



The subject property is currently developed with a gasoline service station with an existing 1,940 square-foot, single story convenience store, a 2,080 square foot canopy structure with petroleum fuel dispensers, and a 1,080 square foot drive-thru car wash structure (Attachment 3). The subject property is permitted under Mid-City Planned District Ordinance and Conditional Use Permit No. 99-1250, and Conditional Use Permit No. 1002776 for an alcoholic beverage outlet with off-sale beer and wine.

The Mid-City Planned District Ordinance and Conditional Use Permit No. 99-1250 included development to be located on two parcels of land (east parcel and west parcel) separated by an alley. The east parcel was approved for a two-story structure, with a 5,331 square-foot grocery market on the ground level and a 1,600 square-foot storage area on the second floor. The site contains twenty-nine (29) off-street parking spaces which are shared with the east parcel through an irrevocable Shared Parking Agreement.

## DISCUSSION

The project proposes an amendment to Conditional Use Permit No. 1002776 (Attachment 8), the existing alcoholic beverage outlet for off-sale beer and wine, to allow off-sale general liquor within the convenience store and the applicant has submitted an application to the California Department of Alcoholic Beverage Control (ABC) for a new Type 21, off-sale general alcohol license. Alcoholic beverage outlets are permitted by right as a Limited Use pursuant to San Diego Municipal Code [SDMC] section 141.0502(b). However, alcoholic beverage outlets that do not comply with the locational criteria of this section may still be permitted with a CUP pursuant to SDMC section 141.0502(c).

### Development Regulations and Location Criteria

The Limited Use Regulations of the SDMC section 141.0502(b)(1) do not permit alcoholic beverage outlets by right (i.e. would require a CUP) in the following locations:

- 1. Within a 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.**  
The subject property is located within a census tract where the general crime rate exceeds the citywide average general crime rate by more than 20 percent. Statistics provided by the San Diego Police Department for Federal Census Tract No. 0024.02 show the area to be 186.9 percent of the citywide average.

2. **Within a census tract, or within 600 feet of a census tract, where the ratio of alcohol beverage outlets exceeds the standards established by California Business and Professional Code section 23958.4.**

The subject property is within Federal Census Tract No. 0024.02, which based on the California Businesses and Professional Code Section 23958.4 permits a total of three (3) off-sale alcoholic beverage outlets. There are currently four (4) existing off-sale alcohol beverage outlets (including the development's existing permit) within Census Tract 0024.02 and therefore, the Census Tract would continue to be considered over saturated with the approval of this permit.

3. **In an adopted Redevelopment Project Area.**

The subject property is located within the City Heights Redevelopment Project Area.

4. **Within 600 feet of a public or private accredited school, a public park, a playground or recreational area, a church except those established in accordance with Section 141.0404(a), a hospital, or a San Diego County welfare district office.**

Central Elementary School is located approximately 200 feet to the north, and the Church of the Nazarene is located approximately 150 feet to east of the site, on University Avenue. Wilson Junior High School is located approximately four blocks northwest of the site and the Edison Elementary School is located approximately eight blocks to the west.

5. **Within 100 feet of a residentially zoned property.**

The subject property is approximately 25-feet from a RM-1-1 Zone (multi-family residential zone), which is located to the south.

#### Alcohol Sales-Project Analysis:

The proposed alcoholic beverage outlet at this site requires a Conditional Use Permit (CUP) because the project site does not meet all of the location criteria of the San Diego Municipal Code. As demonstrated above, the project site is located within an adopted Redevelopment Project Area, is located less than 100 feet from residentially zoned property and less than 600 feet from an elementary school, a high school, a public park and a church, and within a census tract where the general crime rate exceeds the city wide average general crime rate by more than 20 percent, and a census tract where the ratio of alcohol beverage outlets exceeds the standards established by California Business and Professional Code section 23958.4.

The project has been reviewed by City staff and the San Diego Police Department for conformance to the applicable development regulations and land use polices. The staff recommendation to support the project relies on the fact that the primary use of the site is a neighborhood commercial development. In addition, the site is designated as "Commercial/Mixed Use" within the Mid-City Communities Plan. The proposed amendment to the existing alcoholic beverage outlet to allow off-sale general liquor is a supplementary item to the existing service station facility and would serve a local and regional public convenience. Therefore, the continued operation of an alcoholic beverage outlet would not adversely impact

the community. Accordingly, staff is recommending approval of the project as conditioned by staff and the San Diego Police Department (Attachment 9).

Draft Conditions of Approval

The CUP includes a number of conditions that would limit the hours of sales, advertising, and recommend prohibition limits on container size sales. Specifically, the CUP conditions would limit the hours of alcohol beverage sales from 8:00 a.m. to 12 midnight, and exterior advertising of alcoholic beverages, or interior advertising of alcoholic beverages that is visible from the exterior of the premises shall be prohibited. Further, both the staff and the Police Department concluded that if the permit were appropriately conditioned, the proposed alcohol sales would not have a negative impact on the surrounding neighborhood.

The San Diego Police Department considered the City Heights Area Planning Committee's recommendation to remove, "The sales of beer or malt beverages in quantities of 22 ounce, 32 ounce and 40 ounce size containers is prohibited," from their recommendation for the ABC License. The San Diego Police Department has noted concerns about the malt beverages being sold to transients; however, understands the desire to sell craft beers. Therefore, the San Diego Police Department revised their recommendation to the ABC License to allow craft beer of less than 32 ounces to be sold since 22 ounce containers are the most common size for craft beer.

