trips that would have an impact on the City's traffic in the area.); and*
7. Resources will be available and traffic improvements will be in place at the time of project occupancy. *(Traffic improvements are not necessary to mitigate project impacts.)*

**E. COASTAL DEVELOPMENT PERMIT (SBMC§28.45.009)**

The project is consistent with the policies of the California Coastal Act, the City's Local Coastal Plan, all implementing guidelines, and applicable provisions of the Municipal Code. The proposed project would be compatible with the existing commercial neighborhood, would not be visible from the beach, would not impact views from public view corridors, would not impact public access and would not contribute to safety or drainage hazards on the site.

Exhibits:

- A. Conditions of Approval
- B. Site plan
- C. Applicant's letter dated November 6, 2006
- D. ABR Minutes
- E. Conditional Use Permit Requirements for Gas Station/Mini-Markets

PLANNING COMMISSION CONDITIONS OF APPROVAL

1929 CLIFF DRIVE  
MODIFICATIONS, CONDITIONAL USE PERMIT,  
DEVELOPMENT PLAN AND COASTAL DEVELOPMENT PERMIT,  
NOVEMBER 16, 2006

In consideration of the project approval granted by the Planning Commission and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession and enjoyment of the Real Property:

- A. **Recorded Agreement.** Prior to the issuance of any permit for the project on the Real Property, the Owner shall execute a written instrument which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to the Real Property or any adjoining property.
  2. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan.
  3. **Approved Development.** The development of the Real Property approved by the Planning Commission on November 16, 2006 is limited to the construction of a 2,618 square foot (net) mini mart, 1,272 square foot (net) car wash, 395 square foot (net) equipment room, 1,725 square foot canopy, four gas pumps and eight parking spaces and the improvements shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara. Hours of operation for the carwash are limited to 8 AM to 8 PM daily and no PA (public address) or similar sound system shall be allowed as part of the car wash facility.
  4. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance and most currently adopted Energy Code. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.
  5. **Storm Water Pollution Control Systems Maintenance.** The Owner(s) shall maintain the drainage system, storm drain water interceptor and other storm water pollution control devices in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official and/or the Public Works Director.
- B. **Design Review.** The following is subject to the review and approval of the Architectural Board of Review (ABR):

**EXHIBIT A**

1. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.
  2. **Front Screening Wall.** The front screening and planter wall shall be relocated outside of the Cliff Drive setback.
- C. **Public Works Submittal Prior to Permits.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to the issuance of permits for the project:
1. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property. Said agreement will be prepared by Engineering Division Staff for the Owner's signature.
  2. **Reciprocal Access Easement.** The Owner shall endeavor to obtain, provide for and record a Reciprocal Access Easement signed by the owner(s) of the adjacent real property located at 1919 Cliff Drive, APN 045-015-013, to provide a reciprocal easement 30-feet wide for use by vehicles and pedestrians through 2 (two) separate contiguous Lots identified as 1919 Cliff Drive, APN 045-015-013, and the Real Property, APN 045-015-016, for the benefit of both lots.
  3. **Private Drainage Easement.** The Owner shall endeavor to obtain, provide for and record a drainage easement with the owner of the adjoining property located at 1933 Cliff Drive, APN 045-015-020, or if unsuccessful in obtaining such drainage easement, Owner shall convey pre-treated runoff beneath subject property through curb drain outlets to Cliff Drive.
  4. **Other Agency Requirements.** Submit copy of encroachment permit from the State of California, Cal Trans Permit Division, for the construction and installation of improvements (including any required appurtenances) within their right of way / easement. Such permits shall be submitted to the Land Development Engineer.
- D. **Public Works Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of Building or Public Works Permits for the project.
1. **Public Street Improvement Plans.** The Owner shall submit building plans for construction of improvements along the subject property road frontage on Cliff Drive. As determined by the Public Works Department, the improvements shall include new, and/or remove and replace to City standards: 8 foot wide sidewalk transitioning from proposed sidewalk configuration to match the existing configuration beyond the property lines to the west and east of subject site and to the extent feasible to create a smooth transition, 10.5 foot wide parkway along property frontage, two (2) commercial style driveway approaches (15 foot wide and 25 foot wide) modified to meet Title 24 requirements, saw cut and replace damaged curb & gutter, underground service utilities, provide connection to City/private

