

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
FEBRUARY 24, 2021**

Planning Application 2020-7769
1097 E. Duane Ave. (APN 213-46-014)

SPECIAL DEVELOPMENT PERMIT

To allow sale of beer and wine at an existing gas station.

The following Conditions of Approval [COA] and Standard Development Requirements [SDR] apply to the project referenced above. The COAs are specific conditions applicable to the proposed project. The SDRs are items which are codified or adopted by resolution and have been included for ease of reference, they may not be appealed or changed. The COAs and SDRs are grouped under specific headings that relate to the timing of required compliance. Additional language within a condition may further define the timing of required compliance. Applicable mitigation measures are noted with “Mitigation Measure” and placed in the applicable phase of the project.

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following Conditions of Approval and Standard Development Requirements of this Permit:

GC: THE FOLLOWING GENERAL CONDITIONS AND STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE APPROVED PROJECT.

GC-1. ENTITLEMENTS—EXERCISE AND EXPIRATION:

The approved entitlements shall be null and void two years from the date of approval by the final review authority if the approval is not exercised, unless a written request for an extension is received prior to the expiration date and is approved by the Director of Community Development. [SDR] (PLANNING)

GC-2. ENTITLEMENTS—DISCONTINUANCE AND EXPIRATION:

The entitlements shall expire if discontinued for a period of one year or more. [SDR] (PLANNING)

GC-3. INDEMNITY:

The applicant/developer shall defend, indemnify, and hold harmless the City, or any of its boards, commissions, agents, officers, and employees

(collectively, "City") from any claim, action, or proceeding against the City to attack, set aside, void, or annul, the approval of the project when such claim, action, or proceeding is brought within the time period provided for in applicable state and/or local statutes. The City shall promptly notify the developer of any such claim, action or proceeding. The City shall have the option of coordinating the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith. [COA] [OFFICE OF THE CITY ATTORNEY]

GC-4. NOTICE OF FEES PROTEST:

As required by California Government Code Section 66020, the project applicant is hereby notified that the 90-day period has begun as of the date of the approval of this application, in which the applicant may protest any fees, dedications, reservations, or other exactions imposed by the city as part of the approval or as a condition of approval of this development. The fees, dedications, reservations, or other exactions are described in the approved plans, conditions of approval, and/or adopted city impact fee schedule. [SDR] [PLANNING / OCA]

GC-5. ALCOHOL BEVERAGE CONTROL (ABC):

The project applicant shall obtain all appropriate and/or licenses from the Department of Alcoholic Beverage Control prior to commencement of use approved as part of this permit. [COA] [PLANNING]

GC-6. USE AND ABC COMPLIANCE:

Non-compliance with the Conditions of Approval for this planning application or the requirements of the Department of Alcoholic Beverage Control at any time may trigger either reconsideration (discretionary review of new application) of the SDP and the imposition of additional Conditions of Approval or the initiation of the revocation process by the Director of Community Development. [COA] [PLANNING]

AT: THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH AT ALL TIMES THAT THE SPECIAL DEVELOPMENT PERMITTED BY THIS PLANNING APPLICATION OCCUPIES THE PREMISES.

AT-1. HOURS OF OPERATION:

The Special Development Permitted as part of this application shall comply with the following hours of operation at all times:

- a) The hours of operation for the convenience store are limited to 7:00 a.m. to 7:00 pm from Monday through Sunday. Hours extending beyond current hours of operation shall require approval of the

Director of Community Development through a Miscellaneous Plan Permit. [COA] [PLANNING]

- AT-2. DELIVERY HOURS:
Delivery hours for the approved use shall comply with SMC 19.42.030:
a) Delivery hours are limited to daytime (period from 7:00 a.m. to 10:00 p.m. daily) only.
b) Nighttime delivery (period from 10 p.m. to 7:00 a.m. daily) is prohibited. [SDR] [PLANNING]
- AT-3. RECYCLING AND SOLID WASTE:
All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. [COA] [PLANNING]
- AT-4. LOUDSPEAKERS PROHIBITED:
Out-of-door loudspeakers shall be prohibited at all times. [COA] [PLANNING]
- AT-5. EXTERIOR EQUIPMENT:
All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure. Individual air conditioning units shall be screened with architecture or landscaping features. [COA] [PLANNING]
- AT-6. COMPLAINTS:
The business (owners or employees) shall be responsible for addressing and correcting any complaints received. [COA] [PLANNING]
- AT-7. DISPLAY NEAR FRONT DOOR (SERVICE STATIONS ONLY):
No beer or wine shall be displayed within 5 feet of the cash register or front door unless it is inside a permanently-affixed cooler. [COA] [PLANNING]
- AT-8. DISPLAY AT MOTOR FUEL ISLANDS (SERVICE STATIONS ONLY):
No advertisement of alcoholic beverages shall be displayed at motor fuel islands. [COA] [PLANNING]
- AT-9. EMPLOYEE AGE (SERVICE STATIONS ONLY):
Employees on duty between the hours of 10:00 p.m. to 2:00 a.m. who sell beer or wine shall be at least 21 years old. [COA] [PLANNING]
- AT-10. PROHIBITION OF SINGLE SERVINGS SALES (SERVICE STATIONS ONLY):

The sale of single servings of beer or wine is prohibited. For the purpose of this condition of approval, a single serving shall be defined as “less than 24 fluid ounces of beer or wine.” [COA] [PLANNING]

AT-11. ALCOHOL DISPLAY AREA:

The display of alcoholic beverages shall be limited to be no more than 40% of the total floor area.

AT-12. RESPONSIBLE ALCOHOL TRAINING

The Permittee shall ensure all employees receive “Responsible Alcoholic Beverage Service” training as offered through programs established by the Alcoholic Beverage Control of the State of California. Evidence of such training and the training records of all employees shall be maintained on-site during business hours, and made available for inspection upon request.

AT-13. NO LOITERING AND GRAFFITI PREVENTION

- The Permittee shall install “No loitering” signs to discourage customers from loitering and drinking of alcohol on the property.
- The Permittee shall be responsible in pick up litter and abate graffiti twice each day.