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DEPARTMENT OF  
PLANNING AND DEVELOPMENT

CITY OF SACRAMENTO  
CALIFORNIA

1231 I STREET  
SACRAMENTO, CA

June 12, 1990

ADMINISTRATION  
ROOM 300  
95814-2987  
916-449-5571

City Council  
Sacramento, California

ECONOMIC DEVELOPMENT  
ROOM 300  
95814-2987  
916-449-1223

Honorable Members in Session:

NUISANCE ABATEMENT  
ROOM 301  
95814-3982  
916-449-5948

**SUBJECT:** Appeal of Planning Commission's denial of an appeal of the Design Review Board's conditions of approval of a BP Oil Company gas station at 482 Howe Avenue; (DR89-224), (D6)

**LOCATION:** 482 Howe Avenue

### SUMMARY

The applicant appealed the Design Review Board's action on the project to the C.P.C. The denial by the Planning Commission of the appeal was then appealed to the Council. The decision to require redesign of the project by the Design Review Board and the Planning Commission is based on the incompatible design of the gas station, as proposed by the applicant, to the existing architectural character of the University Village Shopping Center in the Campus Commons PUD.

### BACKGROUND

Staff and the Design Review Board have the following comments regarding the proposed project:

1. The architectural design of the project would be acceptable at most of their locations.
2. The unique architecture character of the University Village Shopping Center requires a more stringent architectural design criteria to be used on this project.
3. The applicant does not wish to change their corporate theme to fit the architecture of the shopping center.

①

4. The Design Review Board and the Planning Commission felt that it would not be in the best interest of the shopping center and the City to approve the project as originally submitted.
5. The applicant has appealed the decision of the Design Review Board to the Planning Commission. The Planning Commission has upheld the decision of the Design Review Board and the applicant is now appealing the Planning Commission's denial of their appeal to the City Council.
6. Staff supports the actions of the Design Review Board and the Planning Commission in denying the project as presented.

#### **VOTE OF THE DESIGN REVIEW BOARD**

On February 7, 1990, the Board approved the project with staff conditions and required the landscaping plan to be returned to the Board.

#### **VOTE OF CITY PLANNING COMMISSION**

On April 12, 1990, the Planning Commission voted 6 ayes, 1 abstain and 2 absent to deny the appeal.

#### **CONDITIONS OF DESIGN REVIEW BOARD'S APPROVAL**

The staff's recommendations approved by the Design Review Board for the project were as follows:

1. The project shall be revised to create a facility that is not a corporate repeat in its design.
2. Material used for the shopping center, such as stucco, shall be incorporated into the proposed structure.
3. Color(s) used for the shopping center shall be the predominate color(s) for the proposed project. The corporate green may be used for signage and trim on the structure.
4. The roof of the structure shall be redesigned to be compatible with the shopping center.

The above conditions of approval were based on the following findings of fact:

1. The project, as conditioned, will blend into the surrounding area.
2. The project, as conditioned, is in conformance with the Board's design criteria.

Findings of fact supporting the Planning Commission's denial of the appeal are as follows:

1. The project, as proposed, is not compatible to the existing shopping center and the PUD.
2. The project, as conditioned by the DR/PB, would be compatible to the shopping center and the PUD.

**FINANCIAL DATA**

Not applicable.

**POCLY CONSIDERATION**

Not applicable.

**MBE/WBE EFFORTS**

Not applicable.

**STAFF RECOMMENDATIONS**

Staff recommends that the Council deny the appeal and instruct the applicant to return to the Design Review Board with revised drawings which meet those conditions of approval as originally approved under the action of the Board at the February 7, 1990 Design Review/Preservation Board hearing based on the attached findings of fact.

Respectfully submitted,

*Richard B. Hastings*  
FOR

MICHAEL M. DAVIS  
Director of Planning and Development

FOR CITY COUNCIL INFORMATION  
WALTER J. SLIPE  
CITY MANAGER

Contact Person:

Richard Hastings, Design Review/Preservation Director  
(916) 449-5604

District No. 6  
June 12, 1990

MMD:RH:hp  
DR89-224.CC

attachments

(3)

APPEAL OF PLANNING COMMISSION'S )  
DENIAL OF AN APPEAL OF THE DESIGN )  
REVIEW BOARD'S CONDITIONS OF )  
APPROVAL OF A BP OIL COMPANY GAS )  
STATION AT 482 HOWE AVENUE; (DR89-224), (D6) )

NOTICE OF DECISION  
OF FINDINGS OF FACT

At its regular meeting of June 12, 1990, the City Council heard and considered evidence in the above titled matter. Based on verbal and documentary evidence at said hearing, the Council denied the appeal based on the following findings.

FINDINGS OF FACT

1. The project proposed is not compatible to the existing shopping center and PUD.
2. The project is conditioned by DR/PB would be compatible to the shopping center and PUD.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

DR89-224

CITY OF SACRAMENTO

DEPARTMENT OF PLANNING AND DEVELOPMENT  
1231 'I' STREET, SACRAMENTO, CA 95814

PLANNING  
ROOM 200 449-3604

APPEAL OF THE DECISION OF THE CITY OF SACRAMENTO  
SACRAMENTO CITY PLANNING COMMISSION PAID - 51

DATE: April 20, 1990

APR 20 1990

TO THE PLANNING DIRECTOR:

BUILDING INSPEC.

I do hereby make application to appeal the decision of the City Planning Commission on April 12, 1990 (hearing date). project # DR89-224

when:

Special Permit	For	_____
Variance	For	_____
"R" Review Appeal	For	_____
OTHER of DRB denial	For	_____
		Architectural review
		of service station

was: \_\_\_\_\_ Granted / x Denied by the City Planning Commission

GROUND'S FOR APPEAL: (explain in detail) 1) Design as proposed by applicant is appropriate for intended use at this location. 2) Design Review Board and Planning Commission abused their discretion by failing to make and adopt findings sufficient to support their decisions. 3) Additional grounds to be provided.

(Note: property location incorrectly stated as "482 Howe Ave." in staff report)

PROPERTY LOCATION: 2200 Fair Oaks Blvd. (Southeast corner Fair Oaks Blvd. and Howe Ave.)

APPELLANT: BP Oil Company (print) PHONE # 631-6978

ADDRESS: 2868 Prospect Park Dr., Ste. 360, Rancho Cordova, CA 95670-6020

APPELLANT'S SIGNATURE: D.W. Brasse, Mgr. of Acquisition & Planning

THIS BOX FOR OFFICE USE ONLY

Filing Fee: X by Applicant: (3105.00) by 3rd Party \$ 60.00

Received By: Andrea M. Murphy Date: 4-20-90

Distribute Copies To: MVD AG MW SG  
RT (original & receipt)

DR89-224

PS Forwarded to City Clerk On: \_\_\_\_\_

(5)

NOTICE OF APPEAL OF THE DECISION OF THE  
DESIGN REVIEW/PRESERVATION BOARD

DATE: 2/10/90

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City DESIGN REVIEW/PRESERVATION BOARD of February 7, 1990 when:  
(Date)

Structure Review DR89-224  Building Move  
 Sign Review  Other

was:  Granted  Denied by the Board.

GROUND FOR APPEAL: We believe that our design is appropriate for it's intended use and location. The fact that the Boards vote was 4-3 for denial shows that the opinion of the board was far from unanimous.

PROPERTY LOCATION: 482 Howe Ave.

ASSESSOR'S PARCEL NO.: 295-381-001

PROPERTY OWNER: BP Oil Company

ADDRESS: Floor 18I, 200 Public Square, Cleveland, Ohio 44114-2375

APPLICANT: Brian Duffy, BP Oil Company

ADDRESS: 2868 Prospect Park Dr., Suite 360 Rancho Cordova, CA 95670-6020

APPELLANT: *Brian Duffy*

(Signature)

ADDRESS: \_\_\_\_\_

PHONE NUMBER: 916-631-6978

FILING FEES:  By Applicant - Paid \$ 125  
(check one)  By 3rd Party - Paid \$ \_\_\_\_\_

FORWARDED TO PLANNING DIRECTOR ON DATE OF: \_\_\_\_\_

DR/PB # DR89-224

11/84

\$125

(6)

CITY PLANNING DEPARTMENT

FEB 20 1990

RECEIVED

Receipt No. \_\_\_\_\_

(5 COPIES REQUIRED)  
Distribute To: MVD

AG  
RH  
SG(orig.)

In the matter of the decision of the )  
City Planning Commission to deny the )  
appeal of the DRB Denial of BP Oil )  
Company Gas Station at 482 Howe )  
Avenue (DR89-224) )

NOTICE OF DECISION  
AND  
FINDINGS OF FACT

On March 22, 1990, the Planning Commission considered public testimony regarding the above appeal. The Commission indicated its intent to deny the appeal of the DRB denial of BP Oil Company Gas Station at 482 Howe Avenue based on findings of Fact due April 12, 1990.

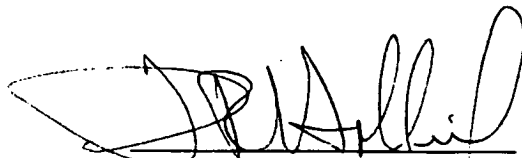
Based on documentary and oral evidence submitted at the public hearing on March 22, 1990, the Planning Commission denied the appeal based on the findings of fact which follow:

Findings of Fact

1. The project as proposed is not compatible to the existing shopping center and PUD.
2. The project as conditioned by the DR/PB would be compatible to the shopping center and the PUD.

*Approved by Denise Zwick*

Approved by the Planning Commission  
on April 12, 1990, for the  
March 22, 1990 meeting.

  
Chairperson

**Sacramento City Planning Commission  
VOTING RECORD**

**MEETING DATE**  
March 22, 1990

**ITEM NUMBER**  
20

**PERMIT NUMBER**  
DR89-224

**ENTITLEMENTS**

- |   |   |
|---|---|
| <input type="checkbox"/> GENERAL PLAN AMENDMENT   | <input type="checkbox"/> TENTATIVE MAP  |
| <input type="checkbox"/> COMMUNITY PLAN AMENDMENT | <input type="checkbox"/> SUBDIVISION MODIFICATION   |
| <input type="checkbox"/> REZONING                 | <input type="checkbox"/> LOT LINE ADJUSTMENT  |
| <input type="checkbox"/> SPECIAL PERMIT           | <input type="checkbox"/> ENVIRONMENTAL DET.   |
| <input type="checkbox"/> VARIANCE                 | <input checked="" type="checkbox"/> OTHER <u>Approval of DRB denial of P.B. Oil Co. Gas Station</u> |

**STAFF RECOMMENDATION**

Favorable  Unfavorable

Correspondence

Petition

**LOCATION**  
482 Howe Avenue

**PROponents**

NAME	ADDRESS
<u>Brian Puffry (BP Oil Co.)</u>	<u>2868 Prospect Park Dr., Ste. 360</u>
	<u>Rancho Cordova</u>
	<u>95670-6020</u>

**OPponents**

NAME	ADDRESS

**MOTION #**

Yes	No	Motion	Second
-----	----	--------	--------

BEERRA				
CHINN	✓			✓
GASTON	✓			
HOLLOWAY	✓			
NOTESTINE	✓			✓
OTTO	✓		✓	
ROSEN	<u>absent</u>			
YEE	<u>absent</u>			
HOLLIICK	✓			

- MOTION**
- |  |   |
|--|---|
| <input type="checkbox"/> TO APPROVE  | <input type="checkbox"/> TO RECOMMEND APPROVAL & FORWARD TO CITY COUNCIL                  |
| <input checked="" type="checkbox"/> TO DENY  | <input type="checkbox"/> TO RECOMMEND APPROVAL SUBJECT TO COND. & FORWARD TO CITY COUNCIL |
| <input type="checkbox"/> TO APPROVE SUBJECT TO COND. & BASED ON FINDINGS OF FACT IN STAFF REPORT         | <input type="checkbox"/> TO RATIFY NEGATIVE DECLARATION                                   |
| <input type="checkbox"/> TO APPROVE/DENY BASED ON FINDINGS OF FACT IN STAFF REPORT                       | <input type="checkbox"/> TO CONTINUE TO _____ MEETING                                     |
| <input checked="" type="checkbox"/> INTENT TO APPROVE/DENY SUBJECT TO COND. & BASED ON FIND. OF FACT DUE | <input type="checkbox"/> OTHER _____  |

PLANNING AND DEVELOPMENT

⑧

4-12-90



City Planning Commission  
Sacramento, California

Members in Session:

Subject: Appeal of Design Review Board's denial of the PUB Oil Company gas  
station (DR89-224)

The Planning staff recommends that the Planning Commission deny the appeal of  
the Design Review Board's action based on the attached staff report.