water and sewer mains, provide on-site drainage system, supply and install on-site pollution prevention interceptors, preserve and/or reset survey monuments, 10.5 foot wide drought-tolerant parkway landscaping, and provide adequate positive drainage from site. Existing private sewer lateral(s) serving the property shall be repaired before new dwelling(s) is occupied. Any existing sewer lateral(s) identified to be abandoned, shall be disconnected at the sewer mainline connection. A licensed plumber shall verify if the property requires a backwater valve. If existing lateral already has a backwater valve, then it shall be inspected. The building plans shall be prepared by a registered civil engineer or licensed architect and reviewed by the City Engineer.

2. **Drainage Calculations.** Submit to the Land Development Engineer drainage calculations signed and stamped by a licensed Civil Engineer justifying that the existing on-site and proposed on-site drainage conveyance system adequately conveys a minimum of a 25-year storm event.

E. **Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.** The following shall be finalized prior to, and/or submitted with, the application for any Building or Public Works permit:

1. **Santa Barbara County Fire Department, Protective Services Division, Compliance.** Evidence of full compliance with the requirements of the Santa Barbara County Fire Department, Protective Services Division, regarding onsite soil contamination.
2. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses and residents within 450 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.
3. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions and Conditions of Approval. Submit a copy of the notice to the Planning Division.
4. **Archaeological Contract.** Submit to the Planning Division a contract with an archaeologist from the most current City Qualified Archaeologists List to perform the intensive Phase I survey of the areas identified in the Phase 1 Archaeological Resources Report prepared for this site by Stone Archaeological Consulting, dated

May 2005. The contract shall be subject to the review and approval of the Planning Division.

The archaeologist's contract shall include the following provisions: If cultural resources are encountered or suspected, work shall be halted or redirected by the archaeologist immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, preparation of further site studies and/or mitigation.

If the discovery consists of possible human remains, the Owner shall contact the Santa Barbara County Coroner immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. The Owner shall retain a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, the Owner shall retain a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

- F. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.
1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Architectural Board of Review (ABR).
  2. **Archaeological Survey.** After the removal of all structures and pavement, construction shall be temporarily suspended so that a City-qualified archaeologist can complete an intensive Phase I survey of the entire ground surface as recommended in the Phase 1 Archaeological Resources Report prepared by Stone Archaeological Consulting, dated May 2005.
  3. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers shall be provided on the Real Property and screened from view from surrounding properties and the street. Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.
  4. **Commercial Dumpsters.** Commercial dumpsters shall be provided, including an equal area for recycling containers. Dumpsters shall not be placed within five feet

(5') of combustible walls, openings or combustible roof eaves lines unless sprinkler coverage is provided.

5. **Water-Conserving Fixtures.** All plumbing fixtures shall be water-conserving devices in new construction, subject to the approval of the Water Resources Management Staff.
6. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

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Property Owner

Date

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Contractor

Date

License No.

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Architect

Date

License No.

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Engineer

Date

License No.

- G. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field for the duration of the project construction.

1. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of containers for collection of demolition/construction materials.
2. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
3. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Public Works Director.
4. **Haul Routes.** The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Public Works Director.

5. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below:

New Year's Day .....	January 1 <sup>st</sup> *
Martin Luther King's Birthday .....	3 <sup>rd</sup> Monday in January
Presidents' Day .....	3 <sup>rd</sup> Monday in February
Memorial Day .....	Last Monday in May
Independence Day .....	July 4 <sup>th</sup> *
Labor Day .....	1 <sup>st</sup> Monday in September
Thanksgiving Day .....	4 <sup>th</sup> Thursday in November
Following Thanksgiving Day .....	Friday following Thanksgiving Day
Christmas Day .....	December 25 <sup>th</sup> *

\*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

6. **Construction Parking/Storage.** Construction parking and storage shall be provided as follows:
- a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director.
  - b. Storage or staging of construction materials and equipment within the public right-of-way is prohibited.

7. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the

late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.

8. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin.
  9. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector.
  10. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
  11. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.
  12. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
  13. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number, work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.
  14. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
  15. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.
- H. **Prior to Certificate of Occupancy.** Prior to issuance of a Temporary Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any damaged public improvements *caused by construction* (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
  2. **Complete Public Improvements.** Public improvements, as shown in the improvement/building plans.

3. **Backflow or Backwater Device.** Provide an approved backflow or backwater device placed on the property side of consumer's service pursuant to Santa Barbara Municipal Code Section 14.20.120. The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
  4. **Noise Measurements.** Submit a final report from a licensed acoustical engineer, verifying that exterior noise levels at the rear property line are within acceptable levels as specified in the Noise Element. In the event the noise is not mitigated to acceptable levels, additional mitigation measures shall be recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the Architectural Board of Review (ABR).
  5. **Archaeological Monitoring Report.** A final report on the results of the archaeological monitoring shall be submitted to the Planning Division within 180 days of completion of the monitoring or prior to the issuance of the Certificate of Occupancy, whichever is earlier.
- I. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses and costs of that independent defense.

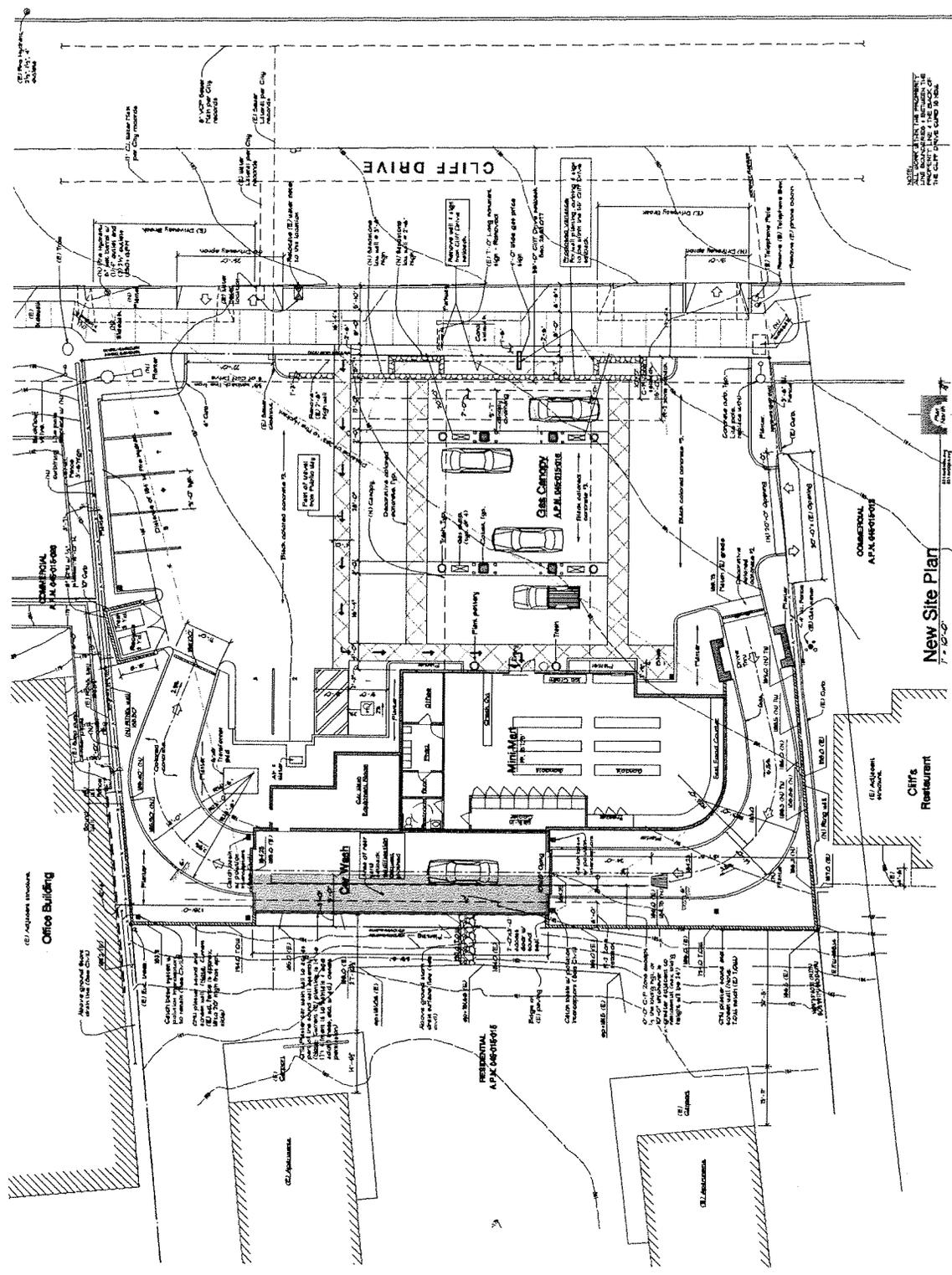
**NOTICE OF APPROVAL TIME LIMITS:**

The Modifications, Conditional Use Permit, Development Plan and Coastal Development Permit approvals shall expire four (4) years from the date of approval unless:

1. A building or grading permit for the work authorized by the development plan is issued prior to the expiration date of the approval.
2. A time extension is granted by the Planning Commission for one (1) year prior to the expiration date of the approval, only if it is found that there is due diligence to implement and complete the proposed project. No more than one (1) time extension may be granted.

Project No.	1000000000
Client	Cliff's Restaurant
Address	1928 Cliff Drive Seattle, WA 98101
Architect	Lenvik & Minor Architects
Date	10/10/00

**Gas Station,  
Car Wash  
and Mini Mart**  
1928 Cliff Drive  
Seattle, Bororo, Co.  
98101



**EXHIBIT B**





LENVIK & MINOR  
