



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: November 20, 2013 REPORT NO. HO 13-093
(Continued from October 23, 2013)

ATTENTION: Hearing Officer

SUBJECT: LA MEDIA CHEVRON
PROJECT NUMBER: 302601

REFERENCE: Conditional Use Permit No. 89263/Site Development Permit No. 128472
(Project No. 32284)

LOCATION: 1599 La Media Road

APPLICANT: Bob Faudoa, Gary Engineering, Inc.
OWNER: Octane Resources, LLC (Bo Thiara, President)

SUMMARY

Issue: Should the Hearing Officer approve an expansion of an existing service station on a site located at 1599 La Media Road in the Otay Mesa Community Plan?

Staff Recommendation: APPROVE Conditional Use Permit No. 1193967/Site Development Permit No. 1193968 (Amendment to Conditional Use Permit No. 89263/Site Development Permit No. 128472 – Project No. 32284).

Community Planning Group Recommendation: Rob Hixson, Chair of the Otay Mesa Planning Group, has confirmed that the Otay Mesa Planning Group voted 12-0 to recommend approval of the expansion of the service station on February 20, 2013, and has confirmed the April 17, 2013, recommendation supporting the placement of a 50'-0" high, freeway-oriented ground sign.

Environmental Review: A Mitigated Negative Declaration (MND No. 32284) was prepared and certified for the original project on February 7, 2007. This current project was reviewed by the Environmental Analysis Section and it was determined that: (1) there are no new significant environmental impacts not considered in the previous MND; (2) no substantial changes have occurred with respect to the circumstances under which the project is undertaken; and (3) there is no new information of substantial importance to the project. Therefore, in accordance with Section 15164 of the State CEQA Guidelines, an Addendum has been prepared.

BACKGROUND

The 3.15-acre site is located at 1599 La Media Road in the Industrial Subdistrict of the Otay Mesa Development District and the Airport Environs Overlay Zone, within the Otay Mesa Community Plan. The property consists of two parcels designated industrial within the community plan (Attachment 2). The surrounding area is developed with industrial developments to the north and east, vacant land and a multi-use service station to the south, fire station and Brown Field to the west. The site is improved with an existing service station having a canopy with fueling islands, convenience store and car wash.

This project is an amendment to Conditional Use Permit No. 89263/Site Development Permit No. 128472 – Project No. 32284, approved February 7, 2007 (Attachment 9). Hearing Officer Report No. HO-07-029 for the original Project No. 32284 contains the discussion regarding the original project(Attachment 10).

The original project (Project No. 32284) approved a Conditional Use Permit/Site Development Permit for new service station with mini-mart/fast food restaurant, including alcohol sales, and car wash on the vacant site located at 1599 La Media Road. The project was later modified under Substantial Conformance Review (SCR) Nos. 130366 and 153128.

The original project approval included most of the improvements associated with this current amendment. After that original project's approval, the applicant modified the scope to delete the truck diesel fuel pumps and canopy via the Substantial Conformance Review process. Project No. 130366, approved June 26, 2007, was the SCR that deleted the diesel fuel pumps and canopy. Project No. 153128, approved April 21, 2008, was an SCR that removed a deceleration lane at north-bound La Media Road. This current amendment (Project No. 302601) would re-establish the original truck fuel islands/canopy with underground storage tanks of the original project, adding two more truck fuel islands under a lengthened canopy, a truck scale, and a 50'-0" high freeway-oriented ground sign.

The site is 3.15 acres in size. The original project (Project No. 32284) specified 3.15 acres on the approved Exhibit A drawings; the subsequent SCRs also specified 3.15 acres. However, for some reason, the recorded permit (Conditional Use Permit No. 89263/Site Development Permit No. 128472 – Project No. 32284) and the certified Mitigated Negative Declaration No. 32284 both specified the lot size as 3.40 acres. The engineering consultant for the current project (Gary Engineering, Inc.) was also the consultant for the original project. They have confirmed the correct size has always been 3.15 acres. City staff has confirmed that this adjustment from 3.40 to 3.15 acres does not affect any determinations made on this project, including the environmental determination and review.

The current owner, Octane Resources, LLC, obtained title to the property on November 1, 2012.

An amendment to the Conditional Use Permit is required in accordance with San Diego Municipal Code (SDMC) section 126.0113 for the expansion of the service station. The project

also includes an amendment to the Site Development Permit/Otay Mesa Development Permit (processed as a Site Development Permit) since the approved permit and conditions are encompassed in one document.

This project was scheduled for Hearing Officer on October 23, 2013, but, based upon subsequent discovery of a revision to a previous mitigation measure, the item was continued until November 20, 2013, at the request of staff in order to prepare an Addendum to the Mitigated Negative Declaration to clarify how the revised mitigation measure is not in response to a newly identified impact.

DISCUSSION

The proposed project is an amendment to expand an existing service station to permit the construction of a new truck canopy, underground storage tanks, 7 truck fueling islands, 8 truck fueling spaces, dispensers, truck scale, 6 truck parking stalls, and a new 50'-0" high freeway-oriented ground sign. The project proposes the expansion of the existing service station, which already contains an existing canopy with vehicle fueling islands, convenience store/fast food restaurant and car wash.

Freeway-Oriented Ground Sign:

The project includes the proposed construction of a 50'-0" high, freeway-oriented ground sign. SDMC Section 142.1210(b)(4) specifies the criteria for freeway-oriented signs. The project site is located at the northeast corner of Otay Mesa Road and La Media Road, which is just north of State Route 905; La Media Road is the on/off ramp. Therefore, the site meets the locational criteria by being within 660 feet of the freeway, and within 1,500 feet of the exit. Allowable sign copy includes service stations, the maximum permitted height is 50'-0" and the sign cannot be located within the visibility area. The proposed 50'-0" high, freeway-oriented ground sign meets all this criteria and would be permitted by right. Further, the location and height of this sign have been evaluated by the FAA and the Airport Operator for Brown Field. With the inclusion of the conditions in the draft permit regarding the aviation easement and the continued demonstration with the requirements of the FAA Part 77 Notification Area, the proposed sign can be supported.

Transportation Update:

When the original project was approved, La Media Road was expected to ultimately be a six lane major street. The original conditions were written to reflect that classification. Since that time, the City of Chula Vista has removed their portion of the street from their circulation element, and the City is processing an update to the Otay Mesa Community Plan with La Media Road classified as a four lane major due to no connection across the Otay River and, therefore, less traffic forecasted. The current project is conditioned to provide for La Media Road improvements to serve the project plus an additional northbound lane to serve truck access onto the project site. Currently, the east side of La Media Road has permanent curb, gutter and sidewalks installed at the correct location for the 4 lane classification plus the extra lane, while

the west side of the street has minimal improvements. Also, the project requires a southbound left turn lane into the project. In order to achieve this, and to retain the curb, gutter and sidewalk improvements on the east side, the project will improve the west side of La Media Road. There is sufficient right-of-way to accommodate the future street with this approach.

Environmental Analysis:

A Mitigated Negative Declaration (MND) No. 32284 was prepared by the City of San Diego's Environmental Analysis Section (EAS) to evaluate the overall environmental affects which could result with the implementation of the original La Media Chevron project. The certified MND and approved CUP/SDP allowed for the existing service station with canopy and fueling islands, convenience store/fast food restaurant, and a car wash on 3.15 acre site. The MND concluded that the La Media Chevron project would result in significant environmental impacts relating to Biological Resources and Traffic. Therefore, mitigation measures were implemented to reduce these impacts to below a level of significance.

Mitigated Negative Declaration (MND) No. 32284 was prepared and certified for the original project (Attachment 7). This current project was reviewed by the Environmental Analysis Section and it was determined that, in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15162(a): (1) no substantial changes are proposed to the project which would require major revisions of the previous MND; (2) no substantial changes occur with respect to the circumstances under which the project is undertaken that would require any revisions to the previous MND; and (3) there is no new information of substantial importance that was not known and could not have been known at the time the previous MND was certified. Therefore, no subsequent MND or other environmental document is needed for this project, as all of the impacts were adequately addressed and disclosed in MND No. 32284.

After the above determination was made, it was further decided to prepare an Addendum to Mitigated Negative Declaration No. 32284. Accordingly, on October 21, 2013, this Addendum was posted and published. This Addendum specifies: (1) there are no new significant environmental impacts not considered in the previous MND; (2) no substantial changes have occurred with respect to the circumstances under which the project is undertaken; and (3) there is no new information of substantial importance to the project. Therefore, in accordance with Section 15164 of the State CEQA Guidelines, an addendum was prepared. In accordance with the Land Development Code, because the original environmental document was certified more than three years before the date of application, the public review period for this addendum was 14 days.

The Mitigation, Monitoring and Reporting Program prepared for Project No. 32284 specified mitigation requirements for biological resources and traffic impacts (Attachment 7). It should be noted that entitlements (and their conditions) are transferrable, which includes all mitigation requirements.

The impacts to biological resources were to be mitigated by payment of funds into the City's Habitat Acquisition Fund. That payment has been made as required.

The original, certified MND No. 32284, MMRP specified mitigation requirements for traffic. As indicated above, when the original project was approved, La Media Road was classified as a six-lane major street. The original MMRPs were developed based upon that classification. Since the time of the original project approval, the City of Chula Vista has removed a portion of La Media Road (the connection across the Otay River) from the City of Chula Vista General Plan Circulation element, which has resulted in reduced forecasted traffic volumes. The City of San Diego is addressing the revised traffic forecast as part of the Otay Mesa Community Plan Update with a reclassification of La Media Road to a four-lane major facility. There are still improvements required to La Media Road, however, and the ultimate La Media Road configuration would be slightly different than what was planned in the original project. The current project is conditioned to provide for La Media Road improvements to serve the project, plus an additional northbound lane to serve truck access onto the project site. The project would be required to implement the revised mitigation measures as outlined in Section VI-MMRP of the Addendum to the MND. Implementation of these mitigation measures would reduce potentially significant impact to traffic/transportation to a level below significance. The original mitigation measure is revised to address the change in circumstances since preparation and certification of the MND and continues to address a previously-identified potentially significant impact. The project, therefore, does not result in a new impact and new mitigation measure.

Community Plan Analysis:

The proposed project is located in the Industrial Parks designation of the Otay Mesa Community Plan. The Community Plan Industrial Element does not specifically discuss service stations. Therefore, the proposed development would not adversely affect the applicable land use plan in that the service station is consistent with the underlying zone and becomes allowable by a Conditional Use Permit.

CONCLUSION

Staff has determined that the project complies with the development regulations of the Otay Mesa Development District Industrial Subdistrict and all other applicable sections of the Land Development Code. Staff has determined that the required findings can be made as the project meets the applicable San Diego Municipal Code regulations and requirements. Staff recommends approval of the project as proposed.

ALTERNATIVES

1. Approve Conditional Use Permit No. 1193967/Site Development Permit No. 1193968 (Amendment to Conditional Use Permit No. 89263/Site Development Permit No. 128472 – Project No. 32284), with modifications.
2. Deny Conditional Use Permit No. 1193967/Site Development Permit No. 1193968 (Amendment to Conditional Use Permit No. 89263/Site Development Permit No. 128472 – Project No. 32284), if the findings required to approve the project cannot be affirmed.

