



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: May 22, 2013 **REPORT NO. PC-13-074**

ATTENTION: Planning Commission, Agenda of May 30, 2013

SUBJECT: CHEVRON UNIVERSITY EXTENSION OF TIME
PROJECT NO. 309018; PROCESS FOUR

REFERENCE: Planning Commission Report No. PC-10-018 (Attachment No. 11)

**OWNER/
APPLICANT:** Chevron Products, Inc.
Larry Tidball, Stantec Architecture

SUMMARY

Issue(s): Should the Planning Commission approve an Extension of Time Permit for a new automotive service station with a carwash and alcohol sales that was approved on March 11, 2010 and was set to expire on March 25, 2013?

Staff Recommendation: APPROVE Extension of Time Permit No. 1081720.

Community Planning Group Recommendation: On April 1, 2013, the City Heights Area Planning Committee voted 12-0-1 to approve a motion supporting the extension of time with no new conditions or recommendations (Attachment 9).

Other Recommendations: The San Diego Police Department's Vice Officer provided a written recommendation and conditions to the Planning Commission in 2010 (Attachment 12). The SDPD was contacted as part of this application and determined the previous recommendation and permit conditions regarding the Conditional Use Permit for alcohol sales remain valid.

Environmental Review: Mitigated Negative Declaration (No. 157243) was prepared and certified for the original project. This extension of time (EOT) was reviewed by the Environmental Analysis Section and it was determined that, in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15162(a): (1) no substantial changes are proposed to the project which would require major revisions of the previous Mitigated Negative Declaration (Attachment 7).

Fiscal Impact Statement: None. All of the cost associated with this application is paid for by the applicant.

Code Enforcement Impact: None. There are no code violations associated with this project.

Housing Impact Statement: None. There is no residential component included as a part of this commercial.

BACKGROUND

The 0.95-acre site is located at 3359 University Avenue (Attachment 1) within the Mid-City Communities Plan Area City Heights Neighborhood, the Central Urbanized Planned District and the CC-5-4 and RM-2-5 Zones of the Land Development Code (Attachment 2). The subject property is developed with a 24-hour automobile service station that includes a small convenience store and two service bays. A free-standing canopy covers five fueling pumps and the lot has three 10,000-gallon underground storage tanks. The property is surrounded by a variety of commercial and residential land uses and is adjacent to interstate 805 (Attachment 3). The Mid-City Communities Plan designates the project site for commercial and mixed use development (Attachment 2).

Conditional Use Permit (CUP) No. 87-1006 was issued on March 25, 1988, to allow the renovation of the existing 24-hour gas station. That CUP allowed for the construction of the existing facility and a 646-square-foot car wash facility. The car wash was never constructed.

On March 11, 2010, the Planning Commission placed Planned Development Permit No. 648351 and Conditional Use Permit No. 560268 on the Consent Agenda and voted 7-0-1 approving an entitlement for the demolition of the existing facilities and the construction of a new 3,076 square-foot convenience store with a merchandise area, cashier, food preparation area, walk in cooler, office space, a storage room, two restrooms and an outside patio and seating area. The application also proposes the sale of beer and wine, through a Type 20 Beer and Wine License. The project requires 10 off-street parking spaces whereas 19 spaces (including one accessible space) and one loading space are provided. The building would feature a cement plaster finish, recessed windows and doors, along with required landscaping. The proposed CUP would supersede the existing CUP issued for this site in 1988 and all relevant permit conditions were incorporated into the new permit (Attachment 6).

DISCUSSION

Project Description:

This application is for an Extension of Time Permit to extend the previous March 25, 2013 expiration date an additional three years to March 25, 2016. The City of San Diego Land Development Code (LDC) allows previously approved permits that have not been utilized within the prescribed time limit to apply for such an extension. LDC Section 126.0111 states that an expiration date of an approved development permit may be extended one or more times, provided the extensions do not exceed a total of 36 months beyond the expiration of the initial

utilization period. An application for an extension of time is reviewed to determine whether the proposed development has significantly changed or is in substantial conformance with the approved development permit. An extension of time may be approved without new conditions if the decision maker finds that the project, as originally approved and without any new conditions, would not place the occupants of the proposed development or the immediate community in a condition dangerous to their health or safety; and that the previous entitlement does not conflict with any current state or federal law. An EOT can also be approved with new conditions if the decision maker finds a new condition is required in order for the previous project to comply with a state or federal law.

Staff reviewed the proposed Extension of Time for the University Chevron project and determined the project proposes no changes to the original design and that the project would comply with all current state and federal laws without any new permit conditions.

Environmental Analysis:

Mitigated Negative Declaration No. 157243 (Attachment 7) was prepared and certified for the original project and a subsequent review for this application determined there are no changes proposed to the project which would require revisions to the previous environmental document. The MND provides traffic mitigation requiring specific travel lane and signal improvements to the adjacent Boundary Street between University Avenue and North Park Way and would still be required with the extension of time prior to obtaining any grading or building permit.

Conclusion:

The Land Development Code establishes a process whereby the expiration date of a previously approved development permit can be extended up to an additional 36 months if there are no substantial changes to the project and no change in state or federal laws that would now apply to the development. No additional conditions are applied to an extension of time unless required to protect the health and safety of the community. The applicant for the approved Chevron redevelopment plan has requested a three-year extension and staff has concluded there are no changes proposed to the project and no new conditions are required to protect the health and safety of the surrounding area. Therefore, staff supports the extension of time and has provided draft findings to affirm the project (Attachment 5).

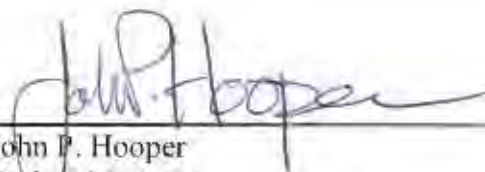
ALTERNATIVES:

1. **Approve** Extension of Time Permit No. 1081720, with modifications.
2. **Deny** Extension of Time Permit No. 1081720, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Mike Westlake
Assistant Deputy Director
Development Services Department

