REPORT TO THE HEARING OFFICER

HEARING DATE: July 23, 2014 REPORT NO. HO-14-044
ATTENTION: Hearing Officer
SUBJECT: Del Mar Heights Rd. Shell
LOCATION: 3051 Del Mar Heights Road
APPLICANT: Paris Hagman

SUMMARY

Requested Action - Should the Hearing Officer approve a Site Development Permit and Conditional Use Permit for an existing automobile service station to allow the addition of a car wash, conversion of a service garage into a convenience store and an addition to the convenience store within the Carmel Valley Community Planning area?

Staff Recommendation: APPROVE Conditional Use Permit No. 1095165 and Site Development Permit No. 1102351 with conditions (Attachment 7).

Community Planning Group Recommendation: On March 27, 2014, the Carmel Valley Community Planning Board voted 12-0-0 to recommend approval of the project with one condition. Reference the Background/Discussion section of the report (Attachment 8).

Environmental Review: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, section 15303, (new construction or conversion of small structure). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on June 19, 2014.

BACKGROUND/DISCUSSION

The site is located at 3051 Del Mar Heights Road in the Employment Center (EC) zone of the Carmel Valley Planned District. The Planned District requires compliance with the city-wide CC-1-2 zone. The property is designated as Employment Center within the North City West Community Precise Plan and identified as a service station site. The service station was entitled under Conditional Use Permit/Carmel Valley Planned District Permit No. 92-0487, approved by the City Council and dated January 11, 1994 (Attachment 4). The project requires the processing
of a Site Development Permit for a Carmel Valley Planned District and a Conditional Use Permit. The original permit is being amended with this action.

**Project Description:**

The project proposes the addition of a car wash, expansion of the existing convenience store by converting the existing mechanic shop into the convenience store, and proposing a new addition to the convenience store. The improvements will result in a 2,504-square foot convenience store, 900 square foot car wash and existing service bays with overhead canopy.

The addition of the car wash is a permitted accessory use for automobile service stations in accordance to SDMC section 141.0801(b). The car wash structure will encompass 900 square feet of the site. The development complies with all of the regulations of the Planned District (which requires compliance with the city-wide CC-1-3 zone) and the development complies with all of the separately regulated use regulations for Automobile Service Stations which address setbacks, driveway locations, and allowable accessory uses.

**Community Planning Group Recommendation**

On March 27, 2014, the Carmel Valley Community Planning Board voted 12-0-0 to recommend approval of the project as proposed with a condition that a trellis is installed above the trash enclosure to reduce visual impacts for the office residents to the south. The owner agreed to this condition and this is reflected on the project plans.

**CONCLUSION**

Staff has determined that the project complies with the development regulations of all 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. 1095165 and Site Development Permit No. 1102351, with modifications or;

2. **Deny** Conditional Use Permit No. 1095165 and Site Development Permit No. 1102351 if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Sandra Teasley
Development Project Manager
Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Prior Discretionary Approval: Project No. 920487
5. Project Data Sheet
6. Draft Permit with Conditions
7. Draft Resolution with Findings
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement
10. Project Plans
Aerial Photograph
Del Mar Heights Rd, Shell - Project No. 313163
3015 Del Mar Heights Road
NORTH CITY WEST

RESIDENTIAL
- VERY LOW DEN. 5 DU/AC
- LOW DEN. 10 DU/AC
- LOW MED. DEN. 20 DU/AC
- MEDIUM DEN. 40 DU/AC
- COMMERCIAL
- ALL CATEGORIES N-
- NEIGHBORHOOD V VISITOR

PUBLIC FACILITIES
- SCHOOLS ELEM J-JR S-SR.
- P-PARK N-NEIGHBORHOOD C-COMM.
- LIBRARY ▲ FIRE STATION

TRANSPORTATION
- FREeway
- MAJOR STREET
- COLLECTOR STREET

LAND USE MAP
Del Mar Heights Rd. Shell
PROJECT NO. 313163
This Conditional Use/Planned District Development Permit is granted by the Council of the City of San Diego to TEXACO REFINING and MARKETING, INC., a Delaware corporation, Owner/Permittee, pursuant to Sections 101.0510 and 103.0612 of the Municipal Code of the City of San Diego.