Conclusion

City staff supports the request for a CUP for the limited and conditional off-sale of general liquor. Permit conditions have been added to this discretionary permit that would assure that the business would be a cohesive element of the neighborhood and would not be detrimental to the public health, safety and welfare of the community. The project is consistent with the underlying zone and the applicable land use plans and policies in affect for the site. An environmental review performed by the Development Services Department determined that the proposed project was exempt from further CEQA review as an existing facility and is supported with proposed conditions by the San Diego Police Department.

ALTERNATIVES:

1. **Approve** Conditional Use Permit No. 1406228 with modifications; or
2. **Deny** Conditional Use Permit No. 1406228, if the findings required for approving the project cannot be affirmed.

Respectfully submitted,



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Tim Daly, Development Project Manager

Attachments:

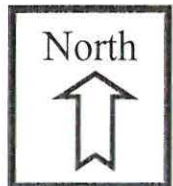
1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Project Data Sheet
5. Draft Permit Resolution with Findings
6. Draft Permit with Conditions
7. Environmental Exemption
8. Conditional Use Permit No. 1002776
9. SDPD CUP Conditions
10. Community Planning Group Recommendation
11. Ownership Disclosure Statement
12. Project Plans (Hearing Officer only)



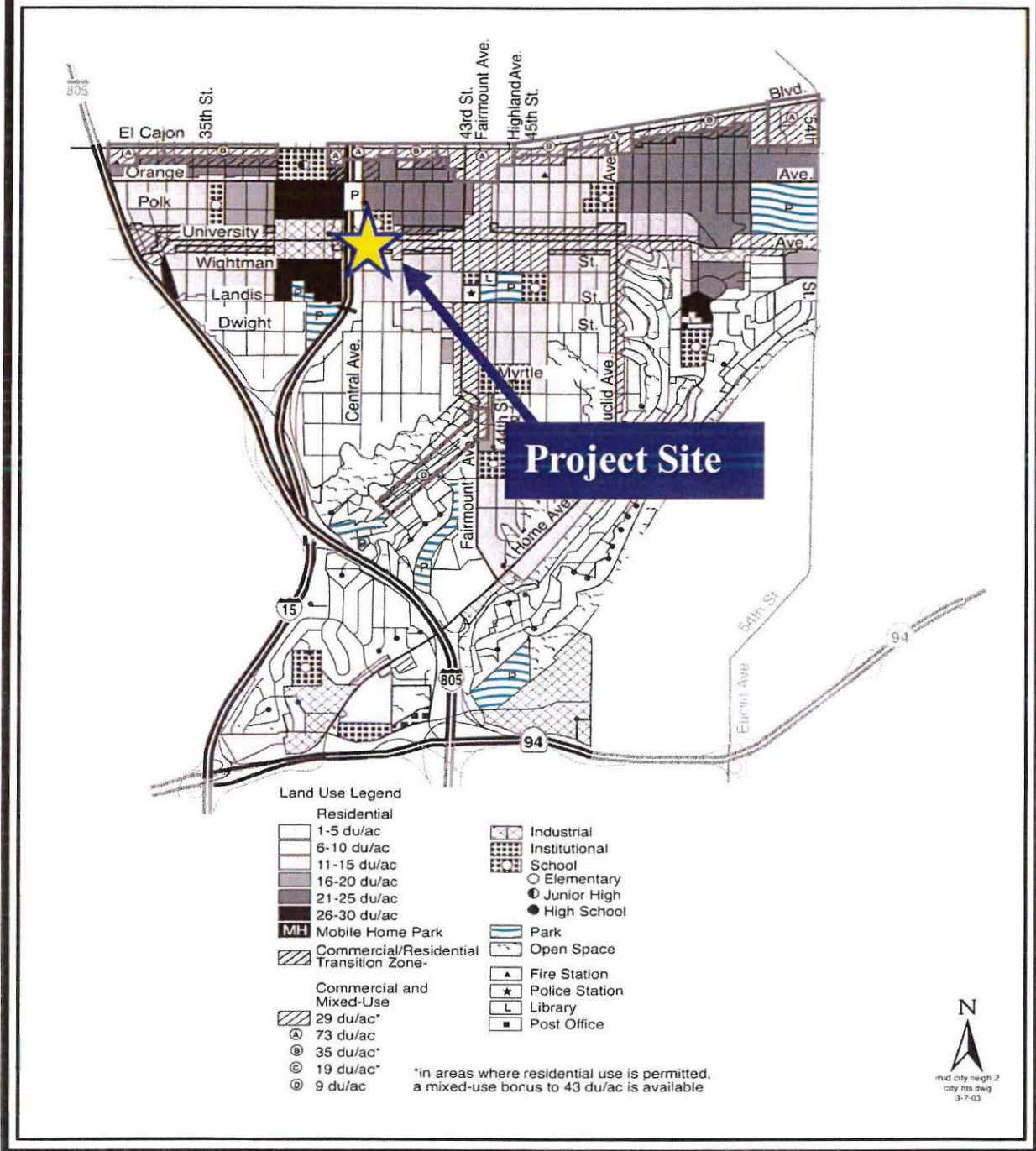


## Project Location

Chevron, Project No. 401288  
4055 University Avenue, San Diego, CA 92105

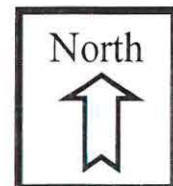