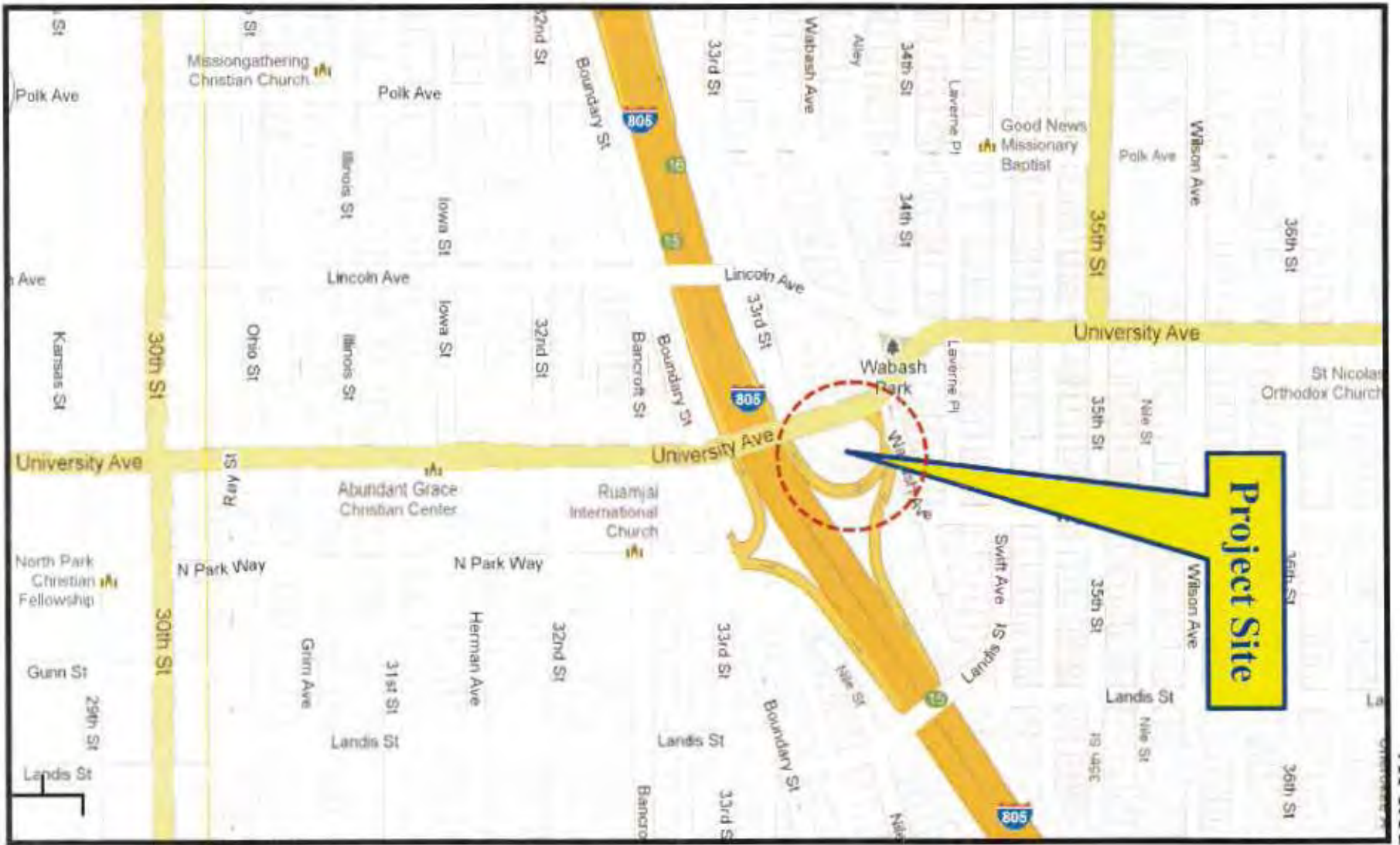


John P. Hooper
Project Manager
Development Services Department

KGB/JPH

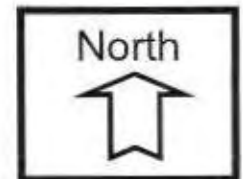
Attachments:

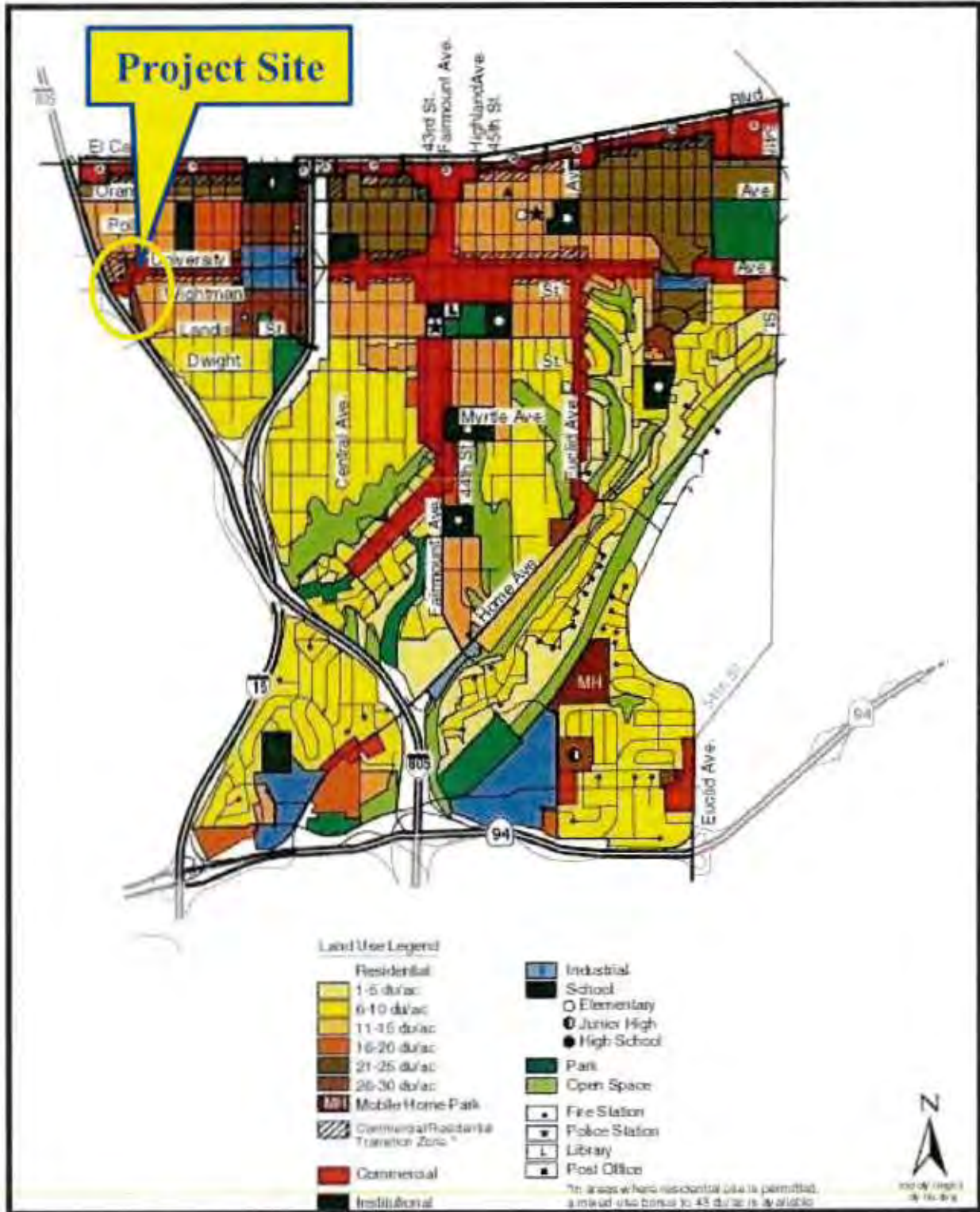
1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Project Data Sheet
5. Resolution with EOT Findings
6. EOT Permit with Conditions
7. Mitigated Negative Declaration No. 157243
8. Project Plans (Include as appropriate/relevant.)
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement (no change)
11. Planning Commission Report PC-10-018
12. SDPD Recommendation (no change)



Project Location Map

CHEYENNE UNIVERSITY AVENUE – PTS NUMBER 157243
3359 UNIVERSITY AVENUE

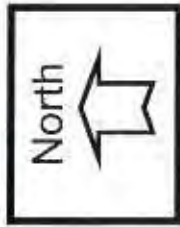




Land Use Map

CHEVRON UNIVERSITY AVENUE – PTS NUMBER 157243
3359 UNIVERSITY AVENUE





Aerial Photo

CHEVRON UNIVERSITY AVENUE – PTS NUMBER 157243
3359 UNIVERSITY AVENUE



PROJECT DATA SHEET		
PROJECT NAME:	Chevron University	
PROJECT DESCRIPTION:	Demolition and construction of a convenience store and to allow for the sale of alcoholic beverages (beer and wine only)	
COMMUNITY PLAN AREA:	Mid-City Communities Plan	
DISCRETIONARY ACTIONS:	Planned Development Permit and Conditional Use Permit (CUP) to amend CUP No. 87-1006	
COMMUNITY PLAN LAND USE DESIGNATION:	Commercial and Mixed Use	
ZONING:	CC-5-4 and RM-2-5 Zones and the City Heights Redevelopment Project Area of the Central Urbanized Planned District in the City Heights Neighborhood.	
ADJACENT PROPERTIES:	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Commercial-Mixed Use; CC-5-4	Commercial Retail
SOUTH:	Multi-Family Residential; RM-2-5	On-ramp to Interstate 805
EAST:	Multi-Family Residential; RM-1-1	Multi-Family Residential
WEST:	Commercial-Mixed Use; CC-5-4	Interstate 805
DEVIATIONS OR VARIANCES REQUESTED:	<p>-A deviation to allow a minimum front yard setback of 22 feet along the frontage where a maximum front yard setback of 10 feet is required;</p> <p>-A deviation to allow a minimum side yard setback of 5 feet where a setback of either 0 feet or 10 feet is the maximum required;</p> <p>-A deviation to allow 116 square feet of transparency in the street wall where 149 square feet of transparency is required.</p>	
COMMUNITY PLANNING GROUP RECOMMENDATION:	The City Heights Area Planning Committee voted 13-2-0 to recommend approval of the proposed project on July 4, 2009, with recommendations.	