1. Permission is granted to Owner/Permittee to remodel an existing gas and service station, located at 3015 Del Mar Heights Road, described as Lot 2, Tentative Map Subdivision, Map No. 6214, in the Employment Center ("EC") zone of the Carmel Valley Planned District.

2. The facility shall consist of the following:
   a. A 2,667-square-foot service station building with three service bays and food mart;
   b. Two above ground propane tanks (each 500-gallon size);
   c. Off-street parking; and
   d. Accessory uses as may be determined incidental and approved by the Planning Director.

3. No fewer than 11 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated January 11, 1994, on file in the office of the Planning Department. Parking spaces shall be consistent with Chapter X, Article 1, Division 8 of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Planning Department standards. Parking areas shall be marked at all times. Landscaping located in any parking area shall be permanently maintained and not converted for any other use.

4. No permit for proposed construction of any facility shall be granted nor shall any activity authorized by this permit be conducted on the premises until:
   a. The Permittee signs and returns the permit to the Planning Department;
   b. The Conditional Use/Carmel Valley Planned District Development Permit is recorded in the office of the County Recorder.
5. Before issuance of any building permits, complete building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated January 11, 1994, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications, findings of substantial conformance or amendment of this permit shall have been granted.

6. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The plans shall be in substantial conformity to Exhibit "A," dated January 11, 1994, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended and is to be maintained in a disease-, weed- and litter-free condition at all times.

7. All outdoor lighting shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located.

8. This Conditional Use/Carmel Valley Planned District Development Permit must be used within 36 months after the date of City approval or the permit shall be void. An Extension of Time may be granted as set forth in Section 101.0510.k. of the Municipal Code. Any extension of time shall be subject to all standards and criteria in effect at the time the time of extension is applied for.

9. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.

10. After establishment of the project, the property shall not be used for any other purposes unless:

   a. Authorized by the Planning Commission; or

   b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or

   c. The permit has been revoked by the City.

11. This Conditional Use/Carmel Valley Planned District Development Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.

12. This Conditional Use Permit is a covenant running with the subject property and shall be binding upon the 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.

13. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.

14. Pennants, portable signs or banners shall not be permitted on the premises.

15. Signaling devices to alert station attendants to entering vehicles shall be located and adjusted so as to cause no noise disturbances to adjoining properties.

16. The requirements of the County Health Department and the City of San Diego Fire Department for storage of all hazardous materials, including underground chemical storage, shall be met at all times.

17. All vehicles shall be repaired and serviced entirely within service bays, except gasoline or motor oil may be dispensed outdoors. No merchandise or supplies shall be stored or displayed outdoors except lubricants, supplies and accessories on suitable racks on pump islands.

18. All trash shall be stored in suitable containers and the containers shall be placed within the building or within enclosed solid walls or fences at least six feet in height. Refuse shall not be visible from outside the enclosed area.

19. A letter from the lessee stating that they have read, understand and agree to comply with the conditions imposed on the service station shall be written, signed and sent to the parent oil company and a copy sent to the City of San Diego Planning Department.

20. A copy of this Conditional Use Permit shall be posted on the premises of the service station at all times and be available for viewing by any person or persons who may desire to see the document.

21. No loitering signs shall be placed in and around the mini-market facility and no loitering enforced by the permittee, any lessee or subsequent owner.

22. Plantings, planter boxes and/or vines shall be placed around the mini-market building in a manner satisfactory to the Planning Director.

23. Performance of minor automotive maintenance and repair, including all government-mandated automobile diagnostic evaluations are permitted. Major automotive repair and engine rebuilding is specifically prohibited. Any such
repair and maintenance permitted shall be done within enclosed buildings.

24. Activities specifically prohibited on-site include:
   a. Painting, body and fender work;
   b. Sales or rentals of any new or used vehicle, boat or trailer;
   c. Sales or rental of power tools;
   d. Outdoor storage and display of any product for sale other than automotive fuels, lubricants, supplies and accessories;
   e. Stand-alone kiosks providing services and sales of products.

25. When operations are discontinued at an automobile service station for a period approaching 12 months, the permittee of the Conditional Use Permit has the following options:
   a. Apprise the City Planning Department that the Conditional Use Permit should be rescinded pursuant to Municipal Code section 101.0510.0 ("Rescission of Permit by Applicant"). In the underlying zone or planned district, including underground tanks, shall be removed.
   b. Redevelop the property as a service station through an amended Conditional Use Permit, as set forth in Municipal Code section 101.0510.1. ("Amendment to Permit").
   c. Resume use as a service station under the existing Conditional Use Permit.