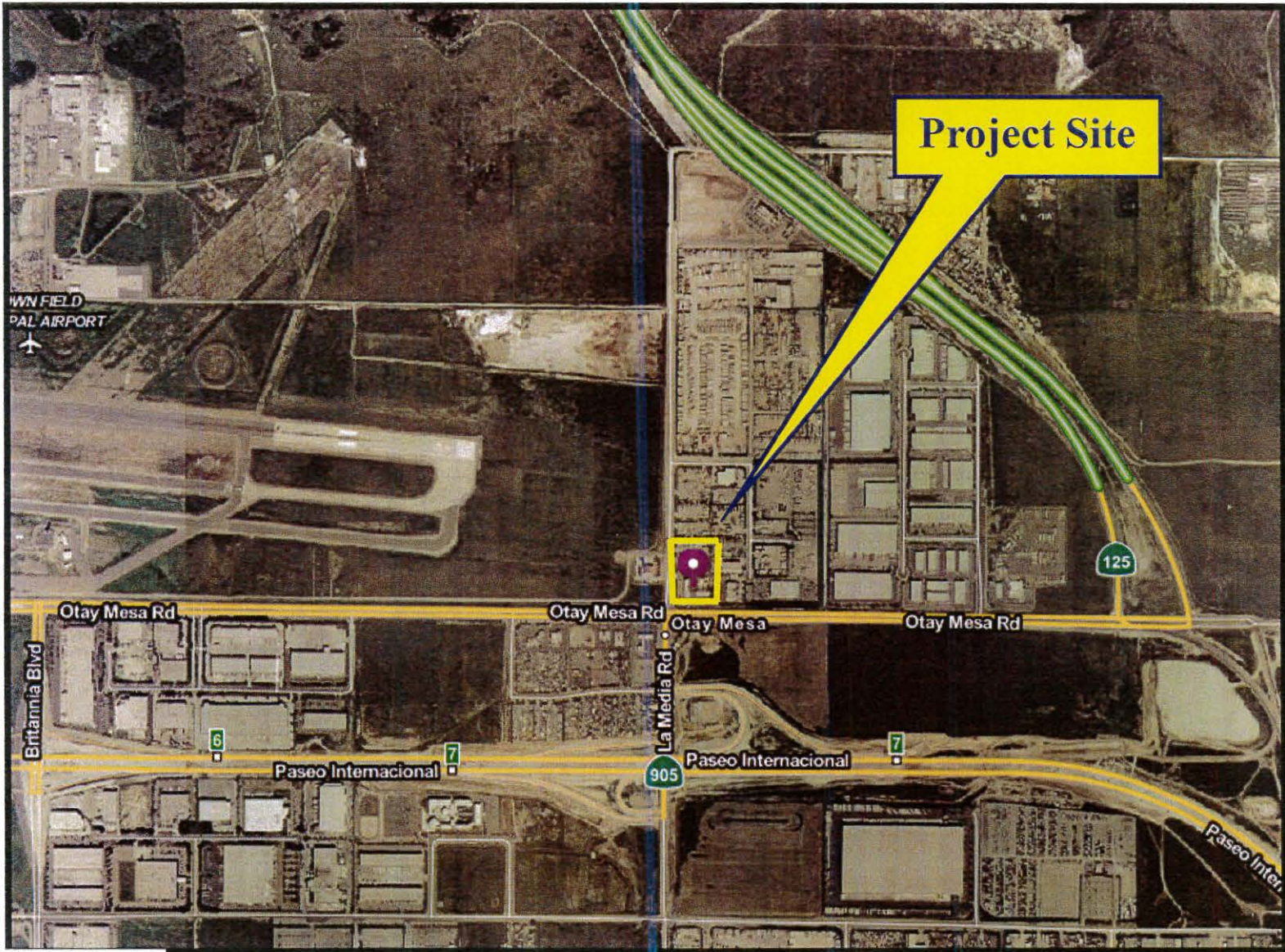
Respectfully submitted,



Michelle Sokolowski, Development Project Manager

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft Permit Resolution with Findings
6. Draft Permit with Conditions
7. Copy of Recorded Permit from Project No. 32284
8. Project Plans (Hearing Officer only)
9. Report to the Hearing Officer No. HO-07-029
10. Community Planning Group Recommendations (2)
11. Ownership Disclosure Statement



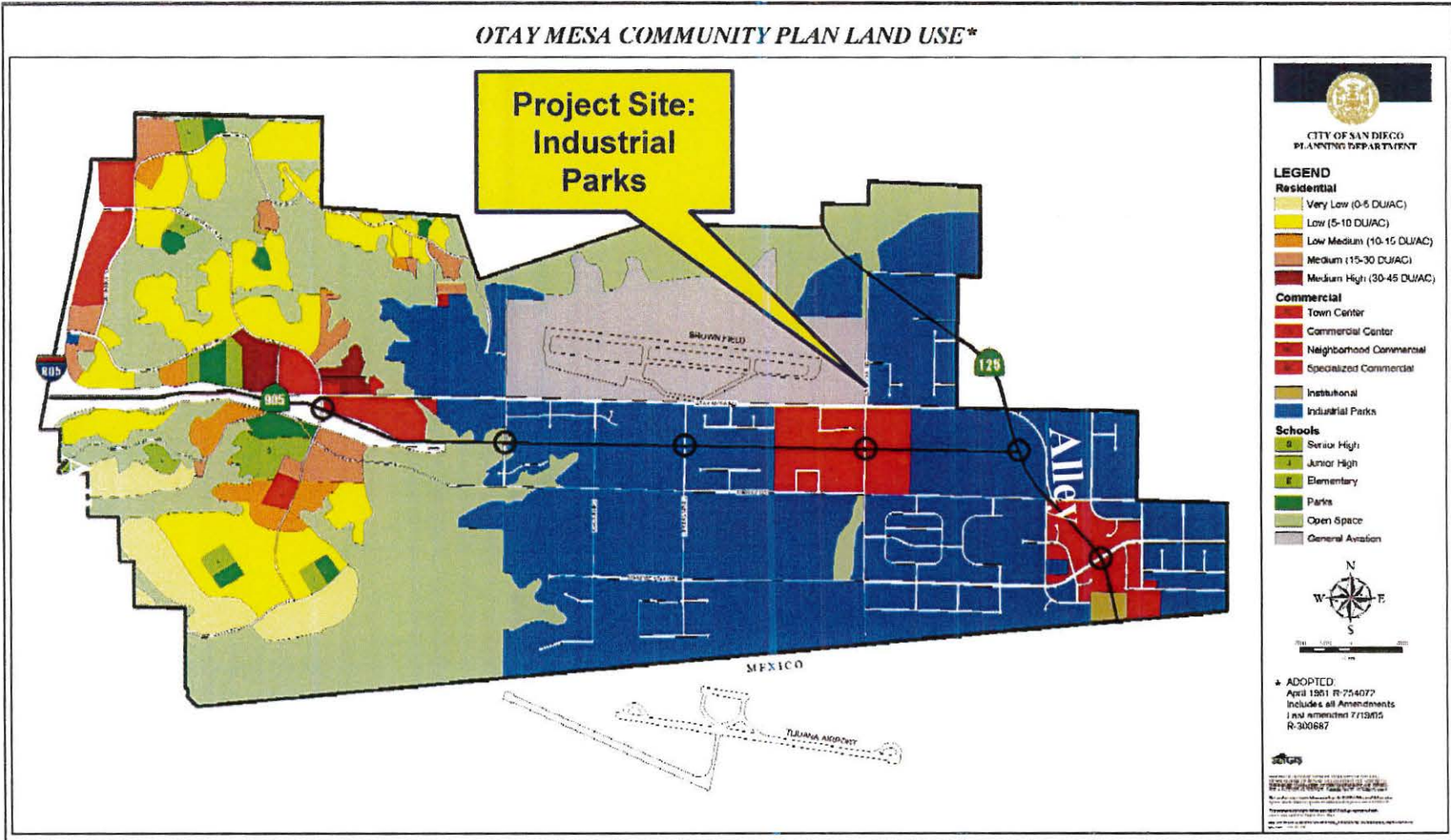
Aerial Photo

LA MEDIA CHEVRON - PROJECT NO. 302601

1599 La Media Road



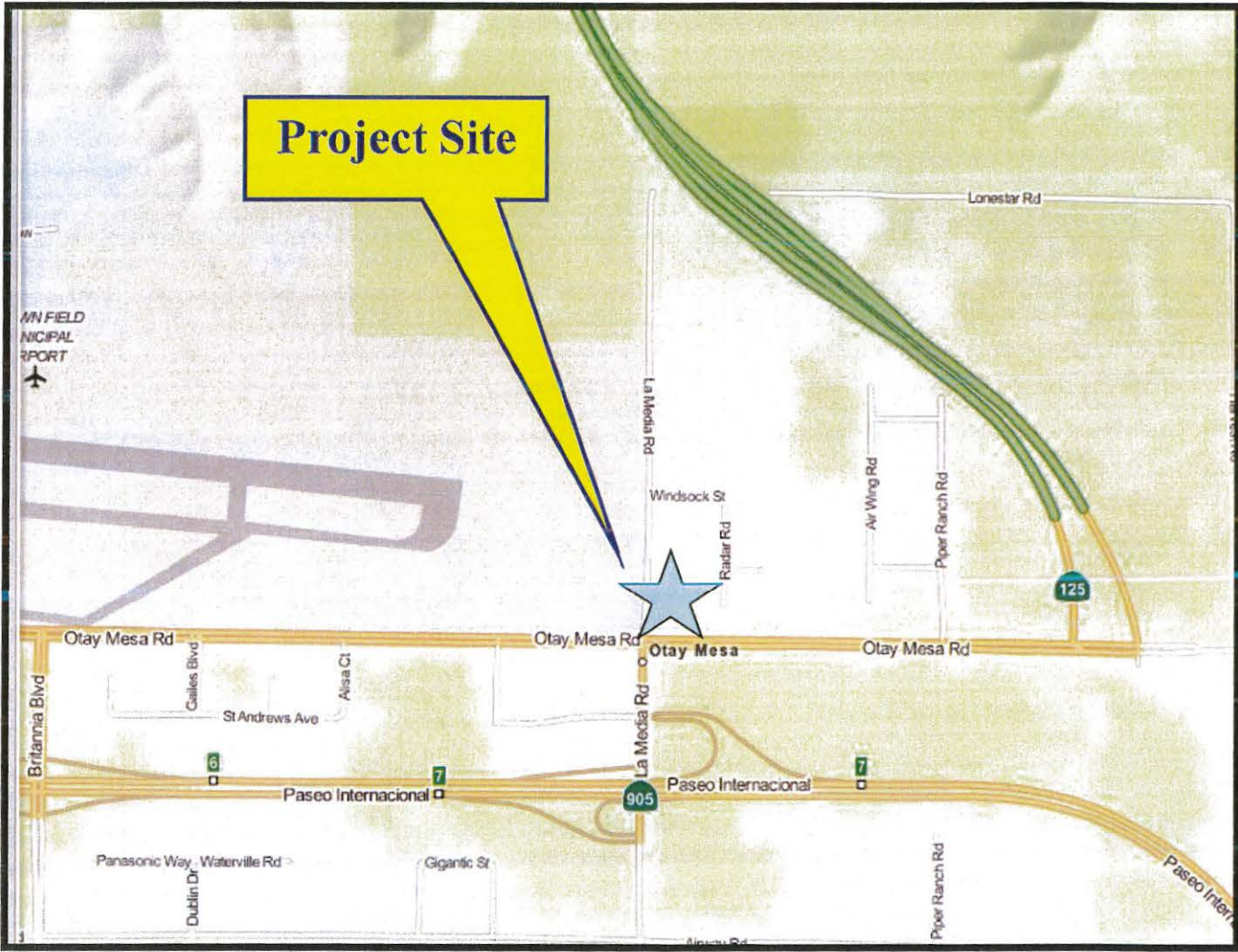
OTAY MESA COMMUNITY PLAN LAND USE*



Community Land Use Map

LA MEDIA CHEVRON - PROJECT NO. 302601

1599 La Media Road



Project Location Map
LA MEDIA CHEVRON – PROJECT NO. 302601
1599 La Media Road



PROJECT DATA SHEET

PROJECT NAME:	La Media Chevron – Project No. 302601	
PROJECT DESCRIPTION:	Construction of a new truck canopy, 6 truck fueling islands, dispensers and 7 truck fueling spaces, and a new 50'-high freeway sign at an existing service station with a mini-mart and car wash.	
COMMUNITY PLAN AREA:	Otay Mesa	
DISCRETIONARY ACTIONS:	Conditional Use Permit/Site Development Permit (Amendment to CUP/SDP)	
COMMUNITY PLAN LAND USE DESIGNATION:	Industrial Parks	
<u>ZONING INFORMATION:</u>		
ZONE: Industrial Subdistrict of the Otay Mesa Development District HEIGHT LIMIT: None specified. Essentially regulated by FAR, setbacks and proximity to Brown Field/FAA Part 77 height envelope. LOT SIZE: 30,000 sf, minimum FLOOR AREA RATIO: 2.0 FRONT SETBACK: 20 feet SIDE SETBACK: 15 feet STREETSIDE SETBACK: 20 feet REAR SETBACK: 25 feet PARKING: 50 spaces		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	OMDD - Industrial	Truck/trailer storage, industrial
SOUTH:	OMDD - Commercial	Undeveloped
EAST:	OMDD - Industrial	Truck/trailer storage, industrial
WEST:	Unzoned, City-owned	Fire Station, Municipal Airport (Brown Field)
DEVIATIONS OR VARIANCES REQUESTED:	None with this action.	
COMMUNITY PLANNING GROUP RECOMMENDATION:	The Otay Mesa Planning Group voted 12 -0 to recommend approval of the project on February 20, 2013. Staff is in receipt of the 4/17/13 recommendation from the Otay Mesa Planning Group supporting the removal of a 30' high freeway-oriented sign and its replacement with a 50' high freeway-oriented sign.	

HEARING OFFICER
RESOLUTION NO.
CONDITIONAL USE PERMIT NO. 1193967
SITE DEVELOPMENT PERMIT NO. 1193968
(AMENDMENT TO CONDITIONAL USE PERMIT NO. 89263/
SITE DEVELOPMENT PERMIT NO. 128472 – PROJECT NO. 32284)
LA MEDIA CHEVRON - PROJECT NO. 302601 (MMRP)

DRAFT

WHEREAS, OCTANE RESOURCES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, Owner/Permittee, filed an application with the City of San Diego for a permit to expand an existing service station to permit the construction of a new truck canopy, underground storage tanks, 7 truck fueling islands, 8 truck fueling spaces dispensers, truck scale, 6 truck parking stalls, and a new 50'-0" high freeway-oriented ground sign (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 1193967 and 1193968), on portions of a 3.15-acre site;

WHEREAS, the project site is located at 1599 La Media Road in the Industrial Subdistrict of the Otay Mesa Development District and the Airport Environs Overlay Zone, within the Otay Mesa Community Plan;

WHEREAS, the project site is legally described as a portion of Lots 1 and 2, Otay Mesa Industrial Park, Map No. 12425;

WHEREAS, on November 20, 2013, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1193967/Site Development Permit No. 1193968 (Amendment to Conditional Use Permit No. 89263/Site Development Permit No. 128472 – Project No. 32284) pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated November 20, 2013.