PLANNING COMMISSION RESOLUTION NO. DRAFT
EXTENSION OF TIME PERMIT NO 1081720
EXTENSION OF TIME TO PLANNED DEVELOPMENT PERMIT NO. 648351
AND CONDITIONAL USE PERMIT (CUP) NO. 560268
AMENDING CUP NO. 87-1006
CHEVRON UNIVERSITY AVENUE EOT - PROJECT NO. 309243
PLANNING COMMISSION

WHEREAS, CHEVRON USA INC, Owner/Permittee, filed an application with the City of San Diego for a three-year Extension of Time to Planned Development Permit (PDP) No. 648351 and Conditional Use Permit (CUP) No. 560268, for the demolition of an existing automobile service station and construction of a new automobile service station and car wash. The project site is located 3359 University Avenue in the CC-5-4 and RM-2-5 Zones, of the Central Urbanized Planned District within the City Heights Redevelopment Project Area, in the City Heights Neighborhood of the Mid-City Communities Plan area. The project site is legally described as Lots 1 and 2 of Basset Subdivision, Map No. 6780; and

WHEREAS, all associated permits shall conform to the previously approved Exhibit "A" and conditions on file with the Development Services Department pursuant to Planned Development Permit No. 648351 and Conditional Use Permit No. 560268, with the exception of the expiration date; and

WHEREAS, the activity is covered under Mitigated Negative Declaration No. 157243. The activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. The prior environmental documents adequately covered this activity as part of the previously approved project and the activity is not a separate project for the purpose of California Environmental Quality Act (CEQA) review pursuant to CEQA Guidelines Section 15162; and

BE IT FURTHER RESOLVED, by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to the Extension of Time No. 1081720:

- 1. The project as originally approved and without any new conditions would not place the occupants of the proposed development or the immediate community in a condition dangerous to their health or safety.**

There are no substantive changes proposed in the project that would place the occupants or immediate community in a condition dangerous to their health and safety. The proposed project would not change other than the expiration date to utilize the previously approved permit. The physical conditions of the site and surrounding neighborhood under which the previous project was approved have not materially changed and no new conditions are required to address public health and safety. All previous conditions of Planned Development Permit No. 648351 and Conditional Use Permit No. 560268 would remain in full force and effect.

- 2. No new condition is required to comply with state or federal law.**

No recent state or federal legislation has been enacted which would require any condition to be added to the extension of time permit for the previously approved project. All previous conditions of Planned Development Permit No. 648351 and Conditional Use Permit No. 560268 would remain in full force and effect.

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

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission Extension of Time Permit No. 1081720 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Extension of Time Permit No. 1081720, a copy of which is attached hereto and made a part hereof.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SAN DIEGO, CALIFORNIA, ON MAY 23, 2013.

By

John P. Hooper
Development Project Manager
Development Services Department

Internal Order No. 24003521

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

JOB ORDER NUMBER: 24003521

SPACE ABOVE THIS LINE FOR RECORDER'S USE

EXTENSION OF TIME PERMIT NO 1081720 FOR:
EXTENSION OF TIME TO PLANNED DEVELOPMENT PERMIT NO. 648351
AND CONDITIONAL USE PERMIT (CUP) NO. 560268
AMENDING CUP NO. 87-1006
CHEVRON UNIVERSITY AVENUE EOT - PROJECT NO. 309243
PLANNING COMMISSION

This Extension of Time Permit No. 1081720 extending Planned Development Permit No. 648351 and Conditional Use Permit (CUP) No. 560268, to amend CUP No. 87-1006, is granted by the Planning Commission of the City of San Diego to CHEVRON USA INC., Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0303 and 126.0602(b)(1).

The 0.95-acre site is located at 3359 University Avenue in the CC-5-4 and RM-2-5 Zones, of the Central Urbanized Planned District within the City Heights Redevelopment Project Area, in the City Heights Neighborhood of the Mid-City Communities Plan area. The project site is legally described as Lots 1 and 2 of Basset Subdivision, Map No. 6780.

Subject to the terms and conditions set forth in this Permit, and the previously approved Planned Development Permit (PDP) and Conditional Use Permit (CUP), permission is granted to CHEVRON USA INC., Owner/Permittee to allow the demolition and construction of a convenience store with deviations to the Municipal Code as described herein and to allow for the sale of alcoholic beverages (beer and wine only) at an existing 24-hour service station 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 March 11, 2010, on file in the Development Services Department. The original project Planned Development Permit No. 648351 and Conditional Use Permit No. 560268, approved by the Planning Commission on March 11, 2010, is hereby extended as indicated within this permit until March 25, 2013.

The project shall include:

- a. The demolition of the 1,701-square-foot existing store and service bays, while maintaining the five existing fueling pumps;
 - b. The construction of a 3,076-square foot convenience store and to remodel the five existing fueling stations;
 - c. The installation of a new 10,000-gallon, Xerxes double-wall underground storage tank;
 - d. The project has the following three deviations:
 1. A deviation to allow a front yard setback of 22 feet along the frontage where a maximum front yard setback of 10 feet is required;
 2. A deviation to allow a minimum side yard setback of 5 feet where a setback of either 0 feet or 10 feet is the minimum required;
 3. A deviation to allow 116 square feet of transparency in the street wall where a minimum of 149 square feet of transparency is required.
 - e. Landscaping (planting, irrigation and landscape related improvements);
 - f. Off-street parking spaces;
 - g. 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.
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.
2. 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.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:

1. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
2. The Permit is recorded in the Office of the San Diego County Recorder.
4. 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.
5. 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.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial 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.
9. 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.
10. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

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

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

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

13. The mitigation measures specified in the MMRP and outlined in MITIGATED NEGATIVE DECLARATION NO. 157243, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL, MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in MITIGATED NEGATIVE DECLARATION NO. 157243 to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Transportation/Circulation

ENGINEERING REQUIREMENTS:

15. Prior to the issuance of any building permits, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

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

17. Prior to the issuance of any construction permits, 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.

18. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report.
19. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the reconstruction of the two existing (wider than 30 feet in width) driveways along the project frontage on University Avenue with standard commercial 30-foot wide driveways and the curb ramp at the northeasterly corner of the site to current City standards, satisfactory to the City Engineer.
20. The drainage system proposed for this development is private and subject to approval by the City Engineer.
21. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement, for a private drain connection to a curb inlet in the public drainage system in University Avenue, satisfactory to the City Engineer.