If none of the above options is taken by the permittee, and operations remain discontinued beyond the twelfth month, the City may initiate proceedings to rescind the permit and abate the nonconforming structures, as set forth in Municipal Code section 101.0510.N. ("Failure to Conform or Comply with Conditions").

26. In the event that the gasoline sales service facility is abandoned or vacated for a continuous period of one year (12 months), the property owner shall cause to have all structures, buildings, signs, and accessory uses related to the gasoline service station and other potentially hazardous conditions removed from the premises. Underground fuel storage tanks shall also be removed from the premises. Underground fuel storage tanks shall also be removed or capped satisfactory to the Fire Department.
ATTACHMENT 4

27. This project contains a street which must be vacated by City Council to accommodate this proposal. If the vacation is denied by Council, then this Conditional Use Permit shall be deemed denied.

28. Prior to the issuance of any building permits, the applicant shall obtain an Encroachment Removal Agreement, from the City Engineer, for private improvements and signage to be located within the public right-of-way. This condition does not constitute approval of the Encroachment Removal Agreement, which requires separate application.

29. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the relocation of the existing two-inch water meter currently located within the driveway on Del Mar Hills Drive, satisfactory to the Water Utilities Director and the City Engineer.

30. Prior to the issuance of any building permits, the applicant shall:
   a. Ensure that building address numbers are visible and legible from the street (Uniform Fire Code (UFC) section 10.208).
   b. Show the location of all fire hydrants on the plot plan (UFC section 10.301).

31. This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.

32. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the installation of standard City driveways (curb-return access is not allowed), satisfactory to the City Engineer.

33. Due to the code enforcement situation of this property proper building permits must be obtained for the existing rear addition, the existing propane tank, and any non-building permitted signage on or before the 90th day from the effective date of this permit.

34. The existing and proposed propane tanks shall comply with the County of San Diego, Department of Public Health requirements and permits.

35. Upon completion of the Food Mart, bicycle parking shall be installed to the satisfaction of the Planning Director.

36. All future signage for this site must comply with the Carmel Valley Signage Guidelines.
37. 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 court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void.

38. The issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.).

Passed and adopted by the City Council on January 11, 1994 by Resolution No. R-283261.
The undersigned Permittee, by execution hereof, agrees to each and every condition of this permit and promises to perform each and every obligation of Permittee hereunder.

TEXACO REFINING AND MARKETING, INC.
Owner/Permittee

By ____________________

NOTE: Notary acknowledgments must be attached per Civil Code Section 1189, et seq.
Form = p.ack
State of CALIFORNIA  
County of SAN DIEGO  

On April 18, 1994 before me, Maydell L. Pontecorvo, Notary Public,  

personally appeared CHARLES G. ABDELNOUR, City Clerk  

☐ 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 OF NOTARY  

Maydell L. Pontecorvo  
Comm. #592553  
SAN DIEGO COUNTY  
Comm. Expires Aug. 11, 1997  

SIGNER IS REPRESENTING:  
NAME OF PERSON(S) OR ENTITY(IES)  
City of San Diego  

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.  

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:  

Title or Type of Document Conditional Use/Carmel Valley Planned District Development Permit - Del Mar Hills Texaco  
Number of Pages 12  
Date of Document Jan. 11, 1994  
Signer(s) Other Than Named Above Susan Golding, Mayor of City of San Diego  

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STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  

On MARCH 3, 1994, before me, PAUL A. ARCHER, the undersigned Notary Public, personally appeared D. B. HILL (Texaco Refining and Marketing, Inc.) personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Witness my hand and official seal.

Notary's Signature
BE IT FURTHER RESOLVED, that this Council adopts the following findings with respect to Conditional Use/Carmel Valley Planned District Development Permit No. 92-0487:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the Community Plan. The proposed development is to only remodel an existing service station and to bring the property into compliance with current development regulations.

2. The proposed use, because of the 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 existing service station is surrounded by office commercial land uses. The nearest residential land use is across Del Mar Height Road.