FINDINGS:

A. SITE DEVELOPMENT PERMIT FINDINGS – SDMC Section 126.0504(a)

1. The proposed development will not adversely affect the applicable land use plan.

The proposed project is an amendment to expand an existing service station to permit the construction of a new truck canopy, underground storage tanks, 7 truck fueling islands, 8 truck fueling spaces dispensers, truck scale, 6 truck parking stalls, and a new 50'-0" high freeway-oriented ground sign.

The 3.15-acre site is located at 1599 La Media Road in the Industrial Subdistrict of the Otay Mesa Development District, within the Otay Mesa Community Planning area. The property

consists of two parcels designated industrial within the community plan. The project proposes the expansion of an existing service station, which already contains an existing canopy with fueling islands, convenience store and car wash. The property is previously graded and relatively flat with property access rights relinquished along Otay Mesa Road.

The original project approval (Conditional Use Permit No. 89263/Site Development Permit No. 128472 – Project No. 32284) included most of the improvements associated with this requested Amendment. After that original project's approval, the applicant modified the scope to delete the truck diesel fuel pumps and canopy; this current Amendment would re-establish that portion of the project, with other modifications, including the addition of the 50'-0" high freeway-oriented ground sign.

The proposed expansion, with the associated site improvements, complies with the development regulations, standards, and policies in effect for the project site per the Otay Mesa Development District Ordinance, the Otay Mesa Community Plan, the underlying OMDD-I Zone, and all other City regulations, policies, guidelines, design Standards and adopted land use plans applicable to this site. Both the Otay Mesa Development District and the adopted Otay Mesa Community Plan designate the entire project site for light industrial development. Therefore, the proposed project and its associated site improvements will not adversely affect the applicable Otay Mesa Community Plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The proposed project is an amendment to expand an existing service station to permit the construction of a new truck canopy, underground storage tanks, 7 truck fueling islands, 8 truck fueling spaces dispensers, truck scale, 6 truck parking stalls, and a new 50'-0" high freeway-oriented ground sign. The project proposes the expansion of an existing service station, which already contains an existing canopy with fueling islands, convenience store and car wash. The permit for this project includes conditions of approval relevant to achieving project compliance with the applicable regulations of the San Diego Municipal Code that will assure the project will not adversely affect the health, safety and general welfare of persons residing or working in the area.

The original project approval (Conditional Use Permit No. 89263/Site Development Permit No. 128472 – Project No. 32284) included most of the improvements associated with this requested Amendment. After that original project's approval, the applicant modified the scope to delete the truck diesel fuel pumps and canopy; this current Amendment would re-establish that portion of the project, with other modifications, including the addition of the 50'-0" high freeway-oriented ground sign.

A Mitigated Negative Declaration (MND) was prepared and certified for the original project (Project No. 32284) which included a review of a Water Quality Technical Report, Biology Study, and Archeology Study. The documents concluded that mitigation measures were required for potential impacts to biology and transportation due to the presences of non-native grass lands and traffic congestion. Mitigation measures include a payment into a Habitat Acquisition Fund, the restriping of La Media Road to accommodate a center turn lane and

modifications to the existing traffic signal on the corner of La Media Road and Otay Mesa Road. Payment into the Habitat Acquisition Fund has been made as required.

As stated above, the original certified MND No. 32284, MMRP specified mitigation requirements for traffic. When the original project was approved, La Media Road was classified as a six lane major street. The original MMRPs were developed based upon that classification. Since the time of the original project approval, the City of Chula Vista has removed a portion of La Media Road (the connection across the Otay River) from the City of Chula Vista General Plan Circulation Element, this has resulted in reduced forecasted traffic volumes. The City of San Diego is addressing the revised traffic forecast as part of the Otay Mesa Community Plan Update with a reclassification of La Media to a four lane major facility. There are still improvements required to La Media Road, however, and the ultimate La Media configuration would be slightly different than what was planned in the original project. The project is conditioned to provide for La Media Road improvements to serve the project plus an additional northbound lane to serve truck access onto the project site. The project would be required to implement the revised MMRPs as outlined in Section VI-MMRP of the Addendum to the MND. Implementation of these mitigation measures would reduce potentially significant impacts to traffic/transportation to a level below significance. The original mitigation measure is revised to address the change in circumstances since preparation and certification of the original MND; it addresses a previously identified potentially significant impact. The project, therefore, does not result in a new impact and new mitigation measure.

This current project was reviewed by the Environmental Analysis Section and it was determined the proposed amendment to expand the existing service station would not result in new impacts and all of the impacts were adequately addressed and disclosed in MND No. 32284; therefore an Addendum to the MND has been prepared in accordance with Section 15164 of the State CEQA Guidelines.

The proposed construction of the new 50'-0" high freeway-oriented ground sign has been evaluated by staff, including the Airport Operator at Brown Field and the Federal Aviation Administration (FAA). These aviation authorities support the proposal and have included conditions in the permit regarding an aviation easement, and the continued demonstration with the requirements of the FAA Part 77 Notification Area, which will ensure the continued public health, safety and welfare.

With the conditions applied in the permit to address potential adverse effects associated with the proposed use, the project will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the applicable regulations of the land development code.

The proposed project is an amendment to expand an existing service station to permit the construction of a new truck canopy, underground storage tanks, 7 truck fueling islands, 8 truck fueling spaces dispensers, truck scale, 6 truck parking stalls, and a new 50'-0" high freeway-oriented ground sign. The project proposes the expansion of an existing service station, which already contains an existing canopy with fueling islands, convenience store and car wash.

The original project approval (Conditional Use Permit No. 89263/Site Development Permit No. 128472 – Project No. 32284) included most of the improvements associated with this requested Amendment. After that original project's approval, the applicant modified the scope to delete the truck diesel fuel pumps and canopy; this current Amendment would re-establish that portion of the project, with other modifications, including the addition of the 50'-0" high freeway-oriented ground sign.

Although the original project included deviations, this proposed amendment does not include such requests. The project has been determined to be consistent with the development regulations contained within the Otay Mesa Development District, Chapter 15, Article 17 and all other pertinent regulations of the Land Development Code (LDC). It has been determined from City staff that the proposed development is in conformance with land use regulations regarding land use, height, grading, and parking. The proposed use and project design meet the purpose and intent of this Ordinance (the Otay Mesa Development District). Therefore, the project will conform with the applicable regulations of the Land Development Code.

B. SUPPLEMENTAL SITE DEVELOPMENT PERMIT FINDINGS FOR ENVIRONMENTALLY SENSITIVE LANDS - SDMC Section 126.0504(b):

1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

The proposed project is an amendment to expand an existing service station to permit the construction of a new truck canopy, underground storage tanks, 7 truck fueling islands, 8 truck fueling spaces dispensers, truck scale, 6 truck parking stalls, and a new 50'-0" high freeway-oriented ground sign. The project proposes the expansion of an existing service station, which already contains an existing canopy with fueling islands, convenience store and car wash.

The original project approval (Conditional Use Permit No. 89263/Site Development Permit No. 128472 – Project No. 32284) included most of the improvements associated with this requested Amendment. After that original project's approval, the applicant modified the scope to delete the truck diesel fuel pumps and canopy; this current Amendment would re-establish that portion of the project, with other modifications, including the addition of the 50'-0" high freeway-oriented ground sign.

A Mitigated Negative Declaration (MND) was prepared and certified for the original project (Project No. 32284) as it was determined that the proposed development could have a significant impact in Biological Resources due to the potential impact to non-native grassland, which is considered a sensitive upland. A majority of the site contained non-native grassland and ornamental vegetation. The project resulted in direct impacts to 3.14 acres of non-native grassland. The project was required to mitigate for the loss of non-native grassland by payment into the Habitat Acquisition Fund; that payment has been made as required. Because of the mitigation measures to non-native grasslands, the project mitigated any potentially significant environmental impacts to environmentally sensitive lands. This current project was reviewed by the Environmental Analysis Section and it was determined the proposed amendment to expand the existing service station would not result in new impacts and all of the impacts were adequately addressed and disclosed in MND No. 32284; therefore an Addendum to the MND has been prepared in accordance with Section 15164 of the State CEQA Guidelines.

No other disturbances to environmentally sensitive lands were identified as potential impacts with this proposed development. The current project is therefore physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

The proposed project is an amendment to expand an existing service station to permit the construction of a new truck canopy, underground storage tanks, 7 truck fueling islands, 8 truck fueling spaces dispensers, truck scale, 6 truck parking stalls, and a new 50'-0" high freeway-oriented ground sign. The project proposes the expansion of an existing service station, which already contains an existing canopy with fueling islands, convenience store and car wash.

The original project approval (Conditional Use Permit No. 89263/Site Development Permit No. 128472 – Project No. 32284) included most of the improvements associated with this requested Amendment. After that original project's approval, the applicant modified the scope to delete the truck diesel fuel pumps and canopy; this current Amendment would re-establish that portion of the project, with other modifications, including the addition of the 50'-0" high freeway-oriented ground sign.

The site has been previously graded and is relatively flat. Proposed finish grading is designed to have drainage flow to a public street and not into the drainage easement. According to the City of San Diego's Seismic Safety Study, the project lies within Geologic Hazard Category 53 with moderate risk for instability. To assess the potential geologic hazards affecting the proposed site, a preliminary geotechnical investigation was prepared by Geotechnical Exploration, Inc. The report concluded that no adverse geotechnical conditions are present on the site.

The site is within Zone X of the Flood Insurance map Rates for San Diego County, which is an area determined to be outside the 500-year floodplain. Conformance with applicable regulations will ensure the project will not create dangerous fire situations. Accordingly, the proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosion forces, flood hazards, or fire hazards.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

The proposed project is an amendment to expand an existing service station to permit the construction of a new truck canopy, underground storage tanks, 7 truck fueling islands, 8 truck fueling spaces dispensers, truck scale, 6 truck parking stalls, and a new 50'-0" high freeway-oriented ground sign. The project proposes the expansion of an existing service station, which already contains an existing canopy with fueling islands, convenience store and car wash.

A Mitigated Negative Declaration (MND) was prepared and certified for the original project (Project No. 32284) as it was determined that the proposed development could have a significant impact in Biological Resources due to the potential impact to non-native grassland,

which is considered a sensitive upland. A majority of the site contained non-native grassland and ornamental vegetation. The project resulted in direct impacts to 3.14 acres of non-native grassland. The project was required to mitigate for the loss of non-native grassland by payment into the Habitat Acquisition Fund; that payment has been made as required. Because of the mitigation measures to non-native grasslands, the project mitigated any potentially significant environmental impacts to environmentally sensitive lands. This current project was reviewed by the Environmental Analysis Section and it was determined the proposed amendment to expand the existing service station would not result in new impacts and all of the impacts were adequately addressed and disclosed in MND No. 32284; therefore an Addendum to the MND has been prepared in accordance with Section 15164 of the State CEQA Guidelines.

The site is not located adjacent to designated environmentally sensitive lands therefore, will not have an adverse impact on any adjacent environmentally sensitive lands.

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.

The proposed project is an amendment to expand an existing service station to permit the construction of a new truck canopy, underground storage tanks, 7 truck fueling islands, 8 truck fueling spaces dispensers, truck scale, 6 truck parking stalls, and a new 50'-0" high freeway-oriented ground sign. The project proposes the expansion of an existing service station, which already contains an existing canopy with fueling islands, convenience store and car wash.

The site is not located within the City of San Diego's Multiple Habitat Planning Area (MHPA) governed by the San Diego MSCP Subarea Plan. The project is consistent with the MSCP Subarea Plan in that it seeks to develop an area outside the MHPA.

Therefore, the proposed development will be consistent with the City of San Diego's MSCP Subarea Plan.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

The proposed project is an amendment to expand an existing service station to permit the construction of a new truck canopy, underground storage tanks, 7 truck fueling islands, 8 truck fueling spaces dispensers, truck scale, 6 truck parking stalls, and a new 50'-0" high freeway-oriented ground sign. The project proposes the expansion of an existing service station, which already contains an existing canopy with fueling islands, convenience store and car wash.

The site is located approximately ten miles from a public beach or shoreline therefore the project will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

The proposed project is an amendment to expand an existing service station to permit the construction of a new truck canopy, underground storage tanks, 7 truck fueling islands, 8 truck fueling spaces dispensers, truck scale, 6 truck parking stalls, and a new 50'-0" high freeway-oriented ground sign. The project proposes the expansion of an existing service station, which already contains an existing canopy with fueling islands, convenience store and car wash.

The original project approval (Conditional Use Permit No. 89263/Site Development Permit No. 128472 – Project No. 32284) included most of the improvements associated with this requested Amendment. After that original project's approval, the applicant modified the scope to delete the truck diesel fuel pumps and canopy; this current Amendment would re-establish that portion of the project, with other modifications, including the addition of the 50'-0" high freeway-oriented ground sign.