ARCHITECTS

RECEIVED

NOV 07 2006

CITY OF SANTA BARBARA  
PLANNING DIVISION

July 27, 2006  
(letter #3) (revised November 6, 2006)

Planning Commission  
630 Garden Street  
P.O. Box 1990  
Santa Barbara, CA 93102 - 1990

Re: **Price Mini-Mart, Gas Station & Car Wash**  
**1929 Cliff Drive**  
**Project Description**

APN. 045-015-016  
MST. 2004-00492

Planning Commissioners:

I am seeking a conditional use permit, Development plan approval, Coastal development permit, modification for a reduction in parking, reduction to the rear yard setback, a variance to the Cliff Drive front street setback, and need Planning Commission approval.

**The Following Project Consists of the Removal of an Existing Service Station and the Construction of a New Gas Station, Car Wash and Mini Mart**

---

The proposal is to remove the existing 76' gas station, two service bays, underground tanks and all site amenities. In its place we are proposing a new mini-mart, gas pumps, car wash and site amenities. The new proposal would increase the amount of landscaping on site, reduce existing sound transmissions to the neighbors and improve the aesthetic of the architecture.

In our opinion, traffic trips will be reduced from the Mesa to other areas of town by maintaining this gas station and adding a car wash. The Mesa is a populated area and will only have this one gas station once the one at the corner of Cliff and Meigs is gone. In addition, there is currently no car wash on the Mesa leading to traffic trips elsewhere. We believe this is a unique condition to this area of town.

Discretionary Approvals Being Requested

1. Conditional use permit to allow a gas station, mini-mart and car wash in the C-P/R-2 Zone (SBMC 28.94.030).
2. Modification - allowing for eight cars rather than the sixteen as called for by: (SBMC 28.90.100 & 28.94.030.V.7)
3. Modification - allowing for a nine foot encroachment into the rear yard setback (SBMC 28.54.060 - commercial adjacent to residential) 10'-0" or 1/2 the building height. A 12' setback represents 1/2 the proposed building height. This proposal allows for a three foot rear setback.
4. Development Plan Approval - for 2,931 square feet of additional non-residential floor area. (SBMC 28.87.300)

P:\031400\031400\0314 DART ltr #3.wpd

5. Variance - Resultant addition of 19'-0" linear feet of 3'-6" high property line masonry wall within the 55' Cliff Drive setback and 38'-6" of 2'-6" high planter wall. This proposal removes the existing 2'-6" high wall on the property line and moves the new wall 4'-4" further onto the property.
6. Variance - removing the existing gas price sign currently in the special Cliff Drive 55' setback and replacing it with a smaller gas price sign five further from the street than the existing, but still within the special Cliff Drive setback.