3. The proposed use will comply with the relevant regulations in the Municipal Code. The proposed remodel will allow the existing service station to be rehabilitated to correct Building and Municipal Code violations.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that, based upon the findings hereinbefore adopted by the City Council, Conditional Use/Carmel Valley Planned District Development Permit No. 93-0487 is hereby
granted to TEXACO REFINING AND MARKETING, INC., Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By

John K. Riess
Deputy City Attorney

JKR:pev
02/02/94
Or.Dept:Clerk
R-94-1046
Form=r.permit
Passed and adopted by the Council of the City of San Diego on _JAN 11 1994_ by the following vote:

YEAS: MATHIS, ROBERTS, KEHOE, WARDEN, STALLINGS, MCCARTY, MAYOR GOLDING.

NAYS: NONE.

NOT PRESENT: STEVENS, VARGAS.

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of RESOLUTION No. R-283261, passed and adopted by the Council of The City of San Diego, California on _JAN 11 1994_.

CHARLES G. ABDELMOUR
City Clerk of The City of San Diego, California

(SEAL)

By: MARY CEPEDA, Deputy
PERM - Conditional Use/Carmel Valley Planned District Development Permit 92-0487

Texaco Refining and Marketing, Inc.
Owner/Permittee

CONDITIONAL USE/CARMEL VALLEY PLANNED DISTRICT DEVELOPMENT PERMIT

Lot 2, Tentative Map Subdivision, Map 6214
Employment Center (EC) Zone of Carmel Valley Planned District, located at 3015 Del Mar Heights Road, San Diego, CA

cc: Planning - 4A
Zoning - 300
Bldg. Inspection - 301

Permittee at the following address:

9966 San Diego Mission Road
San Diego, CA 92108

4/21/94 mls
# PROJECT DATA SHEET

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<tr>
<th>PROJECT NAME:</th>
<th>Del Mar Heights Rd Shell</th>
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<tbody>
<tr>
<td>PROJECT DESCRIPTION:</td>
<td>Construction of a new car wash; addition and remodel of store and mechanic shop</td>
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<tr>
<td>COMMUNITY PLAN AREA:</td>
<td>Carmel Valley</td>
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<td>DISCRETIONARY ACTIONS:</td>
<td>Site Development Permit, Conditional Use Permit, Amendment to CUP/Carmel Valley Permit 92-0487</td>
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<tr>
<td>COMMUNITY PLAN LAND USE DESIGNATION:</td>
<td>Service Station</td>
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## ZONING INFORMATION:  
**ZONE:** Employment Center (EC)  
**HEIGHT LIMIT:** No maximum height limit.  
**LOT SIZE:** 40,000 square-foot minimum lot size.  
**FLOOR AREA RATIO:** 0.50 maximum.  
**FRONT SETBACK:** 0 feet.  
**SIDE SETBACK:** 10 feet minimum/0 optional.  
**STREETSIDE SETBACK:** 0 feet.  
**REAR SETBACK:** 10 feet minimum/0 optional.  
**PARKING:** 10 parking spaces required/16 provided.  

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<tr>
<th>ADJACENT PROPERTIES</th>
<th>LAND USE DESIGNATION &amp; ZONE</th>
<th>EXISTING LAND USE</th>
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<tr>
<td>NORTH</td>
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<td>Office</td>
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<td>WEST</td>
<td>Employment Center; EC.</td>
<td>Office</td>
</tr>
</tbody>
</table>

**DEVIANATIONS OR VARIANCES REQUESTED:**  
N/A  

**COMMUNITY PLANNING GROUP RECOMMENDATION:**  
Approval Recommended with condition.
This Conditional Use Permit No. 1095165 and Site Development Permit No. 1102351 (Amendment to Conditional Use Permit/Carmel Valley Planned District Permit No. 92-0487) is granted by the Hearing Officer of the City of San Diego to OLD RACER PROPERTIES, LLC, Owner, and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0301, 153.0309 and 126.0501. The 31,252-square-foot site is located at 3015 Del Mar Heights Road in the Employment Center (EC) Zone of the Carmel Valley Planned District of the Carmel Valley Community Planning Area. The project site is legally described as Lot 2 of T.M. Subdivision, Map No. 6214.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to convert an existing mechanic shop to an extension of an existing convenience store, construct a new addition to the existing convenience store and construct a new car wash on a site developed with an existing service station and convenience store described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated July 23, 2014, on file in the Development Services Department.