Respectfully submitted,

*Richard B. Hastings*  
Richard B. Hastings,  
Design Review/Preservation Director

Design Review/Preservation Board  
Sacramento, California

Members in Session:

SUBJECT: Service Station - BP Oil  
Redevelopment of existing facility in Campus Commons PUD  
482 Howe Avenue (SE corner Howe & Fair Oaks)  
(DR89-224)

BACKGROUND INFORMATION: On January 11, 1990, the City Planning Commission approved a Special Permit (P89-353) to demolish the existing gas station/convenience market and to redevelop the site with a newer facility. Previously, on October 18, 1989, the Board had reviewed the new design preliminarily and provided individual comments.

There were more Board members than not that shared the staff's opinion that the design of the proposed redevelopment is inappropriate for the subject location. The concern of some was the incompatibility of the new "high-tech" design in the existing shopping center and PUD. Supportive Board members saw the appeal of the design that BP Oil is using throughout the country, citing the clean styling of the structures and equipment.

PROJECT EVALUATION: Staff has the following comments regarding the proposed project:

1. In a number of ways the BP Oil design is a great improvement over the designs currently being used by other major oil companies. However, the proposed "high-tech" design, with all its appeal, is possibly another example of a good design proposed in the wrong location. It is not compatible in design with the surrounding PUD development and would be more appropriately placed in the strip commercial to the east in the unincorporated area.
2. Such a high visibility design, that will be repeated in the future at many other intersections in Sacramento, will lessen the identity of the Fair Oaks/Howe Avenue intersection as an entryway from the unincorporated area into the City and the Campus Commons PUD.
3. Staff would prefer that the project be revised with some or all of the following:
  - a. Materials already used in adjacent shopping center.
  - b. Colors already used or compatible with the colors used in the adjacent shopping center.

- c. Roof form compatible with the existing shopping center.

Staff considers the change in materials and color to be the minimum needed to create a reasonable visual relationship with the shopping center and PUD.

STAFF RECOMMENDATION: Staff recommends that the Board approve the proposed project subject to the following conditions:

1. The project shall be revised to create a facility that is not a corporate repeat in its design.
2. Material used for the shopping center, such as stucco, shall be incorporated into the proposed structure.
3. Color(s) used for the shopping center shall be the predominate color(s) for the proposed project. The corporate green may be used for signage and trim on the structure.
4. The roof of the structure shall be redesigned to be compatible with the shopping center.

Approval is based on the following findings of fact:

1. The project, as conditioned, will blend into the surrounding area.
2. The project, as conditioned, is in conformance with the Board's design criteria.

Respectfully submitted,

*Richard B. Hastings*

Richard B. Hastings  
Design Review/Preservation Director

RBH:RL:rl

APPROVAL BY THE DESIGN REVIEW/PRESERVATION BOARD DOES NOT RELIEVE THE APPLICANT OF THE RESPONSIBILITY TO MEET REQUIREMENTS OF ALL ZONING ORDINANCES AND BUILDING CODES.

FINAL PLANS SUBMITTED TO THE CITY FOR A BUILDING PERMIT WILL INCLUDE ALL CHANGES REQUIRED AS CONDITIONS OF APPROVAL BY THE BOARD. THE CHANGES WILL BE SHOWN BY DRAWING REVISIONS AND/OR BY NOTATION, WHICHEVER IS MORE APPLICABLE. PLANS WHICH HAVE OMISSIONS

WILL BE RETURNED TO THE APPLICANT FOR CORRECTION AND WILL NOT BE PROCESSED. THE APPLICANT IS RESPONSIBLE FOR ANY TIME LOST DUE TO INCOMPLETE PLANS. NO EXCEPTIONS WILL BE MADE.

THE APPLICANT IS RESPONSIBLE FOR ANY DELAYS RESULTING FROM NONCOMPLIANCE WITH CONDITIONS OF APPROVAL.

Comments received on 10/18/89. RBH:hp

October 11, 1989

Design Review/Preservation Board  
Sacramento, California

Members in Session:

SUBJECT: Service Station - Demolition and Redevelopment  
482 Howe (SE corner Howe & Fair Oaks)  
(DR89-224)

BACKGROUND INFORMATION: The subject site is located at the University Village Shopping Center in the Campus Commons PUD. The former Mobile Oil property is now owned and operated by BP Oil Company.

The Planning Commission is scheduled to hear a special permit request on November 16, 1989, for replacement of the existing facility with a gasoline only facility and convenience food store (P89-353).

The project is before the Board at this time only for review and comment. In that no public advertising of this application has as yet been accomplished, the Board should not provide any group consensus on the project. Rather, feed back to the applicant should be limited to observations and preliminary suggestions by individual Board members. The Board, as a body, and the public would then not be obligated to adhere to any architectural style, or building or site design discussed at this "review and comment" session.

The applicant is required, as part of the Design Review application process, to advertise the subsequent public hearing by notifying the surrounding property owners and also by posting of the site with a public notice to be provided by staff.

PROJECT INFORMATION: Staff has the following comments regarding the proposed project and application:

1. The proposed new kiosk structure and attached service island canopies, will have greater setbacks from the two adjacent streets than now exists. Nevertheless, the design will be, in Staff's opinion, less compatible in design than the existing service station with the adjacent shopping center buildings. Although, Staff can understand the applicant's desire to construct a station consistent with the corporate design theme, Staff would prefer that the new facility be compatible with and be recognizable as part of the P.U.D. than have just another unrelated design that will add to the strip commercial appearance of Fair Oaks Boulevard that now exists easterly of this location.
2. Other nation-wide chain operators of service stations, fast food restaurants, etc., have been able to adapt their designs and signage programs to be compatible with their surrounding neighborhoods. There are other jurisdictions that have been much more stringent than has Sacramento in their design controls and requiring changes to stock building designs. Furthermore, it is hard to conceive of any major gasoline chain failing at one of the busiest intersections in the County solely as a result of departure from corporate architectural design criteria.

DR89-224

2-7-90  
~~October 18, 1989~~  
October 18, 1989

Item No. 187

13

**STAFF RECOMMENDATION:** Staff recommends that the Board review and comment only and continue the proposed project for public hearing at some later date. It is suggested that the Board discuss at least the following points:

1. The submitted design - providing observations on the appropriateness of the proposed style of architecture and making suggestions that could improve the building's design;
2. Suggestions for alternative architectural style and/or building design to be compatible with the P.U.D. in general, and/or the shopping center in ~~part~~ particular; and  
(corrected by staff on 10/18/89)
3. Observations and suggestions for improvement of the site design relative to circulation, landscaping, and etc.

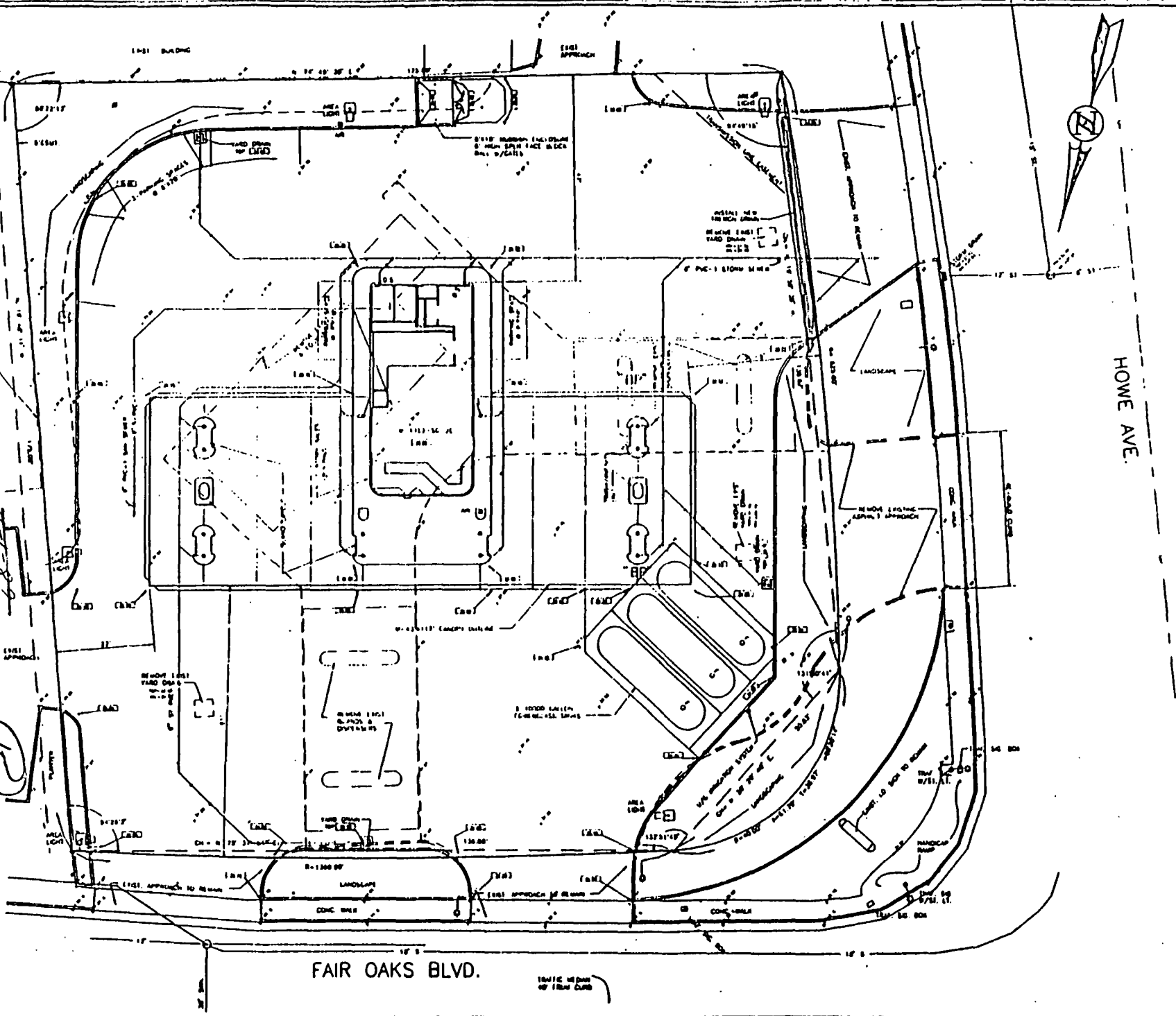
Respectfully submitted,

*Richard B. Hastings*

Richard B. Hastings  
Design Review/Preservation Director

RBH:RL:hp

2-7-90 (15)