#### Existing Service Station

The existing building is approximately 1,367 square feet in area, and the canopy is approximately 1,050 square feet. The building contains two service bays where vehicles are serviced as part of the service station operation. In addition, there is a small customer office area and restrooms. There is also an enclosed storage area of approximately 160 sf. in the S.W. corner of the property and a propane fill up station. There are two fuel islands with six fueling pumps. The lot size is 20,755 sf.; (.476 acres). The site is void of significant trees or vegetation.

#### Proposed Service Station/Mini Mart/Car Wash

The proposed building will be approximately 2,618 square feet in area. There will be no service bays in this building, it will be a convenience store. There will be room for storage areas for inventory, a small office and a restroom. The car wash will be approximately 1,272 square feet, and the gas pump canopy will be approximately 1,725 square feet. All functions will be served by one employee.

The project includes a refuse and recycle enclosure is located at the west end of the property. A fair amount of landscaping beyond that provided on the existing site has been incorporated. We will be eliminating two of the six gas pumps, reducing the width of curb cuts to the street. There will be two fueling islands with a total of four fueling pumps. New underground fuel tanks will be provided replacing the existing. The existing site drainage pattern will not alter significantly and no significant grading is proposed.

Urban Design Guidelines: As I discovered on the USA Gas project, the strict interpretation of the Urban Design Guidelines is not possible on purely automobile driven projects. The Planning Commission ultimately understood this as well after many site studies on that project were performed.

The solution I ultimately arrived at on this site is the best for the conditions, and meets my clients circulation program. The project I believe adequately addresses pedestrian access to the street, accommodates a reasonable amount of landscaping, minimizes drive break width to the street and actually lessens noise to the apartments to the South.

The site will have Air, Water, Trash, Recycle and Transformer: The Air and Water will be in front of car stall number two. The Trash and Transformer are currently located on the site plan. The Transformer is in the S.E. corner of the lot and the Trash/Recycle is on the West side.

My client is comfortable that this design meets their programmatic needs, and they are comfortable with the effort to achieve authenticity of traditional Spanish architecture, and detailing.

Comparative Table

The following is a table comparing building use square footage between the existing and the proposed building:

	Existing	Proposed	Difference
Lot size 104.17' x 150.00'	20,755 s.f.(.475 acres)	20,755 s.f.(.475 acres)	
Building	1,365 s.f.	2,618 s.f.	+1,253 s.f.
Canopy	1,050 s.f.-	1,725 s.f.	+ 675 s.f.

Site Breakdown

The following is a table comparing site coverages between the existing and the proposed site layout:

	Existing	Proposed
Paving (site, walkway, curbs)	17,178 s.f. (83%)	13,229 s.f.(64%)
Landscape (vegetation & trees)	2,210 s.f. (11%)	3,087 s.f. (15%)
Building Coverage	1,367 s.f. (6%)	4,439 s.f. (21%)
Total Site square footage	20,775 s.f. (100%)	20,775 s.f. (100%)

Parking Breakdown

1. Required: Bldg. 2, 750 / 200 s.f. = (14) + (4) per wash bay = (18) cars required
2. Provided: (8) cars

Sincerely,

Lenvik & Minor Architects



Jeffrey A. Gorrell, AIA



**CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING****2. 1929 CLIFF DR**

C-P/R-2/SD-3 Zone

Assessor's Parcel Number: 045-015-016  
Application Number: MST2004-00492  
Owner: Tosco Corporation  
Architect: Lenvik & Minor Architects  
Applicant: John Price & Ed Edick

(Proposal to demolish an existing gas station, service bays, canopy, and underground storage tanks and to construct a 2,534square foot mini-mart with a gas station and attached drive-thru car wash on a 20,755 square foot lot. A Zoning Modification is requested to allow the car wash to encroach into the rear yard setback. The project requires Coastal Development Permit approval.)

**(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT, A PUBLIC HEARING, A COASTAL DEVELOPMENT PERMIT, A ZONING MODIFICATION AND DEVELOPMENT PLAN APPROVAL.)**

3:29

Jeff Gorrell, Architect; and Kathleen Kennedy, Case Planner, present.