The project shall include the construction of the following improvements to a site developed with an existing service station which currently includes a service station with three service bays and canopy, and a food mart permitted by Conditional Use Permit/Carmel Valley Planned District Permit No. 92-0487, approved by the City Council and dated January 11, 1994. The improvements will result in a 2,504-square foot convenience store, 900 square foot car wash and existing service bays for:
a. Construction of a 646-square-foot addition to the existing 700-square-foot convenience store;

b. Conversion of the existing 1,158-square-foot 3-bay mechanic shop to an extension of the convenience store;

c. Construction of a new 900-square-foot car wash;

d. Landscaping (planting, irrigation and landscape related improvements);

e. Off-street parking;

f. 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 August 6, 2017,

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. 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" conditions(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.

10. 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.
ENGINEERING REQUIREMENTS:

11. Prior to the issuance of any building permit, the Owner/Permittee shall close the existing driveways and construct two 30-foot wide City standard driveways, on Del Mar Height Road, satisfactory to the City Engineer.

12. Prior to the issuance of any building permit, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal agreement from the City Engineer for the propane tank, air and water vault locate within the City's easements.

13. 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.

14. 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 Municipal Code, into the construction plans or specifications.

15. 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.

LANDSCAPE REQUIREMENTS:

16. Prior to issuance of any engineering permits for right-of-way improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension 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.

17. Prior to issuance of any construction permits for structures (including shell), the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Landscape Standards to the Development Services Department 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. Construction plans shall provide a 40 sq-ft area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per LDC 142.0403(b)5.

18. In the event that a foundation only permit is requested by the Owner/Permittee, a site plan or staking layout plan shall be submitted to the Development Services Department 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, noted with dimensions and labeled as “landscaping area.”
19. All required landscape shall be maintained 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.

20. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including 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.

21. 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, the Owner/Permittee shall repair and/or replace 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.

TRANSPORTATION REQUIREMENTS:

22. No fewer than 10 off-street automobile parking spaces (with 13 off-street automobile parking spaces provided), 2 motorcycle spaces and 2 bicycle spaces shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A". Further, all on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code, and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Department Director.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

23. Prior to the issuance of any building permits, the Owner/Permittee shall apply for an Industrial Waste Permit Discharge in the Public Utilities Department for the proposed Car Wash.

24. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Director of Public Utilities and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way. The Public Utilities Department will not permit the required BFPDs to be located below grade or within the structure.

25. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public water and sewer facilities are to be in accordance with established criteria in the most current City of San Diego Water and Sewer Design Guides.

26. All proposed private water and sewer facilities located within a single lot are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.
27. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and five feet of any water facilities.

28. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to remove (kill) at the main any existing unused water service.

- 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 July 23, 2014 and [Approved Resolution Number].
Permit Type/PTS Approval No.: CUP No. 1095165/SDP No. 1102351

Date of Approval: July 23, 2014

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

________________________
Sandra Teasley
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.

[OLD RACERS PROPERTIES, LLC]
Owner/Permittee

By ________________________________
Stephen Thomas
President

NOTE: Notary acknowledgments must be attached per Civil Code section 1189 et seq.
WHEREAS, OLD RACER PROPERTIES, LLC, Owner/Permittee, filed an application with the City of San Diego for a permit to convert an existing mechanic shop to an extension of an existing convenience store, construct a new addition to the existing convenience store and construct a new car wash on a site developed with an existing service station and convenience store (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 1095165 and 1102351, on portions of a 31,252-square-foot site;

WHEREAS, the project site is located at 3051 Del Mar Heights Road in the Employment Center (EC) zone of the Carmel Valley Planned District of the Carmel Valley Community Planning area;

WHEREAS, the project site is legally described as Lot 2 of T.M. Subdivision, Map No. 6214.

WHEREAS, on July 23, 2014, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1095165 and Site Development Permit No. 1102351 (Amendment to Conditional Use Permit/Carmel Valley Planned District Permit No. 92-0487) pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on June 19, 2014, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section (New Construction) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

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 July 23, 2014:

FINDINGS:

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 the construction of improvements to an existing service station and convenience store, entitled under Conditional Use Permit/Carmel Valley Planned District Permit No. 92-0487, approved by the City Council on January 11, 1994. The site is located at 3051 Del Mar Heights Road and zoned Employment Center (EC) of the Carmel Valley Planned District. The property is located within the North City West Precise Plan and designated as Employment Center. The proposed project to construct improvements to the existing service station, will not adversely affect the land use plan.
2. THE PROPOSED DEVELOPMENT WILL NOT BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, AND WELFARE.