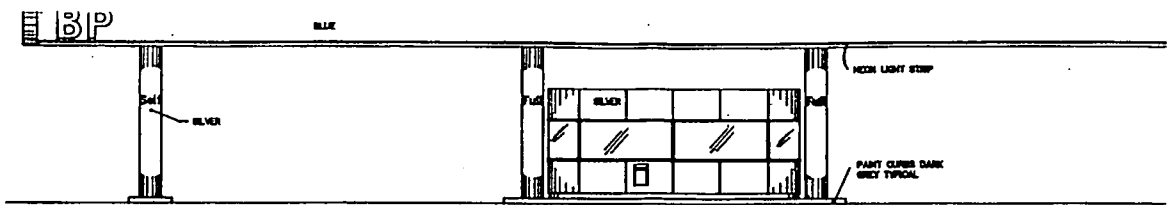
- NOTES:**
- 1. ALL DIMENSIONS ARE IN FEET UNLESS NOTED OTHERWISE.
  - 2. FINISH GRADE (F.G.)
  - 3. ALL DIMENSIONS FROM EXTERIOR CORNER OF FAIR OAKS BLVD. & HOME AVE. UNLESS NOTED.
  - 4. EXISTING BUILDING SHOWN AS DASHED LINES.
  - 5. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SACRAMENTO PLANNING DEPARTMENT.
  - 6. SEE ALL CITY ORDINANCES REGARDING SIGNAGE.
  - 7. LANDSCAPE SHALL BE AS SHOWN.

**BP OIL CO.**  
 RETAIL MARKETING  
 DESIGN AND ENGINEERING  
 100 PUBLIC SQUARE  
 SACRAMENTO, CALIF. 95811

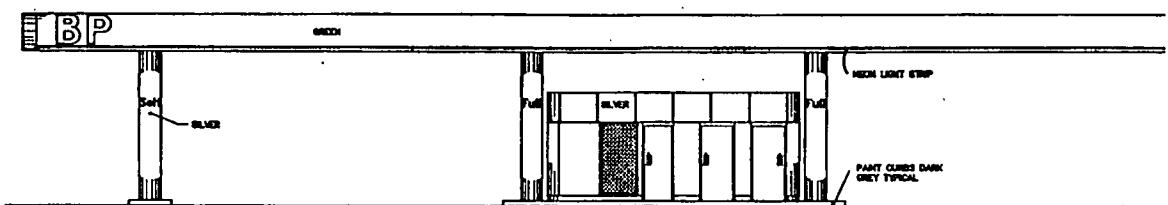
**SITE PLAN**  
 FAIR OAKS & HOWE  
 482 HOWE AVE.  
 SACRAMENTO, CALIFORNIA

DWG. NO.: 04-067-11175 REV.: 3  
 DATE: 2/7/90  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]

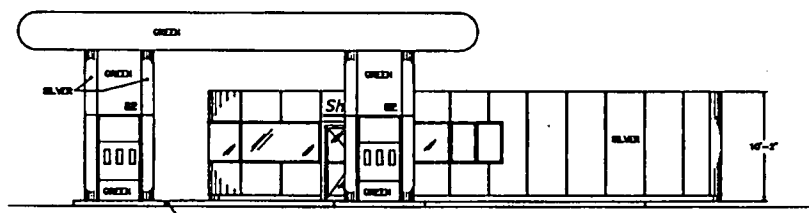
DR89 224



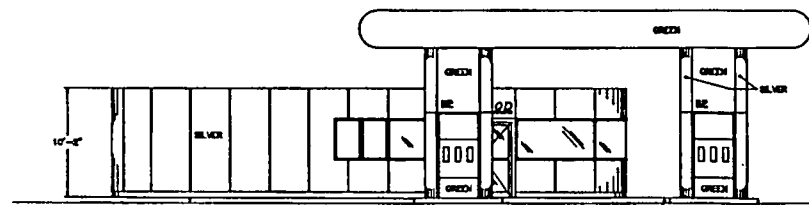
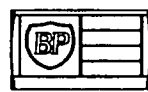
FRONT ELEVATION  
SEE PLOT PLAN FOR ACTUAL LOCATION OF CURB COPY BEHIND



REAR ELEVATION  
SEE PLOT PLAN FOR ACTUAL LOCATION OF CURB COPY BEHIND



RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION

*Supermarket will be larger*

2-7-90  
10-1-89  
10-18-84

16

MEM 10 7



DR 89-224

10-18-89 2-7-90 17

MEM 18

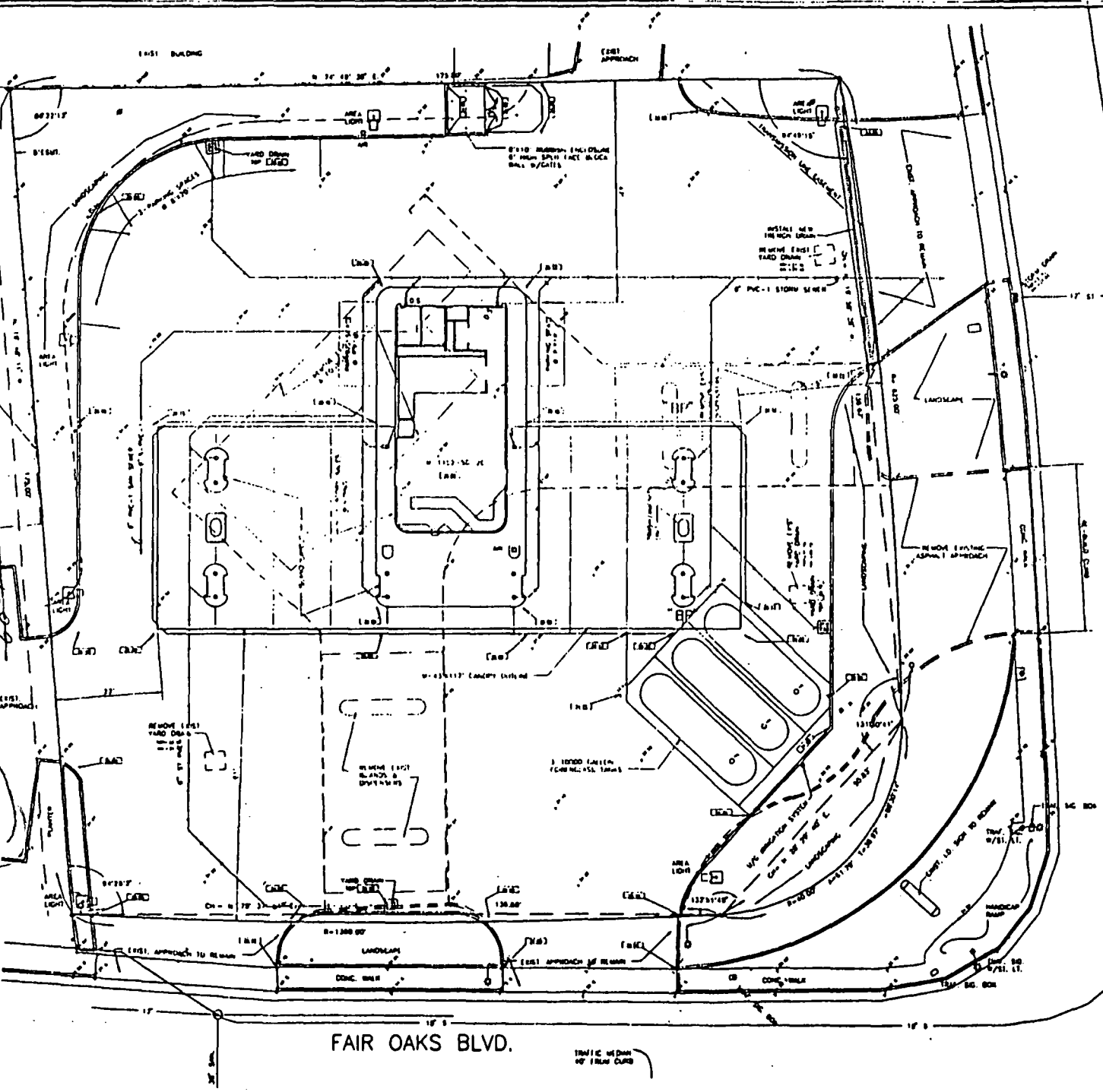
EXIST. BUILDING

EXIST. APPROACH



**NOTES:**

1. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SACRAMENTO SPECIFICATIONS.
2. ALL UTILITIES SHALL BE DEPTH MARKED AND PROTECTED.
3. ALL CONCRETE SHALL BE 3000 PSI.
4. ALL ASPHALT SHALL BE 1 1/2" THICK.
5. ALL GRASS SHALL BE MAINTAINED AT ALL TIMES.
6. ALL SIGNAGE SHALL BE IN ACCORDANCE WITH THE CITY OF SACRAMENTO SPECIFICATIONS.
7. ALL LIGHTING SHALL BE IN ACCORDANCE WITH THE CITY OF SACRAMENTO SPECIFICATIONS.
8. ALL LANDSCAPING SHALL BE IN ACCORDANCE WITH THE CITY OF SACRAMENTO SPECIFICATIONS.



HOWE AVE.

FAIR OAKS BLVD.

**BP OIL CO.**  
 RETAIL MARKETING  
 DESIGN AND ENGINEERING  
 200 PUBLIC SQUARE  
 SACRAMENTO, CALIF. 95811

**SITE PLAN**  
 FAIR OAKS & HOWE  
 482 HOWE AVE.  
 SACRAMENTO, CALIFORNIA

DWG. NO.: 04-067-11175	REV.: 3
DATE: 1/17/91	DESIGNER: J.P.
SCALE: AS SHOWN	CHECKED: J.P.
PROJECT: BP OIL CO.	DATE: 1/17/91

10-18-89  
 2-7-90  
 17

\* \* \*

APPEAL TO CITY COUNCIL

DESIGN OF BP OIL COMPANY  
SERVICE STATION LOCATED ON THE  
SOUTHEAST CORNER OF FAIR OAKS  
BOULEVARD AND HOWE AVENUE  
DR89-224

\* \* \*

JOHN V. DIEPENBROCK

\* \* \*

June 12, 1990

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I.

SUMMARY

We represent BP Oil Company ("BP") in this appeal from the Design Review/Preservation Board's (the "Board") disapproval of BP's design of its new service station proposed for construction at the southeast corner of Fair Oaks Boulevard and Howe Avenue. The Board rested its disapproval on the alleged incompatibility of the design with the architecture of the adjacent University Village Shopping Center (the "Shopping Center") and on the basis that the design would lessen the "identity" of the intersection. While recognizing that the process of design review is largely subjective and may not lend itself to precisely defined standards, we suggest in this appeal that the pursuit of visual harmony must consist of something more substantial than that which merely "meets the eye" of the Board. There are a number of substantial reasons that support the proposition that BP's design, as proposed, would be compatible with its surroundings and is the right design, in the right place.