### City Heights Community Plan Map

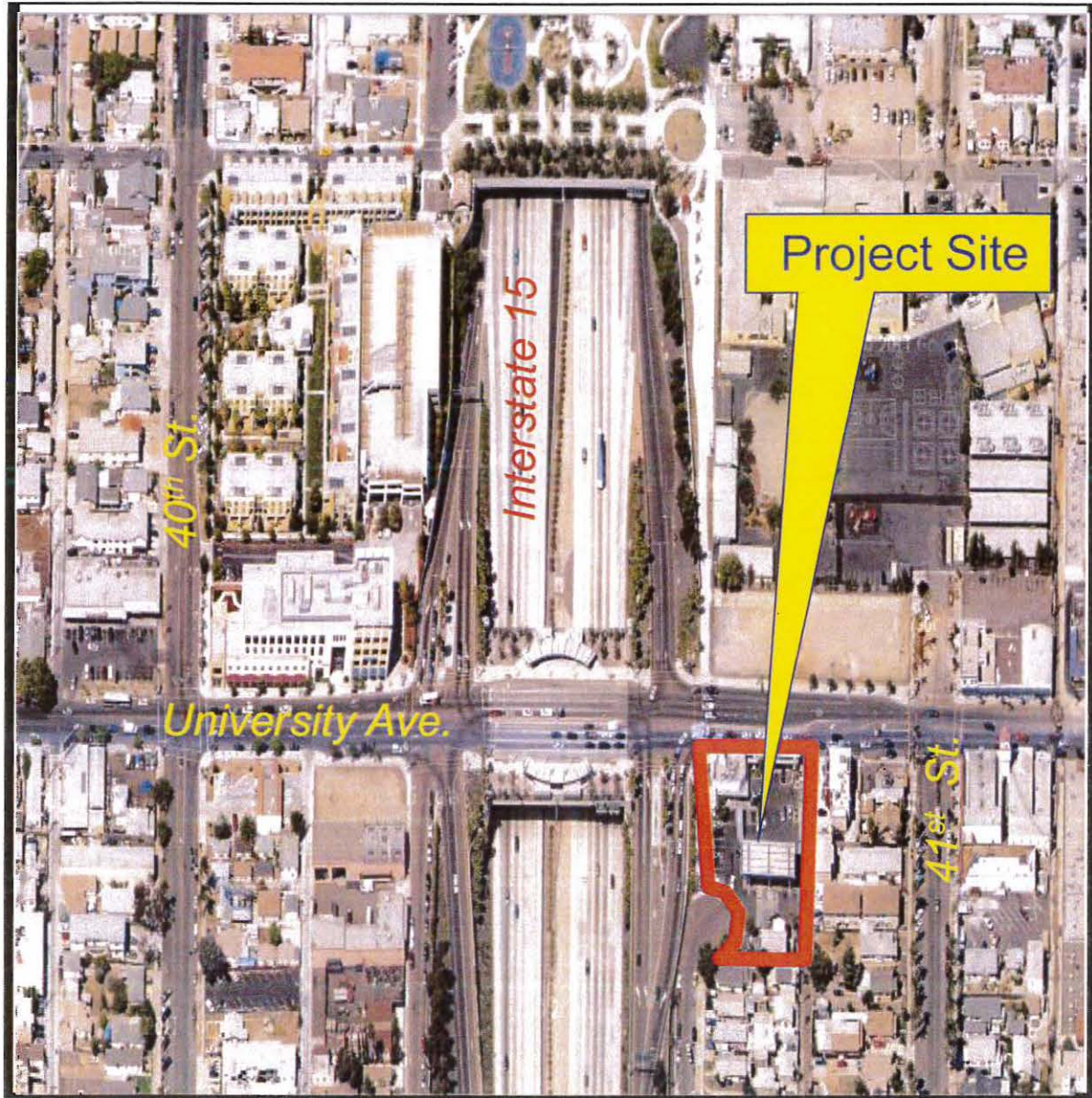


## City Heights Community Plan Map

Chevron, Project No. 401288  
4055 University Avenue, San Diego, CA 92105

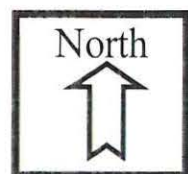






**Aerial Photo**

Chevron, Project No. 401288  
4055 University Avenue, San Diego, CA 92105





## PROJECT DATA SHEET

<b>PROJECT NAME:</b>	Chevron	
<b>PROJECT DESCRIPTION:</b>	Alcoholic Beverage Outlet, Type-21 Off-Sale General Liquor, within portions of a 1,940 s.f. convenience store.	
<b>COMMUNITY PLAN AREA:</b>	City Heights – Mid City	
<b>DISCRETIONARY ACTIONS:</b>	Conditional Use Permit	
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	Commercial/Mixed Use	
<b><u>ZONING INFORMATION:</u></b>		
<b>ZONE:</b> Central Urbanized Planned District, CU-2-3 and CT-2-3 <b>HEIGHT LIMIT:</b> 50 feet max. <b>LOT SIZE:</b> 2,500 square feet min.; 39,640 square feet existing <b>FLOOR AREA RATIO:</b> 1.0 max. <b>PARKING:</b> 5 spaces required; 22 existing		
<b><u>ADJACENT PROPERTIES:</u></b>	<b>LAND USE DESIGNATION &amp; ZONE</b>	<b>EXISTING LAND USE</b>
<b>NORTH:</b>	Institutional; CUPD CU-2-3/RM-1-3	Elementary School
<b>SOUTH:</b>	Commercial/Residential Transition; CUPD CT-2-3/RM-1-1	MF Residential
<b>EAST:</b>	Commercial/Mixed Use; CUPD CU-2-3/CT-2-3	Commercial/MF Residential
<b>WEST:</b>	Commercial/Mixed Use; CUPD CU-2-3/CT-2-3	Interstate 15
<b>DEVIATIONS OR VARIANCES REQUESTED:</b>	None	
<b>COMMUNITY PLANNING GROUP RECOMMENDATION:</b>	On March 2, 2015, the City Heights Area Planning Cmte. voted 9-1-1 to recommend approval of the proposed project with removal of SDPD recommendation on container size restrictions for craft beer.	