A Mitigated Negative Declaration (MND) was prepared and certified for the original project (Project No. 32284) which included a review of a Water Quality Technical Report, Biology Study, and Archeology Study. The documents concluded that the proposed development could have a significant impacts in Biological Resources, due to the potential impact to existing non-native grassland and Transportation/Circulation, due to a potential significant impact to traffic along La Media Road. A majority of the site contained non-native grassland and ornamental vegetation. The project resulted in direct impacts to 3.14 acres of non-native grassland. The project was required to mitigate for the loss of non-native grassland by payment into the Habitat Acquisition Fund; that payment has been made as required. Because of the mitigation measures to non-native grasslands, the project mitigated any potentially significant environmental impacts to environmentally sensitive lands. The Traffic Study prepared for the original project (Project No. 32284) identified a potential significant impact at the intersection of La Media Road and Otay Mesa Road. To reduce the impact to below a level of significance, the project-related impacts would be mitigated with the re-striping of La Media Road to create a center turn lane and the modification to the existing traffic signal on Otay Mesa Road.

As stated above, the original certified MND No. 32284, MMRP specified mitigation requirements for traffic. When the original project was approved, La Media Road was classified as a six lane major street. The original MMRPs were developed based upon that classification. Since the time of the original project approval, the City of Chula Vista has removed a portion of La Media Road (the connection across the Otay River) from the City of Chula Vista General Plan Circulation Element, this has resulted in reduced forecasted traffic volumes. The City of San Diego is addressing the revised traffic forecast as part of the Otay Mesa Community Plan Update with a reclassification of La Media to a four lane major facility. There are still improvements required to La Media Road, however, and the ultimate La Media configuration would be slightly different than what was planned in the original project. The project is conditioned to provide for La Media Road improvements to serve the project plus an additional northbound lane to serve truck access onto the project site. The project would be required to implement the revised MMRPs as outlined in Section VI-MMRP of the Addendum to the MND. Implementation of these mitigation measures would reduce potentially significant impacts to traffic/transportation to a level below significance. The original mitigation measure is revised to address the change in circumstances since preparation and certification of the original MND; it addresses a previously identified potentially significant impact. The project, therefore, does not result in a new impact and new mitigation measure.

This current project was reviewed by the Environmental Analysis Section and it was determined the proposed amendment to expand the existing service station would not result in new impacts and all of the impacts were adequately addressed and disclosed in MND No. 32284; therefore an Addendum to the MND has been prepared in accordance with Section 15164 of the State CEQA Guidelines.

The proposed mitigation for impacts to the project will alleviate negative environmental impacts created from the development and reduce adverse development impacts to biological resources and transportation to below a level of significance. Therefore, the nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

C. OTAY MESA DEVELOPMENT DISTRICT PERMIT FINDINGS (SDMC Section 1517.0203(c)):

1. The application is complete and conforms to all city regulations, policies, guidelines, design standards and density.

The proposed project is an amendment to expand an existing service station to permit the construction of a new truck canopy, underground storage tanks, 7 truck fueling islands, 8 truck fueling spaces dispensers, truck scale, 6 truck parking stalls, and a new 50'-0" high freeway-oriented ground sign. The project proposes the expansion of an existing service station, which already contains an existing canopy with fueling islands, convenience store and car wash.

The design and use of this site for a service station, with the associated site improvements comply with the development regulations, standards, and policies in effect for the project site per the Otay Mesa Development District Ordinance, the Otay Mesa Community Plan, the underlying OMDD-I Zone, and all other City regulations, policies, guidelines, design standards and adopted land use plans applicable to this site. There are no residential components to this proposed project, therefore density is not an issue. The project complies with the applicable regulations of the Land Development Code.

2. The proposed use and project design meet the purpose and intent of this Ordinance (the Otay Mesa Development District) and the Otay Mesa Community Plan.

The proposed project is an amendment to expand an existing service station to permit the construction of a new truck canopy, underground storage tanks, 7 truck fueling islands, 8 truck fueling spaces dispensers, truck scale, 6 truck parking stalls, and a new 50'-0" high freeway-oriented ground sign.

The original project approval (Conditional Use Permit No. 89263/Site Development Permit No. 128472 – Project No. 32284) included most of the improvements associated with this requested Amendment. After that original project's approval, the applicant modified the scope to delete the truck diesel fuel pumps and canopy; this current Amendment would re-establish that portion of the project, with other modifications, including the addition of the 50'-0" high freeway-oriented ground sign.

Although the original project included deviations, this proposed amendment does not include such requests. The project has been determined to be consistent with the development

regulations contained within the Otay Mesa Development District, Chapter 15, Article 17 and all other pertinent regulations of the Land Development Code (LDC). It has been determined from City staff that the proposed development is in conformance with land use regulations regarding land use, height, grading, and parking. Therefore, the proposed use and project design meet the purpose and intent of this Ordinance (the Otay Mesa Development District).

The 3.15-acre site is located at 1599 La Media Road in the Industrial Subdistrict of the Otay Mesa Development District, within the Otay Mesa Community Planning area. The property consists of two parcels designated industrial within the community plan. The project proposes the expansion of an existing service station, which already contains an existing canopy with fueling islands, convenience store and car wash. The property is previously graded and relatively flat with property access rights relinquished along Otay Mesa Road.

The proposed expansion, with the associated site improvements, complies with the development regulations, standards, and policies in effect for the project site per the Otay Mesa Development District Ordinance, the Otay Mesa Community Plan, the underlying OMDD-I Zone, and all other City regulations, policies, guidelines, design Standards and adopted land use plans applicable to this site. Both the Otay Mesa Development District and the adopted Otay Mesa Community Plan designate the entire project site for light industrial development. Therefore, the proposed use and project design meet the purpose and intent of this Ordinance (the Otay Mesa Development District) and the Otay Mesa Community Plan.

3. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity.

The proposed project is an amendment to expand an existing service station to permit the construction of a new truck canopy, underground storage tanks, 7 truck fueling islands, 8 truck fueling spaces dispensers, truck scale, 6 truck parking stalls, and a new 50'-0" high freeway-oriented ground sign. The project proposes the expansion of an existing service station, which already contains an existing canopy with fueling islands, convenience store and car wash. The permit for this project includes conditions of approval relevant to achieving project compliance with the applicable regulations of the San Diego Municipal Code that will assure the project will not adversely affect the health, safety and general welfare of persons residing or working in the area.

A Mitigated Negative Declaration (MND) was prepared and certified for the original project (Project No. 32284) which included a review of a Water Quality Technical Report, Biology Study, and Archeology Study. The documents concluded that mitigation measures were required for potential impacts to biology and transportation due to the presences of non-native grass lands and traffic congestion. Mitigation measures include a payment into a Habitat Acquisition Fund, the restriping of La Media Road to accommodate a center turn lane and modifications to the existing traffic signal on the corner of La Media Road and Otay Mesa Road. Payment into the Habitat Acquisition Fund has been made as required.

As stated above, the original certified MND No. 32284, MMRP specified mitigation requirements for traffic. When the original project was approved, La Media Road was classified as a six lane major street. The original MMRPs were developed based upon that

classification. Since the time of the original project approval, the City of Chula Vista has removed a portion of La Media Road (the connection across the Otay River) from the City of Chula Vista General Plan Circulation Element, this has resulted in reduced forecasted traffic volumes. The City of San Diego is addressing the revised traffic forecast as part of the Otay Mesa Community Plan Update with a reclassification of La Media to a four lane major facility. There are still improvements required to La Media Road, however, and the ultimate La Media configuration would be slightly different than what was planned in the original project. The project is conditioned to provide for La Media Road improvements to serve the project plus an additional northbound lane to serve truck access onto the project site. The project would be required to implement the revised MMRPs as outlined in Section VI-MMRP of the Addendum to the MND. Implementation of these mitigation measures would reduce potentially significant impacts to traffic/transportation to a level below significance. The original mitigation measure is revised to address the change in circumstances since preparation and certification of the original MND; it addresses a previously identified potentially significant impact. The project, therefore, does not result in a new impact and new mitigation measure.

This current project was reviewed by the Environmental Analysis Section and it was determined the proposed amendment to expand the existing service station would not result in new impacts and all of the impacts were adequately addressed and disclosed in MND No. 32284; therefore an Addendum to the MND has been prepared in accordance with Section 15164 of the State CEQA Guidelines.

The original project approval (Conditional Use Permit No. 89263/Site Development Permit No. 128472 – Project No. 32284) included most of the improvements associated with this requested Amendment. After that original project's approval, the applicant modified the scope to delete the truck diesel fuel pumps and canopy; this current Amendment would re-establish that portion of the project, with other modifications, including the addition of the 50'-0" high freeway-oriented ground sign.

The proposed construction of the new 50'-0" high freeway-oriented ground sign has been evaluated by staff, including the Airport Operator at Brown Field and the Federal Aviation Administration (FAA). These aviation authorities support the proposal and have included conditions in the permit regarding an aviation easement, and the continued demonstration with the requirements of the FAA Part 77 Notification Area, which will ensure the continued public health, safety and welfare.

Therefore, proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity.

4. The proposed use will comply with the relevant regulations in the Municipal Code.

The proposed project is an amendment to expand an existing service station to permit the construction of a new truck canopy, underground storage tanks, 7 truck fueling islands, 8 truck fueling spaces dispensers, truck scale, 6 truck parking stalls, and a new 50'-0" high freeway-oriented ground sign. The project proposes the expansion of an existing service station, which already contains an existing canopy with fueling islands, convenience store and car wash.

Although the original project included deviations, this proposed amendment does not include such requests. The project has been determined to be consistent with the development regulations contained within the Otay Mesa Development District, Chapter 15, Article 17 and all other pertinent regulations of the Land Development Code (LDC). It has been determined from City staff that the proposed development is in conformance with land use regulations regarding land use, height, grading, and parking. The proposed use and project design meet the purpose and intent of this Ordinance (the Otay Mesa Development District). Therefore, the project will conform with the relevant regulations of the Land Development Code.

5. A plan for the financing of public facilities as provided in Section 1517.0204 (Financing of Public Facilities) of the Otay Mesa Development District has been approved by the City Engineer.

The proposed project is an amendment to expand an existing service station to permit the construction of a new truck canopy, underground storage tanks, 7 truck fueling islands, 8 truck fueling spaces dispensers, truck scale, 6 truck parking stalls, and a new 50'-0" high freeway-oriented ground sign. The project proposes the expansion of an existing service station, which already contains an existing canopy with fueling islands, convenience store and car wash.

The original project approval (Conditional Use Permit No. 89263/Site Development Permit No. 128472 – Project No. 32284) included most of the improvements associated with this requested Amendment. After that original project's approval, the applicant modified the scope to delete the truck diesel fuel pumps and canopy; this current Amendment would re-establish that portion of the project, with other modifications, including the addition of the 50'-0" high freeway-oriented ground sign.

A public facilities financing plan was approved by the City Engineer concurrent with previous maps within the project area of the Otay Mesa Development District.

The Facilities Benefits Assessment for this area is based upon an estimate of project-induced impacts to the Otay Mesa Community requiring additional transportation, fire and/or police facilities. Additional fees to cover public facilities as provided in section 1517.0204 will be calculated and due upon issuance of the first building permit for this development.

D. CONDITIONAL USE PERMIT FINDINGS – SDMC Section 126.0305:

1. The proposed development will not adversely affect the applicable land use plan.

The proposed project is an amendment to expand an existing service station to permit the construction of a new truck canopy, underground storage tanks, 7 truck fueling islands, 8 truck fueling spaces dispensers, truck scale, 6 truck parking stalls, and a new 50'-0" high freeway-oriented ground sign.

The 3.15-acre site is located at 1599 La Media Road in the Industrial Subdistrict of the Otay Mesa Development District, within the Otay Mesa Community Planning area. The property consists of two parcels designated industrial within the community plan. The project proposes the expansion of an existing service station, which already contains an existing canopy with

fueling islands, convenience store and car wash. The property is previously graded and relatively flat with property access rights relinquished along Otay Mesa Road.

The original project approval (Conditional Use Permit No. 89263/Site Development Permit No. 128472 – Project No. 32284) included most of the improvements associated with this requested Amendment. After that original project's approval, the applicant modified the scope to delete the truck diesel fuel pumps and canopy; this current Amendment would re-establish that portion of the project, with other modifications, including the addition of the 50'-0" high freeway-oriented ground sign.

The proposed expansion, with the associated site improvements, complies with the development regulations, standards, and policies in effect for the project site per the Otay Mesa Development District Ordinance, the Otay Mesa Community Plan, the underlying OMDD-I Zone, and all other City regulations, policies, guidelines, design Standards and adopted land use plans applicable to this site. Both the Otay Mesa Development District and the adopted Otay Mesa Community Plan designate the entire project site for light industrial development. Therefore, the proposed project and its associated site improvements will not adversely affect the applicable Otay Mesa Community Plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The proposed project is an amendment to expand an existing service station to permit the construction of a new truck canopy, underground storage tanks, 7 truck fueling islands, 8 truck fueling spaces dispensers, truck scale, 6 truck parking stalls, and a new 50'-0" high freeway-oriented ground sign. The project proposes the expansion of an existing service station, which already contains an existing canopy with fueling islands, convenience store and car wash. The permit for this project includes conditions of approval relevant to achieving project compliance with the applicable regulations of the San Diego Municipal Code that will assure the project will not adversely affect the health, safety and general welfare of persons residing or working in the area.