The proposed project is the construction of improvements to an existing service station and convenience store, entitled under Conditional Use Permit/Carmel Valley Planned District Permit No. 92-0487, approved by the City Council on January 11, 1994. The site is located at 3051 Del Mar Heights Road and zoned Employment Center (EC) of the Carmel Valley Planned District. The property is located within the North City West Precise Plan and designated as Employment Center. The proposed project to construct improvements to the existing service station, will not adversely affect the land use plan. Service stations are permitted in the EC zone with a Conditional Use Permit and a Site Development Permit. Due to the amount of traffic trips anticipated to be generated by the proposed project, a focused Traffic Study (Focused Traffic Study for Del Mar Heights Road Shell, dated March 12, 2014, prepared by The Perfect Solution) was required for the project to address access, parking and on-site pedestrian and vehicular circulation. The report concluded that the proposed site improvements would not result in traffic/circulation impacts and, no dedications or right-of-way improvements would be required other than, modifications to the existing driveway. The project was deemed to be exempt from the California Environmental Quality Act pursuant to Section No.15303 (New Construction).

The permit controlling this development contains conditions addressing compliance with the City’s regulations and other regional, State and Federal regulations to prevent detrimental impacts to the health, safety, and welfare of persons residing in the area. These conditions address requirements relating to storm water runoff, runoff during construction, public improvement repairs, fire protection, and landscaping. All Uniform Building, Fire and Mechanical Codes governing the construction and continued operation of the development will apply to this site to prevent adverse affects to those persons or other properties in the vicinity. Therefore, the proposed 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 the construction of improvements to an existing service station and convenience store, entitled under Conditional Use Permit/Carmel Valley Planned District Permit No. 92-0487, approved by the City Council on January 11, 1994. The site is located at 3051 Del Mar Heights Road and zoned Employment Center (EC) of the Carmel Valley Planned District. The property is located within the North City West Precise Plan and designated as Employment Center. The EC zone requires compliance with the CC-1-3 city-wide zone and, architectural and design standards of the Planned District and the Precise Plan. The development complies with all of the separately regulated use regulations for Automobile Service Stations which address setbacks, driveway locations, and allowable accessory uses. The proposed development complies with all of the regulations of the Land Development Code and the Precise Plan and no deviations have been requested.

4. THE PROPOSED USE IS APPROPRIATE AT THE PROPOSED LOCATION.

The proposed project is the construction of improvements to an existing service station and convenience store, entitled under Conditional Use Permit/Carmel Valley Planned District Permit No. 92-0487, approved by the City Council on January 11, 1994. The addition of the car wash and expansion of the
convenience store are accessory uses for the existing automobile service station and are in accordance with development requirements from the Land Development Code. The site is located at 3051 Del Mar Heights Road and zoned Employment Center (EC) of the Carmel Valley Planned District. The property is located within the North City West Precise Plan and designated as Employment Center. The EC zone of the Carmel Valley Planned District allows service stations with a Conditional Use Permit and a Site Development. The facility has existed at this location since the mid 1990s. The existing use is appropriate at this location.

SITE DEVELOPMENT PERMIT FINDINGS – SDMC Section 126.0504

1. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT THE APPLICABLE LAND USE PLAN.

The proposed project is the construction of improvements to an existing service station and convenience store, entitled under Conditional Use Permit/Carmel Valley Planned District Permit No. 92-0487, approved by the City Council and dated January 11, 1994. The site is located at 3051 Del Mar Heights Road and zoned Employment Center (EC) of the Carmel Valley Planned District. The property is located within the North City West Precise Plan and designated as Employment Center.

Where a planned district requires a discretionary planned district permit that is identified as a Process Three, Process Four, or Process Five decision, a Site Development Permit is required in accordance with Land Development Code Chapter 12, Article 6, Division 1 (General Development Permit Procedures) and Division 5 (Site Development Permit Procedures).

The proposed project to construct improvements to the existing service station, will not adversely affect the land use plan.