First and foremost, the cleanly styled design is excellent in its own right, representing the appropriate blend of function and form. Second, the visual and physical relationship that the service station site (the "Site") bears to the Shopping Center is such that, rather than creating visual conflict, the architectural merits of both styles is accentuated. This type of complementary relationship, rather than mere slavish adherence to the predominating style, is the proof of architectural compatibility. Lastly, an excellent design, even though repeated, will enhance rather than diminish the location's identity.

## II.

### BACKGROUND

BP has applied to the City of Sacramento for the special permit necessary to construct a new BP service station and convenience market at the southeast corner of Fair Oaks Boulevard and Howe Avenue. A vicinity map of the Site is attached as Exhibit A. The special permit requirement derives from the project's location within the Campus Commons Planned Unit Development (PUD). When a special permit is required, the Planning Commission may condition its issuance on architectural review and approval.

BP submitted a design for the new station which incorporates clean, modern styling. A rendering of the new station is attached as Exhibit C.

The Planning Commission did determine that, prior to the issuance of the permit, the Board should review the design to ensure compatibility with the adjacent Shopping Center and Campus Commons PUD.

In a very close vote (4 of 9 members versus 3 of 9 members), the Board disapproved the proposed design due to its opinion that the materials, colors and roof line of the new station would be architecturally incompatible with the earth-tone stucco and shake roof of the Shopping Center, and on the grounds that the repetition of the design in other locations would lessen the intersection's identity as an entryway into the City. The supportive Board members were attracted to the "clean styling of the structures and equipment" and perceived no incompatibility with the Shopping Center. See Staff Report, Exhibit I. The

disapproving members asserted this to be a case of a good design in the wrong place.

The Planning Commission perfunctorily refused to reconsider the Board's decision. See Staff Report, Exhibit I. This appeal to the City Council follows.

Section 16 of the Sacramento Zoning Code sets forth the policies and guidelines governing design review. Section 16 provides criteria to be used as a "frame of reference" in evaluating designs, and provides, among other things, that "proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings." Although the Board did not specifically reference any portion of Section 16 in making its determination, the focus of the Board's report seems to be that, the design, as proposed, would not relate harmoniously to the Shopping Center.

The close 4 to 3 vote of the Board cannot be interpreted as a ringing disapproval of a far-out design. Like all progressive designs, however, it may take more than a passing glance to completely appreciate. Similarly, when a new design is settled in a context of older, more familiar buildings, notions of compatibility also merit a degree of reconsideration. The ideas of "harmony" and "compatibility" are notions which imply difference. The Board, by recommending that the new design incorporate the beige stucco and shake roof of the Shopping Center, seems to have substituted the notion of "compatibility" with that of "similarity". Design compatibility, rather, is created when two or more different architectural styles interrelate in such a way

that emphasizes the architectural merits of all. The test to determine architectural compatibility, therefore, must ask two questions: First, does the proposed design have merit in its own right? Second, does the design share the type of physical and visual relationship with its surroundings such that the total effect will be to accentuate the architectural merits of all?

The following discussion incorporates the thoughts of designers, BP management, photographs and renderings which demonstrate that BP's proposed design clearly meets this test. First, the open, uncluttered design is the product of a well-founded design program undertaken at a cost of five million dollars. Second, this design, because of the visual and physical relation of the site to the Shopping Center and to the surrounding Campus Commons PUD, will also relate in a harmonious manner to its surroundings.

Finally, simply because the design will be repeated in other locations does not at all mean that the intersection's identity as an entryway to the City will diminish, any more than it would be diminished by the presence of a generic stucco gas station resembling so many others in the Sacramento area. In short, BP's design is the right design for the location.

### III.

#### ARGUMENT

##### A. The Design Is Compatible with the Adjacent Shopping Center.

Architectural compatibility is not achieved by mere adherence to the predominating style. The key ingredients of architectural compatibility, rather, are that each style has

architectural merit in its own right, and that their combination accentuate those respective merits.

The following addresses, first, the design's quality and merit and, second, the visual and physical relationship between the Site and its surroundings.

1. The Design Has Architectural Merit In Its Own Right.

BP engaged the internationally recognized design firm of Bass/Yager & Associates of Los Angeles, California to develop its service station design. Attached as Exhibit E is a brief discussion prepared by Bass/Yager concerning the design's origins and objectives.

Bass/Yager points out that the progressive BP design is intended, above all, to respond to and rectify many of the design inadequacies that have branded gas station architecture up to the present:

A wide variety of architectural styles have appeared throughout the history of service station design. Typically these styles camouflage facilities with industrial roots into looking like residential architecture through the use of elements like pitched and mansard roofs, brick, wood, etc. Unfortunately most of these stations are hybrids which turn out to be eyesores rather than contextually responsive buildings. This problem is compounded by the fact that service stations are generally not well maintained, and conjure up the image of the "dirty old garage." In addition, the clutter of signage and other graphic elements which are littered about the station, not following any coherent system, only makes matters worse.

Bass/Yager & Associates, Exhibit E, paragraph 1.

In a similar vein, Daniel Vieyra in Architectural History of America's Gas Stations has stated that "[t]he gas station . . .



is undoubtedly the most widespread type of commercial building in America, and yet it is the most ignored." In contrast, BP's design was developed "to express the service station as a high quality facility and not as a second rate piece of architecture." Exhibit E paragraph 2.

Bass/Yager's design rests on three primary features -- the canopy, the monocolumn supports and the kiosk. The sharp angles of the design are consciously softened, so that when combined with the proposed landscaping, it produces an "environmentally compatible" design. Exhibit E, page 3.

The design also results in a number of functional benefits over older service station designs. Attached as Exhibit F are BP's own design comments discussing the many functional improvements produced by the new design.

The service station design is patented. See Exhibit H. BP has applied for a trademark for the design. Once the trademark is obtained any significant modifications to the design could seriously dilute the value of that trademark.

2. The Shopping Center and Service Station Site Are Visually and Spatially Distinct.

The second ingredient of architectural compatibility is that the visual and physical context accentuate, not only the merits of the service station but also those of the Shopping Center and surrounding Campus Commons PUD. Obviously, even the highest quality design may not be right for all locations. In the present case, however, there are a number of reasons why this location is right for BP's design.

First, the Site is consciously and physically set apart from the Shopping Center. The service station was built on the site before the Shopping Center was developed. The Shopping Center made no attempt to embrace the service station or to "blend" it into its scheme. Instead, it turned its back on the site, leaving a distinct space, poised toward the intersection. The aerial photographs of the Site demonstrate how the Site was physically "carved out" of the Shopping Center parcel. See aerial photographs Exhibit B and Exhibit D.

Further, the aerial photos also demonstrate how, by the placement of the walled-in dumpster sites, the Shopping Center has continued to turn its back on the Site. This separation is emphasized by the ten-foot high wall separating the Site and the additional screening of the mature trees along the wall. The significance of this is that, while the Site is in proximity with the Shopping Center, it is clearly a distinct space upon which it is appropriate to place a distinct design.

Second, the new design, through the use of one canopy and the uncluttered effect of the monocolumns, has the effect of opening up the site. Such openness tends to emphasize the separateness of the spaces. See Exhibit D. From the north, off Fair Oaks Boulevard, a passerby sees through the Site to the trees along the wall at the rear of the Site. See Rendering, Exhibit C. From the west along Howe Avenue, the berms and trees called for in the landscape plan will be the visual focal point of the site.

Dean F. Unger, the principal architect for the Shopping Center, has found BP's design to be appropriate for the site. Attached as Exhibit G is a letter expressing Mr. Unger's opinion

regarding BP's design and compatibility with the Shopping Center. Mr. Unger stresses that, in designing the Shopping Center, "we made a determined effort to separate the two parcels from a visual and functional standpoint." Due to the placement of the masonry wall, the dumpster sites and the landscape screening, the visual relationship between the parcels is such that Mr. Unger sees "no reason to make the new service station look like the existing Shopping Center." Exhibit G.

3. The Proposed Landscaping Will Blend The Design Into The Campus Commons PUD.

In the Campus Commons PUD, landscaping may be the most prominent "design" feature. As mentioned above, BP's development of the service station site includes much new landscaping, including some ten specimen size Sycamore trees. See Exhibit D. In contrast to the manner in which the new landscaping will serve to screen the site from the Shopping Center, it will also blend the site into the broader Campus Commons community -- where landscaping figures prominently.

B. Design Will Not Reduce the Intersection's "Identity" as an Entryway to the City

One of the points raised in the staff report to the Board was that, because the design will be repeated in other locations, the "identity" of the intersection as an entryway into the City would be adversely affected. See Staff Report, Exhibit I. This conclusion merits reconsideration for two reasons.

1. The "Entry-Way" Consists of the Southwest and Northwest Corners of the Intersection.

If the intersection is perceived at all as an entryway to the City, it would only be the southwest and northwest corners. One leaves the unincorporated area of Sacramento and enters the incorporated area when travelling west on Fair Oaks Boulevard.

2. The Use of BP's Design Would Do Less Harm to the Intersection's Identity Than Would an Earth-Tone Stucco Gas Station.

There is no reason why the use of a corporate design should reduce the identity of a particular location. A quality design, even if repeated in other locations, enhances the identity and personality of a location. Proof of this can be found in a simple comparison of the brown stucco station already on the site. Can it be said that such a structure, like so many other gas stations, emphasizes the intersection's identity as an entryway?