A Mitigated Negative Declaration (MND) was prepared and certified for the original project (Project No. 32284) which included a review of a Water Quality Technical Report, Biology Study, and Archeology Study. The documents concluded that mitigation measures were required for potential impacts to biology and transportation due to the presences of non-native grass lands and traffic congestion. Mitigation measures include a payment into a Habitat Acquisition Fund, the restriping of La Media Road to accommodate a center turn lane and modifications to the existing traffic signal on the corner of La Media Road and Otay Mesa Road. Payment into the Habitat Acquisition Fund has been made as required.

As stated above, the original certified MND No. 32284, MMRP specified mitigation requirements for traffic. When the original project was approved, La Media Road was classified as a six lane major street. The original MMRPs were developed based upon that classification. Since the time of the original project approval, the City of Chula Vista has removed a portion of La Media Road (the connection across the Otay River) from the City of Chula Vista General Plan Circulation Element, this has resulted in reduced forecasted traffic volumes. The City of San Diego is addressing the revised traffic forecast as part of the Otay

Mesa Community Plan Update with a reclassification of La Media to a four lane major facility. There are still improvements required to La Media Road, however, and the ultimate La Media configuration would be slightly different than what was planned in the original project. The project is conditioned to provide for La Media Road improvements to serve the project plus an additional northbound lane to serve truck access onto the project site. The project would be required to implement the revised MMRPs as outlined in Section VI-MMRP of the Addendum to the MND. Implementation of these mitigation measures would reduce potentially significant impacts to traffic/transportation to a level below significance. The original mitigation measure is revised to address the change in circumstances since preparation and certification of the original MND; it addresses a previously identified potentially significant impact. The project, therefore, does not result in a new impact and new mitigation measure.

This current project was reviewed by the Environmental Analysis Section and it was determined the proposed amendment to expand the existing service station would not result in new impacts and all of the impacts were adequately addressed and disclosed in MND No. 32284; therefore an Addendum to the MND has been prepared in accordance with Section 15164 of the State CEQA Guidelines.

The original project approval (Conditional Use Permit No. 89263/Site Development Permit No. 128472 – Project No. 32284) included most of the improvements associated with this requested Amendment. After that original project's approval, the applicant modified the scope to delete the truck diesel fuel pumps and canopy; this current Amendment would re-establish that portion of the project, with other modifications, including the addition of the 50'-0" high freeway-oriented ground sign.

The proposed construction of the new 50'-0" high freeway-oriented ground sign has been evaluated by staff, including the Airport Operator at Brown Field and the Federal Aviation Administration (FAA). These aviation authorities support the proposal and have included conditions in the permit regarding an aviation easement, and the continued demonstration with the requirements of the FAA Part 77 Notification Area, which will ensure the continued public health, safety and welfare.

With the conditions applied in the permit to address potential adverse effects associated with the proposed use, the project will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

The proposed project is an amendment to expand an existing service station to permit the construction of a new truck canopy, underground storage tanks, 7 truck fueling islands, 8 truck fueling spaces dispensers, truck scale, 6 truck parking stalls, and a new 50'-0" high freeway-oriented ground sign. The project proposes the expansion of an existing service station, which already contains an existing canopy with fueling islands, convenience store and car wash.

Although the original project included deviations, this proposed amendment does not include such requests. The project has been determined to be consistent with the development regulations contained within the Otay Mesa Development District, Chapter 15, Article 17 and all other pertinent regulations of the Land Development Code (LDC). It has been determined

from City staff that the proposed development is in conformance with land use regulations regarding land use, height, grading, and parking. The proposed use and project design meet the purpose and intent of this Ordinance (the Otay Mesa Development District). Therefore, the project will comply to the maximum extent feasible with the regulations of the Land Development Code.

4. The proposed use is appropriate at the proposed location.

The proposed project is an amendment to expand an existing service station to permit the construction of a new truck canopy, underground storage tanks, 7 truck fueling islands, 8 truck fueling spaces dispensers, truck scale, 6 truck parking stalls, and a new 50'-0" high freeway-oriented ground sign. The project proposes the expansion of an existing service station, which already contains an existing canopy with fueling islands, convenience store and car wash.

The original project approval (Conditional Use Permit No. 89263/Site Development Permit No. 128472 – Project No. 32284) included most of the improvements associated with this requested Amendment. After that original project's approval, the applicant modified the scope to delete the truck diesel fuel pumps and canopy; this current Amendment would re-establish that portion of the project, with other modifications, including the addition of the 50'-0" high freeway-oriented ground sign.

The expansion of the service station would continue to allow for a use complimentary to the heavy volume of traffic on Otay Mesa Road and the area in general. With the conditions in placed within the permit, the use is appropriate at the proposed location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 1193967/Site Development Permit No. 1193968 (Amendment to Conditional Use Permit No. 89263/Site Development Permit No. 128472 – Project No. 32284) is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit Nos. 1193967 and 1193968, a copy of which is attached hereto and made a part hereof.

MICHELLE SOKOLOWSKI
Development Project Manager
Development Services

Adopted on: October 23, 2013

Internal Order No. 24003380

RECORDING REQUESTED BY
 CITY OF SAN DIEGO
 DEVELOPMENT SERVICES
 PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24003380

CONDITIONAL USE PERMIT NO. 1193967
 SITE DEVELOPMENT PERMIT NO. 1193968
LA MEDIA CHEVRON - PROJECT NO. 302601
 (AMENDMENT TO CONDITIONAL USE PERMIT NO. 89263/
 SITE DEVELOPMENT PERMIT NO. 128472 – PROJECT NO. 32284)
 HEARING OFFICER

DRAFT

This Conditional Use Permit No. 1193967/Site Development Permit No. 1193968 (Amendment to Conditional Use Permit No. 89263/Site Development Permit No. 128472 – Project No. 32284) is granted by the Hearing Officer of the City of San Diego to OCTANE RESOURCES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] Sections 126.0303, 126.0502 and 1517.0203. The 3.15-acre site is located at 1599 La Media Road in the Industrial Subdistrict of the Otay Mesa Development District and the Airport Environs Overlay Zone, within the Otay Mesa Community Plan. The project site is legally described as: a portion of Lots 1 and 2, Otay Mesa Industrial Park, Map No. 12425.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to expand an existing service station to permit the construction of a new truck canopy, underground storage tanks, 7 truck fueling islands, 8 truck fueling spaces dispensers, truck scale, 6 truck parking stalls, and a new 50'-0" high freeway-oriented ground sign, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated November 20, 2013, on file in the Development Services Department.

The project shall include:

- a. The expansion of an existing service station to permit the construction of a new truck canopy, underground storage tanks, 7 truck fueling islands, 8 truck fueling spaces,

dispensars, truck scale, and 6 truck parking stalls, on a site containing an existing canopy with fueling islands, convenience store/fast food restaurant and car wash;

- b. A new, maximum 50'-0" high, two-sided, freeway-oriented ground sign;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking; and
- e. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by December 5, 2016.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
9. This project shall conform to the provisions of Conditional Use Permit No. 89263 and Site Development Permit No. 128472 (Project No. 32284) which remains in effect on this site, unless otherwise addressed within this Permit.
10. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

11. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to

control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP], as reflected in Addendum to Mitigated Negative Declaration No. 32284 (Project No. 302601), shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

13. The mitigation measures specified in the MMRP and outlined in Addendum to Mitigated Negative Declaration No. 32284 (Project No. 302601) shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in Addendum to Mitigated Negative Declaration No. 32284 (Project No. 302601) to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit associated with this project (Project No. 302601), all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Biological Resources
Traffic

AIRPORT REQUIREMENTS:

15. Prior to the issuance of any building permits, the Owner/Permittee shall grant an aviation easement to the City of San Diego as the operator of Brown Field Municipal Airport for the purposes of aircraft operations, noise and other effects caused by the operation of aircraft, and for structure height if the same would interfere with the intended use of the easement. The Owner/Permittee shall use the aviation easement form provided by the City of San Diego.

16. The Owner/Permittee shall place a note on all building plans indicating that an aviation easement has been granted across the property to the airport operator. The note shall include the County Recorder's recording number for the aviation easement. This shall be confirmed prior to the issuance of any building permits.

17. Prior to the issuance of any building permits, the Owner/Permittee shall provide a copy of the signed agreement [DS-503] and show certification on the building plans verifying that the structures do not require Federal Aviation Administration [FAA] notice for Determination of No Hazard to Air Navigation, or provide a valid Determination of No Hazard to Air Navigation issued by the FAA, as specified in Information Bulletin 520

ENGINEERING REQUIREMENTS:

18. The project proposes to export 1160 cubic yards of material from the project site. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2009 edition and Regional Supplement Amendments adopted by Regional Standards Committee.
19. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.
20. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
21. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
22. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.
23. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, consistent with the approved Water Quality Technical Report.
24. Prior to the issuance of any construction permit, the Owner/Permittee shall provide evidence of coverage under the General Industrial National Pollutant Discharge Elimination System, in the form of a Notice of Intent (NOI) filed with the State Water Resources Control Board.

LANDSCAPE REQUIREMENTS:

25. If any required landscape (including existing or new plantings, hardscape, etc.) indicated on the approved development plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy.

PLANNING/DESIGN REQUIREMENTS:

26. Owner/Permittee shall maintain a minimum of 50 off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces and aisle widths shall comply at all times with the SDMC and shall not be converted for any

other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC, satisfactory to the Development Services Department.

27. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

28. Prior to final inspection, the applicant shall file a 7460-2 Notice of Actual Construction or Alteration with the Federal Aviation Administration (FAA) within five days after the construction reaches its greatest height, satisfactory to the Development Services Department.

29. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations, if not otherwise addressed within this Permit. The proposed 50'-0" high, freeway-oriented sign, as shown on Exhibit "A," shall conform with the City-wide sign regulations, subject to the Airport Requirements, above.

30. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

TRANSPORTATION REQUIREMENTS

31. Prior to the issuance of the first construction permit, the Owner/Permittee shall assure by permit and bond the widening on the west side of La Media Road north of Otay Mesa Road with one 6' bike lane, 13' outside lane and a 11' inside lane northbound and two 12' left turn lanes and one 14' through/right turn lane southbound, with appropriate traffic signal modifications as required, transitioning back to the existing street cross-section north of the project, to the satisfaction of the City Engineer. This work shall be completed and accepted by the City prior to occupancy.

32. Prior to the issuing of any construction permit, the Owner/Permittee shall record a shared parking agreement in favor of all parcels within the project site, to the satisfaction of the City Engineer.

33. Prior to the issuance of any construction permit, the Owner/Permittee shall record reciprocal access easements in favor of all parcels within the project site, to the satisfaction of the City Engineer.

34. Prior to any work starting in the City street right-of-way, the applicant shall apply for and obtain a "Public Right-of-Way Permit for Traffic Control."

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed

on this permit are fully completed and all required ministerial permits have been issued and received final inspection.

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on November 20, 2013, by Resolution No. _____.

DRAFT

Conditional Use Permit No. 1193967/Site Development Permit No. 1193968
November 20, 2013

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

MICHELLE SOKOLOWSKI
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

OCTANE RESOURCES, LLC
Owner/Permittee

By _____
BO THIARA
PRESIDENT

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

DOC # 2007-0143506



MAR 02, 2007 10:37 AM

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY J. SMITH, COUNTY RECORDER
FEES: 65.00
PAGES: 20



2007-0143506

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RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

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SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 422618

CONDITIONAL USE PERMIT NO. 89263
SITE DEVELOPMENT PERMIT NO. 128472
WORLD PETROL [MMRP] PROJECT NO. 32284

Hearing Officer

This Conditional Use Permit and Site Development Permit No. 89263 and 128472 is granted by the Hearing Officer of the City of San Diego to Ali Amari, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 103.1102 and 126.0301. The 3.4 acre site is located at 1599 La Media Road in the Industrial Subdistrict of Otay Mesa Development District within the Otay Mesa Community Planning area. The project site is legally described as lots 1 and 2 of Otay Mesa Industrial Park Map No. 12425.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct an automobile service station, convenience store, and food mart, which will include the sales of alcohol beverages, drive-through carwash, outdoor seating, and gasoline/diesel fuel sales described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated January 24, 2007, on file in the Development Services Department.

The project shall include:

- a. A 10,855-square foot automobile service station and food mart. The proposed development will also include a drive through car wash, a detached 3,810 square foot canopy covering the gasoline fuel service island with eight fuel dispensers, a detached 2,450 square foot canopy covering a semi-truck/trailer fuel service island with five diesel fuel dispensers and development signage;

- b. Deviations to the following regulations:

- 1. A ten-foot Side Yard Setback where 15 feet is required.

