

# City to appeal decision on Crocker Village gas station

January 10, 2018

By [Ben van der Meer](#) – Staff Writer, Sacramento Business Journal  
Jan 10, 2018, 10:54am PST **Updated** Jan 10, 2018, 6:50pm

The city of Sacramento will appeal a Sacramento County Superior Court decision ordering a new conditional-use permit hearing for a gas station in the Crocker Village development.

During Tuesday night's closed session portion of the Sacramento City Council meeting, the council voted 6-0 to appeal the Jan. 3 [decision by Judge Michael P. Kenny](#). Council members [Angelique Ashby](#), [Eric Guerra](#) and [Jay Schenirer](#) were absent for that vote, and other council members did not discuss reasons for the decision to appeal after it was announced.

No one was immediately available from the city attorney's office to comment on why the city is seeking an appeal rather than having another conditional-use permit hearing.

Pending resolution of the litigation, development of a shopping center at the southern end of Crocker Village has remained on hold.

Crocker Village developer [Paul Petrovich](#) said in an emailed statement that the city's move to appeal was fiscally irresponsible and a waste of time.

"The judge's order was very clear that the city was to simply give me a fair hearing within 60 days and recuse Councilman Schenirer because he illegally fixed the outcome of the council's vote on the fueling station permit," Petrovich said in the email.

He said the city has already spent \$600,000 on legal costs in the case, and Schenirer's actions in concert with some Curtis Park residents cost the city \$7.4 million in tax revenues, hurt Crocker Village residents and denied residents in the nearby Oak Park neighborhood the chance to work at an affiliated [Safeway](#) grocery store in Crocker Village that would have opened along with the gas station.

In November 2015, [the council voted 7-2](#) to deny a permit for the station, after the city planning commission recommended issuing one. Petrovich subsequently sued, and the judge found Schenirer acted improperly before the permit hearing and should have recused himself.