LANDSCAPE REQUIREMENTS:

22. Prior to issuance of construction permits for public 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. Improvements plans shall indicate an area equal to 40 square feet 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.
23. Prior to issuance of any construction permits for buildings; the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual, 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.
24. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.
25. The Owner/Permittee shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.
26. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual, Landscape Standards.
27. 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 is responsible to repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to issuance of a Certificate of Occupancy.

PLANNING/DESIGN REQUIREMENTS:

28. The Owner/Permittee shall maintain a minimum of 10 automobile spaces (including 1 van accessible space and 1 loading zone) are required (20 provided) by the Land Development Code. 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.

29. This Conditional Use Permit shall supersede all previous amendments, including CUP 87-6001.

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

31. Any devices to alert station attendants to entering vehicles shall be located and adjusted so that they do not cause noise disturbance to adjoining properties.

32. Merchandise, material, and products for sale shall be stored and displayed only within an enclosed building, except that motor oil, tires, batteries, and other automotive supplies maybe displayed at pump islands or adjacent to a building if the display or storage racks and containers are designed to appear as an integral part of the pump island or building exterior.

33. When the service station is abandoned or the use changed, the Owner/Permittee shall remove the underground tanks in accordance with the procedures of the City of San Diego Fire Department and the County of San Diego Health Services Department.

34. Pool or billiard tables, foosball or pinball games, arcade style video and electronic games, or coin-operated amusement devices are not permitted on the premises.

35. Exterior pay phones that permit incoming calls are not permitted on the premises, adjacent public sidewalks, or areas under the control of the Owner/Permittee.

36. The Owner/Permittee shall provide illumination, at a minimum level of 0.4 footcandles per square foot, on the exterior of the alcoholic beverage outlet, including adjacent public sidewalks and areas under the control or operator. The illumination shall be in operation during all hours of darkness while the outlet is open for business so that persons standing on or near the premises at night are identifiable by law enforcement personnel. The required illumination shall be shielded and directed so that it does not shine on adjacent properties.

37. The outdoor sign area pertaining to or referencing alcoholic sales or beverages shall not exceed 630 square inches.

38. A maximum of 33 percent of the square footage of the windows and doors of the premises may bear advertising or signs of any sort, and all advertising and signs shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the outlet. This condition in no way limits or reduces the requirement for the site to comply with the minimum transparency regulation of SDMC 131.0552.

39. The Owner/Permittee of the alcoholic beverage outlet shall post a prominent, permanent sign or signs stating, "No loitering, consumption of alcoholic beverages, or open alcoholic beverage containers are allowed inside the premises or on the public sidewalks adjacent to the premises."

40. The Owner/Permittee shall list a business address and telephone number in the Pacific Bell/San Diego telephone directory or other similarly distributed directory.

41. The Owner/Permittee shall provide trash receptacles, conveniently located for use by patrons, inside and outside the alcoholic beverage outlet, including adjacent public sidewalks and areas under the control of the owner or operator. At least one 13-gallon trash receptacle shall be located inside the premises. At least one 32-gallon trash receptacle shall be located outside the alcoholic beverage outlet.

42. The Owner/Permittee shall maintain the premises, adjacent public sidewalks, and areas under the control of the owner or operator, free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter, and debris. The owner or operator shall eliminate graffiti within 48 hours of application.

43. The Owner/Permittee shall post a copy of the Conditional Use Permit conditions in the licensed premises in a place where they may be readily viewed by any member of the general public or any member of a government agency.

44. The Conditional Use Permit for the sale of alcoholic beverages shall expire and become void 20 years from the approval date unless an application to extend the expiration date has been filed before the expiration of the approved Conditional Use Permit.

45. An application for an extension of the expiration date of the Conditional Use Permit for alcohol sales shall be considered in accordance with Process Two if there is no record in the City of San Diego Police Department or other department or with any other governmental agency of any violations of the State of California Department of Alcoholic Beverage Control rules, regulations, and orders or of any violation of city, county, state or federal law, code, regulation or policy related to prostitution, drug activity or other criminal activity on the premises. An application for an extension of the expiration date of the Conditional Use Permit for the sale of alcoholic beverages shall be considered in accordance with Process Three if there is a record of violations as described above. Prior violations of any conditions contained in an approved Conditional Use Permit shall constitute grounds for denying an application for an extension.

46. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

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

TRANSPORTATION REQUIREMENTS

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

WASTEWATER REQUIREMENTS:

49. The Owner/Permittee shall grant adequate sewer, and/or access easements, including vehicular access to each manhole, for all public sewer facilities that are not located within public rights of way, satisfactory to the City of San Diego Director of Public Utilities. Vehicular access roadbeds shall be surfaced with suitable approved material, satisfactory to the City of San Diego Director of Public Utilities.

50. No structures or landscaping shall be located in or over any sewer easement that would inhibit vehicular access to replace a section of main or provide access to any manhole or isolated section of main.

51. No approved improvements or landscaping, including private sewer facilities, grading, enhanced paving, and drainage facilities shall be installed in or over any easement prior to the applicant obtaining an Eneachment Maintenance and Removal Agreement.

52. No trees shall be installed within ten feet of any sewer facilities or in any sewer access easement. No shrubs exceeding three feet in height at maturity shall be installed within 10 feet of any public sewer main or within access easements.

53. No other utilities, including gas, electric, telephone and fiber optic cable, shall be located within 10 feet of any public sewer main when these utilities are installed parallel to the sewer main. General Utility Easements in private roads and driveways shall be sized with sufficient width to provide for other agencies facilities. In side yards or other non street areas, a GUE must be dedicated for the exclusive use of the City of San Diego or the Metropolitan Wastewater Department. Other agencies shall require separate easements.

54. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Plumbing Code and shall be reviewed as part of the building permit plan check.

55. The Owner/Permittee shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

WATER REQUIREMENTS:

56. 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.

57. Prior to the issuance of any certificates of occupancy, all public water facilities shall be complete and operational in a manner the Director of Public Utilities and the City Engineer.

58. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities, and associated easements, as shown on approved Exhibit "A" shall be modified at final engineering to comply with standards.

POLICE DEPARTMENT RECOMMENDATIONS:

The following are recommendations from the San Diego Police Department, Vice-Operations Officer to the California Department of Alcoholic Beverage Control (ABC). It is the intent of the City of San Diego that these recommendations be made conditions of the alcohol license issued by the ABC for this location.

- The inclusion of a digital security system.
- No more than 15% of floor space for alcohol sales.
- The sale of alcoholic beverages shall be permitted between the hours of 7:00 am and 11:00 pm daily.
- No fortified wines.
- No advertisements in the window for alcohol sales.
- Wine shall not be sold in containers of less than 750 milliliters, and wine coolers, beer coolers must be sold in manufacturer pre-packaged multi-unit quantities with the exception of wine coolers sold in four-pack containers or more per sale.
- No sales of individual beers.

INFORMATION ONLY:

- 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 Planning Commission of the City of San Diego on May 23, 2013,
Resolution No. (DRAFT)-PC

RESOLUTION NUMBER PC-4578 (B)

ADOPTED ON MARCH 11, 2010

WHEREAS, on June 6, 2008, Chevron USA, Inc. submitted an application to the Development Services Department for a Planned Development Permit and Conditional Use Permit to amend CUP Number 87-1006,

WHEREAS, the permit was set for a public hearing to be conducted by the Planning Commission of the City of San Diego; and

WHEREAS, the issue was heard by the Planning Commission on March 11, 2010; and

WHEREAS, the Planning Commission of the City of San Diego considered the issues discussed in Mitigated Negative Declaration No. 157243 NOW THEREFORE,

BE IT RESOLVED, by the Planning Commission of the City of San Diego, that it is hereby certified that Mitigated Negative Declaration No. 157243 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California Administration Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the Planning Commission.