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2. Ground sign copy area allowing 200 square feet of copy area where 100 is allowed..
 3. Wall sign copy area to allow 250.2 square feet where 189.25 square feet is allowed.
 4. Two driveways where one is allowed , a 45-foot driveway where 35 feet is allowed.
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect at the time the extension is considered by the appropriate decision maker.
2. The utilization of this CUP is contingent upon the subsequent approval, by the State of California Alcohol Beverage Control Board [ABC] of a license to sell alcohol at this location. The issuance of the CUP does not guarantee the granting of a license by the ABC to sell alcohol at this location.
3. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.

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5. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
9. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.
10. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program (MMRP). These MMRP conditions are incorporated into the permit by reference or authorization for the project.
12. The mitigation measures specified in the Mitigation Monitoring and Reporting Program, and outlined in the Mitigated Negative Declaration No. 32284 shall be noted on the construction

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plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in Mitigated Negative Declaration No. 32284, satisfactory to the Development Services Department and the City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Biological Resources
Traffic

ENGINEERING REQUIREMENTS:

14. Prior to the issuance of a building permit, the applicant shall assure by permit and bond the replacement of the damaged sidewalk, adjacent to the site on Otay Mesa Road, satisfactory to the City Engineer.

15. Prior to the issuance of any construction permit, the subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.

16. Prior to the issuance of any construction permit, the subdivider shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

17. Prior to the issuance of any construction permit the applicant shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report.

18. The drainage system proposed for this development is private and subject to approval by the City Engineer.

19. Prior to the issuance of a building permit the applicant shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

20. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRC.

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21. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99 08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99 08 DWQ.
22. Prior to the issuance of any construction permit the applicant shall provide evidence of coverage under the General Industrial National Pollutant Discharge Elimination System, in the form of a Notice of Intent (NOI) filed with the State Water Resources Control Board.
23. The applicant shall construct City Standard curb, gutter, and sidewalk, adjacent to the site on La Media Road. All work shall be completed and accepted by the City Engineer, prior to building occupancy.
24. The applicant shall reconstruct the pedestrian ramp to current City Standards, on the northeast corner of the La Media Road and Otay Mesa Road intersection. All work shall be completed and accepted by the City Engineer, prior to building occupancy.
25. Prior to the issuance of any building permits, the applicant shall obtain an Encroachment Maintenance and Removal Agreement, for the private structures/facilities within the Floodwater Storage Easement.
26. Prior to the issuance of any building permits, the applicant shall grant the City additional Floodwater Storage Easement as shown on the Conceptual Grading Plans, sheet 3 of 16.

LANDSCAPE REQUIREMENTS:

27. No change, modification or alteration shall be made to the project unless appropriate application or amendment of this Permit shall have been granted by the City.
28. Prior to issuance of any engineering permits for grading, construction documents for the revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to this Permit (including Environmental conditions) and Exhibit 'A,' on file in the Office of the Development Services Department.
29. Prior to the issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvements plans shall take into account a 40 sq-ft area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

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30. In the event that a foundation only permit is requested by the Permittee or subsequent Owner, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit "A," Landscape Development Plan., on file in the Office of the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, notes with dimensions and labeled as "landscaping area."
31. Prior to the issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department.
32. Prior to the issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.
33. All required landscape shall be maintained by the Permittee or subsequent Owner in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.
34. The Permittee or subsequent owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.
35. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City manger within 30 days of damage or Certificate of Occupancy.

PLANNING/DESIGN REQUIREMENTS:

36. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.
37. The sales of alcoholic beverage shall be permitted between the hours of 6:00 a.m. and 12:00 midnight.
38. The owner or operator of the alcoholic beverage outlet shall post a prominent, permanent sign or signs stating, "No Loitering, consumption of alcoholic veverages, or open alcoholic beverage containers are allowed inside the premises, in the parking area, or on the public sidewalks adjacent to the premises."

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39. The utilization of this CUP is contingent upon the subsequent approval, by the State of California Alcohol Beverage Control Board [ABC] of a license to sell alcohol at this location. The issuance of the CUP does not guarantee the granting of a license by the ABC to sell alcohol at this location.
40. The owner or operator shall post a copy of the Conditional Use Permit conditions in the licensed premises in a place where they may be readily viewed by any member of the general public or any member of a government agency.
41. This Conditional Use Permit (CUP) allows the sale of beer and wine. The sale of other alcoholic beverages is not permitted.
42. Pool or billiard tables, foosball or pinball games, arcade style video and electronic games, or coin-operated amusement devices are not permitted on the premises where alcoholic beverages are sold.
43. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
44. Exterior public pay phones that permit incoming calls are not permitted on the premises, adjacent public sidewalks, or areas under the control of the owner or operator.
45. The owner or operator shall provide illumination, at a minimum level of 0.4 footcandles per square foot, on the exterior of the alcoholic beverage outlet, including adjacent public sidewalks and areas under the control of the owner or operator. The illumination shall be in operation during all hours of darkness while the outlet is open for business so that persons standing on or near the premises at night are identifiable by law enforcement personnel. The required illumination shall be shielded and directed so that it does not shine on adjacent properties.
46. The owner or operator shall provide trash receptacles, conveniently located for use by patrons, inside and outside the alcoholic beverage outlet, including adjacent public sidewalks and areas under the control of the owner or operator. At least one 13-gallon trash receptacle shall be located inside the premises. At least one 32-gallon trash receptacle shall be located outside the alcoholic beverage outlet, and at least one additional 32-gallon trash.

POLICE DEPARTMENT REQUIREMENTS:

47. There shall be no wine sold in containers less than 750 milliliters in size, with the exception of wine coolers sold in quantities of four (4) pack containers or more per sale.
48. No malt beverages sold in less than quantities of six (6) pack containers or more per sale.
49. No wine shall be sold with an alcoholic content greater than 15 percent by volume.
50. No exterior advertising of alcoholic beverages, or interior advertising of alcoholic beverages that is visible from the exterior of the premises shall be permitted.

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51. The premises shall be maintained as a convenience store and the quarterly annual sales of alcoholic beverages shall not exceed 10% of the quarterly annual sales of all other products.

TRANSPORTATION REQUIREMENTS

52. Prior to the issuance of any building permits shared parking and shared access agreements will be required between the lots.

53. No fewer than 50 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the Development Services Department.

54. Prior to the issuance of the last occupancy permit if the updated community plan has not reclassified the section of Otay Mesa Road along the project frontage from current 8-lane major classification to 6-lane primary arterial classification then applicant must provide an irrevocable offer of dedication (IOD) for 12 feet along Otay Mesa Road project frontage which is in addition to the 6 feet IOD shown on the General Arrangement sheet, to the satisfaction of the City Engineer.

55. Applicant is required to replace all damaged curb, gutter and sidewalk along project frontage, satisfactory to the City Engineer.

56. Prior to the issuance of any building permit applicant shall assure by permit and bond for the construction of the improvements on La Media Road from Otay Mesa Road to Windsock Street as shown on the Interim Signing & Striping Plan including dual left turn lanes at Otay Mesa Road, a deceleration lane at the southerly project driveway, painted center lane left turn bays, prohibitions of left turns in or out of the northerly project driveway, and modifications of the signal at Otay Mesa Road as required, all to the satisfaction of the City Engineer.

57. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.

58. Prior to the issuance of the first building permit applicant shall dedicate 14 feet along the project frontage on La Media Road as shown on the General Arrangement sheet, satisfactory to the City Engineer.

WASTEWATER REQUIREMENTS:

59. Prior to the issuance of any certificate of occupancy, the developer shall build those improvements in the approved Otay Mesa Sewer Master Plan prepared by PBS&J below their

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point of connection or which will provide relief capacity in the existing system in accordance with threshold capacity limits represented in the study. Capacity in the existing system will be granted on a first come, first serve basis..

60. Prior to the issuance of any building permits, the developer shall grant adequate sewer, and/or access easements, including vehicular access to each manhole, for all public sewer facilities that are not located within public rights of way, satisfactory to the Metropolitan Wastewater Department Director.
61. No structures or landscaping that would inhibit vehicular access shall be installed in or over any sewer access easement.
62. Prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement, no approved structures or landscaping shall be installed in or over any sewer access easement.
63. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
64. The developer shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.
65. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

WATER REQUIREMENTS:

66. Prior to the issuance of any building permits, the Owner/Permittee shall provide evidence to the Development Project Manager indicating that application for water service has been made to the California American Water Company (CAWC).
67. Due to the City of San Diego's present right to acquire CAWC's assets by eminent domain at a future date certain, prior to the issuance of any building permits, the Owner/Permittee shall deposit with the City an amount the City deems equal to the value of meters, hydrants, pipes, and other public water utilities that benefit the Owner/Permittee's property and which are paid for or installed by CAWC.
68. The City shall set such deposit aside in a separate account to be used only for the future City acquisition of the CAWC assets. If the Owner/Permittee enters into any reimbursement agreement with any utility relative to facilities installed by the Owner/Permittee, then the Owner/Permittee shall assign any such agreement to the City of San Diego.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within

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ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.

- This development may be subject to impact fees at the time of construction permit issuance


APPROVED by the Hearing Officer of the City of San Diego on February 7, 2007.

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Permit Type/PTS Approval No.: CUP 89263/SDP 128472
Date of Approval: February 7, 2007

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT


William Zouris
Development Project Manager

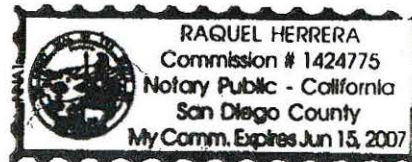


NOTE: Notary acknowledgment must be attached per Civil Code section 1180 et seq.

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

Owner/Permittee
By 
M. Amari

NOTE: Notary acknowledgments must be attached per Civil Code section 1180 et seq.



Rev. 10/26/06 jsf

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ALL-PURPOSE CERTIFICATE

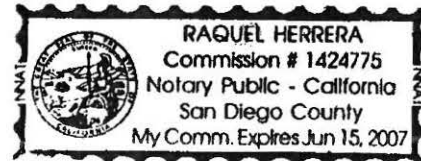
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State of California
County of San Diego

On February 15, 2007 before me, Raquel Herrera (Notary Public), personally appeared William Zounes, personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity (~~ies~~), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature  (Seal)



Description of Attached Document

World Petrol, Project Number 32284

Type/PTS Approval Number of Document: CUP 89263 / SDP 128472

Date of Approval: February 7, 2007

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ALL-PURPOSE CERTIFICATE

State of California
County of San Diego

On February 15, 2007 before me, Raquel Herrera (Notary Public), personally appeared Ali Amari, ~~personally known to me (or~~ proved to me on the basis of satisfactory evidence) to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity (~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

WITNESS my hand and official seal.

Signature *Raquel Herrera* (Seal)



Description of Attached Document

World Petrol, Project Number 32284

Type/PTS Approval Number of Document: CUP 89263 / SDP 128472

Date of Approval: February 7, 2007

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HEARING OFFICER
RESOLUTION NO. HO-5642
SITE DEVELOPMENT PERMIT NO. 128472
CONDITIONAL USE PERMIT NO. 89263
WORLD PETROL PROJECT NO. 32284

WHEREAS, ALI AMARI, Owner/Permittee, filed an application with the City of San Diego for a permit to construct a multi-use service station to include self-serve gas station, convenience store, car wash, and the sales of beer and wine (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 128472 and 89263), on portions of a 3.4 acre site;

WHEREAS, the project site is located at 1599 La Media Road in the Otay Mesa Community Planning area within the Industrial Subdistrict of the Otay Mesa Development District;

WHEREAS, the project site is legally described as lots 1 and 2 of Otay Mesa Industrial Park Map No. 12425;

WHEREAS, on February 7 2007, the Hearing Officer of the City of San Diego considered Site Development Permit No.128472 and Conditional Use Permit No. 89263 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated February 7, 2007.

FINDINGS:

SITE DEVELOPMENT PERMIT

1. The proposed development will not adversely affect the applicable land use plan.

The 3.40 acre site is located at 1599 La Media Road in the Otay Mesa Community Planning area within the Industrial Subdistrict of the Otay Mesa Development District. The property consists of two parcels designated industrial within the community plan. The project proposes the development of a multi-use service station to include a 5,832 square foot convenient store (food mart), 2,041 square foot fast food restaurant, 2,522 square foot car wash and the sales of beer and wine. The property is previously graded and relatively flat with property access rights relinquished along Otay Mesa Road.

The proposed facility, with the associated site improvements, comply with the development regulations, standards, and policies in effect for the project site per the Otay Mesa Development District Ordinance, the Otay Mesa Community Plan, the underlying OMDD-I Zone, and all other City regulations, policies, guidelines, design Standards and adopted land use plans applicable to this site. Both the Otay Mesa Development District and the adopted Otay Mesa Community Plan designate the entire project site for light industrial development. Therefore, the proposed project and its associated site improvements fully satisfy the general intent of the adopted Land Use Plan.

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2. The proposed development will not be detrimental to the public health, safety, and welfare.