HEARING OFFICER RESOLUTION NO. XXXXXXXX  
CONDITIONAL USE PERMIT NO. 1406228  
**CHEVRON PROJECT NO. 401288**

WHEREAS, NAJIBA KASSAB, Owner/Permittee, filed an application with the City of San Diego for a permit to operate an alcoholic beverage outlet (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1406228), on portions of a 0.91-acre site;

WHEREAS, the project site is located at 4055 University Avenue in the CU-2-3 and CT-2-3 Zones of the Central Urbanized Planned District in the City Heights Community Plan;

WHEREAS, the project site is legally described as Lot 1 to 6, portions of Lots 7 to 10, and portions of Lots 45 to 48, Block 52 of City Heights Tract, in the City of San Diego, County of San Diego, State of California, according to Map 1007, filed in the Office of the County Recorder of San Diego County, October 3, 1906;

WHEREAS, on April 29, 2015, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1406228 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on March 5, 2015, 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 15301, 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 April 29, 2015.

FINDINGS:

Conditional Use Permit Approval – Section §126.0305

- (a) **The proposed development will not adversely affect the applicable land use Plan.** The project site is located at 4055 University Avenue in the CU-2-3/CT-2-3 Zones of the Central Urbanized Planned District, City Heights Community Plan area of the Mid-City Communities Plan and contains a existing 1,940 square-foot, single story service station convenience store, a 2,080 square feet canopy structure with petroleum fuel dispensers, and a 1,080 square feet drive-thru car wash structure. The subject property is permitted under Mid-City Planned District Ordinance and Conditional Use Permit No. 99-1250, and Conditional Use Permit No. 1002776 for an alcoholic beverage outlet with off-sale beer and wine.

The property is located within the Planned Urbanized Development Area of the Land Use Plan, and complies with the land use regulations in effect for the property pursuant to the Central Urbanized Planned District, and the Mid-City Communities Plan. The primary

intent of the zone is to allow for commercial development. In addition, the site is designated as "Commercial/Mixed Use" within the Mid-City Communities Plan. The proposed amendment to the existing alcoholic beverage outlet to allow off-sale general liquor is a supplementary item to the existing service station facility and would serve a local and regional public convenience. Therefore, the proposed development will not adversely affect the applicable land use plan.

- (b) **The proposed development will not be detrimental to the public health, safety, and welfare.** The project site is located at 4055 University Avenue in the CU-2-3/CT-2-3 Zones of the Central Urbanized Planned District, City Heights Community Plan area of the Mid-City Communities Plan and contains a existing 1,940 square-foot, single story service station convenience store, a 2,080 square feet canopy structure with petroleum fuel dispensers, and a 1,080 square feet drive-thru car wash structure. The subject property is permitted under Mid-City Planned District Ordinance and Conditional Use Permit No. 99-1250, and Conditional Use Permit No. 1002776 for an alcoholic beverage outlet with off-sale beer and wine.

The proposed amendment to the existing alcoholic beverage outlet to allow off-sale general liquor has been determined to serve a public convenience or necessity by the San Diego Police Department (SDPD). Required conditions and recommendations to the California State Department of Alcoholic Beverage Control within the Permit include limitations on the hours of operation, quantity size of single containers of beer or malt beverages, and no sales of distilled spirits in containers less than 350 ml. The SDPD Vice Unit will work with the Permittee and the Department of Alcoholic Beverage Control to place additional conditions on the license to minimize law enforcement concerns, if necessary. In addition, the existing convenience store must abide by all Federal, State, and Local codes related to alcohol beverage sales. Therefore, the project will not be detrimental to the public health, safety, and welfare.

- (c) **The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.** The project site is located at 4055 University Avenue in the CU-2-3/CT-2-3 Zones of the Central Urbanized Planned District, City Heights Community Plan area of the Mid-City Communities Plan and contains a existing 1,940 square-foot, single story service station convenience store, a 2,080 square feet canopy structure with petroleum fuel dispensers, and a 1,080 square feet drive-thru car wash structure. The subject property is permitted under Mid-City Planned District Ordinance and Conditional Use Permit No. 99-1250, and Conditional Use Permit No. 1002776 for an alcoholic beverage outlet with off-sale beer and wine.

The project proposes amendment to the existing alcoholic beverage outlet to allow off-sale general liquor within the existing convenience store and the Permittee has submitted an application to the California Department of Alcoholic Beverage Control for a new Type 21, off-sale general alcohol license. The Municipal Code allows such use if a Conditional Use Permit is approved. The Permit prepared for this project includes various conditions and corresponding exhibits of approvals relevant to achieving compliance with the regulations of the Municipal Code. These conditions include limitations on hours of operation, quantity size of single containers of beer or malt beverages, and no sales of



distilled spirits in containers less than 350 ml. No variance or deviations are requested as a part of this application. Therefore, the proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code.