BE IT FURTHER RESOLVED that the Planning Commission finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Mitigated Negative Declaration, a copy of which is attached hereto and incorporated by reference, is hereby approved.

BE IT FURTHER RESOLVED that pursuant to California Public Resources Code, Section 21081.6, the Planning Commission hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference.

By: _____
John P. Hooper, Development Project Manager

ATTACHMENT: Exhibit A, Mitigation Monitoring and Reporting Program

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

Planned Development Permit and Conditional Use Permit to amend CUP Numbers 87-1006 for Chevron University Avenue

PROJECT NO. 157243

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Mitigated Negative Declaration (Project No. 157243) shall be made conditions of Planned Development Permit and Conditional Use Permit to amend CUP Number 87-1006 as may be further described below.

GENERAL MEASURES MUST BE COMPLETED PRIOR TO ANY AUTHORIZATION TO PROCEED:

GENERAL REQUIREMENTS

1. Prior to issuance of any construction permit, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plan/Permits, the Assistant Deputy Director (ADD) Environmental Designee of the Entitlements Division shall verify that the appropriate Mitigation Measures regarding Transportation/Circulation have been included verbatim on the submitted construction documents and contract specifications, and included under the heading, "Environmental Mitigation Requirements." In addition, the requirements for a Preconstruction Meeting shall be noted on all construction documents.
2. Prior to the commencement of work, a Preconstruction Meeting (Pre-con) shall be conducted and include the City of San Diego's Mitigation Monitoring Coordination (MMC) Section, Resident Engineer, Building Inspector, Applicant, and other parties of interest.

ENVIRONMENTAL REQUIREMENTS

Transportation/Circulation:

1. Prior to the issuance of any building permit, the applicant shall assure by permit and bond re-striping the existing two-lanes Boundary Street between University Avenue and North Park Way to include three lanes on most of this segment by adding an exclusive (approximately 180 feet long) northbound right turn lane. Applicant shall also provide any required signal modifications, at the intersection of University Avenue and Boundary Street as a result of this lane addition satisfactory to the City Engineer.

2. Prior to the issuance of any building permit, the applicant shall assure by permit and bond re-striping the existing southbound lane at the intersection of Boundary Street and North Park Way, to add an exclusive southbound left turn lane, satisfactory to the City Engineer.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

Revised 02/09 - abj



MITIGATED NEGATIVE DECLARATION

Project No. 157243
L.O. No. 2343098585
SCH No. N/A

SUBJECT: Chevron University Avenue: Planned Development Permit (PDP) and Conditional Use Permit (CUP) to amend CUP Numbers 87-1006 and C4878 to allow demolition of an existing building, and construction of a 3,076-square-foot convenience store for an existing gas station on a 41,758-square-foot site. The project is located at 3359 University Avenue in the CC-5-4 and RM-2-5 zones of Central Urbanized Planned District within the City Heights Neighborhood of Mid-City Communities Plan, Transit Area Overlay Zone, and Federal Aviation Administration (FAA) Part 77 Notification Area (Legal Description: Lots 1 and 2 of "Basset Subdivision", in the City of San Diego County of San Diego, State of California, According to Map Thereof No. 6780, Filed in the Office of the County Recorder of Said County). Applicant: James Blum

- I. **PROJECT DESCRIPTION:** See attached Initial Study.
- II. **ENVIRONMENTAL SETTING:** See attached Initial Study.
- III. **DETERMINATION:**

The City of San Diego has conducted an Initial Study and determined that the proposed project could have a significant environmental effect in the following area:
Transportation/Circulation. Subsequent revisions in the project proposal create the specific mitigation identified in Section V of this Mitigated Negative Declaration (MND). The project as revised now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report will not be required.

- IV. **DOCUMENTATION:**

The attached Initial Study documents the reasons to support the above Determination.

- V. **MITIGATION, MONITORING AND REPORTING PROGRAM:**

GENERAL MEASURES MUST BE COMPLETED PRIOR TO ANY AUTHORIZATION TO PROCEED:

GENERAL REQUIREMENTS

1. Prior to issuance of any construction permit, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plan/Permits, the Assistant Deputy Director (ADD) Environmental Designee of the Entitlements Division shall verify that the appropriate Mitigation Measures regarding Transportation/Circulation have been included verbatim on the submitted construction documents and contract specifications, and included under the heading, "Environmental Mitigation Requirements." In addition, the requirements for a Preconstruction Meeting shall be noted on all construction documents.
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2. Prior to the issuance of any building permit, the applicant shall assure by permit and bond re-striping the existing southbound lane at the intersection of Boundary Street and North Park Way, to add an exclusive southbound left turn lane, satisfactory to the City Engineer.

VI. PUBLIC REVIEW DISTRIBUTION:

Draft copies or notice of this Mitigated Negative Declaration were distributed to:

State of California

California Regional Water Quality Control Board (44)

County of San Diego

Department of Environmental Health (75)

City of San Diego

Councilmember Todd Gloria, District 3

Planning Department (MS 4A)

Development Services Department (78, 78A)

Central Library (81A)
 City Attorney (MS 59)
 Development Services, Rence Mezo, Development Project Manager (MS 501)
 Development Services, Anna McPherson, Senior Environmental Planner (MS 501)
 Development Services, Corey Braun, LDR-Planning (MS 501)
 Development Services, Kamran Khaligh, LDR-Transportation (MS 501)
 Development Services, Jim Carrier, LDR-Engineering (MS 501)
 Development Services Jim Quinn, LDR-Geology (MS 401)
 Development Services, Jeffrey Oakley, LDR-Landscaping (MS 501)
 LDR-Wastewater, Janet King
 LDR-Water Review-Mahmood Keshavarzi
 Fire-Plans Officer-Bob Medan (MS 411)
 Plan-Facilities Financing-Victoria Burgess

Other

City Heights Business Improvement Association (285)
 The Boulevard (286)
 City Heights Area Planning Committee (287)
 Rolando Community Council (288)
 Kensington Talmadge Planning Committee (290)
 Normal Heights Community Planning Comm (291)
 Normal Heights Community Association (292)
 Normal Heights Comm Center (293)
 Fox Canyon Neighborhood Associates Inc (295)
 Citylink Investment Corporation (296)
 Colina Del Col Senior Citizens (297)
 Oak Park Community Council (298)
 Oak Park Community Council (299)
 Mel Shapiro (300)
 Webster Community Council (301)
 Eastern Area Communities Planning Committee (302)
 Fairmont Park Neighborhood Association (303)
 John Stump (304)
 Floyd Melson (305)
 Darnell Community Council (306)
 Juan Villasenor
 Patrick Fiedler (Agent)
 Wendell Keller (Owner)
 James Blum (Applicant)

VII. RESULTS OF PUBLIC REVIEW:

- (X) No comments were received during the public input period.
- () Comments were received but did not address the draft Mitigated Negative Declaration finding or the accuracy/completeness of the Initial Study. No response is necessary. The letters are attached.

- () Comments addressing the findings of the draft Mitigated Negative Declaration and/or accuracy or completeness of the Initial Study were received during the public input period. The letters and responses follow.

Copies of the draft Mitigated Negative Declaration, the Mitigation, Monitoring and Reporting Program and any Initial Study material are available in the office of the Entitlements Division for review, or for purchase at the cost of reproduction.