#### IV.

#### CONCLUSION

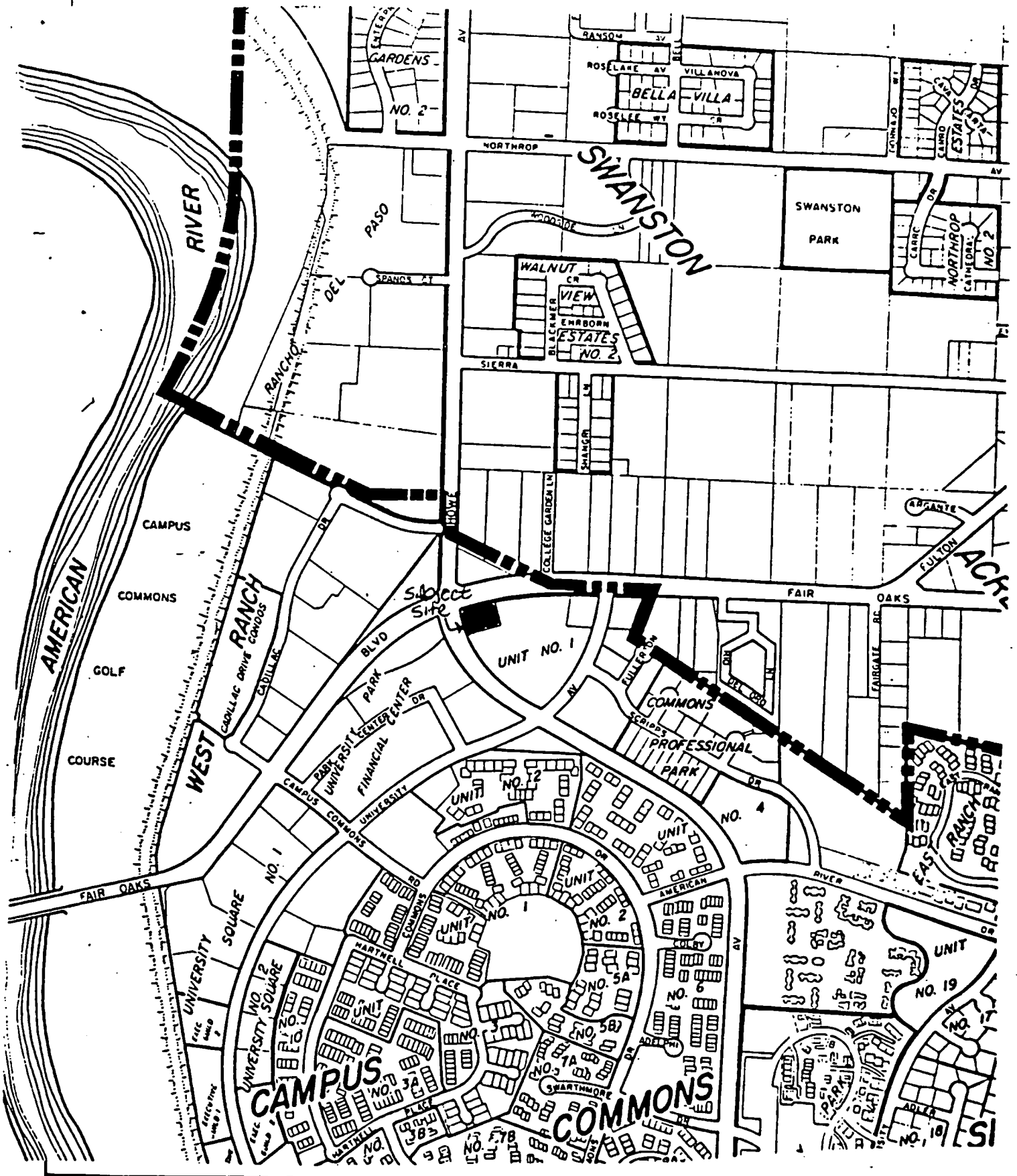
BP has proposed a high quality, clean and progressive design for its service station on the southeast corner of Fair Oaks Boulevard and Howe Avenue. The design, the product of a costly development process, is intended to express the service station as a high quality facility and not merely as a second rate piece of residential architecture. The design is patented with the trademark pending.

Further the physical and visual relationship shared by the service station site and the University Village Shopping Center permits the distinctive design to exist harmoniously with its surroundings. The parcels occupy distinct spaces, separated by

dumpster sites, a high wall and a line of mature trees. In such a physical and visual context, the designs are compatible.

Finally, the fact that the design may be repeated in other locations does not support the conclusion that the intersection's "identity" will diminish. A quality design, even though repeated, should enhance, rather than damage, the personality of the intersection.

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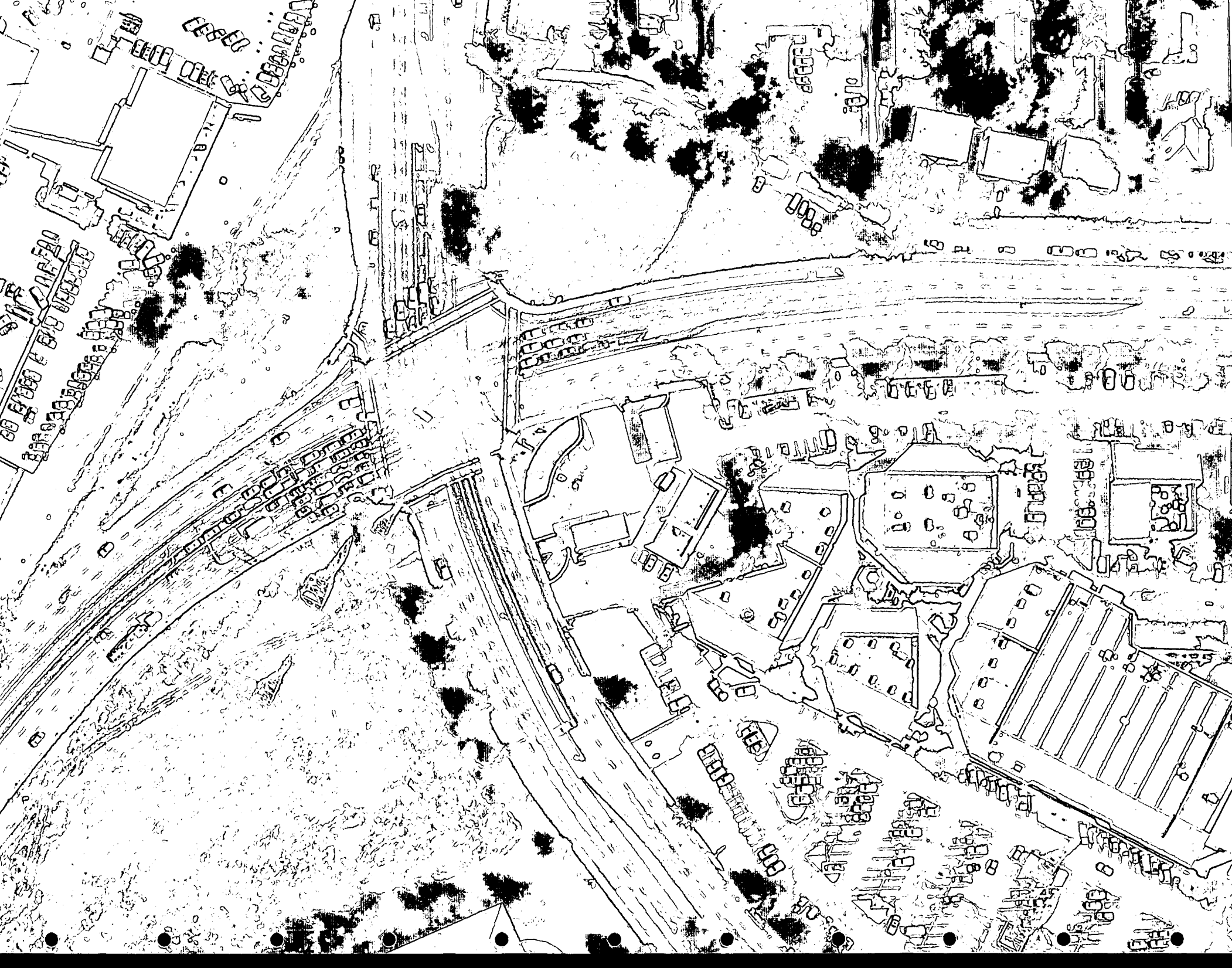
VICINITY MAP

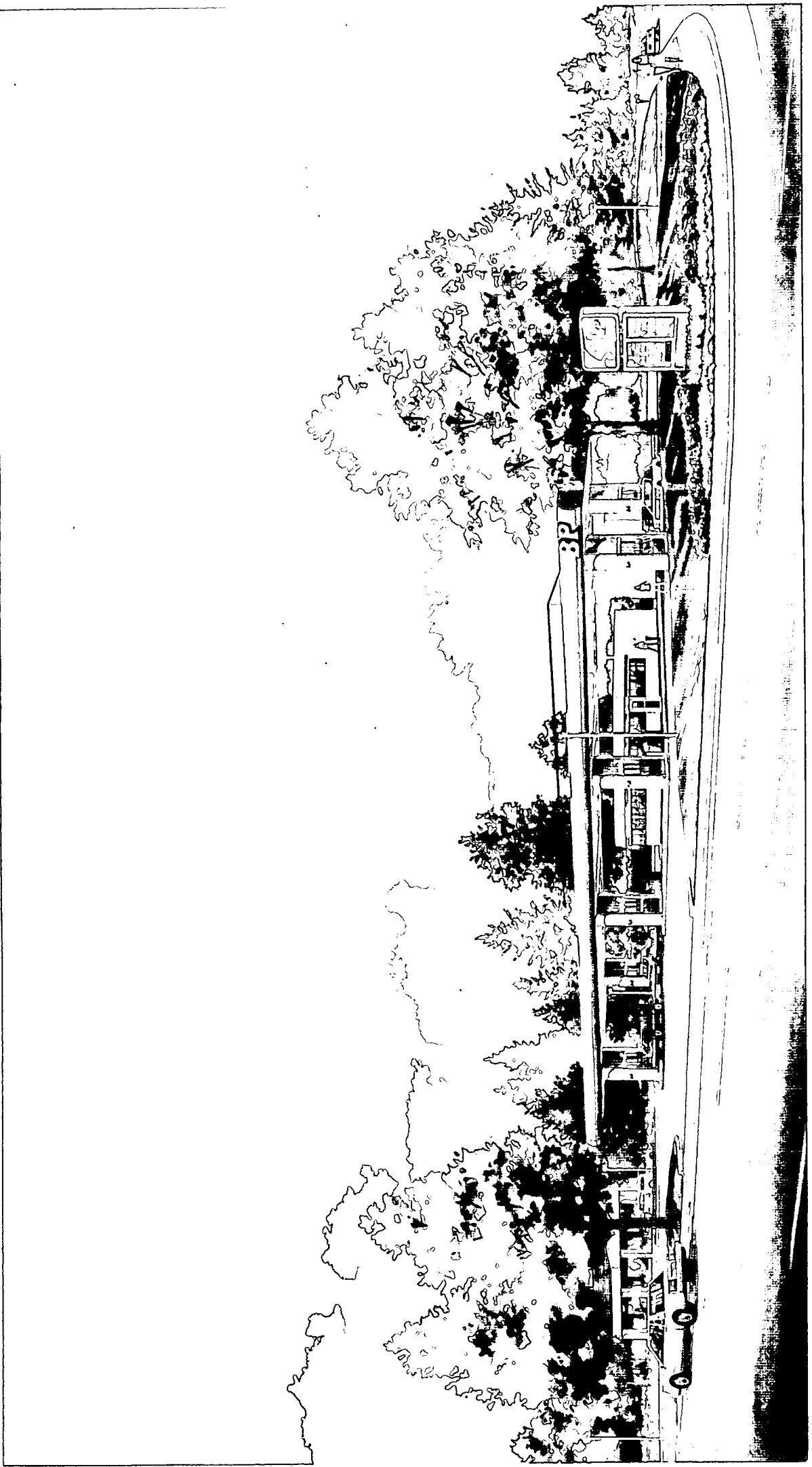
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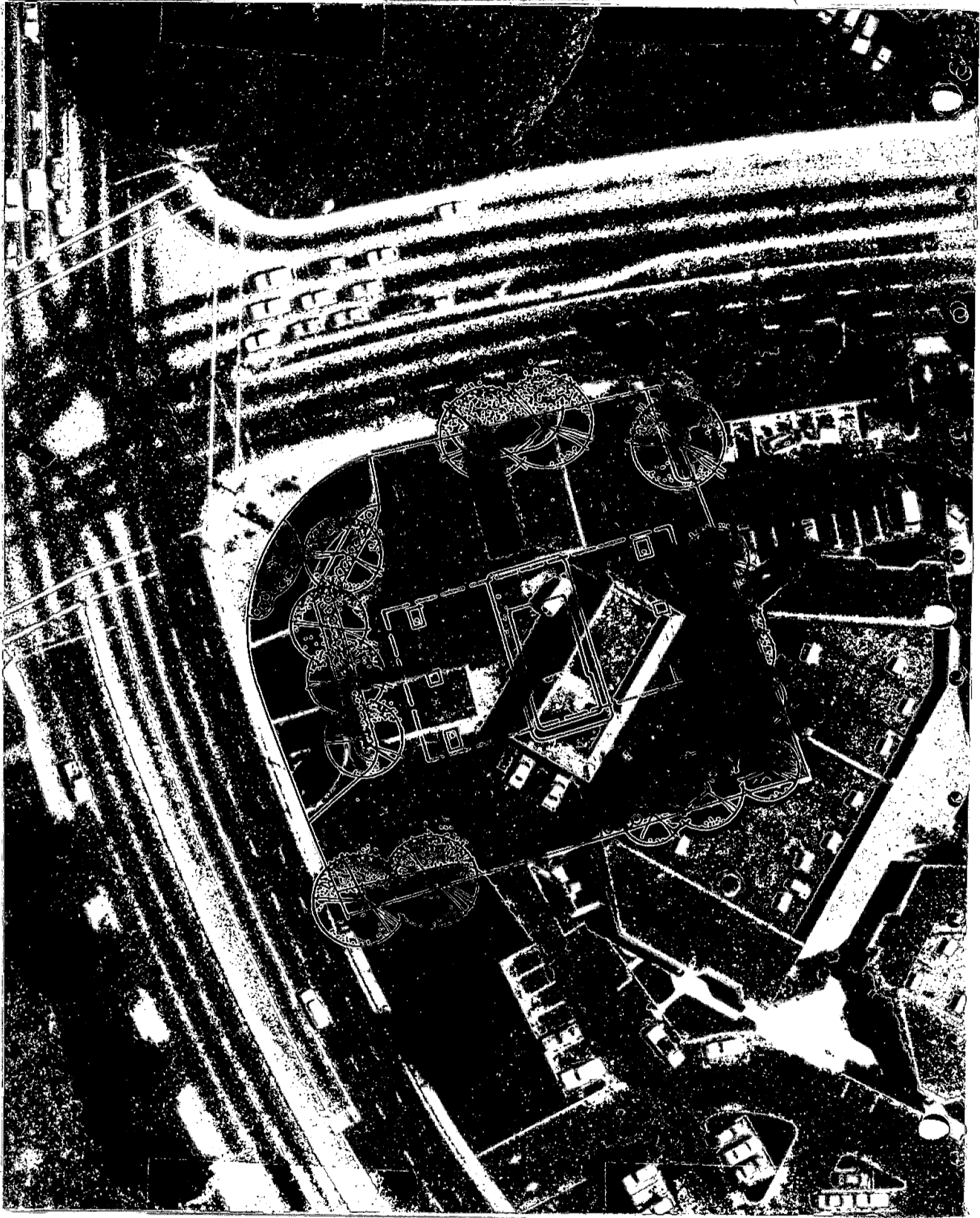
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HEM 20