- (d) **The proposed use is appropriate at the proposed location.** The project site is located at 4055 University Avenue in the CU-2-3/CT-2-3 Zones of the Central Urbanized Planned District, City Heights Community Plan area of the Mid-City Communities Plan and contains a existing 1,940 square-foot, single story service station convenience store, a 2,080 square feet canopy structure with petroleum fuel dispensers, and a 1,080 square feet drive-thru car wash structure. The corner of University Avenue and Interstate 15 has been identified as a natural “crossroad” and “urban node” within the community. The subject property is permitted under Mid-City Planned District Ordinance and Conditional Use Permit No. 99-1250, and Conditional Use Permit No. 1002776 for an alcoholic beverage outlet with off-sale beer and wine. The existing development is in compliance with the goals and recommendations of the community plan, the adopted City Heights Redevelopment guidelines, and the Conditional Use Permit regulations.

The proposed amendment to the existing alcoholic beverage outlet to allow off-sale general liquor is a supplementary item to the existing service station facility and would serve a local and regional public convenience. Therefore, with the various conditions and referenced exhibits within the permit, the proposed 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. 1406228 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Conditional Use Permit No. 1406228, a copy of which is attached hereto and made a part hereof.

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Tim Daly  
Development Project Manager  
Development Services

Adopted on: April 29, 2015

SAP Number: 24005424

**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: 24005424

**CONDITIONAL USE PERMIT NO. 1406228**  
**CHEVRON PROJECT NO. 401288**  
Amendment to Conditional Use Permit No. 1002776  
Hearing Officer

This Conditional Use Permit No. 1406228, amendment to Conditional Use Permit No. 285246 is granted by the Hearing Officer of the City of San Diego to Najiba Kassab, Trustee of the Najiba Kassab Revocable Trust, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 0.91-acre site is located at 4055 University Avenue in the CU-2-3 and CT-2-3 Zones of the Central Urbanized Planned District in the City Heights Community Plan. The project site is legally described as Lot 1 to 6, portions of Lots 7 to 10, and portions of Lots 45 to 48, Block 52 of City Heights Tract, in the City of San Diego, County of San Diego, State of California, according to Map 1007, filed in the Office of the County Recorder of San Diego County, October 3, 1906.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate an alcoholic beverage outlet conditioned upon the issuance of a license from the California State Department of Alcoholic Beverage Control and subject to the City's land use regulations described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated April 29, 2015, on file in the Development Services Department.

The project shall include:

- a. An existing 1,940 square-foot, single story retail building with operations of a alcoholic beverage outlet conditioned upon the issuance of a license from the State Department of Alcoholic Beverage Control, a 2,080 square feet canopy structure with petroleum fuel dispensers, and a 1,080 square feet drive-thru car wash building;

- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking; and
- d. 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 April 29, 2018.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on April 29, 2038. Upon expiration of this Permit, the facilities and improvements described herein shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.
3. The utilization of this CUP is contingent upon the approval of a license to sell alcohol at this location by the California Department of Alcoholic Beverage Control [ABC]. The issuance of this CUP does not guarantee that the ABC will grant an alcoholic beverage license for this location.
4. 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.
5. 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.
6. 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.



7. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

8. 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.).

9. 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.

10. 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.

11. 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.

12. 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.

13. This Conditional Use Permit does not supersede any of the conditions within Mid-City Planned District and Conditional Use Permit No. 99-1250

**POLICE DEPARTMENT REQUIREMENTS:**

14. The sales of alcoholic beverage shall be permitted between the hours of 8:00 a.m. and 12:00 a.m., midnight each day of the week.

15. Exterior advertising of alcoholic beverages, or interior advertising of alcoholic beverages that is visible from the exterior of the premises shall be prohibited.

16. The Owner/Permittee shall post and maintain a professional quality sign facing the premises parking lot area(s) that reads as the following: "NO LOITERING, NO LITTERING, NO DRINKING OF ALCOHOLIC BEVERAGES. VIOLATORS ARE SUBJECT TO ARREST."

The sign area shall be at least two square feet with two-inch block lettering. The sign shall be in English and Spanish.

**POLICE DEPARTMENT RECOMMENDATIONS FOR ABC LICENSE:**

- The sale of distilled spirits in containers less than 350 ml is prohibited.
- Beer, malt beverages, and wine coolers in containers of 16 ounce or less cannot be sold in single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.
- The sales of beer or malt beverages in quantities of 32 ounce and 40 ounce size containers is prohibited.
- No wine shall be sold with an alcoholic content greater than 15% by volume except for "dinner wines" which have been aged two years or more.

**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 April 29, 2015 and resolution No. HO-XXXX.

DRAFT



Permit Type/PTS Approval No.: CUP No. 1406228

Date of Approval: April 29, 2015

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES  
DEPARTMENT

\_\_\_\_\_  
Tim Daly  
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.

Najiba Kassab, Trustee of the Najiba Kassab Revocable Trust  
Owner/Permittee

By \_\_\_\_\_

NAME:

TITLE:

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



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

THE ORIGINAL OF THIS DOCUMENT  
WAS RECORDED ON NOV 16, 2012  
DOCUMENT NUMBER 2012-0717293  
Ernest J. Dronenburg, Jr., COUNTY RECORDER  
SAN DIEGO COUNTY RECORDER'S OFFICE  
TIME: 9:30 AM

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24002861

CONDITIONAL USE PERMIT NO. 1002776  
**CHEVRON CUP RENEWAL PROJECT NO. 285246**  
Amendment to Conditional Use Permit No. 9204  
Development Services Department

This Conditional Use Permit [CUP] No. 1002776, amendment to CUP No. 9204, is granted by the Development Services Department of the City of San Diego to Najiba Kassab, Owner, and Finest City Oil Company, Permittee, pursuant to San Diego Municipal Code [SDMC] section 141.0502. The 0.91-acre site is located at 4055 University Avenue in the CU-2-3/CT-2-3 Zones of the Central Urbanized Planned District, City Heights Community Plan area of the Mid-City Communities Plan. The project site is legally described as Lots 1 to 6, portions of Lots 7 to 10, and portions of Lots 45 to 48, Block 52 of City Heights, in the City of San Diego, County of San Diego, State of California, according to Map No. 1007, filed in the Office of the County Recorder of San Diego County, October 3, 1906.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to operate an alcoholic beverage outlet conditioned upon the issuance of a license from the State Department of Alcoholic Beverage Control and subject to the City's land use regulations described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated October 8, 2012, on file in the Development Services Department.