Anna McPherson, AICP, Senior Planner
Development Services Department

January 14, 2010
Date of Draft Report

February 11, 2010
Date of Final Report

Analyst: R. Benally



DATE	DESCRIPTION
11/11/11	ISSUED FOR PERMIT
11/11/11	ISSUED FOR PERMIT
11/11/11	ISSUED FOR PERMIT

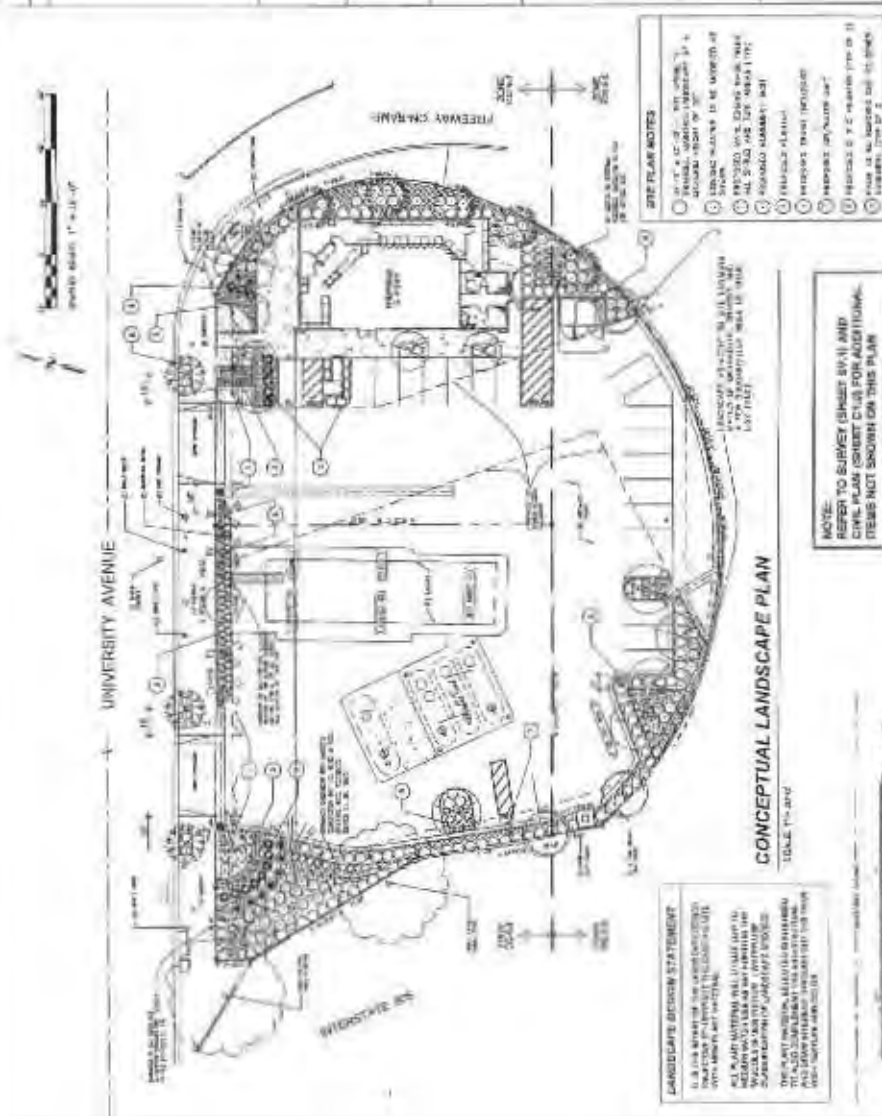


UNDESIGNED
NO SCALE AND LAYOUT
APPROXIMATE ONLY

DATE	DESCRIPTION
11/11/11	ISSUED FOR PERMIT
11/11/11	ISSUED FOR PERMIT
11/11/11	ISSUED FOR PERMIT

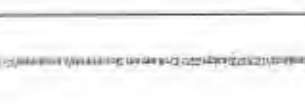
L1.1

SYMBOL	CATEGORY / DESCRIPTION	PERCENTAGE / SIZE
	1. TREE (10' - 15' DBH) - 10%	10 (10' - 15' DBH)
	2. TREE (6' - 9' DBH) - 15%	15 (6' - 9' DBH)
	3. TREE (3' - 5' DBH) - 20%	20 (3' - 5' DBH)
	4. SHRUBS - 10%	10 (SHRUBS)
	5. MULCH - 10%	10 (MULCH)
	6. PAVEMENT - 10%	10 (PAVEMENT)
	7. CONCRETE - 10%	10 (CONCRETE)
	8. METAL - 10%	10 (METAL)
	9. PLANTING - 10%	10 (PLANTING)
	10. FURNITURE - 10%	10 (FURNITURE)
	11. SIGNAGE - 10%	10 (SIGNAGE)
	12. LIGHTING - 10%	10 (LIGHTING)
	13. WATER - 10%	10 (WATER)
	14. AIR - 10%	10 (AIR)
	15. SOIL - 10%	10 (SOIL)



DATE	DESCRIPTION
11/11/11	ISSUED FOR PERMIT
11/11/11	ISSUED FOR PERMIT
11/11/11	ISSUED FOR PERMIT

ITEM	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
1	1. TREE (10' - 15' DBH)	10	EA	100	1000
2	2. TREE (6' - 9' DBH)	15	EA	100	1500
3	3. TREE (3' - 5' DBH)	20	EA	100	2000
4	4. SHRUBS	10	EA	100	1000
5	5. MULCH	10	EA	100	1000
6	6. PAVEMENT	10	EA	100	1000
7	7. CONCRETE	10	EA	100	1000
8	8. METAL	10	EA	100	1000
9	9. PLANTING	10	EA	100	1000
10	10. FURNITURE	10	EA	100	1000
11	11. SIGNAGE	10	EA	100	1000
12	12. LIGHTING	10	EA	100	1000
13	13. WATER	10	EA	100	1000
14	14. AIR	10	EA	100	1000
15	15. SOIL	10	EA	100	1000



LANDSCAPE CALCULATIONS SITE PLAN

DATE: 11/11/11

SCALE: 1" = 40'

PROJECT: [Project Name]

LOCATION: [Project Location]

DESIGNED BY: [Designer Name]

CHECKED BY: [Checker Name]

DATE: 11/11/11

CITY HEIGHTS AREA PLANNING COMMITTEE

Minutes of the meeting of April 1, 2013
3910 University Ave
City Heights CA 92105

1. The meeting was called to order at 6:35PM. Abdullahi Yusuf, Ahmed Malinomar, Ahmedei Cheikgurei, David Nelson, Guy Mock, Hong Tran, Jessie Sergeant, Jim Varnadore, Mazda Mehrnaz, Patty Vaccariello, Sam Charry, and Sally Lemmie formed a quorum.

Amanda Moss, Jenny Flanagan, Kati Eaton, Kenton Sinkbeiner, Mark Tran, Samantha Ollinger, and Rebecca Rusk, absent.

2. After the Chairwoman's request to add item 8.7 to the agenda, Ahmed offered, Jessie seconded a motion to amend and adopt the agenda. The committee voted 11/0/0 (Chair not voting) and the motion passed.

3. The minutes of March 4, 2013 were accepted as tendered.

4. The chair passed the gavel to the Election Subcommittee chair, David Nelson, who seated new members Jeanette Neeley, Katia Rodriguez, Marc Munic, and Mark Kassab. David returned the gavel,

5. There was no off-agenda public comment.

6. There were no staff reports.

7. Guy announced the next City Heights Town Council meeting and Police Problem Solving meeting. David objected to the new stop signs at Dwight/Central and noted the increasing congestion that results from stop signs. Katia announced a health fair in Colina Park. Ahmed discussed a vehicle crash on 39th Street.

8.1 Several candidates for the vacant District 2-14 seat made presentations seeking nomination. David nominated all candidates. After one round of voting, Emily Cox and Russ Connelly obtained the two highest vote counts and were advanced to a second round vote. After three rounds of secret ballots, the Committee elected Emily Cox to the seat.