## THE ORIGIN OF THE BP SERVICE STATION DESIGN

A wide variety of architectural styles have appeared throughout the history of service station design. Typically these styles camouflage facilities with industrial roots into looking like residential architecture through the use of elements like pitched and mansard roofs, brick, wood, etc. Unfortunately most of these stations are hybrids which turn out to be eyesores rather than contextually responsive buildings. This problem is compounded by the fact that service stations are generally not well-maintained, and conjure up the image of the "dirty old garage". In addition, the clutter of signage and other graphic elements which are littered about the station, not following any coherent system, only makes matters worse.

In 1983, BP Oil embarked on a design program to solve these traditional problems. BP retained the internationally recognized design firm Bass/Yager and Associates of Los Angeles to develop the program. The intent was to express the service station as a high quality facility and not as a second rate piece of residential architecture. This was done by developing an architectural and graphic system so the design integrity could be sustained for the lifespan of the station. Although BP had a number of different styles of service stations, the gas-only station with a large canopy and sales kiosk was the station they wished to stress.

There are three major visual elements that comprise the new BP station design: the canopy, the primary street sign (or major identification sign), and the kiosk (or store). The canopy is comprised of two visual elements, the canopy fascia and the "monocolumn", the support for the canopy. The canopy fascia is a distinctive half-round shape called a "bullnose", a term common in the furniture trade used to describe a half-round table edge. Because of this half-round shape, the bullnose canopy fascia softens what would otherwise be a hard edge. This coupled with its green color provides a more environmentally conscious design, one that tends to blend with the landscape. The half-round concept became a central theme for the design of the service station.

The "monocolumn" consists of the multi-product dispensers (or pumps), the column supports and brand identification sign all integrated into one cohesive element. This creates a more streamlined appearance by eliminating the visual clutter of disparate elements and thus opens up sightlines to drivers to enable them to see which dispensers are available for use. This attenuates on-site traffic congestion and allows for more efficient use of the station while providing a cleaner architectural look. The monocolumns are contained by half-round vertical cladding which relates to the canopy bullnose fascia. Mandatory informational signage (No Smoking, Stop Engine, etc.) and brand identification are incorporated into the monocolumns, creating a more concise information system for customers.

The major identification sign, or street sign, uses the half-round theme in its column supports, thus relating it to the rest of the station design. Brand identification, service information and product pricing sign panels are displayed in a hierarchal fashion to make

them more comprehensible to motorists. This also helps the motorist make a rapid turn-in decision since potential confusion about services offered and product price is eliminated.

The kiosk, or store, is the third major visual element of the station. It also incorporates the half-round theme by means of rounded corners. This not only creates a cleaner, more streamlined appearance, but also makes customer circulation and people processing optimal. The rounded corner front with ample glass area allows for a full length cashier counter and enables the attendant to have a view of all the fuelling positions.

The selection of materials became a very important part of the design process. After much research, the designers concluded that an aluminum composite material would provide the best answer. This aluminum composite material retains its dimensional stability over long surfaces (eliminates "oil canning"), is easily maintained and has a long lifespan. The panels are pre-finished and therefore eliminate on-site painting which emits harmful vapors into the atmosphere. Because these panels have such a long lifespan, maintenance painting becomes unnecessary, and the panels look as good after five years as they do at the time of installation. The aluminum composite material is used extensively on all major visual elements of the station.

BP Oil has numerous other types of stations in addition to the standard gas-only facilities, these encompass a wide variety of styles and layouts. The designers developed a reimage package containing additional elements that could be used to help to visually link these station styles to the design standard developed for the gas-only facility. These elements

include a green building fascia sign panel which helps identify the customer paypoint area, and aluminum composite panel cladding with quarter-round panels which are reflective of the bullnose canopy fascia, monocolumns and kiosk.

The resulting BP architectural design system provides a high quality, environmentally responsive station design that can be easily maintained as a first class facility over an extended period of time. It has been shown that the operators of these stations take pride in the new design and are thus motivated to keep them in first class condition. The new BP station is designed to be a good neighbor in any community where the appearance and maintenance of commercial buildings are a concern.

Bass/Yager & Associates  
Los Angeles, California  
May 23, 1990



**BP OIL**

BP Oil Company  
200 Public Square  
Cleveland, Ohio 44114-2375  
(216) 586-4141

Traditionally, retail service station facilities have been quite functional in nature, but industrial in design. BP America has made a conscious effort to break this long standing tradition by taking a fresh view of their gasoline outlet as a retailing facility. This meant analyzing all functions of a service station outlet and re-designing it as an integral retail presentation that would be far more appealing or "customer friendly", whose design and structure would be based on the latest engineering and materials to ensure prolonged durability in structure and appearance, and with the highest architectural principles so the facility would be able to comfortably co-exist with other quality architecture even of a different design. A key objective was to have a design that was distinctive, tasteful and compatible that would be placed on a site with complimentary lighting and landscaping to further enhance the total retail presentation.

The BP facility has been developed by the world class design firm of Bass/Yager & Associates of Los Angeles, California and BP. The design and development effort took over three years and cost \$5MM. The result was a distinctive softer shaped, fully integral retail design that our research verifies is very attractive to consumers and much more inviting and "friendly".

Addressing the point that most service station designs have typically been "industrial" in nature, consider the following:

- o Canopy structures and buildings are typically rectangular in design--everything is very angular.
- o Structural canopy columns are often simply painted.
- o Under canopy lighting is typically achieved by simply bolting high intensity lighting to the surface of the canopy decking.
- o Pumping equipment is distributed under the canopy and placed on concrete platforms.
- o Type-of-service signage and instructional, informational and mandatory signage is often fabricated and bolted on to the steel columns or equipment.
- o Windshield cleaning supplies are typically provided in standard dispensers that are strapped or bolted to columns.
- o Individual waste containers are generally placed around the fueling areas.
- o Separate price signs and other consumer messages have been developed and bolted onto existing identification signs which are generally supported by painted steel poles.

Enclosed is a photograph of a Standard Oil station which clearly illustrates the items listed above.

The new BP gasoline outlet has been developed as a totally integral retailing facility. As you view the photograph of the new architecture you will note the following:

- o The canopy building and other key architecture elements are softly rounded providing a less aggressive appearance.
- o The structural canopy columns are incorporated into the rounded "monocolumns" of durable rust-free aluminum composite material. Further, the fuel dispenser, mandatory warning signage and the type-of-service offering is designed into the monocolumn. The monocolumn then becomes an integral part of this retail structure.
- o The under canopy lighting is recessed into the decking to retain a flat, smooth appearance. The recessed lighting provides a safe, well lit forecourt without the glare generally experienced with traditional bolt-on fixtures.
- o A custom designed amenity unit has been developed to house the paper towels, windshield squeegees, waste containers and merchandise displays which specifically relate to the total facility design.
- o The main identification sign has been designed to be a totally complete structure as opposed to painted steel, poles, with sign canisters. The MID poles are fully shrouded in ACM material with caps to finish the top and bottom of the structure housing the various customer information messages being displayed.
- o Even the brand identification letters installed on the canopy are individual canisters that are back lit, and the green neon lighting tube is tastefully recessed into the canopy fascia curvature. It does not visually disrupt the flow of the curvature but signals the fueling area of the facility. The neon is only used on two leading edges of the canopy over the fueling area.
- o The entire package is then placed on a site and comprehensively landscaped to finish a quality retail presentation.

To begin altering elements of this retail presentation is to surely depreciate the value of the architecture that has been so carefully developed by extremely competent designers and architects at substantial costs. Good architectural will comfortably co-exist with other good architecture even if they are of different design. To adulterate good architecture by altering elements to "average" it with other nearby architecture will result in the depreciation of all quality architectural statements, and should be staunchly avoided if it is the goal of the community to ensure high quality architectural developments.

DEAN F. UNGER, AIA, INC.  
ARCHITECTURE AND ENVIRONMENTAL PLANNING

June 6, 1990

SACRAMENTO CITY COUNCIL  
915 I Street, #205  
Sacramento, CA 95814

Re: Proposed BP Oil Co. Service Station at Fair Oaks and Howe Avenue

Dear Mayor Anne Rudin and Council Members:

I have been asked to comment on the design of the proposed BP service station at Fair Oaks and Howe Avenue both in respect to the station itself and its relationship to the University Village Shopping Center.

As you may know, I was the principal architect for the University Village Shopping Center and I have reviewed the plans and rendering for the service station. Further, I have studied the BP design criteria and reviewed the design rationale from the Los Angeles firm of Bass/Yager & Associates. I believe, therefore, that my comments have particular value in this matter.