The project shall include:

- a. The existing 1,940 square-foot, single-story mini-mart retail building, a 2,080 square-foot canopy structure with gasoline dispensers, and a 1,080 square-foot drive-thru car wash structure;

**ORIGINAL**

- b. Operation of the alcoholic beverage outlet with an existing Type 20, Off-sale Beer and Wine License as conditioned upon the license from the State Department of Alcoholic Beverage Control;
- 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 October 23, 2015.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on October 23, 2037. Upon expiration of this Permit, the facilities and improvements described herein shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.
3. The utilization of this CUP is contingent upon the approval of a license to sell alcohol at this location by the California Department of Alcoholic Beverage Control [ABC]. The issuance of this CUP does not guarantee that the ABC will grant an alcoholic beverage license for this location.
4. 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.

5. 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.
6. 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.
7. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
8. 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.).
9. 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.
10. 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.
11. 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.

12. 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.

13. This Conditional Use Permit No. 1002776 does not supercede any of the conditions within Mid-City Planned District Ordinance and Conditional Use Permit No. 99-1250.

14. Unless specifically modified herein by this Conditional Use Permit No. 1002776, the Owner/Permittee shall continue compliance with Conditional Use Permit No. 9204.

**POLICE DEPARTMENT REQUIREMENTS:**

15. Wine shall not be sold in containers of less than 750 milliliters and wine coolers or beer coolers beer must be sold in manufactured pre-packaged multi-unit quantities.

16. No wine shall be sold with an alcoholic content greater than 15% by volume, except for "Dinner Wines" which have been aged two years or more.

17. Beer, malt beverages, or wine cooler products, regardless of container size, must be sold in manufacturer pre-packaged multi-unit quantities.

**INFORMATION ONLY:**

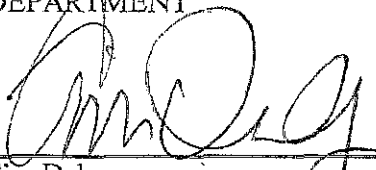
- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all 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 Development Services Department of the City of San Diego on October 8, 2012 and Resolution No. CM-6284.



Permit Type/PTS Approval No.: CUP No. 1002776  
Date of Approval: October 8, 2012

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES  
DEPARTMENT

  
\_\_\_\_\_  
Tim Daly  
Development Project Manager

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

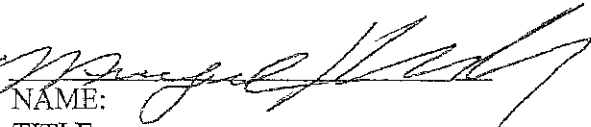
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The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of  
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

Najiba Kassab  
Owner

By Najiba Kassab  
NAME:

Finest City Oil Company  
Permittee

By   
NAME:  
TITLE:  
Pres.

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

ORIGINAL

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California

County of San Diego

On November 1, 2012 before me, Stacie L. Maxwell, Notary Public

personally appeared Tim Daly



who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: [Handwritten Signature]

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Chevron CUP Removal PTS 285246

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

Capacity(ies) Claimed by Signer(s)

Signer's Name: \_\_\_\_\_ Signer's Name: \_\_\_\_\_

Corporate Officer — Title(s): \_\_\_\_\_  Corporate Officer — Title(s): \_\_\_\_\_

Individual  Partner —  Limited  General  Individual  Partner —  Limited  General

Attorney in Fact  Attorney in Fact

Trustee  Trustee

Guardian or Conservator  Guardian or Conservator

Other: \_\_\_\_\_  Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_ Signer Is Representing: \_\_\_\_\_

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of SAN Diego

On October 10, 2012 before me, Julie A. Houshar, Notary Public

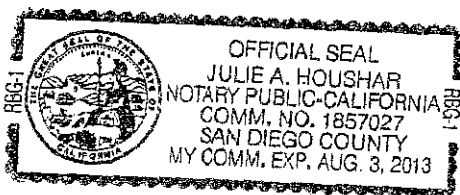
personally appeared Najiba Kassab

who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Julie A Houshar Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document:

Document Date: Number of Pages:

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name:

- Individual
Corporate Officer - Title(s):
Partner - Limited General
Attorney in Fact
Trustee
Guardian or Conservator
Other:



Signer Is Representing:

Signer's Name:

- Individual
Corporate Officer - Title(s):
Partner - Limited General
Attorney in Fact
Trustee
Guardian or Conservator
Other:



Signer Is Representing:

ORIGINAL

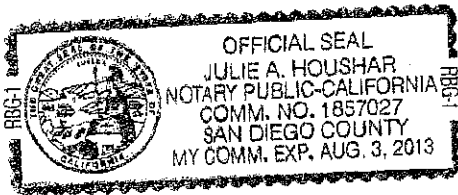
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of SAN Diego

on October 10, 2012 before me, Julie A. Houshar Notary Public

personally appeared Muayad Kassab



who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Julie A. Houshar

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

Capacity(ies) Claimed by Signer(s)