8.2 Mr. Larry Tibball from Stanted Architecture presented a request from the Chevron Corporation to extend the permits that had been issued earlier. The Corporation wished to delay construction. After considerable discussion, Jessie offered and David seconded a motion to approve the extension of permits for three years. Jim offered, Jeanette seconded an amendment to the motion to remind the Chevron Corporation of its earlier public promise that it would retain ownership and would not sell the renovated station. The

(ATTACHMENT 9)

maker and second accepted the amendment. The Committee voted 10/4/1 (Chair not voting) and the motion passed.

8.3 Ocean Discovery Institute offered a PowerPoint presentation about itself and the installation it intends to complete at 4255 Thorn Street. It has applied for a Conditional Use Permit to allow classrooms in a residential zone, for a Site Development Permit to build in or near environmentally sensitive lands, and a vacation of a portion of Thorn Street so that the sidewalk can be better integrated into the project. After discussion, Emily offered and Ahmed seconded a motion to approve the entire application. The Committee voted 14/0/0 (chair not voting) and the motion passed.

8.4 Mr. Eric Adams from the San Diego Association of Governments (SANDAG) staff reviewed the Mid-City Rapid Bus Project, originally known as the Showcase Project, and especially discussed the SANDAG decision to move one bus stop from the vicinity of Euclid Avenue to the vicinity of Winona Avenue against the Committee's earlier recommendation and without consulting the Committee beforehand. After considerable discussion, no motion was offered.

8.5 The Chairwoman discussed the Officer Election process and requested volunteers to serve on the officer election subcommittee. The Chairwoman appointed volunteers Hong Tran (S/C Chair), David Nelson, and Emily Cox.

8.6 The chair of the Youth Seat subcommittee reported that one City Heights youth, Gerardo Perez, has applied for a seat. He offered brief remarks about himself and his interest in the Committee. The Committee will consider his and other appointments at its May meeting.

8.7 Trang Bui from the staff of the El Cajon Boulevard Business Improvement Association discussed the association's "Happy Friday" event to be held the evening of June 14 from 6:00PM to 10:30PM near the intersection of Menlo Avenue and El Cajon Boulevard. She requested a letter of support for the event. David Nelson offered and Ahmed Malinomar seconded a motion to authorize the Chair to write and send a letter of support. The Committee voted 12/0/0 (Chair not voting) and the motion passed.

9 The meeting was adjourned at 9:20PM to meet again May 6, 2013 at the time and place listed above. If called, a mid-month meeting will be held Monday, April 15 at 6:30PM in the Mid-City Police Substation. Separate agenda will be issued.



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

Chevron #94919

Project No. For City Use Only

157243

Project Address:

3359 University Avenue, San Diego, CA 92104

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

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

Additional pages attached Yes No

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

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

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

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

ATTACHMENT 10

Project Title: <i>CHEVRON #94919</i>	Project No. (For City Use Only)
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Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

Corporation
 Limited Liability -or-
 General) What State? PA
 Corporate Identification No. 25-0527925
 Partnership

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

Corporate/Partnership Name (type or print):
Chevron USA Inc.

Owner Tenant/Lessee

Street Address:
145 S. State College Drive

City/State/Zip:
Brea, CA 92821

Phone No: (714) 671-3202 Fax No: (714) 671-3438

Name of Corporate Officer/Partner (type or print):
Dean O'Kelleigh

Title (type or print):
Property & Facilities Development Lead

Signature: *Dean O'Kelleigh* Date: 5/14/08

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

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

Title (type or print):

Signature: Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

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

Title (type or print):

Signature: Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

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

Title (type or print):

Signature: Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

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

Title (type or print):

Signature: Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

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

Title (type or print):

Signature: Date:

DATE ISSUED: February 25, 2010 **REPORT NO. PC-10-018**

ATTENTION: Planning Commission, Agenda of March 11, 2010

SUBJECT: CHEVRON UNIVERSITY AVENUE - PROJECT NO. 157243
PROCESS 4

**OWNER/
APPLICANT:** Chevron USA Inc.

SUMMARY

Issue(s): Should the Planning Commission approve an application to allow for the construction of a new convenience store and to allow for the sale of alcoholic beverages (beer and wine only) at an existing 24-hour service station located at 3359 University Avenue within the Mid-City Communities?

Staff Recommendation:

1. **Certify** Mitigated Negative Declaration No. 157243 and **Adopt** the Mitigation Monitoring and Reporting Program; and
2. **Approve** Planned Development Permit No. 648351 and Conditional Use Permit No. 560268.

Community Planning Group Recommendation: The City Heights Area Planning Committee voted 13-2-0 to recommend approval of the proposed project on July 4, 2009, with recommendations (Attachment 9). Please see the Community Planning Group section of the report for a full discussion of these recommendations.

Environmental Review: Mitigated Negative Declaration No. 157243 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented, which will reduce, to a level of insignificance, any potential impacts identified in the environmental review process.

Fiscal Impact Statement: All costs associated with the processing of this project are paid from deposit account maintained by the applicant.

Code Enforcement Impact: None

Housing Impact Statement: This project will provide a community-serving service station and will not impact any existing housing.

BACKGROUND

The 0.95-acre project site is located at 3359 University Avenue in the CC-5-4 and RM-2-5 Zones of the Central Urbanized Planned District within the City Heights Redevelopment Project Area, in the City Heights Neighborhood of the Mid-City Communities Plan area (Attachment 1). The subject property is developed with a 24-hour automobile service station and includes a 1,971-square-foot convenience store, two service bays, five fueling pumps and three 10,000-gallon underground storage tanks. The property is surrounded by a variety of commercial and residential land uses and is adjacent to interstate 805 (Attachment 3). The Mid-City Communities Plan designates the project site for commercial and mixed use development (Attachment.2).

Conditional Use Permit (CUP) No. 87-1006 was issued on March 25, 1988, to allow the renovation of the existing 24-hour gas station. The CUP allowed for the construction of a 1,971-square-foot convenience store, two service bays and a 646-square-foot car wash facility. The car wash was never constructed and the this new proposed CUP will supersede the existing CUP issued for this site.

DISCUSSION

Project Description

The proposed project would demolish the existing structure which contains a convenience store, storage and service bays and construct a new convenience store and remodel the existing five fueling stations. The project also proposes the installation of a new 10,000-gallon, Xerxes double-wall underground storage tank. The proposed convenience store would be 3,076 square feet and consist of a merchandise area, cashier area, floor preparation area, walk in cooler, office, storage room and two restrooms as well as a patio located on the northern side of the building. The applicant is proposing to sell beer and wine, through a Type 20 Beer and Wine License within the convenience store where there is no existing Type 20 Beer and Wine license. The required parking for the proposed project is 10 parking spaces and 19 parking spaces (including one accessible space) and one loading space are provided. The building would feature a cement plaster finish, recessed windows and doors, along with landscaping to provide visual interest and reduce the bulk of the structure.

The Mid-City Communities Plan designates the subject site for commercial and mixed use development. The Plan does not specifically address applications for alcohol sales. The Commercial Element of the Plan recommends the provision of a wide range of commercial goods and services in the City Heights community as well as the provision of convenience shopping facilities within or adjacent to higher density residential neighborhoods. The proposed use would be consistent with the community plan.

Required Permits

The project as proposed requires a Process 3, Conditional Use Permit (CUP) in accordance with section 126.0303 of the San Diego Municipal Code (SDMC) for the sale of alcohol (beer and wine only) and a Process 4 Planned Development Permit (PDP) per section 126.0602(b)(1) for deviations from setbacks and transparency requirements as described in the "Planned Development Permit" section below. All actions will be consolidated under this application and processed concurrently, pursuant to the Consolidation of Processing regulations contained in Municipal Code Section 112.0103. The decision to approve, conditionally approve, or deny the project will be made by the Planning Commission and that decision is appealable to the City Council.