2. THE PROPOSED DEVELOPMENT WILL NOT BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, AND WELFARE.

The proposed project is the construction of improvements to an existing service station and convenience store, entitled under Conditional Use Permit/Carmel Valley Planned District Permit No. 92-0487, approved by the City Council and dated January 11, 1994. The site is located at 3051 Del Mar Heights Road and zoned Employment Center (EC) of the Carmel Valley Planned District. The property is located within the North City West Precise Plan and designated as Employment Center.

Where a planned district requires a discretionary planned district permit that is identified as a Process Three, Process Four, or Process Five decision, a Site Development Permit is required in accordance with Land Development Code Chapter 12, Article 6, Division 1 (General Development Permit Procedures) and Division 5 (Site Development Permit Procedures).

The proposed project to construct improvements to the existing service station, will not adversely affect the land use plan. Service stations are permitted in the EC zone with a Conditional Use Permit and a Site Development Permit. Due to the amount of traffic trips anticipated to be generated by the proposed project, a focused Traffic Study (Focused Traffic Study for Del Mar Heights Road Shell, dated March 12, 2014, prepared by The Perfect Solution) was required for the project to address access, parking and on-site pedestrian and vehicular circulation. The report concluded that the proposed site improvements would not result in traffic/circulation impacts and, no dedications or right-of-way improvements would
be required other than, modifications to the existing driveway. The project was deemed to be exempt from the California Environmental Quality Act pursuant to Section No.15303 (New Construction).

The permit controlling this development contains conditions addressing compliance with the City’s regulations and other regional, State and Federal regulations to prevent detrimental impacts to the health, safety, and welfare of persons residing in the area. These conditions address requirements relating to storm water runoff, runoff during construction, public improvement repairs, fire protection, and landscaping. All Uniform Building, Fire and Mechanical Codes governing the construction and continued operation of the development will apply to this site to prevent adverse affects to those persons or other properties in the vicinity. Therefore, the proposed 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, INCLUDING ANY ALLOWABLE DEVIATIONS PURSUANT TO THE LAND DEVELOPMENT CODE.

The proposed project is the construction of improvements to an existing service station and convenience store, entitled under Conditional Use Permit/Carmel Valley Planned District Permit No. 92-0487, approved by the City Council on January 11, 1994. The site is located at 3051 Del Mar Heights Road and zoned Employment Center (EC) of the Carmel Valley Planned District.

Where a planned district requires a discretionary planned district permit that is identified as a Process Three, Process Four, or Process Five decision, a Site Development Permit is required in accordance with Land Development Code Chapter 12, Article 6, Division 1 (General Development Permit Procedures) and Division 5 (Site Development Permit Procedures).

The property is located within the North City West Precise Plan and designated as Employment Center. The EC zone requires compliance with the CC-1-3 city-wide zone and, architectural and design standards of the Planned District and the Precise Plan. The development complies with all of the separately regulated use regulations for Automobile Service Stations which address setbacks, driveway locations, and allowable accessory uses. The proposed development complies with all of the regulations of the Land Development Code and the Precise Plan and no deviations have been requested.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 1095165 and Site Development Permit No. 1102351 (Amendment to Conditional Use Permit/Carmel Valley Planned District Permit No. 92-0487) 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. 1095165 and 1102351, a copy of which is attached hereto and made a part hereof.

Sandra Teasley  
Development Project Manager  
Development Services  

Adopted on: July 23, 2014
March 28, 2014

Steve Thomas
OLD RACER PROPERTIES
3703 Arroyo Sorrento Rd.
San Diego, CA 92130

Re: Del Mar Heights Road Shell
Bay Conversion, Carwash and Store Addition

Dear Steve:

On March 27, 2014 the Carmel Valley Community Planning Board considered your request to support the application to increase the existing store by 720 SF and to add a 900 SF self serve carwash building. The Board discussed the expansion project and that you have worked with the commercial property manager to the South who was concerned with the view of the trash area from the offices. We understand that you have moved the trash receptacles to the Eastern side of your complex as shown on the drawings. The Board voted unanimously 12-0-0 to support the application with the condition that you install a trellis structure above the trash enclosure to further reduce its visual impact for the office residents to the South.