Signer's Name: \_\_\_\_\_

- Individual
Corporate Officer -- Title(s):
Partner -- Limited General
Attorney in Fact
Trustee
Guardian or Conservator
Other:



Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Individual
Corporate Officer -- Title(s):
Partner -- Limited General
Attorney in Fact
Trustee
Guardian or Conservator
Other:



Signer Is Representing: \_\_\_\_\_

ORIGINAL



DEVELOPMENT SERVICES DEPARTMENT RESOLUTION NO. CM-6284  
 CONDITIONAL USE PERMIT NO. 1002776  
**CHEVRON CUP RENEWAL PROJECT NO. 285246**  
 Amendment to Conditional Use Permit No. 9204

WHEREAS, NAJIBA KASSAB, Owner, and FINEST CITY OIL COMPANY, Permittee, filed an application with the City of San Diego for a permit to continue operation of the alcoholic beverage outlet with an existing Type 20, Off-sale Beer and Wine license as conditioned upon the license from the State Department of Alcoholic Beverage Control (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1002776), on portions of a 0.91-acre site;

WHEREAS, the project site is located at 4055 University Avenue in the CU-2-3/CT-2-3 Zones of the Central Urbanized Planned District, City Heights Community Plan area of the Mid-City Communities Plan;

WHEREAS, the project site is legally described as Lots 1 to 6, portions of Lots 7 to 10, and portions of Lots 45 to 48, Block 52 of City Heights, in the City of San Diego, County of San Diego, State of California, according to Map No. 1007, filed in the Office of the County Recorder of San Diego County, October 3, 1906;

WHEREAS, on October 8, 2012, the Development Services Department of the City of San Diego considered Conditional Use Permit No. 1002776 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on August 8, 2012, 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 15301 (Existing Facilities); 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 Development Services Department of the City of San Diego as follows:

That the Development Services Department adopts the following written Findings, dated October 8, 2012.

FINDINGS:

Findings for Conditional Use Permit Approval - Municipal Code Section 126.0305

1. **The proposed development will not adversely affect the applicable land use plan.** The subject property is located within the Planned Urbanized Development Area of the Land Use Plan, and complies with the land use regulations in effect for the property pursuant to the Central Urbanized Planned District, and the Mid-City Communities Plan. The property is zoned CU-2-3/CT-2-3 of the

Central Urbanized Planned District. The primary intent of the zone is to allow for commercial development. In addition, the site is designated as "Commercial/Mixed Use" within the Mid-City Communities Plan. Therefore, the proposed development will not adversely affect the applicable land use plan.

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

The permit prepared for this development includes various conditions (and referenced exhibits) of approval relevant to achieving project compliance with the intent of the regulations and applicable ordinance provisions of the City's Land Development Code in affect for this site; and that such conditions have been determined by the decision-maker as necessary to avoid adverse impacts upon the health, safety, and general public welfare. These conditions (and referenced exhibits) include limitations upon the hours of operations, enforcement and operation of a security and anti-loitering programs.

**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 Mid-City Communities Plan designates the subject property as "Commercial and Mixed-Use," which permits 29 dwelling units per acre. The corner of University Avenue and Interstate 15 has been identified as a natural "crossroad" and "urban node" within the community. The subject property is currently developed with a gasoline service station permitted under Mid-City Planned District Ordinance and Conditional Use Permit No. 99-1250, approved on October 18, 2000. The existing development is in compliance with the goals and recommendations of the community plan, the adopted City Heights Redevelopment guidelines, and the Conditional Use Permit regulations.

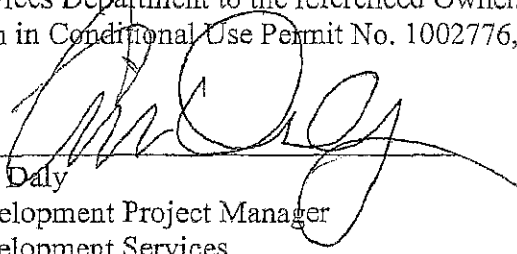
The applicant is proposing the continuation of off-sale beer and wine, through an existing Type 20 Beer and Wine License, within the existing convenience store/service station. The intent of the Conditional Use Permit procedures is to review these uses on a case-by-case basis to determine whether, and under what conditions, the use may be approved at a given site. The proximity to the various community elements (school, church, and residential zone), and the high crime rate within the community are a combination of factors which were reviewed in the determination.

The permit prepared for this development includes various conditions (and referenced exhibits) of approval relevant to achieving project compliance with the intent of the regulations and applicable ordinance provisions of the City's Land Development Code in affect for this site; and that such conditions have been determined by the decision-maker as necessary to avoid adverse impacts upon the health, safety, and general public welfare.

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

The corner of University Avenue and Interstate 15 has been identified as a natural "crossroad" and "urban node" within the community. The subject property is currently developed with a gasoline service station permitted under Mid-City Planned District Ordinance and Conditional Use Permit No. 99-1250, approved on October 18, 2000. The existing development is in compliance with the goals and recommendations of the community plan, the adopted City Heights Redevelopment guidelines, and the Conditional Use Permit regulations. The proposed continuation of off-sale beer and wine, being a supplementary item to the existing facility, would serve a local and regional public convenience. Therefore, with the various conditions (and referenced exhibits) within the permit, the proposed use is appropriate at the proposed location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Development Services Department, Conditional Use Permit No. 1002776 is hereby GRANTED by the Development Services Department to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Conditional Use Permit No. 1002776, a copy of which is attached hereto and made a part hereof.