In my opinion, the proposed BP service station design is quite appropriate. It fulfills the classic design criteria that form should follow function. Indeed, it will provide a marked improvements over the present structure which, like others of its kind, depends on such architectural gimcracks as a pseudo-mansard roof on the station canopy. Accordingly, the new station, unlike the old, will, in my opinion, stand the test of time.

As to the relationship between the new station and the Shopping Center, it is important to note that the existing service station pre-dates the construction of University Village. Accordingly, when we set about the design of the Shopping Center, we made a determined effort to separate the two parcels from a visual and functional standpoint. To that end, we provided the high masonry wall that separates the service station from the Shopping Center. Further, we deliberately located the trash enclosures on the boundary lines between the two parcels. These physical barriers, together with the more subtle screening created by the landscaping on both parcels, accomplished our desire of separating the two parcels.




Mayor & City Council  
June 6, 1990  
Page 2

Having done that, I see no reason to make the new service station look like the existing Shopping Center. In my opinion, use of a shake or mansard roof is in no way appropriate to the function of a modern day service station and stucco or other porous surface material does not lend itself to effective station maintenance and quickly becomes grimy and unattractive.

In short, I believe the new station design will enhance rather than detract from its neighborhood and I recommend its approval.

Very truly yours,

  
Dean F. Unger, F.A.I.A.  
Architect C-2180

DFU/mls

cc: file

[54] SERVICE STATION

[75] Inventor: Saul Bass, Los Angeles, Calif.

[73] Assignee: The Standard Oil Company, Cleveland, Ohio

[\*\*] Term: 14 Years

[21] Appl. No.: 901,244

[22] Filed: Aug. 27, 1986

[52] U.S. Cl. D25/56; D15/9.2

[58] Field of Search D15/9.1-9.3;

D25/1, 4, 56; 52/27, 633, 648; 222/24-28, 144.5, 129, 173, 250-251, 566, 575, 631; 235/1 R, 61 A, 94 R, 94 A; 137/234.6

[56] References Cited

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- D. 296,133 6/1988 Baffo D15/9.2 X
- D. 298,538 11/1988 Baffo et al. D15/9.2

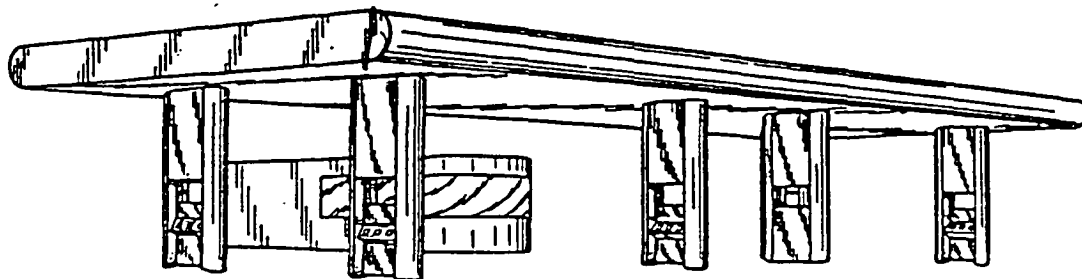
Primary Examiner—Wallace R. Burke  
 Assistant Examiner—Brian N. Vinson  
 Attorney, Agent, or Firm—David J. Untener, Larry W. Evans

[57] CLAIM

The ornamental design for a service station, as shown and described.

DESCRIPTION

FIG. 1 is a perspective view of a service station showing my new design;  
 FIG. 2 is a rear elevational view thereof;  
 FIG. 3 is a front elevational view thereof;  
 FIG. 4 is a side elevational view thereof, the opposite side being a mirror image of that shown;  
 FIG. 5 is a top plan view thereof;  
 FIG. 6 is a bottom plan view thereof;  
 FIG. 7 is an enlarged perspective view thereof, showing a pump housing element;  
 FIG. 8 is an enlarged front elevational view thereof, showing a pump housing element;  
 FIG. 9 is an enlarged side elevational view thereof, showing a pump housing element, the opposite side being a mirror image of that shown;  
 FIG. 10 is an enlarged horizontal cross-sectional taken along line 10—10 of FIG. 8;  
 FIG. 11 is an enlarged rear elevational view thereof, showing a pump housing element;  
 FIG. 12 is an enlarged horizontal cross-sectional view thereof, showing a pump housing element, taken along line 12—12 of FIG. 11;  
 FIG. 13 is an enlarged perspective view thereof, showing the building element;  
 FIG. 14 is an enlarged side elevational view thereof, showing the building element;  
 FIG. 15 is a front elevational view thereof, showing the building element; and  
 FIG. 16 is an enlarged rear elevational view thereof, showing the building element.  
 Portions of the service station are omitted from FIGS. 7-16 for clarity of illustration.



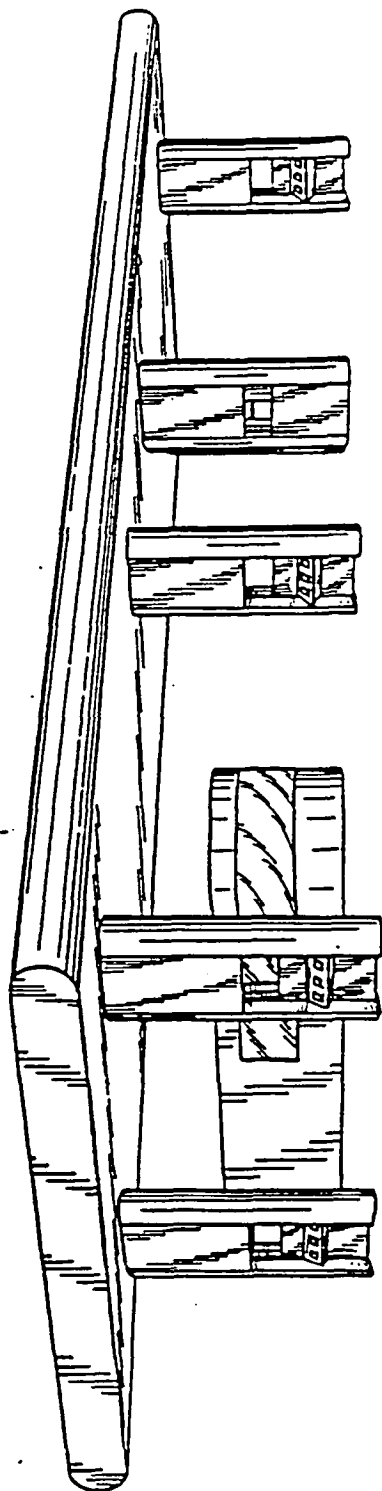


FIG. 1

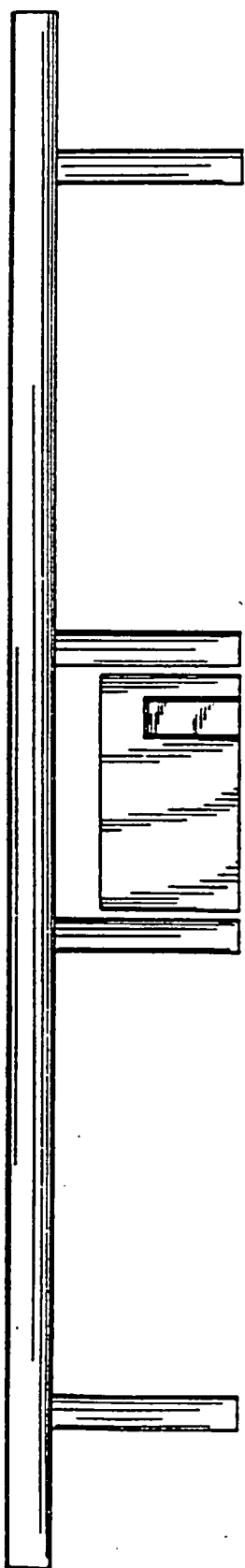


FIG. 2

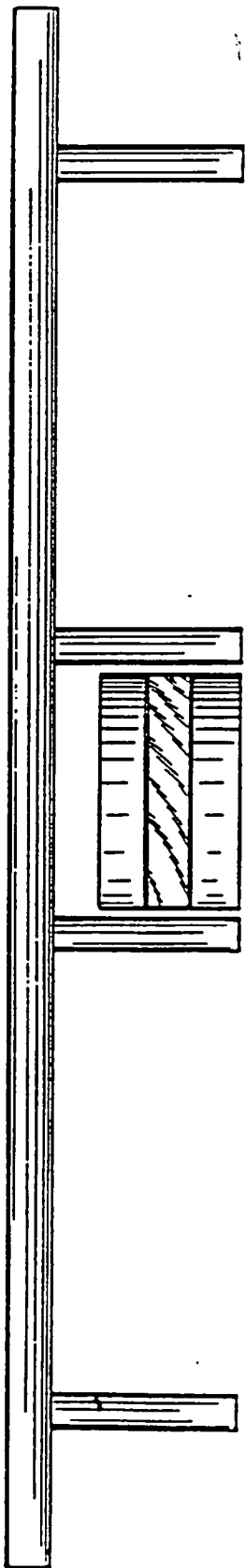


FIG. 3

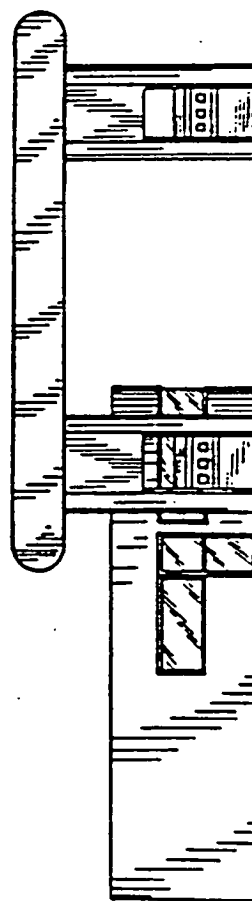


FIG. 4

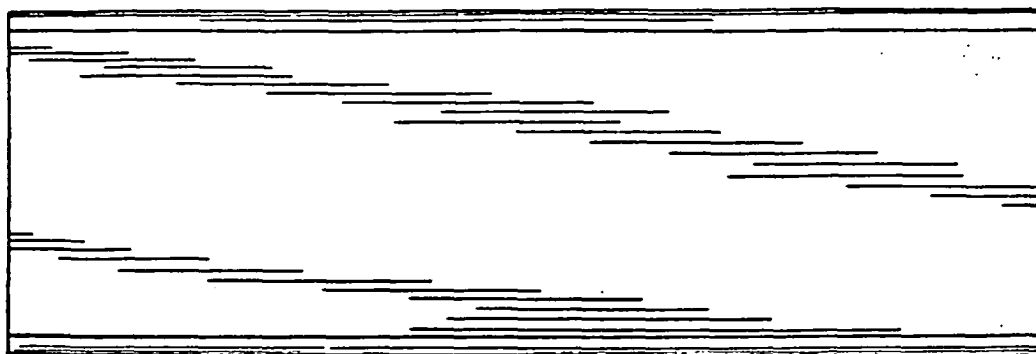
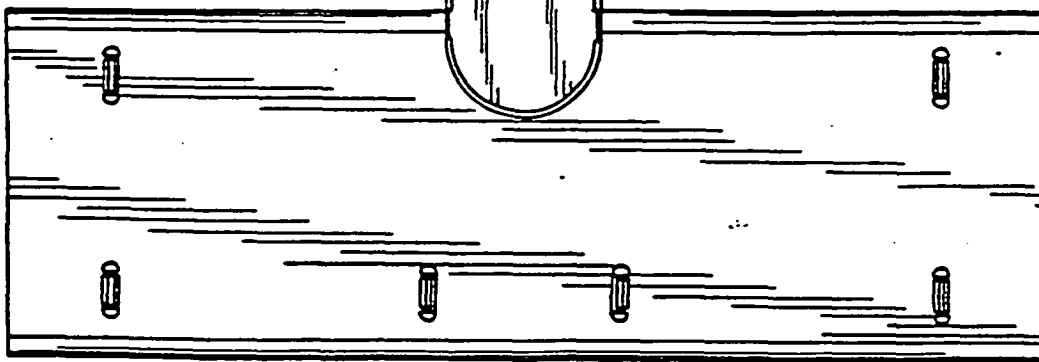


