

Attachment 8  
Staff CUP Analysis

Request for Conditional Use Permit  
Gas Station at Mercado at Canada Hills  
OV812-001

**Conditional Use Permit and Amended Site Plan: Gas Station**

**CUP Analysis**

1. That the granting of such conditional use permit will not be materially detrimental to the public health, safety, or welfare. In arriving at this determination, the factors which shall be considered shall include the following:
  - a. Damage or nuisance arising from noise, smoke, odor, dust, vibration, or illumination;
    - The gas station use will not generate additional dust or vibration.
    - There could be noise, smoke, odor, and illumination arising from the gas station use.
      - Odor: applicant notes it is eliminated through use of Stage I and II Vapor Recovery techniques.
      - Noise and smoke from vehicles would not be of sufficient magnitude to meet standard of “materially detrimental.”
      - Illumination may be addressed so that it does not pose any impact to neighboring properties
  - b. Hazard to persons and property from possible explosion, contamination, fire, or flood;
    - The gas station use does not impose additional impacts related to contamination or flood.
    - Potential impacts from explosion or fire are addressed through fire and building safety requirements. These impacts are not greater than the same use in other sites.
  - c. Hazard occasioned by unusual volume or character of traffic;
    - Defer to engineering on this comment.
2. That the characteristics of the proposed use in such use permit are reasonably compatible with the types of use permitted in the surrounding area.
  - There is a gas station in the adjacent plaza, so the proposed use meets this standard.
  - Other adjacent uses: Residents to the west, restaurant and commercial to north, east, and south.

**Materially:** having real importance or great consequences. (Merriam-Webster dictionary)

**Nuisance:** harm, injury. One that is annoying, unpleasant, or obnoxious.