Sincerely,
Carmel Valley Community Planning Board

[Signature]
Frisco White, AIA
Chair
OWNERSHIP DISCLOSURE STATEMENT

DEL MAR HEIGHTS RD. SHELL

PTS 313163

OWNER: OLD RACER PROPERTIES LLC

President: Stephen Thomas
Member: James Philion
Ownership Disclosure Statement

<table>
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<tr>
<th>Approval Type:</th>
<th>Check appropriate box for type of approval(s) requested:</th>
<th>Neighbhorhood Use Permit</th>
<th>Coastal Development Permit</th>
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<td>Site Development Permit</td>
<td>Planned Development Permit</td>
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<td>Variance</td>
<td>Tentative Map</td>
<td>Vesting Tentative Map</td>
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<tr>
<td>DEL MAR HEIGHTS RD. SHELL ADDITION</td>
<td>3015 DEL MAR HEIGHTS RD., SAN DIEGO, CA 92130</td>
</tr>
</tbody>
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**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, recognized 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):**
1. **OLD RAGER PROPERTIES, LLC**
   - Owner
   - Tenant/Lessee
   - Redevelopment Agency
   - Street Address: 3015 DEL MAR HEIGHTS RD
   - City/State/Zip: SAN DIEGO CA 92130
   - Phone No: 619/755-2111
   - Fax No: 
   - Signature: [Signature]
   - Date: 2/14/13

2. **Name of Individual (type or print):**
   - Owner
   - Tenant/Lessee
   - Redevelopment Agency
   - Street Address:
   - City/State/Zip:
   - Phone No:
   - Fax No:
   - Signature:
   - Date:

3. **Name of Individual (type or print):**
   - Owner
   - Tenant/Lessee
   - Redevelopment Agency
   - Street Address:
   - City/State/Zip:
   - Phone No:
   - Fax No:
   - Signature:
   - Date:
REQUEST: AMENDMENT TO EXISTING CONDITIONAL USE PERMIT NO. M-82-08, AND SITE DEVELOPMENT PERMIT FOR A SERVICE STATION, FOOD MART, & CAR WASH.

PROPOSED NEW SITE PLAN

TITLE BLOCK

ORIGINAL APPLICATION DATE:

REVISION DATE:

REVISION DATE:
REQUEST:
SITE DEVELOPMENT PERMIT & CONDITIONAL USE PERMIT TO AMEND PERMIT NO. 40487 FOR A SERVICE STATION, FOOD MART, & CAR WASH.

EXISTING FLOOR PLAN

EXISTING FLOOR PLAN/DEMOLITION PLAN

TITLE BLOCK

ORIGINAL APPLICATION DATE:

REVISION DATE:

REVISION DATE:
ATTACHMENT 10

PROPOSED NEW FLOOR PLAN

TITLE BLOCK
REQUEST:
SITE DEVELOPMENT PERMIT & CONDITIONAL USE PERMIT TO AMEND PERMIT 92~ FOR A SERVICE STATION, FOOD MART, & CAR WASH.

PROPOSED NEW FLOOR PLAN

ORIGINAL APPLICATION DATE: [DATE]
REVISED DATE: [DATE]
REVISION DATE: [DATE]
REVISION DATE: [DATE]
TITLE BLOCK
REQUEST: SITE DEVELOPMENT PERMIT & CONDITIONAL USE PERMIT TO AMEND PERMIT #20487 FOR A SERVICE STATION, FOOD MART, & CAR WASH.

BUILDING SECTIONS & ROOF PLAN

ORIGINAL APPLICATION DATE: REVISION DATE: REVISION DATE:

SECTION A-A

SECTION B-B

ELEVATION KEY NOTES

- INTERNAL COLOR STUCCO/EXPLO STUCCO PRODUCTS - PANAMA IVORY
- INTERNAL COLOR STUCCO/EXPLO STUCCO PRODUCTS - MOCHA
- INTERNAL COLOR STUCCO/EXPLO STUCCO PRODUCTS - SEDONA CLAY
- S/L CORNER TREATMENT/EXPLO STUCCO PRODUCTS - 125 SEDONA CLAY
- NEW SHADE TRELLIS
- STUCCO CORNER TREATMENT/EXPLO STUCCO PRODUCTS - 225 SOMERSET
- EXISTING CANOPY (DEPART PER SHELL SPEC)
- SIGNAGE (BY OTHERS)
- ALUM. STOREFRONT, FACTORY ANODIZED
- ONE HIGH ROLL-UP DOOR

ATTACHMENT 10