FIG. 5



FIG. 6



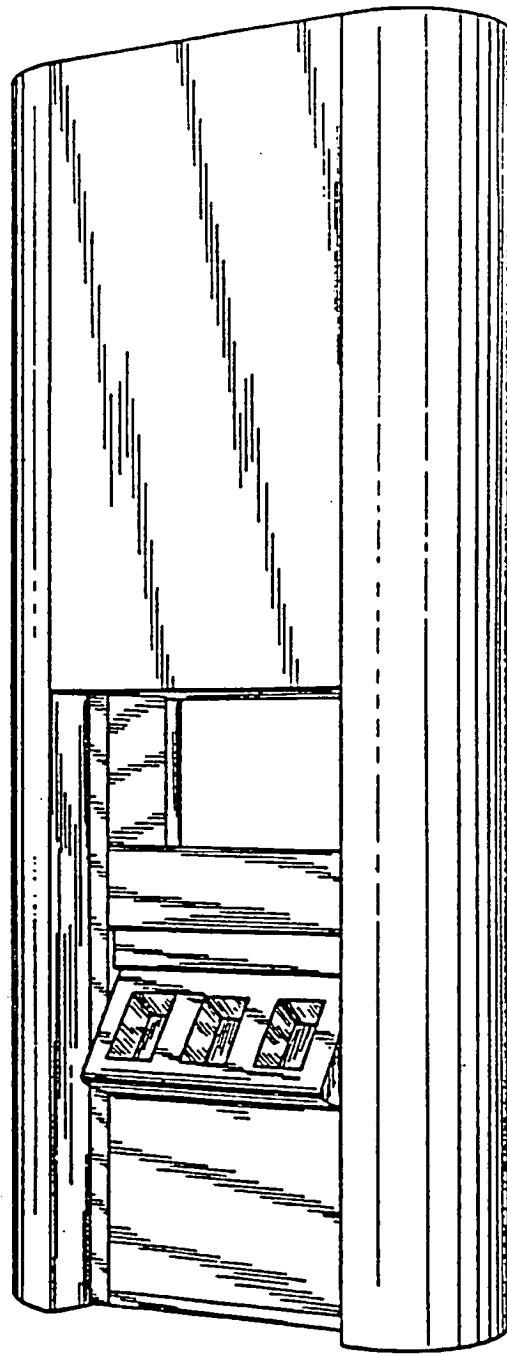
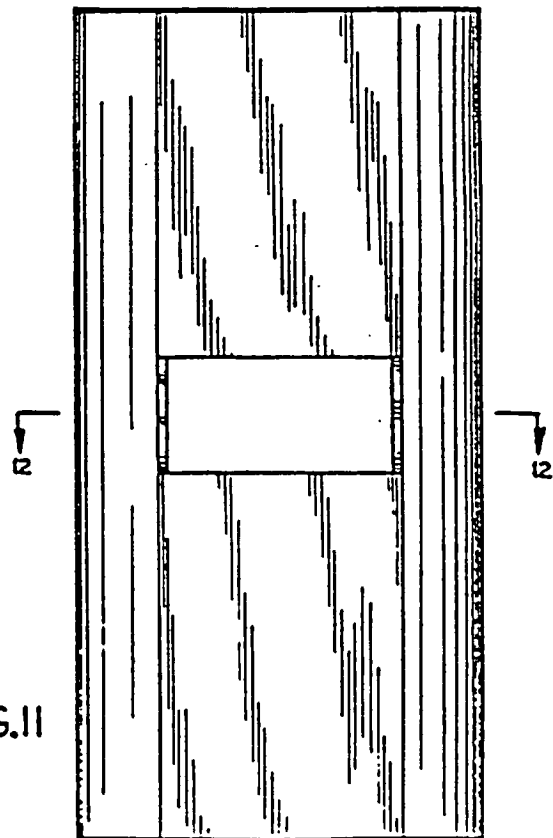
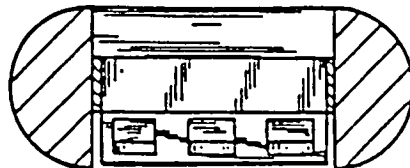
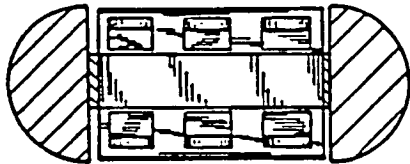
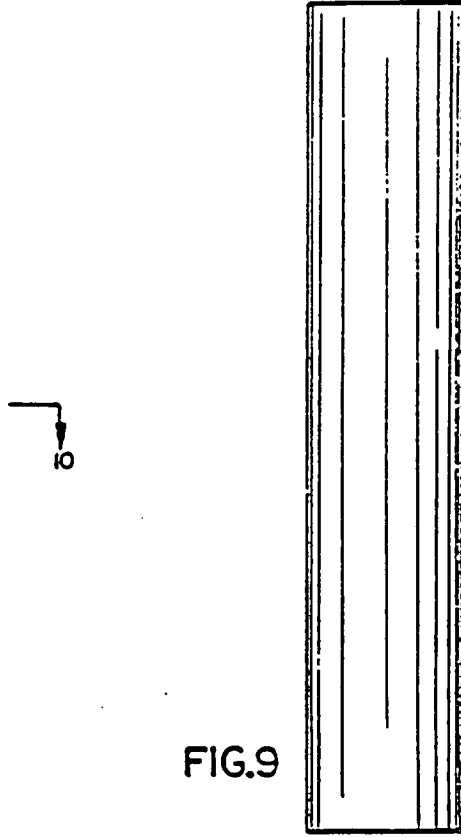
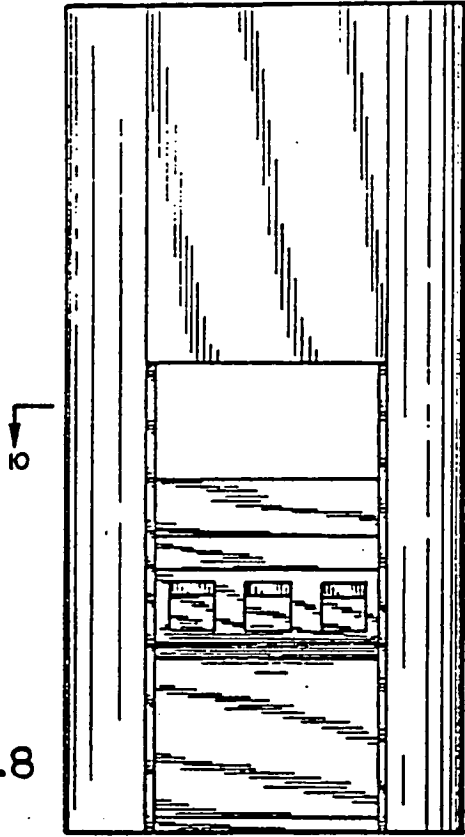


FIG.7



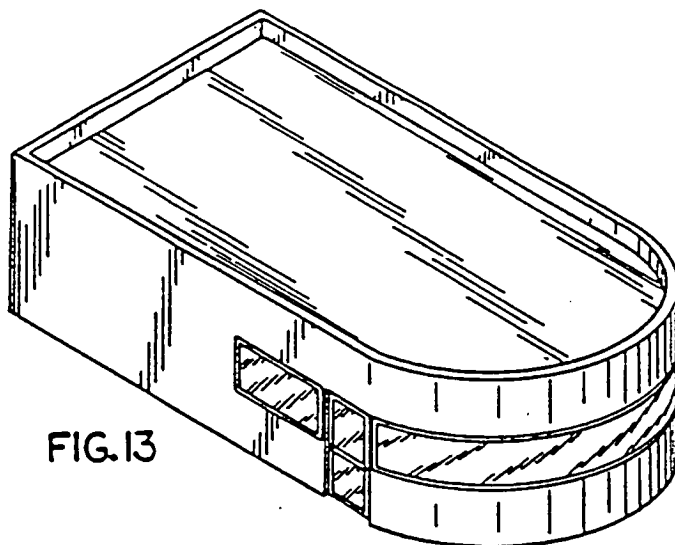


FIG. 13

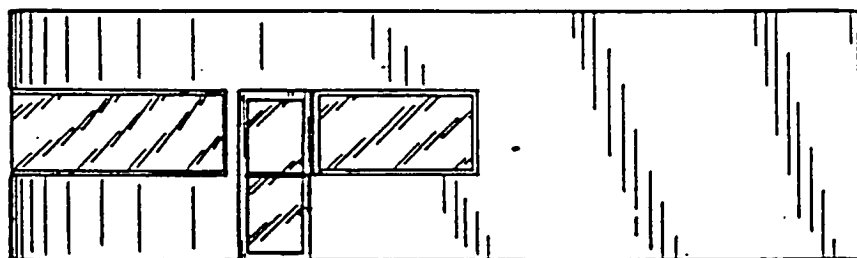


FIG. 14

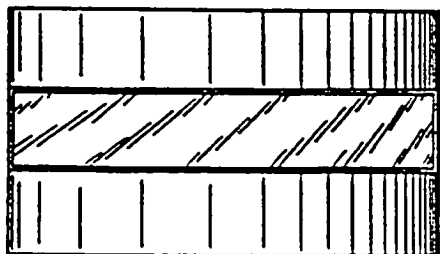


FIG. 15

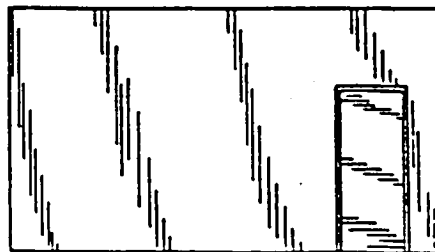


FIG. 16





OFFICE OF THE  
CITY CLERK

OPERATION SERVICES

CITY OF SACRAMENTO  
CALIFORNIA

CITY HALL  
ROOM 304  
915 I STREET  
SACRAMENTO, CA  
95814-2671

916-449-5426

June 15, 1990

Brian Duffy/BP Oil Company  
2868 Prospect Park Drive, Suite 360  
Rancho Cordova, CA 95670-6020

On June 12, 1990, the City Council heard your appeal from the City Planning Commission action regarding denial of an appeal of the Design Review Board's conditions of approval of a BP Oil Company gas station at 482 Howe Avenue.

The Council adopted by motion its intent to grant your appeal contingent on Findings of Fact due June 26, 1990.

Sincerely,

**ORIGINAL SIGNED BY  
VALERIE BURROWES**

Valerie A. Burrowes  
City Clerk

cdc/4.6

cc: Planning Division  
BP Oil Company, 200 Public Square, Floor 181, Cleveland, OH 44114-2375