Public comment opened at 3:40 p.m.

Chair Pierron read a letter from J.R. Braun, which stated concern that the proposed car wash is a direct contradiction of the term "neighborhood compatibility", and requested that a car wash not be allowed in such close proximity to residential units.

Susan Trescher, President, La Mesa Neighborhood Association, stated that the La Mesa Neighborhood Association would oppose the modification at the rear property line.

Inez Gilkeson, stated that there was a previous condition that stated that if Union Oil ever changed from it's current use, Cliff and Co., must set his building back an additional five feet. There is only a five foot setback and there should be ten.

Becky Cohn, Sierra Property Management, stated that she is concerned with the layout of the project and the noise generated from the car wash. She would like the project to be set back further to help eliminate noise.

Public comment closed at 3:47 p.m.

- Motion: Continued indefinitely to the Planning Commission with the following comments: 1) Collectively, the Board finds that the design is acceptable. 2) The Board is concerned with the encroachment into the setbacks. 3) One Board member does not support any encroachment. 4) Two Board members find some encroachment acceptable. Those Board members find that there are possibilities to reorganize or reduce the size of the mini-mart. 5) Two Board members find that the proposal submitted with the encroachment to be acceptable. One Board member finds that the height of the car wash is scaled down to a modest height and is in similar height to a wall along the property line. 6) The Board understands the Planning Commission will address the neighbors concern about the land use and organization of the car wash within the residential zone. 7) The Board supports the application of the enhanced paving into the right-of-way to promote a pedestrian access. 8) The majority of the Board would like to see a dark brown colored concrete rather than a black colored concrete. One Board member felt that black colored concrete was more appropriate. 9) The Board appreciates the introduction of the natural sandstone along the property line.
- Action: LeCron/Manson-Hing, 5/0/0. Bartlett stepped down.

### CONCEPT REVIEW - NEW ITEM

3. **3649 CAMPANIL DR** A-1 Zone  
 Assessor's Parcel Number: 047-010-046  
 Application Number: MST2004-00094  
 Owner: William W. Bertka & Solveig O. Bertka, Trustees  
 Owner: John Johnson  
 Agent: Bill Pintard  
 (Proposal for a lot line adjustment between 047-010-046 and 047-102-032 to create a new 3 acre lot.)

**(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT, NEIGHBORHOOD PRESERVATION ORDINANCE FINDINGS AND PLANNING COMMISSION APPROVAL FOR A COASTAL DEVELOPMENT PERMIT.)**

4:03

Bill Bertka and John Johnson, Owners, present.

- Motion: Continued indefinitely to the Planning Commission with the following comments: 1) The Board supports the lot line adjustment and finds there is potential for a building lot with the understanding that any proposed future development must be consistent with "The Single Family Residence Hillside Design Technique Guidelines." 2) The Board withholds judgment on the building envelopes and any proposed grading until accurate topography and grading plans are submitted. 3) The Board was concerned with the building envelope as represented and it's adherence to the Hillside Design Guideline.
- Action: LeCron/Bartlett, 6/0/0.

**CONTINUED ITEM****R. 1451 HARBOR VIEW DR**

E-3/SD-3 Zone

Assessor's Parcel Number: 015-271-011  
 Application Number: MST2006-00580  
 Owner: Matthew and Leslie Hetrick  
 Applicant: Matthew Hetrick

(Proposal to construct 174 linear feet of concrete block retaining walls topped with 110 linear feet of chain link fencing on a portion of the wall on a 8,136 square foot lot with an existing residence and detached garage.)

**(PROJECT REQUIRES NEIGHBORHOOD PRESERVATION ORDINANCE FINDINGS.)**

Final Approval as submitted with the finding that the Neighborhood Preservation Ordinance criteria have been met as stated in Subsection 22.68.060 of the City of Santa Barbara Municipal Code, and with the condition that the neighbors be allowed to plant vines on their side of the wall.