Conditional Use Permit

The applicant is requesting permission to allow a Type 20 Off-Sale ABC License, which allows the sale of beer and wine for offsite consumption, at the convenience store. The Municipal Code permits the sale of alcohol for off-site consumption within a convenience store as a limited use pursuant to Section 141.0502(b) of the LDC if certain location criteria are met. A Conditional Use Permit (CUP) is required for this site because the site is located within a census tract, where the general crime rate exceeds the citywide average general crime rate by more than 20 percent; within 100 feet of residentially zoned property; within 600 feet of a recreation center and church; and is within an adopted Redevelopment Project Area. Below are the criteria listed in Section 141.0502(b) and an explanation of how they relate to this site:

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 project site is within census tract No. 24.01. Statistics provided by the San Diego Police Department for this census tract show the area to be 152.1 percent of the citywide average crime rate (Attachment 11). A census tract is considered to have "high crime" if the crime rate exceeds 120 percent of the city-wide average. Therefore, a CUP is required for this project.*
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 the California Business and Professional Code (Section 23958.4): *The project site is located within census tract No. 24.01 which permits a total of four off-sale alcoholic beverage outlets. There are currently three off-sale alcohol beverage outlets within the census tract and the addition of the proposed outlet would not exceed the allowable limit. Therefore, a CUP is not required based on this factor for this project.*
3. In an adopted Redevelopment Project Area: *The project site is located within the City Heights Redevelopment Project Area. Therefore a CUP is required for this project.*

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: *The project site is located within 600 feet of the Colina del Sol Park & Recreation Center and within 200 feet of a Buddhist Temple. Therefore a CUP is required for this project.*
5. Within 100 feet of a residentially zoned property: *The project site is within 100 feet of residentially zoned property. Therefore a CUP is required for this project.*

The San Diego Police Department (SDPD) has recommended approval of the requested Conditional Use Permit to allow the sale of alcohol for offsite consumption at this location (Attachment 12). Their support for this request is based on the fact that the operator has not been convicted of a felony, it would not exceed the allowable number of alcohol licenses and the business would not be detrimental to the public health, safety, and welfare of the community and city.

The SDPD, in coordination with the California Department of Alcohol Beverage Control (ABC), has made recommendations on the project regarding display and container requirements to ensure compliance with City and State regulations. Additional conditions have been placed on the project by the Development Services Department to also ensure compliance with the Municipal Code requirements. These conditions are listed in the Conditional Use Permit (Attachment 6).

Planned Development Permit

The applicant has applied for a Planned Development Permit per section 126.0602(b) of the SDMC to allow for the three deviations listed below, all of which are supported by staff. The deviations are summarized as follows:

- a. A deviation to allow a front yard setback of 22 feet along the frontage where a maximum front yard setback of 10 feet is required;
- b. A deviation to allow a side yard setback of 5 feet where a setback of either 0 feet or 10 feet is the minimum required;
- c. A deviation to allow 116 square feet of transparency in the street wall where a minimum of 149 square feet of transparency is required.

Front Setback Deviation

The project proposes a deviation to allow a front yard setback of 22 feet along the frontage where a maximum front yard setback of 10 feet is required along at least 70% of the street frontage. Staff supports this deviation to ensure the proposed convenience store is as close to University Avenue as possible but still allows the functional use of the site as a service station and the addition of the patio is placed in front of the building for use by pedestrians. Staff determined this building orientation and site design enhances

and promotes pedestrian interaction along University Avenue which is the purpose and intent of the regulation.

Street Side Setback Deviation

The project proposes a deviation to allow a side yard setback of 5 feet where a setback of either 0 feet or 10 feet is the maximum required. The east property line is bounded by the north on-ramp to Interstate 805. The building location is constrained by the unusual shape of the property, particularly along the east property line which is configured by the curved radius of the freeway on-ramp. In addition, a new 35-foot access easement for the Wastewater Department will be required and all buildings must be a minimum of 10 feet from the sewer easement, which further constrains the project site. Staff supports the deviation as it allows the building to be moved closer to University Avenue in order to promote pedestrian interaction along University Avenue and for the project to maintain the required 10-foot setback required from the sewer easement.

Transparency Deviation

The project proposes a deviation to allow 116 square feet of transparency in the street wall where a minimum of 149 square feet of transparency is required. Staff supports this deviation, as this is where the proposed patio is located for use by pedestrians. The orientation of the structure as well as the patio creates a pedestrian friendly environment and interest for the pedestrians along University Avenue, which is the purpose and intent of the regulation.

When considering the project as a whole, these deviations are minor in scope and the proposed modifications provide for a more attractive design than would be achieved through the strict application of the development regulations.

Environmental Analysis

Mitigated Negative Declaration (MND) No. 157243 dated February 11, 2010, has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. The MND requires the implementation of a Mitigation, Monitoring and Reporting Program (MMRP) to reduce potential impacts to Transportation/Circulation resources to below a level of significance. The MMRP would require re-striping of existing streets and the addition of an exclusive northbound right turn lane.

Community Planning Group Recommendations:

The City Heights Area Planning Committee reviewed the proposed project on several occasions. The original motion, taken on October 7, 2008 (Attachment 9), to approve the project passed 16-0-0. Later, in the same meeting there was discussion regarding the sale of alcohol and they took another motion to deny the project as proposed and that passed 9-4-2. The applicant returned to the group for reconsideration on July 7, 2009, and the project as proposed was passed 13-2-0 with the recommendation to include additional cameras in the security system to allow surveillance of the entire premises. The applicant has voluntarily agreed to this condition.


CONCLUSION

The intent of the Conditional Use Permit procedures is to review proposed uses on a case-by-case basis to determine whether or not and under what conditions the use may be approved at a given site. As required by the Municipal Code, the sale of alcohol for off-site consumption at this site will be regulated through a Conditional Use Permit. Alcohol sales are also regulated by the California Department of Alcoholic Beverage Control and enforced by the San Diego Police Department. Staff has reviewed the request for a Conditional Use Permit and a Planned Development Permit and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. Staff has provided draft findings to support approval of the development permits (Attachment 7) and draft conditions of approval (Attachment 6). Staff recommends the Planning Commission approve the project as proposed.

ALTERNATIVES:

1. Approve Planned Development Permit No. 648351 and Conditional Use Permit No. 560268, with modifications.
2. Deny Planned Development Permit No. 648351 and Conditional Use Permit No. 560268, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



Renee Mezo, Project Manager
Development Services Department

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Plans
6. Draft Permit with Conditions

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

PREMISE ADDRESS: 3359 University Avenue

TYPE OF BUSINESS: Gas Station

FEDERAL CENSUS TRACT: 24.01

NUMBER OF ALCOHOL LICENSES ALLOWED: 4

NUMBER OF ALCOHOL LICENSES EXISTING: 3

CRIME RATE IN THIS CENSUS TRACT: 152.1%
(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: ABC used 2006 stats that showed the crime rate was 116.6%. There was an increase in 2007 to a crime rate of 152.1%. There was an attempt homicide along with 2 other reported crimes at this location in 2007.

SUGGESTED CONDITIONS: THE SAN DIEGO POLICE VICE UNIT WILL WORK WITH THE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL AND THE APPLICANT TO PLACE CONDITIONS ON THE ALCOHOLIC BEVERAGE LICENSE.

SAN DIEGO POLICE DEPARTMENT RECOMMENDATION:

APPROVE X

DENY _____

Sgt Howard Labore #3339
Name of SDPD Vice Sergeant (Print)

619/531-2349
Telephone Number

[Signature]
Signature of SDPD Vice Sergeant

7-9-08
Date of Review