The project proposes the development of a multi-use service station to include a 5,832 square foot convenient store (food mart), 2,041 square foot fast food restaurant, 2,522 square foot car wash and the sales of beer and wine. The permit for this project includes a number of conditions of approval relevant to achieving project compliance with the applicable regulations of the San Diego Municipal Code in effect that will assure the project will not adversely affect the health, safety and general welfare of persons residing or working in the area. These conditions include minimum standards for visual screening, maximum number of off-street parking spaces, and standards for security lighting for the sales of beer and wine

A Mitigated Negative Declaration was prepared for the project which included a review of a Water Quality Technical Report, Biology Study, and Archeology Study. The documents concluded that mitigation measures were required for potential impacts to biology and transportation due to the presences of non-native grass lands and traffic congestion. Mitigation measures include a payment into a Habitat Acquisition Fund, the restriping of La Media Road to accommodate a center turn lane and modifications to the existing traffic signal on the corner of La Media Road and Otay Mesa Road.

The intent of the Conditional Use Permit is that each use be developed so as to fully protect the public health, safety, and welfare of the community. With the conditions applied in the permit to address potential adverse effects associated with the proposed use, the project will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the applicable regulations of the land development code.

The project proposes the development of a multi-use service station to include a 5,832 square foot convenient store (food mart), 2,041 square foot fast food restaurant, 2,522 square foot car wash and the sales of beer and wine. The proposed service station and sales of beer and wine are not permitted by right in the existing zone and require a Conditional Use Permit. The proposed service station is the primary use for the development and all other activities would be accessory uses. The food mart and car wash associated with the service station are accessory uses in accordance with San Diego Municipal Code (SDMC) section 141.0801. The site down restaurant can be granted pursuant to SDMC section 126.0302(b) in that it states, "All existing and proposed uses on the site shall be identified in the permit, including existing or new uses permitted by right in the applicable zone, any use subject to a use permit, and those proposed uses that require a Conditional Use Permit." Because the Otay Mesa Development District allows all permitted uses within the IH-2-1 zone, eating and drinking establishments are permitted with the proposed service station.

The project has incorporated deviations to the side yard setback, signs, and driveway widths.

A 15-foot side yard setback is required in accordance with San Diego Municipal Code (SDMC) section 103.1107. The project proposes a ten-foot side yard setback for a trellis and a portion of the car wash building within the east side of the site. The reduced setback is necessary to provide for adequate egress and ingress for the site. The site has existing development constraints due to a flood storage easement that covers approximately 14 percent of the site's south end. The adjacent property to the east will be separated by landscape, decorative trellis, and a walkway to further enhance the side yard along the east property line.

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The project is requesting a deviation to allow two driveways along La Media to serve the service station where only one is allowed and to provide a 45-foot wide driveway where 30'-0" maximum is allowed. SDMC Table 142-05L identifies the maximum width for a nonresidential driveway to be 30 feet. However SDMC section 141.0801(e)(1) allows an automobile service station to have a 35-foot driveway on any of its street frontages if it is the only driveway on that frontage.

Staff supports for these deviations as the project is required to relinquish their access rights to Otay Mesa Road resulting in no other frontages to obtain vehicular access. The 45-foot driveway makes it possible to have truck traffic enter the site without encroaching into the travel lanes of La Media Road.

The project is requesting to deviate from the allowed wall sign copy area. The project is proposing a total of 250 square feet of wall sign copy area where 189.25 square feet is allowed in accordance to SDMC section 142.1225. The additional wall sign copy area allows adequate signage to be provided for the proposed multi-use service station. The project proposes canopies above the fuel pumps; these canopies contain an additional wall surface area of approximately 4,452 square feet which is not included in the calculations of wall sign copy area. Staff can support an increase of 61 square feet because the total signage allotted is dispersed between the convenient store and two canopies detached from the commercial building minimizing an over concentration of wall sign copy area on the commercial structure.

The project is requesting a deviation to the ground sign copy area along La Media Road. to allow 200 square feet of copy where 100 square feet is allowed. Even though La Media Road currently contains two travel lanes running north and south, the increase in copy area can be supported because La Media Road is classified as a six lane primary road in accordance to the Otay Mesa Community Plan which allows up to 200 square feet in copy area for ground signs.

Staff supports the proposed deviations as they have been determined to be minor in scope, caused by site constraints limiting development not of the applicants making, and that the project conforms to all other development requirements which implement community plan and underlying zone requirements and recommendations through sensitive design practices. The project has been determined to be consistent with the development regulations contained within the Otay Mesa Development District, Chapter 10, Article 3, Division 11, Industrial Subdistrict and all other pertinent regulations of the Land Development Code (LDC). It has been determined from City staff that the proposed development is in conformance with land use regulations regarding land use, height, grading, and parking. The project is consistent with the goals and policies of the Land Development Code.

SITE DEVELOPMENT PERMIT SUPPLEMENTAL FOR ENVIRONMENTALLY SENSITIVE
(SECTION 126.0504B):

- 1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.**

The project proposes the development of a multi-use service station to include a 5,832 square foot convenient store (food mart), 2,041 square foot fast food restaurant, 2,522 square foot car wash and the sales of beer and wine. The site is vacant and contains a flood storage easement and culvert on the north side of lot.

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A Mitigated Negative Declaration was prepared from the project as it was determined that the proposed development could have a significant impact in Biological Resources due to the potential impact to non-native grassland. A majority of the site contains non-native grassland and ornamental vegetation. The project will result in direct impacts to 3.14 acres of non-native grassland. The project is required to mitigate for the loss of non-native grassland by payment into the Habitat Acquisition Fund.

Because of the mitigation measures to non-native grasslands, the project now avoids or mitigates any potentially significant environmental impacts to environmentally sensitive lands. The project is therefore physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

The project proposes the development of a multi-use service station to include a 5,832 square foot convenient store (food mart), 2,041 square foot fast food restaurant, 2,522 square foot car wash and the sales of beer and wine. The site has been previously graded and is relatively flat. Proposed finish grading is designed to have drainage flow to a public street and not into the drainage easement. According to the City of San Diego's Seismic Safety Study, the project lies within Geologic Hazard Category 53 with moderate risk for instability. To assess the potential geologic hazards affecting the proposed site, a preliminary geotechnical investigation was prepared by Geotechnical Exploration, Inc. The report concluded that no adverse geotechnical conditions are present on the site. The proposed development therefore, will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosion forces, flood hazards, or fire hazards.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

The site is not located adjacent to any environmentally sensitive lands therefore, will not have an adverse impact on any environmentally sensitive lands.

4. The proposed development will be consistent with the city of San Diego's multiple species conservation program (MSCP) Subarea plan.

The site is not located near the City of San Diego's Multiple Species Conservation Program (MSCP). Therefore conditions applicable to the MSCP do not apply to the project.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

The site is located approximately ten miles from a public beach or shoreline therefore the project will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

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- 6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.**

The project proposes the development of a multi-use service station to include a 5,832 square foot convenient store (food mart), 2,041 square foot fast food restaurant, 2,522 square foot car wash and the sales of beer and wine. The site has been previously graded. A Mitigated Negative Declaration was prepared from the project as it was determined that the proposed development could have a significant impacts in Biological Resources, due to the potential impact to existing non-native grassland and Transportation/Circulation, due to a potential significant impact to traffic along La Media Road.

A majority of the site contains non-native grassland and ornamental vegetation. The project will result in direct impacts to 3.14 acres of non-native grassland. The project is required to mitigate for the loss of grassland by payment into the Habitat Acquisition Fund. Because of the mitigation measures to non-native grasslands, the project now avoids or mitigates any potentially significant environmental impacts to environmentally sensitive lands. The project's Traffic Study identified a potential significant impact at the intersection of La Media Road and Otay Mesa Road. To reduce the impact to below a level of significance, the project-related impacts would be mitigated with the re-striping of La Media Road to create a center turn lane and the modification to the existing traffic signal on Otay Mesa Road

The proposed mitigation for impacts to the project will alleviate negative environmental impacts created from the development and reduce adverse development impacts to the biological resources and transportation to below a level of significance.

Conditional Use Permit - Section 126.0305

- 1. The proposed development will not adversely affect the applicable land use plan.**

The proposed development will not adversely affect the applicable land use plan welfare as described in Site Development Permit resolution No. 1.

- 2. The proposed development will not be detrimental to the public health, safety, and welfare.**

The proposed development will not be detrimental to the public health, safety, and welfare as described in Site Development Permit resolution No. 2.

- 3. The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code.**

The proposed use will comply with the relevant regulations in the land development code as described in Site Development Permit resolution No. 3.

- 4. The proposed use is appropriate at the proposed location.**

The project proposes the development of a multi-use service station to include a 5,832 square foot convenient store (food mart), 2,041 square foot fast food restaurant, 2,522 square foot car wash and the sales of beer and wine. An automobile service station and the alcoholic beverage outlet can be permitted

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through the provisions of the Conditional Use Permit regulations of the San Diego Municipal Code. The automobile service station would allow for a use complimentary to the heavy volume of traffic on Otay mesa Road and the are in general. With the conditions in placed within the permit, the use is appropriate at the proposed location.

FINDINGS FOR OTAY MESA DEVELOPMENT DISTRICT PERMIT
(SECTION 103.1102(B)(3)):

- 1. The application is complete and conforms to all city regulations, policies, guidelines, design standards and density.**

The project proposes the development of a multi-use service station to include a 5,832 square foot convenient store (food mart), 2,041 square foot fast food restaurant, and a 2,522 square foot car wash. The graded site is developed with industrial developments to the north and east, vacant land and a multi-use service station to the south and a fire station and Brown Field to the west.

The design and use of this site for a service station, with the associated site improvements comply with the development regulations, standards, and policies in effect for the project site per the Otay Mesa Development District Ordinance, the Otay Mesa Community Plan, the underlying OMDD-I Zone, and all other City regulations, policies, guidelines, design standards and adopted land use plans applicable to this site. The project complies with the applicable regulations of the Land Development Code.

- 2. The proposed use and project design meet the purpose and intent of the Otay Mesa development district and the Otay Mesa community plan.**

The proposed use and project design meet the purpose and intent of the Otay Mesa development district and the Otay Mesa community plan as described in Site Development Permit Finding number 1 and 3.

- 3. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other properties in the vicinity.**

The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other properties in the vicinity as described in Site Development Permit resolution No. 2.

- 4. The proposed use will comply with the relevant regulations in the land development code.**

The proposed use will comply with the relevant regulations in the land development code as described in Site Development Permit resolution No. 3.

- 5. A plan for the financing of public facilities as provided in section 103.1102.b. of this district has been approved by the city Engineer.**

A public facilities financing plan was approved by the City Engineer concurrent with previous maps within the project area of the Otay Mesa Development District.

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The Facilities Benefits Assessment for this area is based upon an estimate of project-induced impacts to the Otay Mesa Community requiring additional transportation, fire and/or police facilities. Additional fees to cover public facilities as provide in section 103.1102(b) will be calculated and due upon issuance of the first building permit.

Therefore; in accordance with Resolution No. R-284392, adopted by the City Council on August 2, 1994, the project/use has been conditioned in the associated permit to fully comply with the applicable Development Impact Fees in effect for this portion of the Otay Mesa Community

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Site Development Permit No.128472 and Conditional Use Permit No. 89263 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 128472 and 89263 a copy of which is attached hereto and made a part hereof.



William Zouris
Development Project Manager
Development Services

Adopted on: February 7, 2007

Job Order No. 422618

cc: Legislative Recorder, Planning Department

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PROJECT PLANS

As attachment to Hearing Officer
Package Only



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: February 7, 2007 REPORT NO. HO 07-029

ATTENTION: Hearing Officer

SUBJECT: WORLD PETROL
PROJECT NUMBER: 32284

LOCATION: 1599 La Media Road

APPLICANT: Ali Amari (Attachment 9)

SUMMARY

Requested Action - Should the Hearing Officer approve a Site Development Permit and Conditional Use Permit to construct a multi-use service station to include self-serve gas pumps, convenience store, car wash, and the sale of beer and wine?

Staff Recommendation -

1. **CERTIFY** Mitigated Negative Declaration No. 32284 and **ADOPT** the Mitigation Monitoring and Reporting Program; and
2. **APPROVE** Site Development Permit No.128472 and Conditional Use Permit No. 89263 with conditions (Attachment 6).

Community Planning Group Recommendation - On May 19, 2004 the Otay Mesa Community Planning Group voted 11-0-0 to recommend approval of the project with no conditions (Attachment 8).

Environmental Review - A Mitigated Negative Declaration No. 32284 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines, with mitigation measures for potential impacts to biology and traffic.

BACKGROUND

The 3.40 acre site is located at 1599 La Media Road in the Otay Mesa Community Planning area within the Industrial Subdistrict of the Otay Mesa Development District. The property consists of two parcels designated industrial within the community plan (Attachment 2). The surrounding area is developed with industrial developments to the north and east, vacant land and a multi-use service station to the south, fire station and Brown Field to the west. The site is vacant and contains a flood storage easement and culvert on the north side of lot. A portion of the site contains non-native grasslands which will be mitigated in accordance with Mitigated Negative Declaration (MND) No. 32284.

A Conditional Use Permit is required in accordance with San Diego Municipal Code (SDMC) section 126.0303 and 141.0502 for the development of a service station and for the sale of beer and wine for off-site consumptions. A Site Development Permit is required in accordance with SDMC section 126.0502 for a commercial development on a premises containing environmentally sensitive lands (non-native grasslands). An Otay Mesa Development Permit (processed as a Site Development Permit) is required in accordance with SDMC section 103.1102 for deviations to side yard setback, driveways, and sign regulations.