**CONTINUED ITEM****S. 1929 CLIFF DR**

C-P/R-2/SD-3 Zone

Assessor's Parcel Number: 045-015-016  
 Application Number: MST2004-00492  
 Owner: Tosco Corporation  
 Architect: Lenvik & Minor Architects  
 Applicant: John Price and Ed Edick  
 Landscape Architect: Jeff Yardy

(Proposal to demolish an existing gas station, service bays, canopy, underground storage tanks and to construct a 2,534 square foot mini-mart with a gas station and attached drive-thru car wash on a 20,755 square foot lot. A Zoning Modification is requested to allow the car wash to encroach into the rear yard setback. The project requires Coastal Development Permit approval.)

**(Conceptual Review of the Landscape Plan is requested.)****(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND PLANNING COMMISSION APPROVAL FOR A COASTAL DEVELOPMENT PERMIT A MODIFICATION AND DEVELOPMENT PLAN APPROVAL.)**

Continued indefinitely to the Planning Commission with the comment that the applicant is to explore a planted parkway.

**\*\* MEETING ADJOURNED AT 9:48 P.M. \*\***



## Conditional Use Permit Requirements for Automobile Service Station/Mini-Market

### SBMC §28.94.030.U

U. Automobile service station, automobile service station/mini-market or conversion to an automobile service station/mini-market shall be subject to the following conditions, standards and limitations:

1. Conditions. Specific conditions may be imposed to carry out the purposes of this Code.
2. Lot Area. The minimum area of the parcel or lot shall not be less than eight thousand (8,000) square feet.
3. Street Frontage. Each lot shall have a minimum frontage of not less than one hundred (100) feet on one abutting street.
4. Architecture. The architecture of the service station structures and landscaping shall be reviewed and approved by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark. The architectural theme shall be integrated into the design of all improvements of the site including canopies and fencing.
5. Driveways.
  - a. New Service Stations. For service stations constructed after the effective date of this Subsection, driveway entrances to the service station shall not be within twenty (20) feet of the curb return (beginning of curve) on corner lots.
  - b. Existing Service Stations. For driveway entrances of service stations that have been constructed prior to the effective date of this Subsection, relocation of driveway entrances may be required to minimize interference with the movement and safety of vehicular and pedestrian traffic.
6. Internal Circulation. Where access from an internal circulation system of a shopping center or public parking area is available, direct street access to a service station may be prohibited or restricted.
7. Parking. Parking shall conform to the minimum parking requirements as outlined in Section 28.90.100 or a minimum of five (5) parking spaces shall be provided or one (1) parking space for each two hundred fifty (250) square feet of gross floor area used for mini-market use and one (1) space for each employee shall be provided; whichever is greater.
8. Lighting. Any perimeter flood lighting shall be hooded or shielded so that no direct beams fall upon adjacent residential property. Indirect soft lights and low garden lights shall be used wherever possible, and shall be required as necessary to assure compatibility with adjacent and surrounding properties.
9. Landscaping. All landscaped areas shall be as follows:
  - a. A planter shall be provided along all street-side property lines except for driveway openings.
  - b. On corner lots, a minimum of one hundred fifty (150) square feet of planter area shall be provided on the property adjacent to the corner intersection.
  - c. At least ten percent (10%) of the area not covered by buildings on the parcel shall be landscaped.
10. Restrooms. The entrance to all restrooms shall be screened from abutting properties by a

decorative screen.

11. Fencing. A decorative fence six (6) feet in height from finished grade shall be provided on all property lines that do not abut a street, alley or parking area, with the exception that a fence may not be required for a service station that is an integral part of a commercial, industrial or office center or where combined landscaping will be achieved with such adjacent properties.

12. Operations and Storage.

a. Repair of vehicles is only permitted within an enclosed building.

b. All servicing of vehicles other than minor servicing shall be conducted within an enclosed building.

c. All materials, products and merchandise shall be stored and displayed only within an enclosed building.

d. No used or discarded automotive parts or equipment or visible junk or wrecked vehicles shall be located or stored outside the service station building.

e. Trash shall be stored in areas screened from public view by a fence with a minimum height of six (6) feet. Trash shall not be stored or piled above the height of the fence.

13. Fire Department Approval. Prior to the issuance of any building permit for a service station or any portion thereof, the Fire Department shall review the plans and approve said plans if they comply with applicable Fire Department ordinances and regulations.