  
\_\_\_\_\_  
Tim Daly  
Development Project Manager  
Development Services

Adopted on: October 8, 2012

Job Order No. 24002861

**ORIGINAL**

**SAN DIEGO POLICE DEPARTMENT  
CONDITIONAL USE PERMIT RECOMMENDATION**

PREMISE ADDRESS: 4055 University Avenue

TYPE OF BUSINESS: Gas Station/Food Mart

FEDERAL CENSUS TRACT: 24.02

NUMBER OF ALCOHOL LICENSES ALLOWED: 3

NUMBER OF ALCOHOL LICENSES EXISTING: 4 (Over-Concentrated)

CRIME RATE IN THIS CENSUS TRACT: 186.9%  
(Note: Considered High Crime If Exceeds 120% of City-wide Average)

THREE OR MORE REPORTED CRIMES AT THIS PREMISE WITHIN PAST YEAR  YES  NO

IS THE PREMISE WITHIN 600 FEET OF INCOMPATIBLE FACILITY  YES  NO

IS THE PREMISE WITHIN 100 FEET OF RESIDENTIALLY ZONED PROPERTY  YES  NO

ABC LICENSE REVOKED AT THIS PREMISE WITHIN PAST YEAR  YES  NO

HAS APPLICANT BEEN CONVICTED OF ANY FELONY  YES  NO

WILL THIS BUSINESS BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY,  
AND WELFARE OF THE COMMUNITY AND CITY  YES  NO

COMMENTS/OTHER FACTORS CONSIDERED:

The applicant is applying for a Conditional Use Permit for a Gas Station and Convenience Store with a Type 21 Off-Sale General license at 4055 University Avenue.

Between 01/01/2014 to 12/31//2014, there were forty eight (48) calls for service at the location which resulted in a total police out of service time (OST) of 41.22 hours. There were two (2) arrests and three (3) crime case at the location and there were 305 arrests and 293 crime cases within a 0.2-mile radius of the location in 2014. There were also 57 alcohol related arrests in this census tract in 2014.

The Gas Station/Food Mart is located on the South east corner of University at the 15 Freeway.

The San Diego Police Department will support the issuance of this Type-21 license with the following conditions.

SUGGESTED CONDITIONS:

1. Sales of alcoholic beverages shall be permitted only between the hours of 8:00 AM and 12:00 Midnight each day of the week.
2. The sale of distilled spirits in containers less than 350 ml is prohibited.

- 3. Beer, Malt beverages and Wine coolers in containers of 16 ounce or less cannot be sold in single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.
- 4. The sales of Beer or Malt beverages in quantities of 32 oz. and 40 oz. size container is prohibited.
- 5. No wine shall be sold with an alcoholic content greater than 15% by volume except for "Dinner Wines" which have been aged two years or more.
- 6. The petitioner(s) shall post and maintain a professional quality sign facing the premises parking lot(s) that reads as the following: NO LOITERING, NO LITTERING, NO DRINKING OF ALCOHOLIC BEVERAGES. VIOLATORS ARE SUBJECT TO ARREST. The sign shall be at least two feet square with two inch block lettering. The sign shall be in English and Spanish.

SAN DIEGO POLICE DEPARTMENT RECOMMENDATION:

APPROVE

DENY

ROBERTO A. CASILLAS

Name of SDPD Vice Sergeant (Print)

619-531-2349

Telephone Number

[Signature]

Signature of SDPD Vice Sergeant

3-4-15

Date of Review



## CITY HEIGHTS AREA PLANNING COMMITTEE

Postoffice Box 5859  
City Heights CA 92165  
(619) 284-2184

March 13, 2015

MEMORANDUM FOR: Project Manager Tim Daly

From: Committee Chairwoman  
Patty Vaccariello



Subj: Chevron CUP, PN 401288

At the March 2, 2015 meeting the City Heights Area Planning Committee heard an item regarding a CUP for a license upgrade from an existing Type 20 to a Type 21 license. The subject property is a Chevron convenience store located at 4055 University Avenue.

The Committee heard from the owner, Mark Kassab, and his representative. Mr. Kassab requested that one of the conditions by the San Diego Police Department be waived so he would be able to sell craft beer, accommodating his customers' requests. Mr. Kassab stated he and his representative had met with Mid-City Division and with Vice, and both were supportive of the change.

The City Heights Area Planning Committee made a motion to approve the CUP for a Type 21 upgrade with the condition that recommendation #4 from the SDPD list of conditions be removed. The motion passed, 9/1/1 chair not voting.

Note: Recommendation #4 states that "The sales of Beer or Malt beverages in quantities of quarts, 22 oz., 32 oz., 40 oz. size container is prohibited."

Cc: Mark Kassab  
Robert Zakar



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: FINEST CITY OIL Project No. For City Use Only: 401288  
 Project Address: 4055 UNIVERSITY AVE, SAN DIEGO, CA 92105

**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): NAJIBA KASSAB  
 Owner  Tenant/Lessee  Redevelopment Agency  
 Street Address: 4055 UNIVERSITY AVE  
 City/State/Zip: SAN DIEGO, CA 92105  
 Phone No: 619-269-8955 Fax No: \_\_\_\_\_  
 Signature: NAJIBA KASSAB Date: 12-8-14

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: \_\_\_\_\_