DISCUSSION

The project proposes the development of a multi-use service station to include a 5,832-square-foot convenient store (food mart), 2,041-square-foot fast food restaurant, and a 2,522-square-foot car wash. The project will include two 29-foot high steel frame canopies, concrete paving, and 22 fuel pumps. Canopy One would cover approximately 2,450 square feet and used for automobiles. Canopy Two will cover 2,450 square feet and consist of diesel fuel pumps primarily used for trucks. The project would also include the installation of three 25,000 gallon and one 20,000 gallon, double-wall fiberglass underground storage tanks.

Fifty vehicular parking spaces are required for the project. The project will provide 18 spaces for the food mart, 31 spaces for the restaurant, and one space for the office. The fuel pumps and convenience store will be in operation for 24 hours a day. The hours of operation for the car wash will be from 8:00 a.m. to 8:00 p.m.

Grading will consist of 1,200 cubic yards of balanced cut and fill in which the tank excavation would include export and disposal of about 1,240 cubic yards with a maximum depth of 15 feet. The buildings will consist of stucco walls with tile roofs and building treatments of pilasters with brown tile pavers.

Environmental Analysis:

A Mitigated Negative Declaration was prepared from the project as it was determined that the proposed development could have a significant impact in the following areas:

- Biological Resources, due to the potential impact to non-native grassland;
- Transportation/Circulation, due to a potential significant impact to traffic along La Media Road

A majority of the site contains non-native grassland and ornamental vegetation. The project will result in direct impacts to 3.14 acres of non-native grassland. The project is required to mitigate for the loss of grassland by payment into the Habitat Acquisition Fund.

The project's Traffic Study identified a potential significant impact at the intersection of La Media Road and Otay Mesa Road. To reduce the impact to below a level of significance, the project-related impacts would be mitigated with the re-striping of La Media Road to create a center turn lane including the modifications to the existing traffic signal on Otay Mesa Road.

Because of these mitigation measures, the project now avoids or mitigates any potentially significant environmental impacts to biological and Traffic/Circulation related issues in accordance with the California Environmental Quality Act.

Community Plan Analysis:

The proposed project is located in the Industrial Parks designation of the Otay Mesa Community Plan. The community plan Industrial element does not specifically discuss service stations. Therefore, the proposed development would not adversely affect the applicable land use plan in that the service station is consistent with the underlying zone and becomes allowable by a Conditional Use Permit.

Project-Related Issues:

Site Development Permit/Deviations Analysis:

The Otay Mesa Development Permit allows flexibility in the application of development regulations for projects where strict application of the underlying development regulations would restrict design options and result in a less desirable project. Staff supports the proposed deviations as they have been determined to be minor in scope, caused by site constraints limiting development not of the applicants making, and that the project conforms to all other development requirements which implement the underlying zone and community plan recommendations through sensitive design practices.

The project design has incorporated deviations to the side yard setback, signs, and driveway widths. The site specific deviations are described below:

A 15-foot side yard setback is required in accordance with San Diego Municipal Code (SDMC) section 103.1107. The project proposes a ten-foot side yard setback for a trellis and a portion of the car wash building within the east side of the site. The reduced setback is necessary to provide for adequate egress and ingress for the site. The site has existing development constraints due to a flood storage easement that covers approximately 14 percent of the site's south end. The adjacent property to the east will be separated by landscape, decorative trellis, and a walkway to further enhance the side yard along the east property line.

The project is requesting a deviation to allow two driveways along La Media to serve the service station where only one is allowed and to provide a 45-foot wide driveway where 30'-0" maximum is allowed. SDMC Table 142-05L identifies the maximum width for a nonresidential driveway to be 30 feet. However SDMC section 141.0801(e)(1) allows an

automobile service station to have a 35-foot driveway on any of its street frontages if it is the only driveway on that frontage.

Staff supports for these deviations as the project is required to relinquish their access rights to Otay Mesa Road resulting in no other frontages to obtain vehicular access. The 45-foot driveway makes it possible to have truck traffic enter the site without encroaching into the travel lanes of La Media Road.

The project is requesting to deviate from the allowed wall sign copy area. The project is proposing a total of 250 square feet of wall sign copy area where 189.25 square feet is allowed in accordance to SDMC section 142.1225. The additional wall sign copy area allows adequate signage to be provided for the proposed multi-use service station. The project proposes canopies above the fuel pumps; these canopies contain an additional wall surface area of approximately 4,452 square feet which is not included in the calculations of wall sign copy area. Staff can support an increase of 61 square feet because the total signage allotted is dispersed between the convenient store and two canopies detached from the commercial building minimizing an over concentration of wall sign copy area on the commercial structure.

The project is requesting a deviation to the ground sign copy area along La Media Road to allow 200 square feet of copy where 100 square feet is allowed. Even though La Media Road currently contains two travel lanes running north and south, the increase in copy area can be supported because La Media Road is classified as a six lane primary road in accordance to the Otay Mesa Community Plan which allows up to 200 square feet in copy area for ground signs.

The project will provide a benefit to the community by providing convenient services for the area. The project will implement the Otay Mesa Community Plan by maintaining a use that is recommended for the area. The project is anticipated to visually enhance the area by developing a vacant site that has been used for illegal dumping with a developed site that is landscaped, provides convenient services and includes outdoor seating for patrons.

Sales of beer and wine

The project includes a request for the limited sales of wine and beer within a 5,832 square-foot convenient store. The limited sales of beer and wine will be confined to the hours of 6:00 a.m. to 12:00 a.m. Monday through Sunday as identified in condition 40 of Conditional Use Permit No. 89263 (Attachment 6).

Section 141.0502(b) determines when the limited sale of alcohol is permitted by right as opposed to when a Conditional Use Permit is required. The limited sale of alcohol requires a Conditional Use Permit in any one of the following instances:

- Within a Federal Census tract, or within 600 feet of a Census Tract, where the general crime rate exceeds the citywide average general crime rate by more than 20 percent.
- Within a Census tract, or within 600 feet of a Census Tract, where the ratio of alcoholic beverage outlets exceeds the standards established by the California Businesses and Professional Code (Section 23958.4).

- Within a Redevelopment Area.
- Within 600 feet of a public or private accredited school, a public park, playground or recreational area, a church, hospital or a San Diego County Welfare District Office.
- Within 100 feet of residentially zoned property.

In the case of the proposed project, a Conditional Use Permit is required because the property is located within Federal Census Tract No. 100.14 where the general crime rate exceeds the city-wide average general crime rate by more than 20 percent and is within 600 feet of a Census Tract where the ratio of alcoholic beverage outlets exceeds the standards established by the California Businesses and Professional Code (Section 23958.4).

Statistics provided by the San Diego Police Department for Federal Census Tract No. 100.14 show the area to be 254-percent above the citywide average of 120-percent (Attachment 11). However Census Tract No. 100.14 allows up to six alcoholic beverage outlets where two exist today. By definition, the project site is considered to be within a high crime area but is within the allowable number of off-sale alcoholic beverage outlets. Therefore, the San Diego Police Department has recommended approval of the Conditional Use Permit.

The permit associated with the project has incorporated conditions that would restrict the sales of beer and wine and other measures to off-set possible negative impacts associated with the sales of alcohol (Attachment 6). In addition, the San Diego Police Department's Vice Unit will work with the applicant and the Department of Alcoholic Beverage Control to place additional conditions on the alcohol license to minimize law enforcement concerns.

CONCLUSION

Staff has determined that the project complies with the development regulations of the Otay Mesa Development District Industrial Subdistrict and all other applicable sections of the Land Development Code. Staff has also considered the alcoholic beverage outlet statistics from the Alcoholic Beverage Control and the recommendation of the San Diego Police Department-Vice Operations. Staff has determined that the required findings can be made as the project meets the applicable San Diego Municipal Code regulations and requirements. Staff recommends approval of the project as proposed.

ALTERNATIVES

1. Approve Site Development Permit No. 128472 and Conditional Use Permit No. 89263, with modifications or;
2. Deny Site Development Permit No. 128472 and Conditional Use Permit No. 89263, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

William Zounes,
Development Project Manager

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Plans
6. Draft Permit with Conditions
7. Draft Resolution with Findings
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement
10. Project Chronology
11. SDPD Conditional Use Permit Recommendation



THE CITY OF SAN DIEGO

City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101

Community Planning Committee Distribution Form Part 2

Project Name: LA MEDIA CHEVRON		Project Number: 302601	Distribution Date: 5/14/2013	
Project Scope/Location: Remove existing 30-foot high monument sign and install a 50-foot high freeway sign at the Chevron located at 1599 La Media Rd.				
Applicant Name: Robert G. Faudoa Jr			Applicant Phone Number: (858) 483-0620	
Project Manager: Michelle, Sokolowski	Phone Number: (619) 446-5278	Fax Number: (619) 321-3200	E-mail Address: msokolowski@sandiego.gov	
Committee Recommendations (To be completed for Initial Review):				
<input checked="" type="checkbox"/> Vote to Approve	4/17	Members Yes 12	Members No 0	Members Abstain 0
<input type="checkbox"/> Vote to Approve With Conditions Listed Below		Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below		Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Deny		Members Yes	Members No	Members Abstain
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)				<input type="checkbox"/> Continued
CONDITIONS:				
NAME: ROB HAXSON			TITLE: CHAIR	
SIGNATURE: [Signature]			DATE: 5/15/13	
<i>Attach Additional Pages If Necessary.</i>		Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101		
Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services . Upon request, this information is available in alternative formats for persons with disabilities.				

RE: PTS # 302601 - La Media Chevron Amendment - EMRA, Grading Per... Page 1 of 5

**RE: PTS # 302601 - La Media Chevron Amendment - EMRA,
Grading Permit, BMPs, WQTR, etc.**

Hixson, Rob @ San Diego Downtown [Rob.Hixson@cbre.com]

Sent: Thursday, March 07, 2013 10:37 AM

To: Sokolowski, Michelle

Cc: garyengca@aol.com; bthiara@peninsulalp.com; Juan Villaseñor [juan@garyengineeringinc.com]

Michelle, confirming the OMPG voted 12 -0 to approve the project on Feb. 20th. Thank you.

Rob Hixson, SIOR | Senior Vice President | Lic. 00944946

CBRE | Industrial Properties | Lic. 00409987

350 Tenth Avenue, Suite 800 | San Diego, CA 92101

T 619 696 8350 | F 619 232 2462 | C 619 954 9520

Rob.Hixson@cbre.com | www.cbre.com

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[What is a SIOR?](#)

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From: Juan Villaseñor [mailto:juan@garyengineeringinc.com]

Sent: Thursday, March 07, 2013 10:21 AM

To: 'Sokolowski, Michelle'

Cc: garyengca@aol.com; bthiara@peninsulalp.com; Hixson, Rob @ San Diego Downtown

Subject: RE: PTS # 302601 - La Media Chevron Amendment - EMRA, Grading Permit, BMPs, WQTR, etc.

Importance: High

Thank you Michelle for the update,

The Otay Mesa Community planning group
Approved our project unanimously on February 20, 2013

Please call me if you have any questions

Thank you

Juan Villaseñor, Assistant Engineer | **GE** Gary Engineering, Inc.

4901 Morena Blvd. #304 | San Diego, CA. 92117 | p:858.483.0620 | f:858.483.2943

From: Sokolowski, Michelle [mailto:MSokolowski@sandiego.gov]

Sent: Thursday, March 07, 2013 9:56 AM

To: 'Juan Villaseñor'

Cc: garyengca@aol.com; bthiara@peninsulalp.com

Subject: RE: PTS # 302601 - La Media Chevron Amendment - EMRA, Grading Permit, BMPs, WQTR, etc.

Hi Juan: Comments will hopefully be done by the end of next week. What is the status of the community planning group recommendation? I don't have that yet. Thanks, Michelle

From: Juan Villaseñor [mailto:juan@garyengineeringinc.com]

Sent: Thursday, March 07, 2013 9:43 AM



City of San Diego
 Development Services
 1222 First Ave., MS-302
 San Diego, CA 92101
 (619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit
 Variance Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment • Other _____

Project Title

La Media Chevron

Project No. For City Use Only

302601

Project Address:

1599 La Media Road, San Diego, CA 92154

Part I - To be completed when property is held by Individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached Yes No

Name of Individual (type or print):

Owner Tenant/Lessee Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

Owner Tenant/Lessee Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

Owner Tenant/Lessee Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

Owner Tenant/Lessee Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Project Title: La Media Chevron	Project No. (For City Use Only) 302601
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Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

Corporation Limited Liability -or- General) What State? CA Corporate Identification No. _____
 Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. **Note:** The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. **Additional pages attached** Yes No

Corporate/Partnership Name (type or print):
Octane Resources, LLC

Owner Tenant/Lessee


Street Address:
121 Chapel Drive

City/State/Zip:
Mill Valley, CA 94941

Phone No: (415) 564-4567 Fax No: (714) 690-2421

Name of Corporate Officer/Partner (type or print):
Bo Thiara

Title (type or print):
President

Signature :  Date: 10/31/12

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date: