



THE CITY OF SAN DIEGO

## Report to the Hearing Officer

DATE ISSUED: June 13, 2023 REPORT NO. HO-23-026

HEARING DATE: June 21, 2023

SUBJECT: Eastgate Miramar Associates, Conditional Use Permit  
Process Three Decision

PROJECT NUMBER: [683552](#)

OWNER/APPLICANT: Eastgate Miramar Associates, Owner / Kattoula and Associates, Applicant

### SUMMARY

Issue: Should the Hearing Officer approve amendment of a Conditional Use Permit revising expiration date to 30 years with no changes to the development or hours of operation for an existing 4,400-square-foot carwash facility, 2,862-square-foot auto repair facility, and automobile service station with 2,250-square-foot convenience store at 5706 through 5726 Miramar Road within the University Community Plan area?

Staff Recommendation: Approve Conditional Use Permit No. 2534282, an amendment to Conditional Use Permit No. 98-0553.

Community Planning Group Recommendation: On May 10, 2022, the University Community Planning Group voted 13-0-0 to recommend approval of the project without conditions.

Environmental Review: The project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA section 15061(b)(3) (Common Sense Exemption) which states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The environmental exemption determination for this project was made on April 6, 2023, and the opportunity to appeal that determination ended April 20, 2023. There were no appeals to the environmental determination.

### BACKGROUND

The project site is located at 5706 through 5726 Miramar Road and is developed with a 4,400-square-foot carwash facility, a 2,862-square-foot auto repair facility, and a 2,250-square-foot convenience store with fuel pumps. The project site has an ABC Type 20 license for the sale of beer and wine for off-site consumption. The site is adjacent to commercial uses to the north and east,

and open space to the south and west. On January 24, 1980, Conditional Use Permit (CUP) No. 587 was approved for the site for the construction of an automobile service facility, gasoline sales, carwash, and tune-up services. On August 2, 1996, the City approved CUP No. 95-0183, an amendment to CUP No. 587 to add a 2,250 square-foot convenience store, and on December 9, 1998, CUP No. 98-0553, an amendment to CUP No. 95-0183, was approved for the sale of wine and beer within the existing convenience store.

## DISCUSSION

The 1.46-acre site is in the IL-2-1 Zone which allows a mix of light industrial and office uses with limited commercial uses including personal vehicle repair and maintenance. Automobile service stations and alcohol beverage outlets are considered limited uses in the IL-2-1 Zone. The site is also in the Community Plan Implementation Overlay Zone-B (CPIOZ-B), within the University Community Plan area.

The project proposes renewal and extension of the expiration date of the existing CUP to 2053 with no changes to the development or hours of operation for the existing 4,400-square-foot carwash facility, 2,862-square-foot auto repair facility, and service station with 2,250-square-foot convenience store. City staff supports a request from the applicant for a 30-year CUP instead of the previously approved 25-year CUP. As previously mentioned, the existing convenience store holds an ABC type 20 license for the sale of beer and wine for off-site consumption. There is no development proposed.

Permits Required: A Conditional Use Permit (CUP) is required for automobile service stations and alcohol beverage outlets that do not meet the limited use regulations. Pursuant to San Diego Municipal Code (SDMC) Section [126.0303\(b\)](#), a Conditional Use Permit is a Process 3 Hearing Officer decision which is appealable to the Planning Commission.

Automobile Service Stations are listed as a Limited Use within the IL-2-1 Zone pursuant to Use Regulations Table 131-06B and shall comply with SDMC Section 141.0801 which addresses separately regulated uses/Automobile Service Stations.

The SDMC allows alcoholic beverage outlets in the IL-2-1 Zone as a Limited Use subject to the requirements of SDMC Section [141.0502\(b\)](#). An alcoholic beverage outlet that does not comply with these requirements, including the location criteria outlined in SDMC Section [141.0502\(b\)\(1\)](#), may be permitted with a Process Three, CUP pursuant to SDMC Section [141.0502\(c\)](#). In addition, a recommendation (Attachment 10) from the San Diego Police Department (SDPD) is required. The proposed alcoholic beverage outlet at the site requires a CUP because the project site does not meet the location criteria outlined in SDMC Section [141.0502\(b\)](#), as explained below:

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 of more than 20 percent.** The project is within Census Tract No. 83.50 which reported a crime rate of 273 percent and an alcohol crime rate of 77.9 percent of the city-wide average for 2022 based on statistics provided by the SDPD. A census tract is considered to have "high crime" if the crime rate exceeds 120 percent of the city-wide average. Therefore, the project requires a CUP due to being located within a high-crime census tract.

2. **Within a census tract, or within 600 feet of a census tract, where the ratio of alcohol beverage outlets exceed the standards established by California Business and Professions Code section 23958.4.** The subject property is in Census Tract No. 83.50, which based on the California Business and Professions Code Section 23958.4 standard, allows for three off-sale ABC licenses and there are thirteen in the area. The project site holds a Type 20 License and will therefore not increase the number of licenses issued within the area.
3. **In an adopted Redevelopment Project Area.** The project site is not located within an adopted redevelopment project area.
4. **Within 600 feet of a public or private accredited school, a public park, playground or recreational area, church, hospital, or a San Diego County Welfare District Office.** The project site is not located within 600 feet of a public or private accredited school, a public park, playground or recreational area, church, hospital, or a San Diego County Welfare District Office.
5. **Within 100 feet of residentially zoned property.** The project site is not located within 100 feet of residentially zoned properties.

The San Diego Police Department and Development Services staff have concluded that if the permit and ABC license were appropriately conditioned, the project would not adversely impact the surrounding neighborhood and public health, safety, or welfare. The project complies with SDMC Section [141.0801](#) which addresses separately regulated uses/Automobile Service Stations. In addition, staff and the SDPD support the project since there were less than three crimes reported at the premises. The project site is not located within 600 feet of a residential area or other incompatible facilities. The project site also has an existing ABC Type 20 License and will therefore not increase the number of licenses issued within the area.

The project permit also contains specific requirements to ensure compliance with the regulations of the Land Development Code, including those adopted to protect the public health, safety and welfare. Permit requirements include limiting the hours of in-store operations, including the on-line sale of alcoholic products; prohibiting distilled spirits to be sold in containers of less than 375 milliliters including the sale of beer or malt beverages in kegs; prohibiting loitering, arcade games of any type, and public pay phones; requiring video surveillance to be recorded and available to law enforcement upon request; requiring that litter and any unauthorized graffiti be removed promptly; providing retail employees to be trained in ABC regulations, theft deterrence and policies against the sale of alcoholic beverages to those under 21 years of age and intoxicated; and illumination requirements for the exterior of the project site including adjacent public areas.

Community Plan Analysis: The site is designated as Industrial in the University Community Plan (Community Plan) and the use is consistent with this land use designation. The project is consistent with the Community Plan goal of providing a complete range of goods and services for the residents of the community. The project also supports and enhances pedestrian activity promoted by the policies within the Community Plan by encouraging visitors and residents to walk for convenience items.

Conclusion

Staff has reviewed the proposal, including all the issues identified through the review process, and has determined that all project issues have been addressed. The project conforms with the Community Plan, and the adopted City Council policies and regulations of the Land Development Code. Therefore, draft findings and conditions to support project approval are presented to the Hearing Officer for consideration.

ALTERNATIVES

1. Approve Conditional Use Permit No. 2534282, with modifications.
2. Deny Conditional Use Permit No. 2534282, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



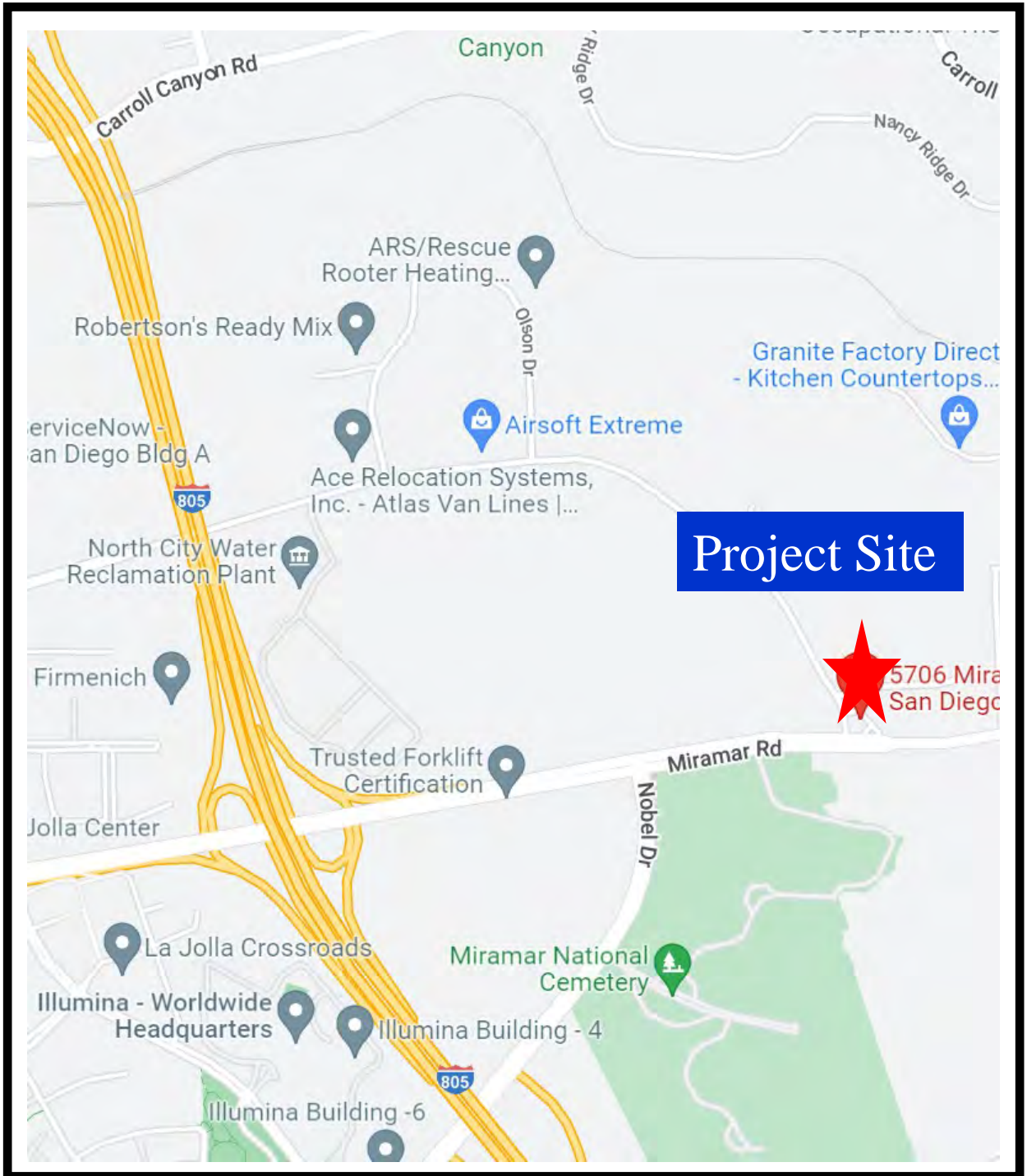
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Veronica Davison, Development Project Manager

Attachments:

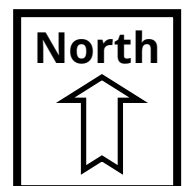
1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Draft Resolution with Findings
5. Draft Permit with Conditions
6. Environmental Exemption
7. Previous Recorded Permits
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement
10. SDPD, Recommendation and Analysis
11. Project Plans

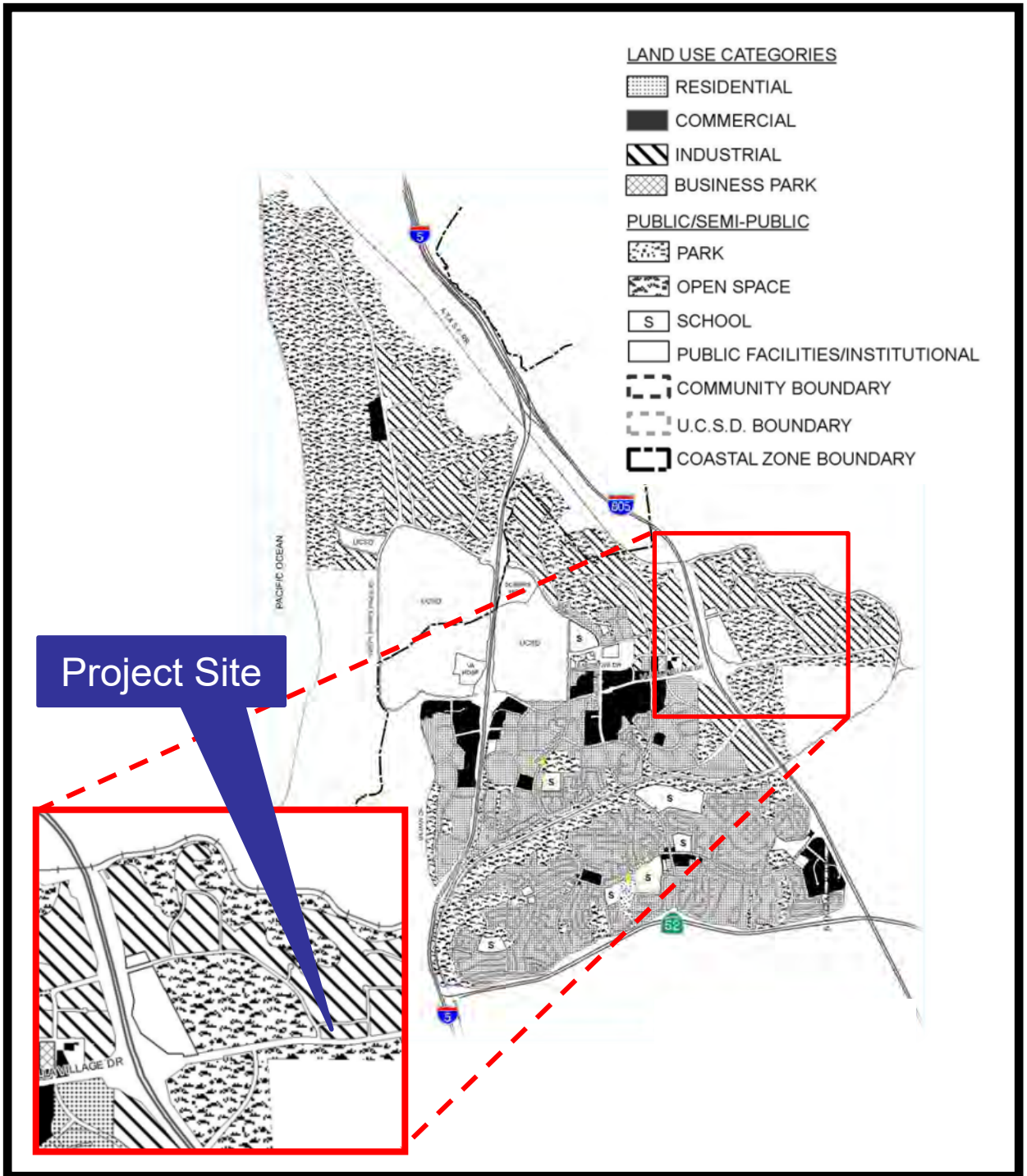




## Project Location

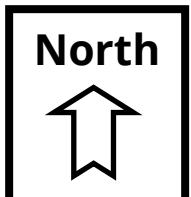
Eastgate Miramar Associates, Project No. 683552  
5706-26 Miramar Road





# University Land Use Map

Eastgate Miramar Associates, Project No. 683552  
5706-26 Miramar Road

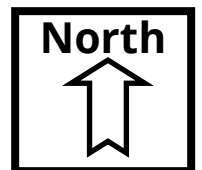






## Aerial Photo

Eastgate Miramar Associates, Project No. 683552  
5706-26 Miramar Road



HEARING OFFICER RESOLUTION NO. 23-XXXX  
CONDITIONAL USE PERMIT NO. 2534282  
**EASTGATE MIRAMAR ASSOCIATES - PROJECT NO. 683552**  
AMENDMENT TO CONDITIONAL USE PERMIT NO. 98-0553

WHEREAS, EASTGATE MIRAMAR ASSOCIATES, a California Limited Partnership, Owner/Permittee, filed an application with the City of San Diego for a Conditional Use Permit (CUP) to amend CUP No. 98-0553. The project proposes a 30-year CUP instead of the previously approved 25-year CUP with no changes to the development and hours of operation, all previous conditions remain in effect. The existing development includes a 4,400-square-foot car wash facility, an automobile service station with 2,250-square-foot convenience store that sells alcohol under an ABC Type 20 License, and a 2,862-square-foot auto repair facility (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Conditional Use Permit No. 2534282), on portions of a 1.46-acre site;

WHEREAS, the project site is located at 5706 through 5726 Miramar Road in the IL-2-1 Zone (Industrial – Light) base zone, Airport Land Use Consistency Plan (ALUCP) Noise Contours (CNEL) for Marine Corps Air Station (MCAS) Miramar, Airport Safety Zone (Accident Potential Zone 2), Airport Influence Area (MCAS Miramar, Review Area 1), and the Federal Aviation Administration (FAA) Part 77 Notification (MCAS Miramar) and Community Plan Implementation Overlay Zone Type-B (CPIOZ-B) within the University Community Plan area;

WHEREAS, the project site is legally described as that portion of the Southwest quarter of the southwest quarter designated as Lot 4 in Section 10, Township 15 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, according to the United States Government Survey, approved February 19, 1883;

WHEREAS, on April 6, 2023, 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 Guidelines Section 15061(b)(3) (Common Sense Exemption) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

WHEREAS, on June 21, 2023, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2534282 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Conditional Use Permit No. 2534282:

**A. CONDITIONAL USE PERMIT [San Diego Municipal Code (SDMC) Section 126.0305]**

**1. Findings for Conditional Use Permit Approval:**

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

On December 9, 1998, the City approved Conditional Use Permit (CUP) No. 98-0553, amendment to CUP No. 95-0183, for the sale of beer and wine within the existing convenience store and service station located at 5706 through 5726 Miramar Road within the University Community. The project proposes a 30-year CUP instead of the previously approved 25-year CUP with no changes to the development or hours of operation for the existing 4,400-square-foot carwash facility, 2,862-square-foot auto repair facility, and service station with 2,250-square-foot convenience store. The convenience store holds an existing ABC type 20 license for the sale of beer and wine for off-site consumption. There is no new development proposed.

The site is designated as Industrial in the University Community Plan and the use is consistent with this land use designation. The project is consistent with the University Community Plan (Community Plan) goal of providing a complete range of goods and services for the residents of the community. The project also supports and enhances pedestrian activity promoted by the policies within the Community Plan. Small markets within this area encourage visitors and residents to walk for convenience items. Therefore, the development proposal will not adversely affect the applicable land use plan.

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

This permit is for the continuation of the approved uses per CUP 98-0553. Automobile Service Stations are listed as a Limited Use within the IL-2-1 Zone pursuant to Use Regulations Table 131-06B and shall comply with SDMC Section 141.0801 which addresses separately regulated uses/Automobile Service Stations.

The SDMC regulates establishments with a Type 20 License for alcoholic beverage outlets as a Limited Use subject to the requirements of SDMC Section 141.0502(b). An alcoholic beverage outlet that does not comply with these requirements may be permitted with a Process Three, Conditional Use Permit (CUP) pursuant to SDMC Section 141.0502(c). In addition, a recommendation from the San Diego Police Department (SDPD) is required. The proposed alcoholic beverage outlet at the site requires a CUP because the project site does not meet the location criteria outlined in SDMC Section 141.0502(b), as explained below:

- 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 of more than 20 percent.** The project is within Census Tract No. 83.50 which reported a crime rate of 272.3 percent of the city-wide average and an alcohol crime rate of 77.9 percent of the city-wide average for 2022 based on statistics provided by the SDPD. A census tract is considered to have "high crime" if the crime rate exceeds 120 percent of the city-wide average. Therefore, the project requires a CUP due to being located within a high-crime census tract.
- 2. Within a census tract, or within 600 feet of a census tract, where the ratio of alcohol beverage outlets exceed the standards established by California Business and Professions Code section 23958.4.** The subject property is in Census Tract No. 83.50, which based on the California Business and Professions Code Section 23958.4 standard, allows for three off-sale ABC licenses and there are thirteen in the area. The project holds a Type 20 License, therefore, it will not be increasing the number of licenses issued within the area.
- 3. In an adopted Redevelopment Project Area.** The project site is not located within an adopted redevelopment project area.
- 4. Within 600 feet of a public or private accredited school, a public park, playground or recreational area, church, hospital, or a San Diego County Welfare District Office.** The project site is not located within 600 feet of a public or private accredited school, a public park, playground or recreational area, church, hospital, or a San Diego County Welfare District Office.

5. **Within 100 feet of residentially zoned property.** The project site is not located within 100 feet of residentially zoned properties.

Staff and the SDPD support the project since there were less than three crimes reported at the premises. The project site is not located within 600 feet of a residential area or other incompatible facilities. The project site also has an ABC type 20 license for the sale of beer and wine for off-site consumption and the project will not change the number of licenses issued within the area.

The San Diego Police Department and Development Services staff have concluded that if the permit and ABC license are appropriately conditioned, the project will not adversely impact the surrounding neighborhood and public health, safety, or welfare. The project permit contains specific requirements to ensure compliance with the regulations of the Land Development Code, including those adopted to protect the public health, safety and welfare. Permit requirements include limiting the hours of in-store operations, including the hours of on-line sale of alcoholic products; prohibiting distilled spirits to be sold in containers of less than 375 milliliters including the sale of beer or malt beverages in kegs; prohibiting loitering, arcade games of any type, and public pay phones; requiring video surveillance to be recorded and available to law enforcement upon request; requiring that litter and any unauthorized graffiti be removed promptly; providing retail employees to be trained in ABC regulations, theft deterrence and policies against the sale of alcoholic beverages to those under 21 years of age and/or intoxicated; and illumination requirements for the exterior of the project site including adjacent public areas. Therefore, the proposed development 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 proposes a 30-year CUP instead of the previously approved 25-year CUP with no changes to the development or hours of operation for an existing 4,400-square-foot carwash facility, a 2,862-square-foot auto repair facility, and a 2,250-square-foot convenience store with fuel pumps. The existing convenience store holds an ABC type 20 license for the sale of beer and wine for off-site consumption.

The project site is in the IL-2-1 Zone which allows a mix of light industrial and office uses with limited commercial uses. Automobile service stations and alcohol beverage outlets are considered limited uses in the IL-2-1 Zone.

The project complies with SDMC Section 141.0801 which addresses Automobile Service Stations, a separately regulated use.

Pursuant to SDMC Section 126.0303(b), a Conditional Use Permit is required for alcohol beverage outlets that do not meet the limited use regulations. In addition, the proposed alcoholic beverage outlet at the site requires a CUP because the

project site does not meet the location criteria outlined in SDMC Section 141.0502(b), as explained below:

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 of more than 20 percent.** The project is within Census Tract No. 83.50 which reported a crime rate of 272.3 percent of the city-wide average and an alcohol crime rate of 77.9 percent of the city-wide average for 2022 based on statistics provided by the SDPD. A census tract is considered to have “high crime” if the crime rate exceeds 120 percent of the city-wide average. Therefore, the project requires a CUP due to being located within a high-crime census tract.
2. **Within a census tract, or within 600 feet of a census tract, where the ratio of alcohol beverage outlets exceed the standards established by California Business and Professions Code section 23958.4.** The subject property is in Census Tract No. 83.50, which based on the California Business and Professions Code Section 23958.4 standard, allows for three off-sale ABC licenses and there are thirteen in the area. The project currently holds a Type 20 License, therefore, it will not be increasing the number of licenses issued within the area.
3. **In an adopted Redevelopment Project Area.** The project site is not located within an adopted redevelopment project area.
4. **Within 600 feet of a public or private accredited school, a public park, playground or recreational area, church, hospital, or a San Diego County Welfare District Office.** The project site is not located within 600 feet of a public or private accredited school, a public park, playground or recreational area, church, hospital, or a San Diego County Welfare District Office.
5. **Within 100 feet of residentially zoned property.** The project site is not located within 100 feet of residentially zoned properties.

Staff and the SDPD support the project since there were less than three crimes reported at the premises. The project site is not located within 100 feet of a residential area or within 600 feet of other incompatible facilities. The project site also has an ABC type 20 license for the sale of beer and wine for off-site consumption and the project will not change the number of licenses issued within the area. There are no deviations or variances required. Therefore, the proposed development complies with the regulations of the Land Development Code.



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

The project site is in the IL-2-1 Zone which allows a mix of light industrial and office uses with limited commercial uses. Automobile service stations and alcohol beverage outlets are considered limited uses in the IL-2-1 Zone.

The project complies with SDMC Section 141.0801 which addresses Automobile Service Stations, a separately regulated use.

Pursuant to SDMC Section 126.0303(b), a Conditional Use Permit is required for alcohol beverage outlets that do not meet the limited use regulations. In addition, the proposed alcoholic beverage outlet at the site requires a CUP because the project site does not meet the location criteria outlined in SDMC Section 141.0502(b), as explained in A.1.c. above and incorporated here by reference.

Staff and the SDPD support the project since there were less than three crimes reported at the premises. The project site is not located within 100 feet of a residential area or within 600 feet of other incompatible facilities. The project site also has an ABC type 20 license for the sale of beer and wine for off-site consumption and the project will not change the number of licenses issued within the area.

The site is designated as Industrial in the Community Plan and the use is consistent with this land use designation. The project is consistent with the Community Plan goal of providing a complete range of goods and services for the residents of the community. The project also supports and enhances pedestrian activity which is promoted by the policies within the Community Plan.

The San Diego Police Department and Development Services staff have concluded that if the permit and ABC license are appropriately conditioned, the project will not adversely impact the surrounding neighborhood and public health, safety, or welfare. The project permit also contains specific requirements to ensure compliance with the regulations of the Land Development Code, including those adopted to protect the public health, safety and welfare. Permit requirements include limiting the hours of in-store operations, including the on-line sale of alcoholic products; prohibiting distilled spirits to be sold in containers of less than 375 milliliters including the sale of beer or malt beverages in kegs; prohibiting loitering, arcade games of any type, and public pay phones; requiring video surveillance to be recorded and available to law enforcement upon request; requiring that litter and any unauthorized graffiti be removed promptly; providing retail employees to be trained in ABC regulations, theft deterrence and policies against the sale of alcoholic beverages to those under 21 years of age and intoxicated; and illumination requirements for the exterior of the project site including adjacent public areas. Therefore, based on the project's consistency with the Community Plan designation and zoning and the permit conditions described above, the proposed use is appropriate at the proposed location.

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

BE IT FURTHER RESOLVED that, based on these findings adopted by the Hearing Officer, Conditional Use Permit No. 2534282 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. 2534282, a copy of which is attached hereto and made a part hereof.

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Veronica Davison  
Development Project Manager  
Development Services

Adopted on: June 21, 2023

IO#: 24008881

DRAFT

**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**

INTERNAL ORDER NUMBER: 24008881

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2534282  
**EASTGATE MIRAMAR ASSOCIATES - PROJECT NO. 683552**  
AMENDMENT TO CONDITIONAL USE PERMIT NO. 98-0553  
HEARING OFFICER

This Conditional Use Permit No. 2534282, an amendment to Conditional Use Permit No. 98-0553 is granted by the Hearing Officer of the City of San Diego to Eastgate Miramar Associates, a California Limited Partnership, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0303(b). The 1.46-acre site is located at 5706 through 5726 Miramar Road, in the IL-2-1 base zone, Airport Land Use Compatibility Overlay Zone (ALUCOZ) for Marine Corps Air Station (MCAS) Miramar, Airport Influence Area (AIA) Review Area 1 for MCAS Miramar, Federal Aviation Administration (FAA) Part 77 Noticing Area for MCAS Miramar, Accident Potential Zone 2 for MCAS Miramar, Airports Noise Contours for MCAS Miramar and the Community Plan Implementation Overlay Zone Type-B (CPIOZ-B) within the University Community Plan area. The project site is legally described as that portion of the Southwest quarter of the southwest quarter designated as Lot 4 in Section 10, Township 15 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, according to the United States Government Survey, approved February 19, 1883.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate an Alcoholic Beverage Outlet. The project proposes a 30-year CUP instead of the previously approved 25-year CUP with no changes to the development and hours of operation. The existing development includes a 4,400-square-foot car wash facility, an automobile service station with 2,250-square-foot convenience store with an ABC type 20 license permitting the sale of beer and wine, and a 2,862-square-foot auto repair facility described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 21, 2023, on file in the Development Services Department.

The project shall include:

- a. A CUP with a 30-year expiration date with no changes to the development or hours of operation. The existing development includes a 4,400-square-foot car wash facility, a service station with six fueling pumps and 2,250-square-foot convenience store with ABC type 20 license, and a 2,862-square-foot auto repair facility; and

- b. 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 July 6, 2026.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on July 6, 2053. The Owner/Permittee may request that the expiration date be extended in accordance with SDMC section 141.0502(c) (7).
3. All conditions of Conditional Use Permit No. 98-0553 approved by the City on December 9, 1998, recorded on February 4, 1999, as San Diego Recorder Document No. 1999-0069459, remain in full force and effect.
4. The utilization of this CUP is contingent upon the approval of a license to sell alcohol at this location issued 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.
5. 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.
6. 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.
7. 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.

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

9. 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. Section 1531 et seq.).

10. 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.

11. 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.

12. 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.

13. 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.

**CLIMATE ACTION PLAN REQUIREMENTS:**

14. The Owner/Permittee shall comply with The Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first 3 sheets of the construction plans under the heading "Climate Action Plan Requirements." The Climate Action Plan strategies as identified on Exhibit "A" shall be enforced and implemented to the satisfaction of the Development Services Department.

**ENGINEERING REQUIREMENTS:**

15. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the reconstruction of the existing damaged/unaligned sidewalk panels, curb, and gutter on Eastgate Mall and Miramar Road per current City Standard, satisfactory to City Engineer.

**PLANNING/DESIGN REQUIREMENTS:**

16. The automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. 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 authorized by the appropriate City decision maker in accordance with the SDMC.

17. Owner/Permittee or operator shall post a copy of the Conditional Use Permit conditions in the licensed premises in a place where they may be readily viewed by any member of the general public or any member of a government agency. The Conditional Use Permit shall include a date on which the permit will expire and become void.

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

19. 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.

20. 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.

21. Owner/Permittee or operator shall provide illumination, at a minimum level of 0.4 foot-candles per square foot on the exterior of the alcoholic beverage outlet, including adjacent public sidewalks and areas under the control of the owner/permittee 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.

22. The Owner/Permittee or operator 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, in the parking area, or on the public sidewalks adjacent to the premises.

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

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

**POLICE DEPARTMENT REQUIREMENTS:**

25. The hours of in-store operations shall be from 8:00 AM to midnight as it relates to sales, service or consumption of alcoholic beverages. Sale of alcoholic product via app/online platform for delivery only shall be 6:00 AM to 2:00 AM.

26. No distilled spirits shall be sold in containers of less than 375 milliliters.

27. The sale of beer or malt beverages in kegs is prohibited.

28. Loitering will be prohibited.

29. No public pay phones will be permitted on the premise or adjacent and under the control of the applicant.

30. No arcade games of any type will be allowed/maintained inside the premise.

31. Video surveillance shall be recording and available to law enforcement upon request covering the interior and public access points of the premises. Upon request of law enforcement video surveillance shall not be deleted, voided or destroyed. Recordings shall be maintained for a minimum of 30 days absent a request of law enforcement.

32. Litter and any unauthorized graffiti will be removed promptly.

33. All retail employees are trained in ABC regulations (LEAD), theft deterrence and policies against the sale of alcoholic beverages to those under 21 years of age, and/or intoxicated.

**INFORMATION ONLY:**

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary 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 June 21, 2023, and Resolution No. HO-XXXX.

DRAFT



CONDITIONAL USE PERMIT NO. 2534282  
Date of Approval: June 21, 2023

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

\_\_\_\_\_  
Veronica Davison  
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.

**Eastgate Miramar Associates,  
a California limited partnership**  
Owner/Permittee

By \_\_\_\_\_  
Helmut Kiffmann, Kiffmann Properties, Inc  
President

**Eastgate Miramar Associates,  
a California limited partnership**  
Owner/Permittee

By \_\_\_\_\_  
Dana Goodman, El Camino Real-ty, Inc  
President

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

**NOTICE OF EXEMPTION**

*(Check one or both)*

**TO:**  Recorder/County Clerk  
P.O. Box 1750, MS A-33  
1600 Pacific Hwy, Room 260  
San Diego, CA 92101-2400

**From:** City of San Diego  
Development Services Department  
1222 First Avenue, MS 501  
San Diego, CA 92101

Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

**Project Name/Number:** EMA CUP Amendment/ 683552

**SCH No.:** Not Applicable

**Project Location-Specific:** 5706-26 Miramar Road, San Diego, CA 92121

**Project Location-City/County:** San Diego/San Diego

**Description of nature and purpose of the Project:** The project proposes an amendment to Conditional Use Permit (CUP) 98-0553, to renew the existing permit with no changes to the development or hours of operation, on a 1.46-acre site. The existing development includes a 4,400-square-foot (sf) car wash facility, a 2,250-sf a convenience store that sells alcohol, fuel pumps, and an automobile service center. The project site is in IL-2-1 (Industrial Light) Zone, within the University Community Plan, Community Plan Implementation Overlay Zone-B, Residential Tandem Parking Overlay Zone, 70-75 dB ALUCP Noise Contours (CNEL), Airport Safety Zone (Accident Potential Zone 2), Airport Influence Area ((MCAS Miramar, Review Area 1), and the Federal Aviation Administration (FAA) Part 77 Notification (MCAS Miramar).

**Name of Public Agency Approving Project:** City of San Diego

**Name of Person or Agency Carrying Out Project:** Helmet Kiffman, Eastgate Miramar Associates, , 8350 Miramar Mall, #233, San Diego, CA 92121, (858) 597-2106.

**Exempt Status:** (CHECK ONE)

- Ministerial (Sec. 21080(b)(1); 15268)
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Emergency Project (Sec. 21080(b)( 4); 15269 (b)(c))
- Other: CEQA Exemption 15061 (b) (3) (General Rule)

**Reasons why project is exempt:** The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment. The project meets the criteria set forth in CEQA Section 15061 (b) (3) which states "the activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment." This exemption further states "Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." Since the project only proposes an amendment to the existing CUP with no changes to the permit or new development it was determined that the exemption is appropriate.

**Lead Agency Contact Person:** Rhonda Benally

**Telephone:** (619) 446-5468

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project?  Yes  No

It is hereby certified that the City of San Diego has determined the above activity to be exempt from CEQA

Jeff Szymanski Senior Planner  
Signature/Title

April 24, 2023  
Date

**Check One:**

- Signed By Lead Agency  
 Signed by Applicant

Date Received for Filing with County Clerk or OPR:

**CONDITIONAL USE  
PERMIT # 587-PC**

**2/25/1980**

PLANNING COMMISSION RESOLUTION NO. 2282  
GRANTING CONDITIONAL USE PERMIT NO. 587-PC

WHEREAS, EASTGATE MIRAMAR ASSOCIATES, a limited partnership, "Owner/ Permittee," filed an application for a conditional use permit to construct and operate an automobile service facility located on the northeast corner of Miramar Road and Eastgate Mall, described as portion of Lot 4, Section 10, T15S, R-3W, SBBM, in the A-1-10 zone; and

WHEREAS, on January 24, 1980, the Planning Commission of The City of San Diego considered Conditional Use Permit No. 587-PC, pursuant to Section 101.0506 of the Municipal Code of The City of San Diego and received for its consideration documentary, written and oral testimony and heard from all interested parties present at the public hearing; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of The City of San Diego as follows:

1. That the Planning Commission adopts as the findings of the Planning Commission those written findings set forth in the Report of the Planning Department, dated January 4, 1980, and found beginning at Page 3 of said report, a copy of which is attached hereto and by this reference incorporated herein.
2. That said findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, the application for Conditional Use Permit No. 587-PC is hereby granted to Owner/Permittee in the form and with the terms and conditions as set forth in Conditional Use Permit No. 587-PC, a copy of which is attached hereto and made a part hereof.

*Charlotte L. Hunter*  
Charlotte L. Hunter  
Secretary of the Planning Commission

RECEIVED  
CITY CLERK'S OFFICE  
1980 FEB 25 PM 4 30  
SAN DIEGO, CALIF. <sup>H</sup>

DOCUMENT NO. CUP 587-PC  
FILED FEBRUARY 25, 1980  
OFFICE OF THE CITY CLERK  
SAN DIEGO, CALIFORNIA

WITNESS my hand and official seal.

Signature Dorothy M. Greenan

My Commission Expires October 3, 1981

(This area for official notarial seal)

No 67189

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# PLANNING REPORTS

CITY PLANNING DEPARTMENT - SAN DIEGO, CALIF. 92101  
236-8480

## PLANNING COMMISSION CONTINUED FROM

Item No. 10

JAN 10 '80 TO JAN 24 '80

January 4, 1980

**SUBJECT:** CONDITIONAL USE PERMIT NO. 587 - PC to construct and operate an automotive service station with car wash and tune-up and lube facilities with parking and landscaping on a 1.45 acre site in the A-1-10 Zone (M-1B Zone approved). Portion of Lot 4, Section 10, T15S, R-3W, SBBM. Located on the northeast corner of Miramar Road and Eastgate Mall. Applicant: Eastgate Miramar Associates. EQD 78-05-16.3 N.D.

### BACKGROUND

This hearing concerns a request to construct and operate an automobile service facility to include gasoline sales, car wash, lubrication and tune-up services on a 1.45 acre lot located on the northeast corner of Eastgate Mall and Miramar Road. The property is presently vacant and in a natural state with the exception of some grading that has occurred adjacent to Miramar Road and Eastgate Mall.

Surrounding properties to the north, east, west and south are vacant and lie within the A-1-10 Zone. The subject property and property to the north and east were rezoned from the A-1-10 Zone to the M-1-B Zone conditioned upon the recordation of a final subdivision map. A Tentative Map including the subject property (Lot 6, TM 78-446) and surrounding property to the north and the east was approved by the Subdivision Board on July 2, 1979, by Resolution No. 2077.

The adopted University Community Plan designates the property for development under rigorous development controls due to proximity to Miramar Naval Air Station. The revised University Community Plan, currently under study, tentatively designates the property for restricted industrial use.

THESE RECOMMENDATIONS ARE BASED ON INFORMATION AVAILABLE AT THE TIME OF THIS REPORT.

W I WESS my hand and official seal.

Signature Dorothy M. Greenan

My Commission Expires October 3, 1981

(This area for official notarial seal)

No 67189

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RECOMMENDATION

The Planning Department recommends APPROVAL of the requested Conditional Use Permit based upon the belief that all the necessary Findings of Fact can be met.

ANALYSIS

The applicant is proposing construction and operation of a automobile service facility on the northeast corner of Miramar Road and Eastgate Mall. The facility would include four buildings covering 6,925 square feet of area, which includes a gasoline sales cashiers booth, a lubrication building, tune-up building with service bays and a car wash building. Parking is proposed for 24 automobiles with access from Miramar Road and Eastgate Mall. The car wash and automobile service areas are permitted by the approved M-1B Zone. However, a conditional use permit is required for the facility, since, gasoline sales are proposed.

The four buildings on the site would be one-story and constructed with textured concrete panels and accent paneling. The canopy over the gasoline and vacuum service area stands 14 feet in height with textured concrete girders measuring 6 feet in height and topped with wood trellis. The free-standing canopy over the self-service fuel islands in the southwestern portion of the property is proposed to stand 19.5 feet in height and measure 54 feet by 50 feet. The fascia of this canopy would be constructed of textured concrete panels measuring 6 feet in height. The autoport "logo" and "fuel" sign would be mounted on three sides of this canopy. Landscaping of the project site consists of approximately 6,300 square feet or 10 percent of the entire property. Landscaping is proposed along the frontage of Miramar Road and Eastgate Mall as well as the northern perimeter of the property. Landscaping would consist of cajuput, lemon gum, and cottonwood for trees; mirror plants, escallonia and laurestinus for evergreen shrubs; and star jasmine as ground cover. Hy-brid burmuda from stolens is proposed for turf areas. Tree sizes would range from 24 feet to 15 gallon. Mounding is proposed in perimeter landscaped areas. An automatic irrigation system is proposed utilizing rainbird equipment.

The Planning Department recommends approval of the Conditional Use Permit requested based upon a belief that all the necessary Findings of Fact can be met.

WITNESS my hand and official seal.

Signature Dorothy M. Greenan

My Commission Expires October 3, 1981

(This area for official notarial seal)

No 67189

Findings of Fact

1. The proposed use will not adversely affect the neighborhood, the General Plan or the community plan and would not be detrimental to the health, safety, and general welfare of persons working in the area. The Planning Department believes that the service station does provide a service to the University City community as well as to east-west traffic on Miramar Road.
2. The proposed use will comply with all the relevant regulations in the Municipal Code. Section 101.0506, of the Municipal Code, provides for Planning Commission approval by Conditional Use Permit for low automobile service stations in any zone except the R-1 Zones.

The Environmental Quality Division, in its amendment to Environmental Report No. 78-05-16 Third Amendment, has determined that the proposed Conditional Use Permit would not result in a significant affect on the Environment. A copy of this Negative Declaration is on file in the office of the Environmental Quality Division for public review.

BE/sc

Signature Dorothea M. Greenan

(This area for official notarial seal)

No 67189



CONDITIONAL USE PERMIT NO. 587 PC  
PLANNING COMMISSION

This Conditional Use Permit 587-P.C. is granted by the Planning Commission of The City of San Diego to EASTGATE MIRAMAR ASSOCIATES, a limited partnership, "Owner/Permittee," for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Section 101.0506 of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to "Owner/Permittee" to construct and operate an automobile service facility to include gasoline sales, car wash, lube and tune-up services, located on the northeast corner of Eastgate Mall and Miramar Road, described as a Portion of Lot 4, Section 10, T15S, R3W, SBBM (Lot 6, Tentative Map 78-436), in the University Community Plan.

2. The automobile service facility shall include, and the term "Project" as used in this Conditional Use Permit shall mean the total of the following facilities:

- a. Four buildings including a cashier's booth, a lubrication building, a tune-up building, and car wash building.
- b. Two covered exterior service areas: one including a fuel island, the other a car wash preparation area with fuel and vacuum service.
- c. Offstreet Parking.
- d. Incidental accessory uses as may be determined and approved by the Planning Director.

3. Not less than 24 off-street parking parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A" dated January 10, 1980, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the Municipal Code and shall be permanently maintained and not converted for any other use. Areas and driveways shall be surfaced with not less than 2" A.C. or its equivalent and each parking space shall be marked. Parking spaces and aisles shall conform to Planning Department standards. No charge shall be made at any time for the use of these off-street parking spaces.

Signature

*Dorothy M. Greenan*

(This area for official notarial seal)

No. 67189

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4. Sign identification for the facility shall be coordinated in theme and approved by the Planning Director prior to the issuance of any sign permits.

5. The permittee shall comply with the General Conditions for Conditional Use Permits attached hereto and made a part hereof.

Passed and adopted by the Planning Commission on January 24, 1980.

WITNESS my hand and official seal:

My Commission Expires October 3, 1981

Signature Dorothy M. Greenan

(This area for official notarial seal)

No 67189

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GENERAL CONDITIONS FOR CONDITIONAL USE PERMITS

1. Prior to the issuance of any building permits, complete grading and building plans (including signs) shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit "A" dated January 24, 1980, on file in the office of the Planning Department. The property shall be developed in accordance with the approved grading and building plans except where regulations of this or other governmental agencies require deviation therefrom. Prior to and subsequent to the completion of the project, no changes, modifications or alterations shall be made unless and until appropriate applications for amendment of this permit shall have been approved and granted.

2. Prior to the issuance of any grading or building permits, a complete landscaping plan, including a permanent watering system, shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit "A" dated January 24, 1980, on file in the office of the Planning Department. Approved planting shall be installed prior to the issuance of an occupancy permit on any building. Such planting shall not be modified or altered unless and until this permit shall have been amended to permit such modification or alteration.

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

4. This Conditional Use Permit must be utilized within 18 months after the effective date thereof. Failure to utilize the Conditional Use Permit within the 18-month period will automatically void the same. This Conditional Use Permit shall be subject to all of the terms and conditions granted herein and pursuant to the terms set forth in Section 101.0506 and 101.0507 of the Municipal Code. See the latter referenced sections as those terms and conditions apply hereto.

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

6. This Conditional Use Permit shall not be final until the eleventh day following its filing in the office of the City Clerk and is subject to appeal to the City Council as provided for in Section 101.0506 of the Municipal Code of The City of San Diego.

Signature Barth M. Greenan

(This area for official notarial seal)

No 67189

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GENERAL CONDITIONS FOR CONDITIONAL USE PERMITS

7. The effectiveness of this Conditional Use Permit is expressly conditioned upon, and the same shall not become effective for any purpose unless and until, the following events shall have occurred:

- a. Permittee shall have agreed to each and every condition hereof by having this Conditional Use Permit signed within 90 days of the Commission's decision. In no event shall this condition be construed to extend the time limitation set forth in Condition No. 4 above, i.e., the time commences to run on the date that the Planning Commission granted this Conditional Use Permit.
- b. This Conditional Use Permit executed as indicated shall have been recorded in the office of the County Recorder.

8. After the establishment of the project as provided herein, the subject property shall not be used for any other purposes unless specifically authorized by the Planning Commission unless the proposed use meets every requirement of zone existing for the subject property at the time of conversion.

9. The property included within this Conditional Use Permit shall be used only for the purposes and under the terms and conditions as set forth in this permit unless the permit shall have been revoked by The City of San Diego.

10. In addition to any other remedy provided by law, any breach in any of the terms or conditions of this permit or any default on the part of the Permittee or its successors in interest shall be deemed a material breach hereof and this Conditional Use Permit may be cancelled or revoked. Cancellation or revocation of this Conditional Use Permit may be instituted by the City or Permittee. The Planning Director shall set this matter for public hearing before the Planning Commission, giving the same notice as provided in Section 101.0506 or 101.0507. An appeal from the decision of the Planning Commission may be taken to the City Council within ten days after the decision is filed with the City Clerk. The Clerk shall set this matter for public hearing before the City Council, giving the same notice as provided in Section 101.0506 or 101.0507.

11. This Conditional Use Permit shall inure to the benefit of and shall constitute a covenant running with the lands, and the terms, conditions and provisions hereof shall be binding upon Permittee and any successor or successors thereto, and the interests of any successor shall be subject to each and every condition herein set out.

Signature Dorothy M. Greenan

(This area for official notarial seal)

No 67189

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Handwritten mark resembling a stylized 'G' or 'H'.

1586

AUTHENTICATED BY:

Nick Osler  
Nick Osler, Senior Planner  
Planning Department

Charlotte L. Hunter  
Charlotte L. Hunter, Secretary of the  
Planning Commission

STATE OF CALIFORNIA)  
COUNTY OF SAN DIEGO) ss.

On this 15th day of February, 1980, before me, the under-  
signed, a Notary Public in and for said County and State, personally appeared  
NICK OSLER, known to me to be Senior Planner of The City of  
San Diego Planning Department, and CHARLOTTE L. HUNTER, known to me to be the  
Secretary of the Planning Commission of The City of San Diego and known to me to  
be the persons whose names are subscribed to the within instrument and acknowledged  
that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, in the County  
of San Diego, State of California, the day and year in this certificate first  
above written.



NOTARY STAMP

Rita Andrews  
Notary Public in and for the County of  
San Diego, State of California

WITNESS my hand and official seal:

Signature Bartholomew M. Greenan

My Commission Expires October 3, 1981

(This area for official notarial seal)

No 67189

ACKNOWLEDGED:

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 Permittee hereunder.

EASTGATE MIRAMAR ASSOCIATES  
A limited partnership, "Owner/Permittee"  
BY: FACILITIES DEVELOPMENT COMPANY, General Partner  
BY: DEVELOPMENT & MANAGEMENT ENTERPRISES, INC.  
BY: Helmut Kiffmann, President  
BY: EL CAMINO REAL-TY, INC.  
By: George Goodman, President

TO 1984 CA (8-74)

(Corporation as a Partner of a Partnership)

STATE OF CALIFORNIA } SS.

COUNTY OF San Diego

On February 22, 1980, before me, the undersigned, a Notary Public in and for said State, personally appeared George Goodman, known to me to be the President, and

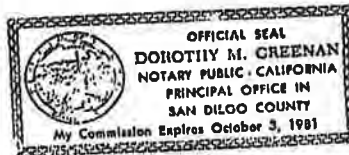
Secretary of El Camino Real-Ty, Inc. the corporation that executed the within instrument and known to me to be the persons who executed the within instrument on behalf of said corporation, said corporation being known to me to be one of the partners of Facilities Development Company, the partnership that executed the within instrument, and acknowledged to me that such corporation executed the same as such partner and that such partnership executed the same.

WITNESS my hand and official seal.

Signature Dorothy M. Greenan



file in  
known to  
instrument,



(This area for official notarial seal)

TO 1984 CA (8-74)

(Corporation as a Partner of a Partnership)

STATE OF CALIFORNIA } SS.

COUNTY OF San Diego

On February 22, 1980, before me, the undersigned, a Notary Public in and for said State, personally appeared Helmut Kiffmann, known to me to be the President, and

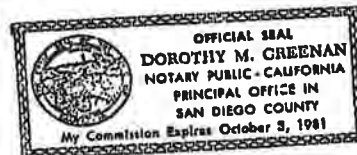
Secretary of Development & Management Enterprises, Inc. the corporation that executed the within instrument and known to me to be the persons who executed the within instrument on behalf of said corporation, said corporation being known to me to be one of the partners of Facilities Development Company, the partnership that executed the within instrument, and acknowledged to me that such corporation executed the same as such partner and that such partnership executed the same.

WITNESS my hand and official seal.

Signature Dorothy M. Greenan



file in  
known to  
instrument,



(This area for official notarial seal)

No 67189

DOCUMENT NO. CUP 587-PC  
FILED February 25, 1980  
OFFICE OF THE CITY CLERK  
SAN DIEGO, CALIFORNIA

(Zoning- CUP 587-PC)

Conditional Use Permit 587-PC, Eastgate Miramar Associates, Owner/Permittee- construct & operate an automobile service facility- NE corner of Miramar Rd. & Eastgate Mall- Lot 4, Sec. 10, T15S, R2W, por.

Let: Planning - 4a  
+k

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80-067189

FILE/PAGE NO. \_\_\_\_\_  
BOOK 1980  
RECORDED REQUEST OF  
CITY CLERK

FEB 20 8 06 AM '80

OFFICIAL RECORDS  
SAN DIEGO COUNTY, CALIF.  
VERA L. LYLE  
RECORDER

NO FEE

68129 0N

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**AMENDMENT TO  
CONDITIONAL USE  
PERMIT # 587-PC**

**8/2/1996**



RECORDING REQUESTED BY  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES DEPARTMENT

AND WHEN RECORDED MAIL TO  
PERMIT INTAKE  
MAIL STATION 501

1098

DOC # 1996-0392643  
02-AUG-1996 02:24 PM

OFFICIAL RECORDS  
SAN DIEGO COUNTY RECORDER'S OFFICE  
GREGORY SMITH, COUNTY RECORDER  
RF: 14.00 FEES: 34.00  
AF: 19.00  
MF: 1.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT AMENDMENT/  
COMMUNITY PLAN IMPLEMENTATION OVERLAY ZONE PERMIT NO. 95-0183  
DEVELOPMENT SERVICES MANAGER  
"CONVENIENCE STORE"  
AMENDMENT TO CONDITIONAL USE PERMIT NO. 587-PC

This Permit is granted by the DEVELOPMENT SERVICES MANAGER of the City of San Diego to EASTGATE MIRAMAR ASSOCIATES, a limited partnership, Owner/Permittee, pursuant to Sections 101.0510 and 101.0457 of the Municipal Code of the City of San Diego.

Permission is hereby granted by the City of San Diego DEVELOPMENT SERVICES MANAGER to the referenced Owner/Permittee to add a convenience store to an existing service station on a 63,598 square foot lot located at 5706-26 Miramar Road, described as a portion of Lot 4, Section 10, Township 15 South, Range 3 West, San Bernardino Base Meridian, in the City and County of San Diego, State of California, according to the official plat thereof on file in the Office of the County Recorder of San Diego County, in the M1-B Zone and the Community Plan Implementation Overlay Zone of the University Community Plan area.

1. This permit shall consist of the following facilities and site improvements as identified by size, dimension, quantity and location on the approved Exhibits "A" dated April 17, 1996 on file in the office of the Development Services Department:

- a. A new 2,250 square foot convenience store, and incidental office and storage uses;
- b. An existing 4,400 square foot building containing a car wash facility;
- c. An existing 2,862 square foot automobile service building;
- d. New and existing Landscaping;

ORIGINAL

- e. Off-street parking facilities (see Condition No. 2); and
- f. Incidental accessory uses as may be determined incidental and approved by the Development Services Department.

2. Not fewer than thirty-one (31) off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," dated April 17, 1996, on file in the office of the Development Services Department. Parking spaces shall comply at all times with Division 8 of the Zoning Regulations of the Municipal Code and shall be permanently maintained and not converted for any other use, unless otherwise approved by the Development Services Department. Parking space dimensions shall conform to zoning regulations and shall be clearly marked at all times. Landscaping located in any parking area shall be permanently maintained and not converted for any other use.

3. Prior to the issuance of building permits, complete grading and/or building plans, shall be submitted to the Development Services Department, Land Development Review Division for approval. All plans shall be in substantial conformity to Exhibit "A," dated April 17, 1996, on file in the Development Services Department. Subsequent to the completion of this project, no changes shall be made unless a finding of substantial conformity or an amendment to this permit shall have been granted.

4. Prior to issuance of any grading, or building permits, complete landscape construction documents, including an automatic, permanent irrigation system, shall be submitted to the Development Services Department, Land Development Review Division. The plans shall be in substantial conformance to Exhibit "A," dated April 17, 1996, on file in the office of the Development Services Department.

5. All approved and installed landscape (planting, irrigation, and other landscape features) shall be inspected by the Landscape Inspector of the Development services Department prior to the issuance of any certificate of occupancy for any building. It shall be the responsibility of the owner to request and coordinate all required inspections. Such landscape shall not be modified or altered unless a finding of substantial conformity or an amendment to this permit has been granted and is to be maintained in a disease, weed and litter free condition at all times.

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

7. This Conditional Use Permit/Community Plan Implementation Overlay Zone Permit may be revoked by the City if there is a material breach or default of any of the conditions contained herein.

ORIGINAL
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8. No permit for the construction, occupancy or operation of the convenience store facility described herein shall be granted nor shall any activity authorized by this permit be conducted on the premises until:
- a. The Permittee signs and returns this permit to the Development Services Department; and
  - b. This permit is recorded by the Development Services Department in the office of the San Diego County Recorder.
9. Prior to and subsequent to the completion of this project, no changes, modifications or alterations shall be made to the approved Exhibits or conditions of approval unless a finding of substantial conformity or amendment of this permit shall have been granted by the appropriate decision maker.
10. Prior to the issuance of any building permits, complete outdoor lighting information for new lighting fixtures shall be submitted to the Development Services Department, Land Development Review Division, for review and approval. Complete lighting information shall include a plan view photometric analysis indicating an isofoot candle plot and a point by point plot to include all areas within the property boundaries, construction details as necessary to direct installation of the outdoor lighting system, manufacturers name, fixture model name and number; including all necessary shields, visors, prisms, lenses and reflectors. The outdoor lighting system for the entire property shall be designed, manufactured and installed to allow shading, adjusting, and shielding of the light source so all outdoor lighting is directed to fall only on the same premises as light sources are located.
11. All signs requested and proposed for this project shall conform to Citywide Sign Regulations and be administered by the Sign Code Administration Division of the Development Services Department.
12. The effective date of this permit shall be the eleventh working day after the date of final action by the Development Services Manager. If an appeal is filed, the effective date shall be the date of final action by the Planning Commission. The permit must be utilized within 36 months after the effective date. Failure to utilize the permit within 36 months will automatically void the permit unless an extension of time has been granted by the Development Services Manager, as set forth in Section 111.1122 of the Municipal Code. Any such extension of time must meet all the Municipal Code requirements and applicable guidelines in effect at the time of filing for the extension of time.
13. The property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the Development Services Department or if the permit has been revoked by the City of San Diego. Cancellation or revocation of this permit may be instituted by the City of San Diego or Permittee.

**ORIGINAL**

14. This permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.
17. The construction and continued use of this permit shall be subject to the regulations of this or any other governmental agencies.
18. The Permittee shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to construction.
19. After establishment of the project, the property shall not be used for any other purposes unless:
- a. Authorized by the Development Services Department; or
  - b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or
  - c. The permit has been revoked by the City.
20. This permit and corresponding use of this site shall expire on April 17, 2021. Upon expiration of this permit, the facilities and improvements described herein shall be removed from this site and the property shall be restored to it's original condition.

Prior to the expiration date of this permit, April 17, 2021, the applicant may submit an application to the Development Services Department for a new Conditional Use Permit, to allow the uses and improvements described herein to continue operating on this site.

21. Prior to the issuance of any building permits, the Permittee shall provide evidence that a reciprocal/mutual access agreement exists between this development site and the adjacent easterly property. The 14-foot wide mid-site access way linking the two sites shall be designated one-way and appropriately signed.

22. Prior to the issuance of any building permits, the property owner shall provide evidence that an Encroachment Removal Agreement exists for the existing private improvements which include gas pumps, canopy and landscaping within the existing sewer easement located on the development site. If an Encroachment Removal Agreement does not exist for the encroachments, then the property owner shall obtain an Encroachment Removal Agreement from the City Engineer prior to the issuance of any building permits.

23. The property owner is hereby placed on notice that CIP 52.3620 (wo# 119020), proposed the widening of Miramar Road adjacent to this site. As a result, the City will negotiate with the owner for the requisition of approximately a 22-25 foot wide strip of land adjacent to this site for the widening of Miramar Road. The construction of new

ORIGINAL
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permanent structures in the existing 25-foot setback will not be allowed, relative to this development.

24. Prior to the issuance of any building permits, the applicant shall:

- a. Ensure that building address numbers are visible and legible from the street (UFC 10.208).
- b. Show the location of all fire hydrants on the plot plan (UFC 10.301).

25. This development is in a community plan area designated in the General Plan as Planned Urbanizing. As such, special financing plans have been, or will be, established to finance the public facilities required for the community plan area.

Therefore, in conjunction with development, the property owner shall comply with the provisions of the financing plan then in effect for this community plan area, in a manner satisfactory to the Planning Director. This compliance shall be achieved by entering into an agreement for the payment of the assessment, paying a Facilities Benefit Assessment (FBA) or such other means as may have been established by the City Council.

SERVICE STATIONS:

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

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

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

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

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

31. A letter from the lessee stating that they have read, understand and agree to comply with the conditions imposed on the service station shall be written, signed and sent to the parent oil company and a copy sent to the Development Services Department.

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

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

34. Plantings, planter boxes and/or vines shall be placed around the mini-market building as shown in Exhibit "A" in a manner satisfactory to the Development Services Department.

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

36. Activities specifically prohibited on-site include:

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

37. When operations are discontinued at an automobile service station for a period approaching 12 months, and the Conditional Use Permit has not yet expired, the Permittee has the following options:

- a. Apprise the Development Services Department that the Conditional Use Permit should be rescinded pursuant to Municipal Code Section 101.0510.0 ("Rescission of Permit by Applicant"). Permitted uses for the site shall be any use permitted in the underlying zone. All improvements on the site, including underground tanks, shall be removed.
- b. Redevelop the property as a service station through an amended permit, as set forth in Municipal Code Section 101.0510.I. ("Amendment to Permit").
- c. Resume use as a service station under the existing permit for the remainder of the life of the permit.

38. If none of the above options is taken by the Permittee, and operations remain discontinued beyond the twelfth month, the City may initiate proceedings to revoke the permit and abate the nonconforming

structures, as set forth in Municipal Code Section 101.0508. ("Failure to Conform or Comply with Conditions").

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

40. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this permit be required to comply with each and every condition in order to be afforded special rights which the holder of this Permit is obtaining as a result of this permit. It is the intent of the City that the owner of the property which is the subject of this permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the owner of the property be allowed the special and extraordinary rights conveyed by this permit, but only if the owner complies with all the conditions of this permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void. However, in such 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 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 permit can still be made in the absence of the "invalid" condition(s). Such hearing shall have the absolute right to approve, disapprove or modify the proposed permit and the condition(s) contained therein.

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

APPROVED by the Development Services Manager of the City of San Diego on April 17, 1996.

DEVELOPMENT SERVICES MANAGER RESOLUTION NO. D-279  
 GRANTING CONDITIONAL USE PERMIT AMENDMENT/  
 COMMUNITY PLAN IMPLEMENTATION OVERLAY ZONE PERMIT NO. 95-0183

WHEREAS, on FEBRUARY 21, 1995, EASTGATE MIRAMAR ASSOCIATES, a limited partnership, Owner/Permittee, filed an application for a Conditional Use Permit Amendment/Community Plan Implementation Zone Permit to add a new 2,250 square foot convenience store to an existing service station on a 63,598 square foot lot located at 5706-26 Miramar Road, described as a portion of Lot 4, Section 10, Township 15 South, Range 3 West, San Bernardino Base Meridian, in the City and County of San Diego, State of California, according to the official plat thereof on file in the Office of the County Recorder of San Diego County, in the M1-B Zone and the Community Plan Implementation Overlay Zone of the University Community Plan area; and

WHEREAS, on April 17, 1996, the Development Services Manager of the City of San Diego considered Conditional Use Permit Amendment/Community Plan Implementation Overlay Zone Permit No. 95-0183, pursuant to Sections 101.0510 and 101.0457 of the Municipal Code of the City of San Diego; and NOW, THEREFORE,

BE IT RESOLVED by the Development Services Manager of the City of San Diego as follows:

1. That the Development Services Manager adopted the following written Findings, dated April 17, 1996:

CONDITIONAL USE PERMIT FINDINGS:

- a. The proposed use will not adversely affect the neighborhood, the General Plan, or the Community Plan, and, if conducted in conformity with the conditions provided by the permit, will not be detrimental to the health, safety and general welfare of persons residing or working in the area.

The addition of a convenience store to the existing service station is consistent with general practice for service stations and will fulfill a public need. There are no potential adverse impacts of the project.

- b. The proposed use will comply with all the relevant regulations in the Municipal Code.

The addition of a convenience store to the existing service station will comply with the relevant regulations of the M-1B zone and the Community Plan Implementation Overlay Zone.

COMMUNITY PLAN IMPLEMENTATION OVERLAY ZONE FINDINGS:



- a. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the Community Plan.

The proposed uses are permitted uses within the zone under a Conditional Use Permit which is being amended concurrently with the Community Plan Implementation Overlay Zone and the proposal will meet the University Community Plan's requirements of improving neighborhood compatibility, safety, noise, parking and pedestrian circulation for the area.

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

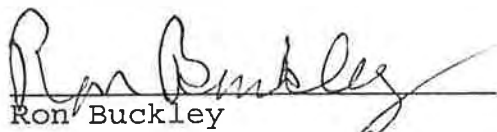
The service station facility has been in existence since 1981 without any problems, the proposed uses are permitted uses within the zone under a Conditional Use Permit which is being amended concurrently with Community Plan Implementation Overlay Zone Permit, and the project is compatible with the land uses acceptable within the Miramar Naval Air Station "Accident Potential Zone B" and the noise level contours for the Naval Air Station. There are no conditions of the use or site that would adversely affect other property in the vicinity.

- c. The proposed use will comply with the relevant regulations in the San Diego Municipal Code.

The addition of a convenience store to the existing service station will comply with the relevant regulations of the M-1B zone and the Community Plan Implementation Overlay Zone.

2. That said Findings are supported by maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED that, based on the Findings hereinbefore adopted by the Development Services Manager, Conditional Use Permit Amendment/Community Plan Implementation Overlay Zone No. 95-0183 is hereby GRANTED by the Hearing Officer to the Permittee in the form and with the terms and conditions set forth in Conditional Use Permit Amendment/Community Plan Implementation Overlay Zone Permit No. 95-0183, a copy of which is attached hereto and made a part hereof.

  
 Ron Buckley  
 Senior Planner

Adopted on: April 17, 1996

ALL-PURPOSE CERTIFICATE

Type/Number of Document CUP (AM) / CPIOZ 95-0183  
Date of Approval April 17, 1996  
Number of Pages Page 10 of 10

Ron Buckley  
Ron Buckley, Senior Planner

STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

On June 26, 1996 before me, BARBARA J. HUBBARD (Notary Public), personally appeared Ron Buckley, Senior Planner of the Planning Department of the City of San Diego, personally known to me 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 capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Barbara J. Hubbard (Seal)  
Barbara J. Hubbard



PERMITTEE(S) SIGNATURE/NOTARIZATION:

THE UNDERSIGNED PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF PERMITTEE(S) THEREUNDER.

By: FACILITIES DEVELOPMENT COMPANY, General Partner  
By: DEVELOPMENT & MANAGEMENT ENTERPRISES, INC., Partner  
Signed [Signature] Signed [Signature]  
Typed Name: Eastgate Miramar Associates Typed Name: Helmut Kiffmann, President

STATE OF California  
COUNTY OF San Diego

On July 26, 1996 before me, Allen T. Cooke (Name of Notary Public) personally appeared Helmut Kiffmann, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

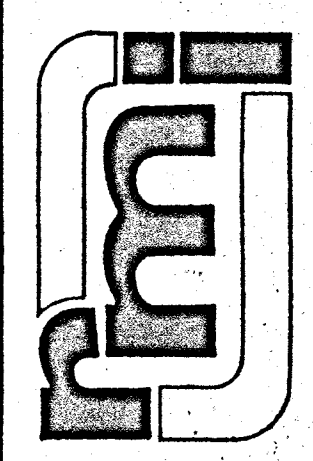
Signature Allen T. Cooke (Seal)



ORIGINAL

REVISION	BY

**RICK MARRS, INC.**  
 ARCHITECTURE · DESIGN · PLANNING  
 8330 UNIVERSITY AVE.  
 LA MESA, CA. 91941 (619) 465-2011



**MULTITECH PROPERTIES INC.**  
 5820 Miramar Rd., Ste. 200 (619) 455-1900  
 San Diego, CA 92121 (619) 455-0497 Fax

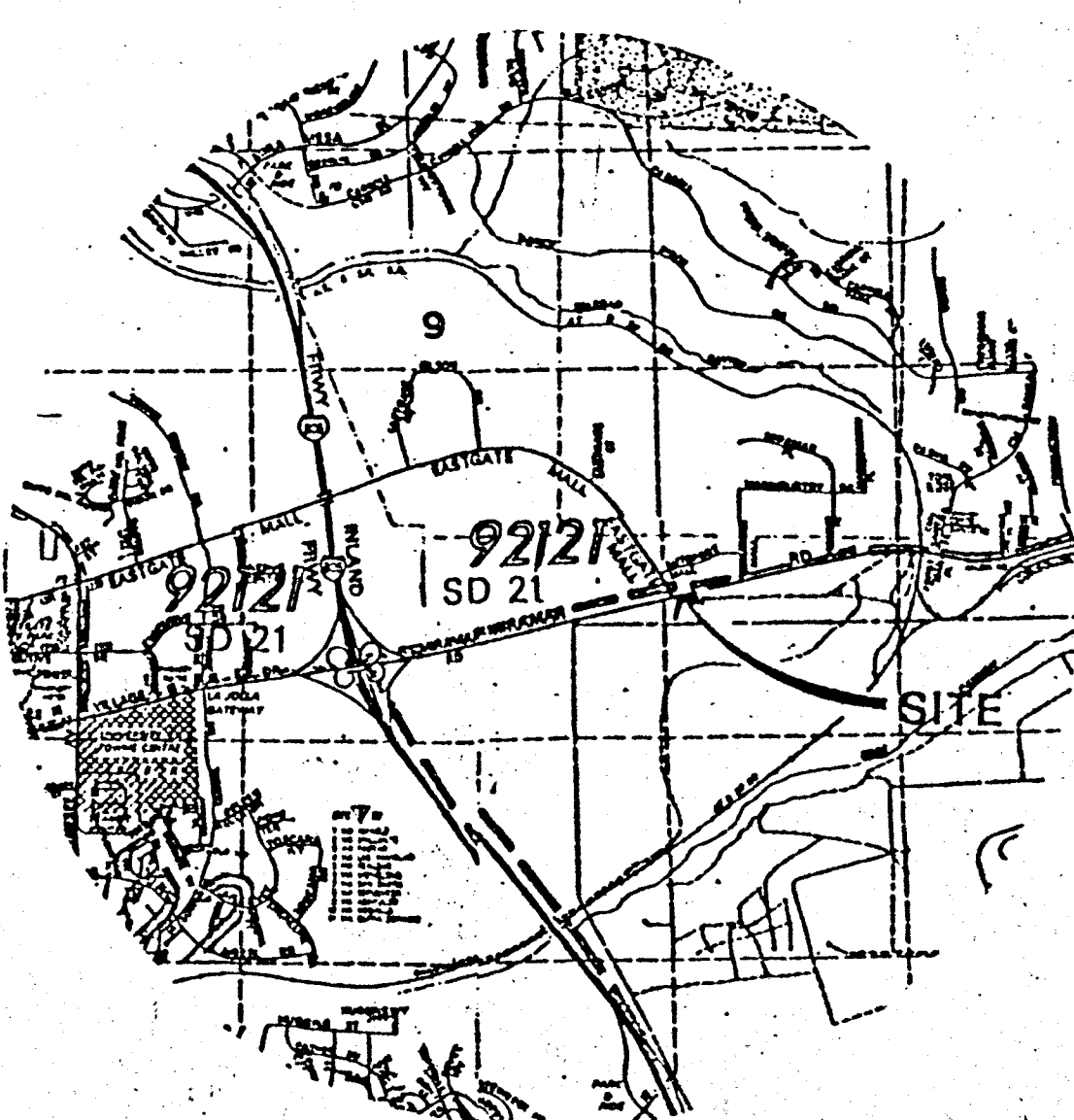
**PARKING CALCULATION**

OFF-STREET PARKING PERMITTED PER EXISTING C.U.P. # 607 = 24 SPACES  
 PROPOSED PARKING = 31 SPACES TOTAL

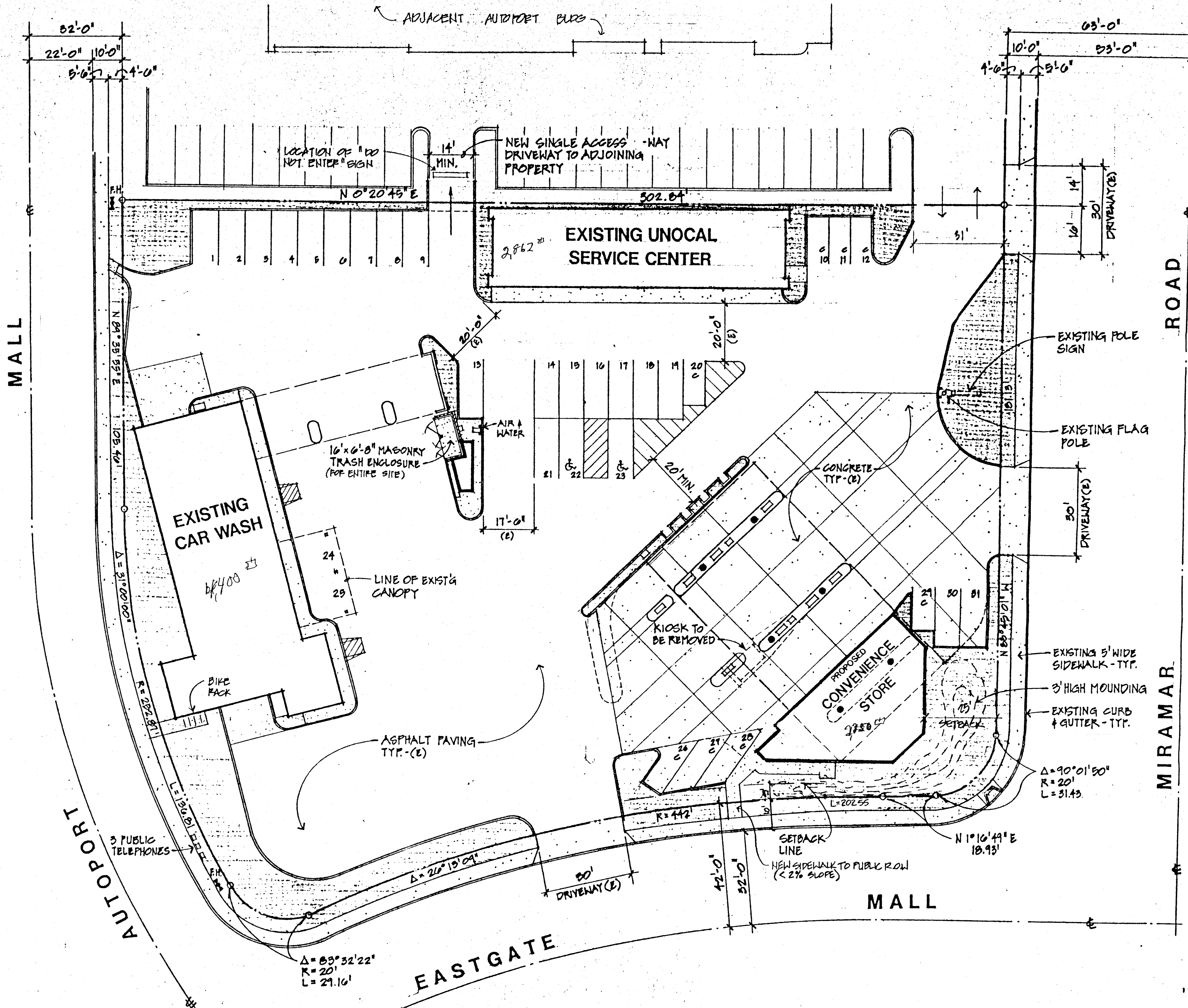
HANDICAPPED = 2 SPACES  
 COMPACT = 8 SPACES  
 STANDARD = 21 SPACES

**LEGAL DESCRIPTION**

LOT 6 OF MAP 102261, CITY OF SAN DIEGO REC. 10/13/91



VICINITY MAP



**SITE PLAN**  
 SCALE: 1" = 20'-0"

RECEIVED  
 FEB 29 1996  
 DEVELOPMENT SERVICES

REPLACEMENT  
 950183

**EXHIBIT "A"**  
 Approved April 17, 1996  
 (Date)  
*Coy J. ...*

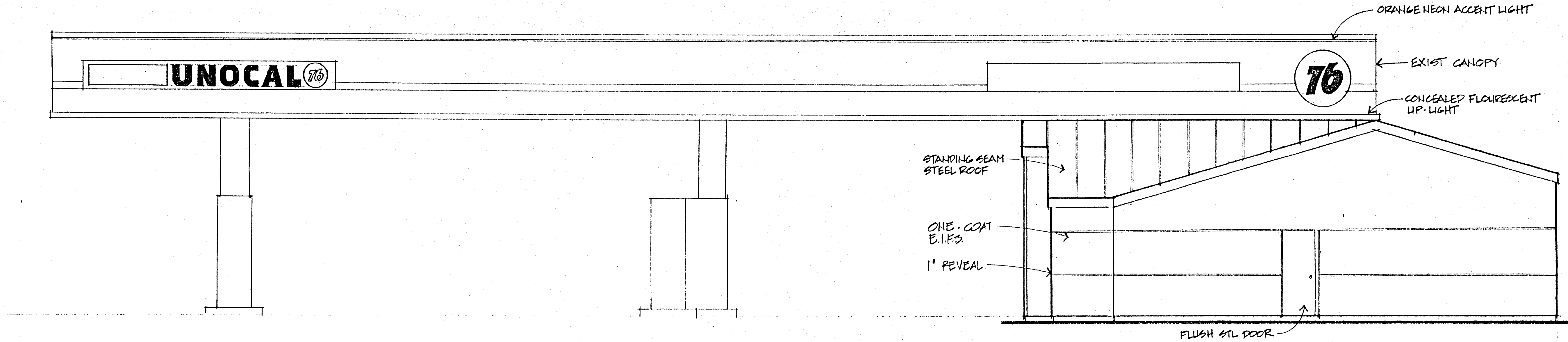
**CONVENIENCE STORE**  
 5726 MIRAMAR ROAD, SAN DIEGO

DATE: 2/12/96
SCALE: 1" = 20'
DRAWN: RCM
JOB NO: 94422
SHEET
<b>1</b>

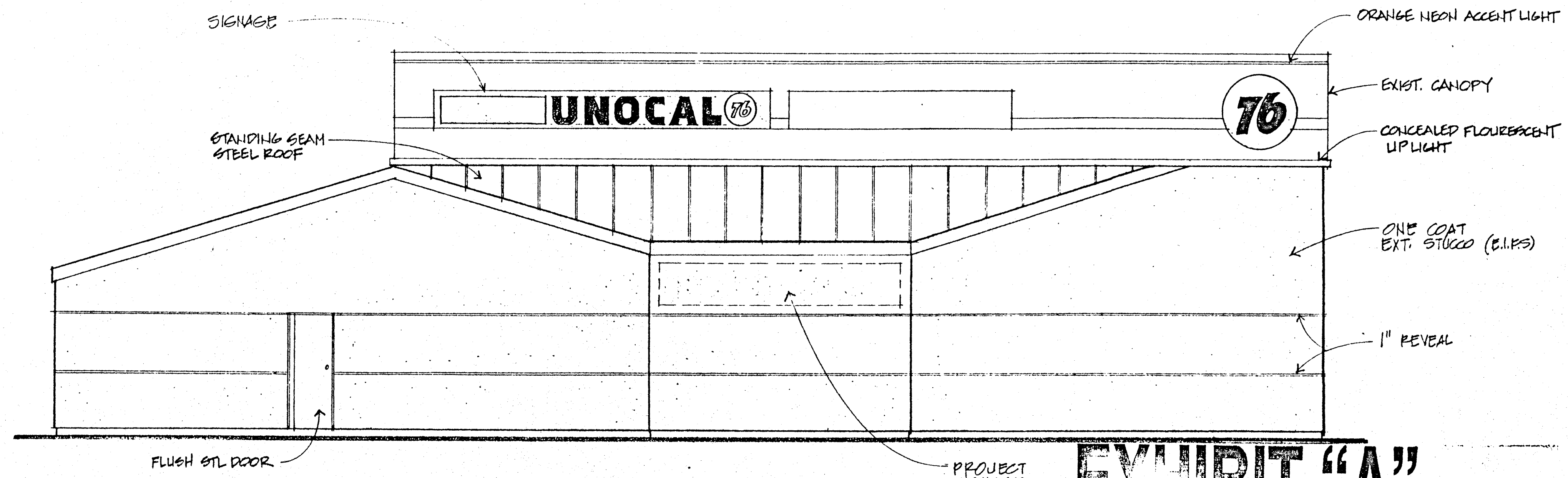




REVISION	BY



**NORTHWEST ELEVATION**



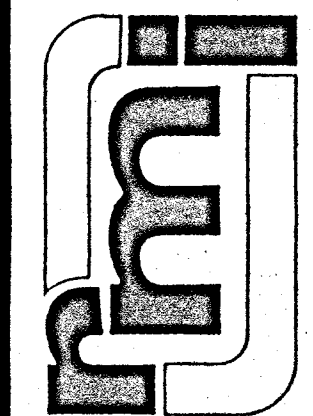
**SOUTHWEST ELEVATION**

**EXHIBIT "A"**

4/17/96 cs  
(Date)

**CONVENIENCE STORE  
5726 MIRAMAR ROAD SAN DIEGO**

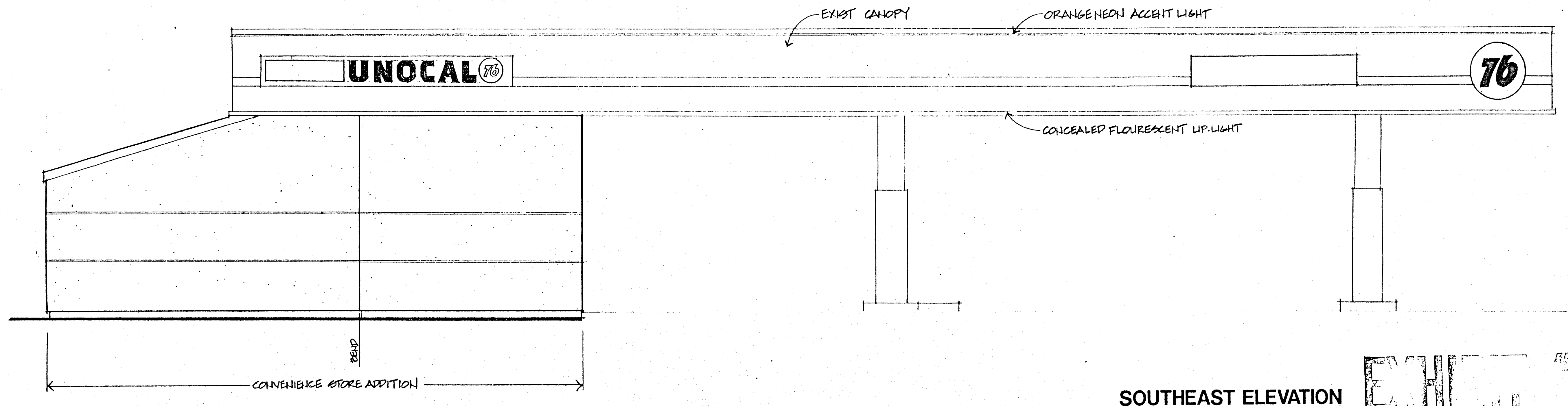
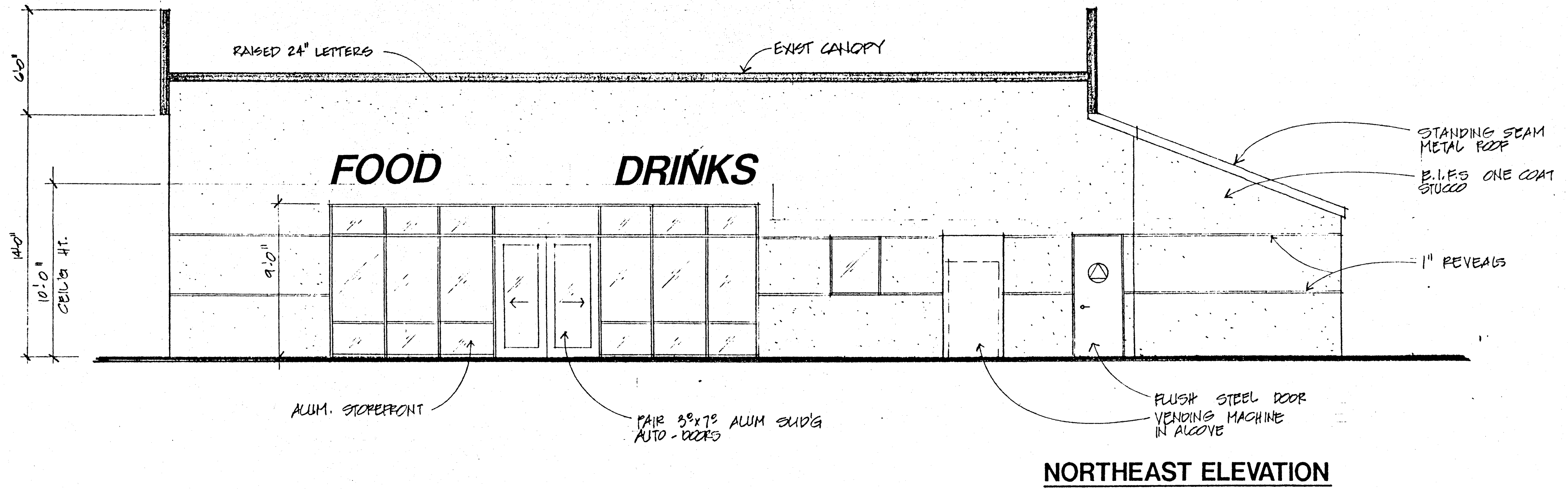
**RICK MARRS, INC.**  
ARCHITECTURE · DESIGN · PLANNING  
8330 UNIVERSITY AVE.  
LA MESA, CA. 91941 (619) 465-2011



**MULTITECH PROPERTIES INC.**  
5820 Miramar Rd., Ste. 200 (619) 455-1900  
San Diego, CA 92121 (619) 455-0497 Fax

DATE: 2/12/96  
SCALE: 1/4" = 1'-0"  
DRAWN: GTP  
JOB NO: 94422  
SHEET

DATE REVISIONS: 11/11/95

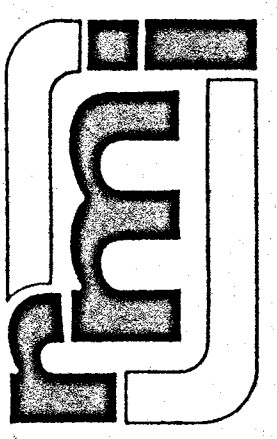


**SOUTHEAST ELEVATION** **EXISTING "A"**  
4/17/96 B

**CONVENIENCE STORE**  
5726 MIRAMAR ROAD SAN DIEGO, CA

REVISION	BY

**RICK MARRS, INC.**  
ARCHITECTURE · DESIGN · PLANNING  
8330 UNIVERSITY AVE.  
LA MESA, CA. 91941 (619) 465-2011



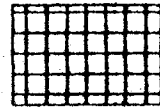

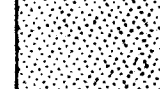
**MULTITECH PROPERTIES INC.**  
5820 Miramar Rd., Ste. 200 (619) 455-1900  
San Diego, CA 92121 (619) 455-0497 Fax

DATE: 2/12/96  
SCALE: 1/4" = 1'-0"  
DRAWN: GTP  
JOB NO: 94422

SHEET  
**4**



**LANDSCAPE AREA KEY**

-  STREET YARD
-  VEHICULAR USE OUTSIDE STREET YARD
-  VEHICULAR USE INSIDE STREET YARD

**LANDSCAPE ASSESSMENT**

**ABBREVIATIONS:**

- S.Y. STREET YARD
- V.U.O.S.Y. VEHICULAR USE OUTSIDE STREET YARD
- V.U.I.S.Y. VEHICULAR USE INSIDE STREET YARD
- S.F. SQUARE FEET

**TOTAL S.F. PER LANDSCAPE AREA:**

AREA	TOTAL S.F.
S.Y.	28,900
V.U.O.S.Y.	26,900
V.U.I.S.Y.	20,000

**REQUIRED LANDSCAPE AREA:**

AREA	TOTAL S.F.
S.Y.	7,225
V.U.O.S.Y.	807
V.U.I.S.Y.	1,000

**LANDSCAPE AREA SHOWN ON PLAN:**

AREA	TOTAL S.F.
S.Y.	8,050
V.U.O.S.Y.	867
V.U.I.S.Y.	1,097

**POINTS REQUIRED FOR STREET TREES:**

STREET	REQUIRED PTS.	EXISTING TREE PTS.	PROPOSED TREE PTS.	TOTAL PTS.
EASTGATE MALL	200	100	1-48" BOX = 100	200
AUTOPORT	220	150	4-24" BOX = 80	230
MIRIMAR	200	0	2-48" BOX = 200	200

**POINT TOTALS FOR LANDSCAPE AREAS:**

S.Y. DESCRIPTION	POINT SUBTOTAL
------------------	----------------

1- GAL SHRUBS	29
5- GAL SHRUBS	835
EXISTING TREES	300
NEW TREES	188
<b>TOTAL PTS. FOR S.Y.</b>	<b>1,332</b>
<b>REQUIRED PTS. FOR S.Y.</b>	<b>722</b>

V.U.O.S.Y. DESCRIPTION	POINT SUBTOTAL
------------------------	----------------

1- GAL SHRUBS	5
5- GAL SHRUBS	155
EXISTING TREES	0
NEW TREES	272
<b>TOTAL PTS. FOR V.U.O.S.Y.</b>	<b>432</b>
<b>REQUIRED PTS. FOR V.U.O.S.Y.</b>	<b>403</b>

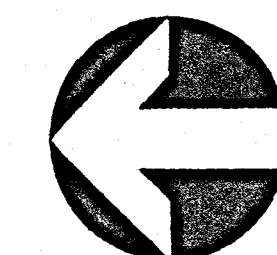
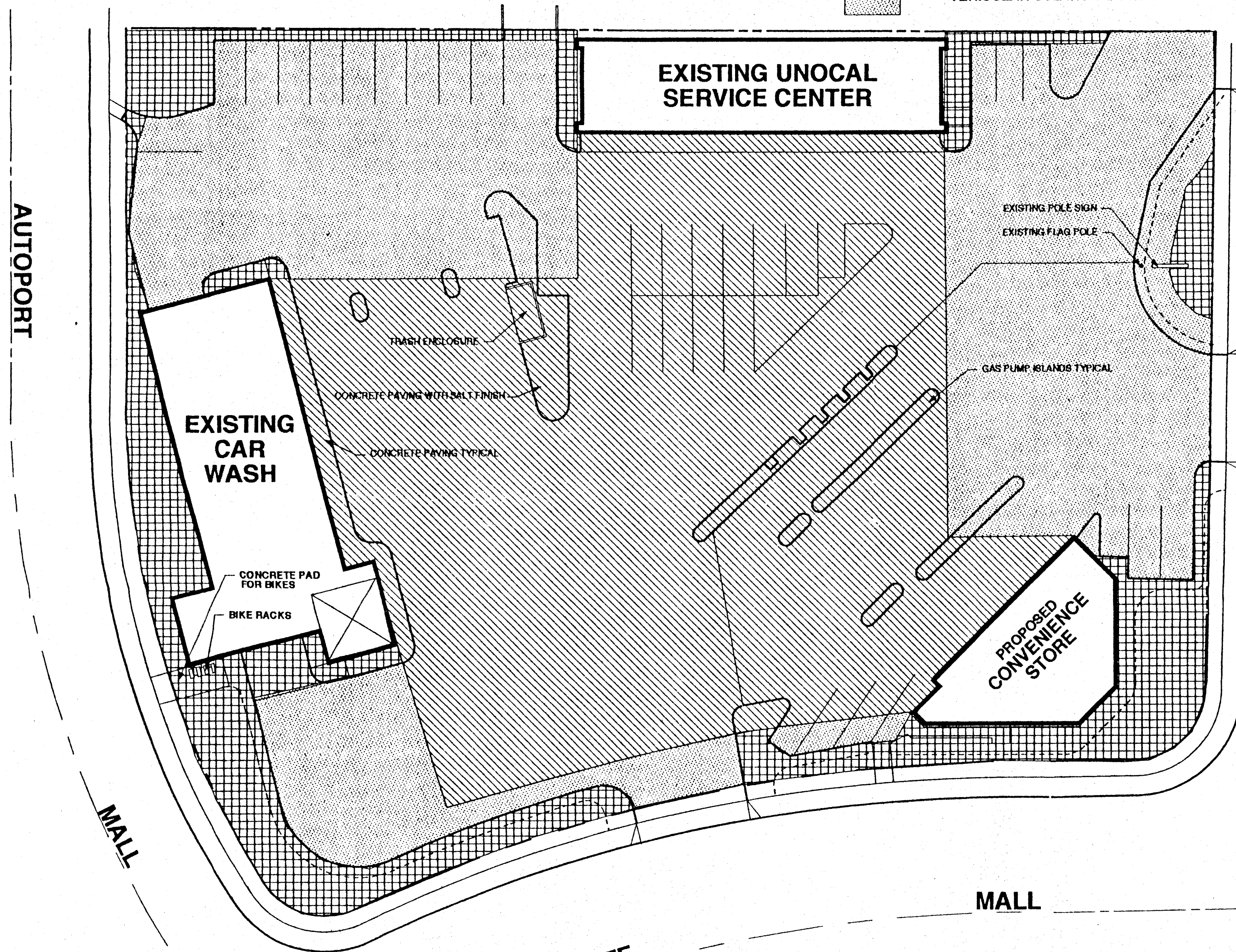
V.U.I.S.Y. DESCRIPTION	POINT SUBTOTAL
------------------------	----------------

1- GAL SHRUBS	13
5- GAL SHRUBS	270
EXISTING TREES	100
NEW TREES	124
<b>TOTAL PTS. FOR V.U.I.S.Y.</b>	<b>507</b>
<b>REQUIRED PTS. FOR V.U.I.S.Y.</b>	<b>500</b>

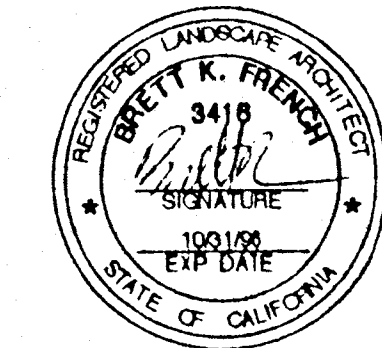
TOTAL PTS. FOR V.U.I.S.Y. 500  
REQUIRED PTS. FOR V.U.I.S.Y. 500

**EXHIBIT "A"**

9/17/90  
(Date)



SCALE: 1"=20'-0"



**TITLE:**  
**LANDSCAPE ASSESSMENT PLAN**  
CONVENIENCE STORE, 5726 MIRIMAR RD., SAN DIEGO, CA

SCALE: 1"=20'  
DRAWN BY: BF  
CHECKED BY: BF

**CALIFORNIA ENVIRONS**  
Landscape Architecture • Site Planning  
1746 N. Highway 101 • Chula Vista, CA 91913  
Phone (619) 626-6003

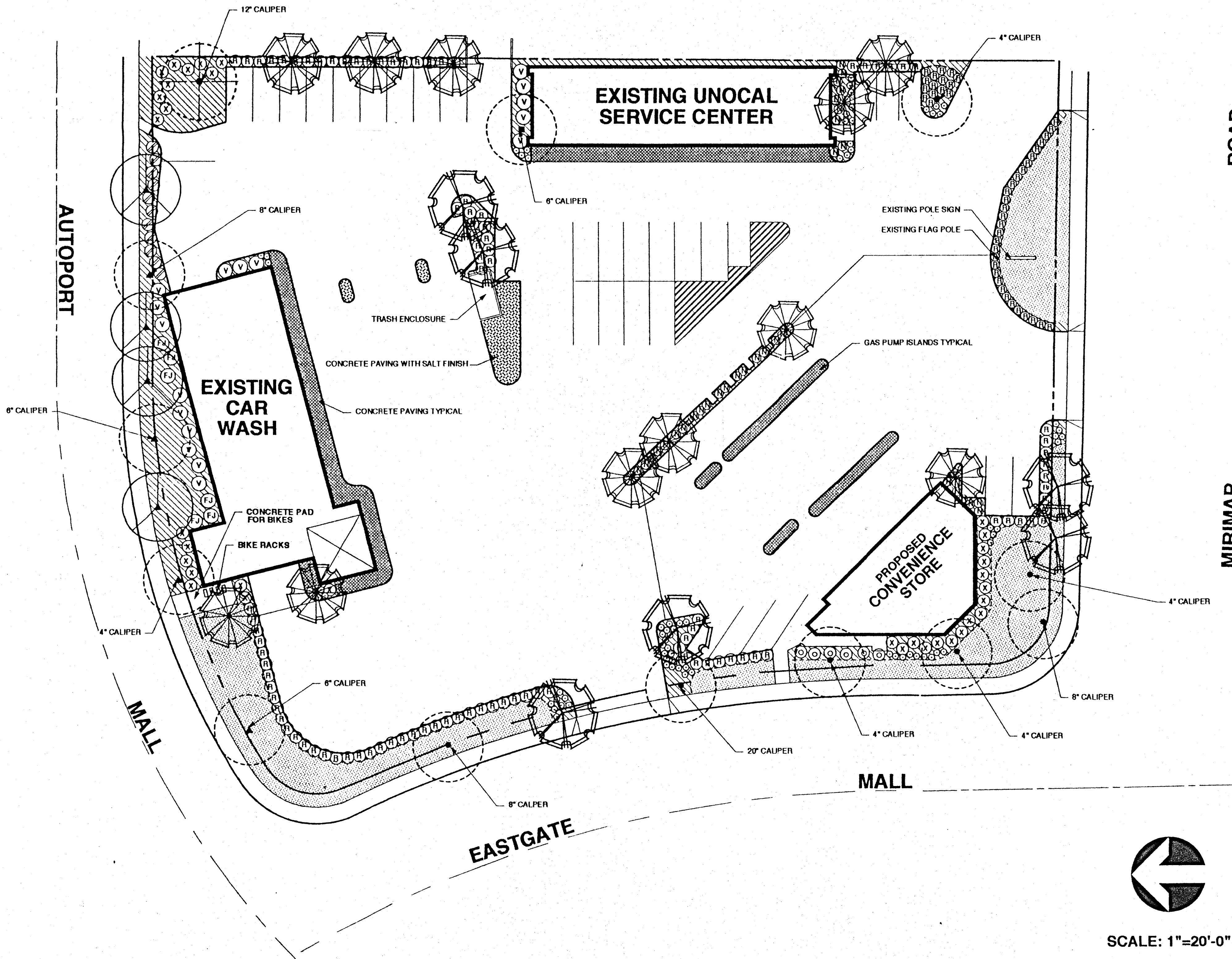
JOB NO.  
DATE: 9/14/90  
SHEET: L-1  
OF 2

**CITY OF SAN DIEGO NOTE:**  
"IF ANY EXISTING HARDSCAPE OR LANDSCAPE INDICATED ON THE APPROVED PLANS IS DAMAGED OR REMOVED DURING DEMOLITION OR CONSTRUCTION, IT SHALL BE REPAIRED AND/OR REPLACED IN KIND AND EQUIVALENT SIZE PER THE APPROVED PLANS. BEFORE FINAL CLEARANCE OF THIS PROJECT."

**MULTITECH PROPERTIES INC.**  
5820 MIRIMAR RD., STE. 200  
SAN DIEGO, CA 92121  
PHONE (619) 455-1900  
FAX (619) 455-0497

PRIVATE CONTRACT





### PLANT PALETTE

TREES SYMBOL	DESCRIPTION	BOTANICAL NAME (COMMON NAME)	SIZE
	EXISTING DECIDUOUS TREE	ALNUS RHOMBIFOLIA (WHITE ALDER)	
	ACCENT PALM	ARECASTRUM ROMANZOFFIANUM (QUEEN PALM)	24" BOX APPROXIMATELY 8' B.T.H.
	EVERGREEN CANOPY TREE SMALL SCALE	CUPANOPSIS ANACARDIODES (CARROTWOOD TREE)	48" BOX SIZE POINTS REQUIRED
	EXISTING EVERGREEN TREE	FICUS RUBIGINOSA (RUSTY LEAF FIG)	
	EXISTING EVERGREEN TREE	MELALEUCA QUINQUENERVIA (CAJEPUT TREE)	
	EXISTING EVERGREEN TREE	PINUS THUNGERGIANA (JAPANESE BLACK PINE)	
	EVERGREEN TREE VERTICAL SHAPE	PINUS CANARIENSIS (CANARY ISLAND PINE)	24" BOX

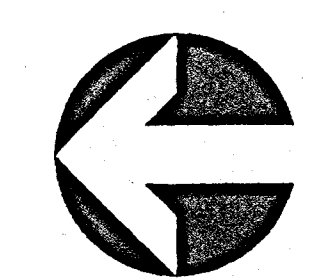
### SHRUBS

SYMBOL	BOTANICAL	COMMON	SIZE	QUANTITY
○	AGAPANTHUS AFRICANUS	LILY OF THE NILE	1 GAL	
⊙	ESCALLONIA FRADESII	ESCALLONIA	5 GAL	
⊕	FATSIA JAPONICA	FALSE ARAJIA	5 GAL	
⊖	NANDINA DOMESTICA	HEAVENLY BAMBOO	5 GAL	
⊗	PITTISPORUM TOBIRA VARIEGATA	NCN	5 GAL	
⊘	RAPHIOLEPIS INDICA 'SPRINGTIME'	INDIAN HAWTHORN	5 GAL	
⊙	VIBURNUM JAPONICUM	N.C.N.	5 GAL	
⊗	XYLOSMA CONGESTUM 'COMPACTA'	DWARF SHINY XYLOSMA	5 GAL	

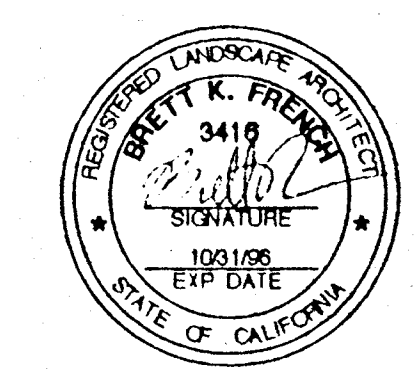
### GROUND COVER

SYMBOL	BOTANICAL	COMMON
	MARATHON 2 SOD	
	FULL SUN: PELARGONIUM PELATUM 'BALCON' MIXED COLOR IVY GERANIUM PLANT FROM FLATS TRIANGULAR SPACE @ 10" O.C.	
	SHADE: HEDERA HELIX 'HAHNS' ENGLISH IVY PLANT 8" O.C. FROM FLATS	

**EXHIBIT "A"** 4/17/86 (Date)



SCALE: 1"=20'-0"



TITLE: **PRELIMINARY LANDSCAPE PLAN**  
 CONVENIENCE STORE, 5726 MIRAMAR RD., SAN DIEGO, CA

SCALE: 1"=20'

DESIGN BY: [Signature]

DRAWN BY: [Signature]

CHECKED BY: [Signature]

CALIFORNIA ENVIRONS  
 Landscape Architecture • Site Planning  
 1744 N. Highway 94 • Chula Vista, CA 91911  
 Phone (619) 441-6663

DATE: 4/15/86

SHEET: **L-2**  
 OF 2

**CITY OF SAN DIEGO NOTE:**

"IF ANY EXISTING HARDSCAPE OR LANDSCAPE INDICATED ON THE APPROVED PLANS IS DAMAGED OR REMOVED DURING DEMOLITION OR CONSTRUCTION, IT SHALL BE REPAIRED AND/OR REPLACED IN KIND AND EQUIVALENT SIZE PER THE APPROVED PLANS, BEFORE FINAL CLEARANCE OF THIS PROJECT."

**MULTITECH PROPERTIES INC.**  
 5820 MIRAMAR RD., STE. 200  
 SAN DIEGO, CA 92121  
 PHONE (619) 455-1900  
 FAX (619) 455-0497

PRIVATE CONTRACT



**AMENDMENT TO  
CONDITIONAL USE  
PERMIT # 587-PC**

**12/9/1998**

**RECORDING REQUESTED BY  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES**

**AND WHEN RECORDED MAIL TO  
PERMIT INTAKE  
MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**CONDITIONAL USE / COMMUNITY PLAN IMPLEMENTATION OVERLAY ZONE  
PERMIT NO. 98-0553  
AMENDMENT TO CONDITIONAL USE /  
COMMUNITY PLAN IMPLEMENTATION OVERLAY ZONE  
PERMIT NO. 95-0183  
UNION OIL CONVENIENCE STORE  
CITY MANAGER**

This Permit is granted by the City Manager of the City of San Diego to EASTGATE MIRAMAR ASSOCIATES, a limited partnership, Owner/Permittee, pursuant to Sections 101.0510, 101.0515, and 101.0457 of the Municipal Code of the City of San Diego. This permit amends Permit No. 95-0183. All conditions of the previous permit are included herein.

Subject to the terms and conditions set forth in this permit, permission is hereby granted to the Owner/Permittee to provide off-premises sale of beer and wine within an existing convenience store for an existing service station on a 63,598 square-foot lot located at 5706-26 Miramar Road, described as a portion of Lot 4, Section 10, Township 15 South, Range 3 West, San Bernardino Base Meridian, in the City and County of San Diego, State of California, according to the official plat thereof on file in the Office of the County Recorder of San Diego County, in the M-1B Zone and the Community Plan Implementation Overlay Zone of the University Community Plan Area.

1. This permit shall consist of the following facilities and site improvements as identified by size, dimension, quantity and location on the approved Exhibits "A" dated April 17, 1996, on file in the Office of Development Services Department:
  - a. An existing 2,250 square-foot convenience store, and incidental office and storage uses;
  - b. An existing 4,400 square-foot building containing a car wash facility;
  - c. An existing 2,862 square-foot automobile service building;
  - d. Existing Landscaping;
  - e. Existing off-street parking facilities (see Condition No. 2); and
  - f. Incidental accessory uses as may be determined incidental and approved by the Development Services Department.

2. Not fewer than thirty-one (31) off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A", dated April 17, 1996, on file in the office of Development Services Department. Parking spaces shall comply at all times with Division 8 of the Zoning Regulations of the Municipal Code and shall be permanently maintained and not converted for any other use, unless otherwise approved by the Development Services Department. Parking space dimensions shall conform to zoning regulations and shall be clearly marked at all times. Landscaping located in any parking area shall be permanently maintained and not converted for any other use.
3. Prior to the issuance of building permits, complete grading and/or building plans, shall be submitted to the Development Services Department, Land Development Review Division for approval. All plans shall be in substantial conformity to Exhibit "A", dated April 17, 1996, on file in the Development Services Department. Subsequent to the completion of this project, no changes shall be made unless a finding of substantial conformity or an amendment to this permit shall have been granted.
4. Prior to issuance of any grading or any building permits, complete landscape construction documents, including an automatic, permanent irrigation system, shall be submitted to the Development Services Department, Land Development Review Division. The plans shall be in substantial conformance to Exhibit "A", dated April 17, 1996, on file in the office of the Development Services Department.
5. All approved and installed landscape (planting, irrigation, and other landscape features) shall be inspected by the Landscape Inspector of the Development Services Department prior to the issuance of any certificate of occupancy for any building. It shall be the responsibility of the owner to request and coordinate all required inspections. Such landscape shall not be modified or altered unless a finding of substantial conformity or an amendment to this permit has been granted and is to be maintained in a disease, weed and litter free condition at all times.
6. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind by the Permittee.
7. This Conditional Use Permit/Community Plan Implementation Overlay Zone Permit may be revoked by the City if there is a material breach or default of any of the conditions contained herein.
8. No permit for the construction, occupancy or operation of the convenience store facility described herein shall be granted nor shall any activity authorized by this permit be conducted on the premises until:
  - a. The Permittee signs and returns this permit to the Development Services Department; and
  - b. This permit is recorded by the Development Services Department in the office of the San Diego County Recorder.
9. Prior to and subsequent to the completion of this project, no changes, modifications or alterations shall be made to the approved Exhibits or conditions

of approval unless a finding of substantial conformity or amendment of this permit shall have been granted by the appropriate decision maker.

10. Prior to the issuance of any building permits, complete outdoor lighting information for new lighting fixtures shall be submitted to the Development Services Department, Land Development Review Division, for review and approval. Complete lighting information shall include a plan view photometric analysis indicating an isofoot candle plot and a point by point plot to include all areas within the property boundaries, construction details as necessary to direct installation of the outdoor lighting system, manufactures name, fixture model name and number; including all necessary shields, visors, prisms, lenses and reflectors. The outdoor lighting system for the entire property shall be designed, manufactured and installed to allow shading, adjusting, and shielding of the light source so all outdoor lighting is directed to fall only on the same premises as light sources are located.
11. All signs requested and proposed for this project shall conform to Citywide Sign Regulations and be administered by the Sign Code Administration Division of the Development Services Department.
12. The effective date of this permit shall be the eleventh working day after the date of final action by the Development Services Manager. If an appeal is filed, the effective date shall be the date of final action by the Planning Commission. The permit must be utilized within 36 months of the effective date. Failure to utilize the permit within 36 months will automatically void the permit unless an extension of time has been granted by the Development Services Manager, as set forth in Section 111.1122 of the Municipal Code. Any such extension of time must meet all the Municipal Code requirements and applicable guidelines in effect at the time of filing for the extension of time.
13. The property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the Development Services Department or if the permit has been revoked by the City of San Diego. Cancellation or revocation of this permit may be instituted by the City of San Diego or Permittee.
14. This permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.
15. The construction and continued use of this permit shall be subject to the regulations of this and any other governmental agencies.
16. The Permittee shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to construction.
17. After establishment of the project, the property shall not be used for any other purposes unless:
  - a. Authorized by the Development Services Department; or
  - b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or

- c. The permit has been revoked by the City.
18. This permit and corresponding use of this site shall expire on April 17, 2021. Upon expiration of this permit, the facilities and improvements described herein shall be restored from this site and the property shall be restored to its original condition.
  19. Prior to the expiration date of the permit, April 17, 2021, the applicant may submit an application to Development Services for a new Conditional Use Permit, to allow the uses and improvements described herein to continue operating on this site.
  20. Prior to the issuance of any building permits, the Permittee shall provide evidence that a reciprocal/mutual access agreement exists between this development site and the adjacent easterly property. The 14-foot wide mid-site access way linking the two sites shall be designated one-way and appropriately signed.
  21. Prior to the issuance of any building permits, the property owner shall provide evidence that an Encroachment Removal Agreement exists for the existing private improvements which include gas pumps, canopy and landscaping within the existing sewer easement located on the development site. If an Encroachment Removal Agreement does not exist for the encroachments, then the property owner shall obtain an Encroachment Removal Agreement from the City Engineer prior to the issuance of any building permits.
  22. The property owner is hereby placed on notice that CIP 52.3620 (w.o. # 119020), proposed the widening of Miramar Road adjacent to this site. As a result, the City will negotiate with the owner for the requisition of approximately a 22-25 foot wide strip of land adjacent to this site for the widening of Miramar Road. The construction of new permanent structures, in the existing 25-foot setback will not be allowed, relative to this development.
  23. Prior to the issuance of any building permits, the applicant shall:
    - a. Ensure that building address numbers are visible and legible from the street (UFC 10.208).
    - b. Show the location of all fire hydrants on the plot plan (UFC 10.301).
  24. This development is in a community plan area designated in the General Plan as Planned Urbanizing. As such, special financing plans have been, or will be, established to finance the public facilities required for the community plan area. Therefore, in conjunction with development, the property owner shall comply with the provisions of the financing plan then in effect for this community plan area, in a manner satisfactory to the Planning Director. This compliance shall be achieved by entering into an agreement for the payment of the assessment, paying a Facilities Benefit Assessment (FBA) or such other means as may have been established by the City Council.
  25. All of the conditions contained in this permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this permit be

required to comply with each and every condition in order to be afforded special rights which the holder of this permit is obtaining as a result of this permit. It is the intent of the City that the owner of the property which is the subject of this permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the owner of the property be allowed the special and extraordinary rights conveyed by this permit, but only if the owner complies with all the conditions of this permit.

26. In the event that any condition of this permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this permit shall be void. However, in such 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 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 permit can still be made in the absence of the "invalid" condition(s). Such hearing shall have the absolute right to approve, disapprove or modify the proposed permit and the condition(s) contained therein.
27. The issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.)

**SERVICE STATIONS:**

28. Pennants, portable signs or banners shall not be permitted on the premises.
29. Signaling devices to alert station attendants to entering vehicles shall be located and adjusted so as to cause no noise disturbances to adjoining properties.
30. The requirements of the County Health Department and the City of San Diego Fire Department for storage of all hazardous materials, including underground chemical storage, shall be met at all times.
31. All vehicles shall be repaired and serviced entirely within service bays, except gasoline or motor oil may be dispensed outdoors. No merchandise or supplies shall be stored or displayed outdoors except lubricants, supplies and accessories on suitable racks on pump islands.
32. All trash shall be stored in suitable containers and the containers shall be placed within the building or within enclosed solid walls or fences at least six feet in height. Refuse shall not be visible from outside the enclosed area.
33. A letter from the lessee stating that they have read, understand and agree to comply with the conditions imposed on the service station shall be written, signed and sent to the parent oil company and a copy to the Development Services Department.
34. A copy of this permit shall be posted on the premises of the service station at all times and be available for viewing by any person or persons who may desire to see the document.



35. "No Loitering" signs shall be placed in and around the mini-market facility and no loitering shall be enforced by the permittee, any lessee or subsequent owner.
36. Plantings, planter boxes and/or vines shall be placed around the mini-market building as shown in Exhibit "A" in a manner satisfactory to the Development Services Department.
37. Performance of minor automotive maintenance and repair, including all government-mandated automobile diagnostic evaluations are permitted. Major automotive repair and engine rebuilding is specifically prohibited. Any such repair and maintenance permitted shall be done within enclosed buildings.
38. Activities specifically prohibited on-site include:
  - a. Painting, body and fender work;
  - b. Sales or rentals of any new or used vehicle, boat or trailer;
  - c. Sales or rental of power tools;
  - d. Outdoor storage and display of any product for sale other than automotive fuels, lubricants, supplies and accessories;
  - e. Stand-alone kiosks providing services and sales of products.
39. When operations are discontinued at an automobile service station for a period approaching 12 months, and the Conditional Use Permit has not yet expired, the Permittee has the following options:
  - a. Apprise the Development Services Department that the Conditional Use Permit should be rescinded pursuant to Municipal Code Section 101.0510 (Rescission of Permit by Applicant). Permitted uses for the site shall be any use permitted in the underlying zone. All improvements on the site, including underground tanks, shall be removed.
  - b. Redevelop the property as a service station through an amended permit, as set forth in Municipal Code Section 101.0510 (Amendment to Permit).
  - c. Resume use as a service station under the existing permit for the remainder of the life of the permit.
40. If none of the above options is taken by the Permittee, and operations remain discontinued beyond the twelfth month, the City may initiate proceedings to revoke the permit and abate the nonconforming structures, as set forth in Municipal Code Section 101.0508 (Failure to Conform or Comply with Conditions).
41. In the event that the gasoline sales service facility is abandoned or vacated for a continuous period of one year (12 months), the property owner shall cause to have all structures, buildings, signs and accessory uses related to the gasoline service station and other potentially hazardous conditions removed from the premises. Underground fuel storage tanks shall also be removed or capped, satisfactory to the Fire Department.

**BEER AND WINE SALES:**

42. All graffiti on all the buildings, storage sheds, and trash receptacles, shall be removed within forty eight (48) hours.
43. There shall be no amusement devices or pool tables maintained on the licensed premises.
44. Public telephones, under the applicants control, located on the exterior of the premise, and property, shall not be able to receive incoming calls.
45. No loitering, or consumption of alcoholic beverages, on adjacent parking lots shall be allowed.

The following measures will be recommended by the City of San Diego to the Alcohol Beverage Control Board (ABC) for incorporation into the ABC permit for this property:

46. No wine shall be sold in containers of less than 750 millimeters.
47. No beer or malt beverage products shall be sold in less than four-pack or six-pack quantities, as packaged by manufacturer, per sale.
48. No keg beer or malt beverage product shall be sold in less than six(6) gallon containers.
49. No wine shall be sold with an alcoholic content greater than fifteen (15%) percent by volume.

APPROVED by the City Manager of the City of San Diego on December 9, 1998.

I:\ALL\BIB\DPMS\LEL\980553PR.WPD



ALL-PURPOSE CERTIFICATE

Type/Number of Document CUP/CPIOZ 98-0553

Date of Approval December 9, 1998

STATE OF CALIFORNIA

LEISA A. LUKES, Development Project Manager

COUNTY OF SAN DIEGO

On \_\_\_\_\_ before me, BARBARA J. HUBBARD (Notary Public), personally appeared LEISA A. LUKES, Development Project Manager of Development Services of the City of San Diego, personally known to me 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 capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature \_\_\_\_\_  
Barbara J. Hubbard

(Seal)

ALL-PURPOSE CERTIFICATE

OWNERS/PERMITTEE(S) SIGNATURE/NOTARIZATION:

THE UNDERSIGNED OWNER(S)/PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF OWNER(S)/PERMITTEE(S) THEREUNDER.

Signed *Helmut Kiffmann*

Signed \_\_\_\_\_

Typed Name Helmut Kiffmann, President of Development & Management Enterprises, Inc., Gen. Part. of Facilities Development Company, Gen. Partner of Eastgate Miramar Associates  
STATE OF California

COUNTY OF San Diego

On December 21, 1998 before me, Helen T. Cooke (Name of Notary Public) personally

appeared Helmut Kiffmann, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.


WITNESS my hand and official seal.

Signature *Helen T. Cooke*



(Seal)

ORIGINAL

	<b>City of San Diego Development Services</b> 1222 First Ave., MS-302 San Diego, CA 92101	<h1>Community Planning Committee Distribution Form</h1>	
Project Name: EMA CUP Amendment, Miramar/Eastgate		Project Number: PTS-0683552	
Community: University			
<p>For project scope and contact information (project manager and applicant), log into OpenDSD at <a href="https://aca.accela.com/SANDIEGO">https://aca.accela.com/SANDIEGO</a>.</p> <p>Select "Search for Project Status" and input the Project Number to access project information.</p>			
<input checked="" type="checkbox"/> Vote to Approve <input type="checkbox"/> Vote to Approve with Conditions Listed Below <input type="checkbox"/> Vote to Approve with Non-Binding Recommendations Listed Below <input type="checkbox"/> Vote to Deny			Date of Vote: May 10, 2022
# of Members Yes 13	# of Members No 0	# of Members Abstain 0	
Conditions or Recommendations: None			
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			
NAME: Chris Nielsen			
TITLE: UCPG Chair		DATE: May 16, 2022	
<i>Attach additional pages if necessary (maximum 3 attachments).</i>			

Visit our web site at [www.sandiego.gov/development-services](http://www.sandiego.gov/development-services).

Upon request, this information is available in alternative formats for persons with disabilities.

DS-5620 (08-18) ONLINE FORM



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

# Ownership Disclosure Statement

**FORM  
DS-318**

**October 2017**

**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** CUP Renewal

**Project Title:** EMA CUP RENEWAL **Project No. For City Use Only:** \_\_\_\_\_

**Project Address:** 5706-26 Miramar Rd, San Diego, CA 92121

**Specify Form of Ownership/Legal Status (please check):**

Corporation  Limited Liability -or-  General – What State? \_\_\_\_\_ Corporate Identification No. \_\_\_\_\_  
 Partnership  Individual

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter 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), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of **ANY** person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. 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.

**Property Owner**

Name of Individual: Eastgate Miramar Associates, a California Limited Partnership  Owner  Tenant/Lessee  Successor Agency

Street Address: 8380 Miramar Mall #233

City: San Diego State: CA Zip: 92121

Phone No.: 858-597-2106 Fax No.: \_\_\_\_\_ Email: hkiffmann@mpi-sd.com

Signature: \_\_\_\_\_ (see attached signature page) Date: \_\_\_\_\_

Additional pages Attached:  Yes  No

**Applicant**

Name of Individual: Eastgate Miramar Associates, a California Limited Partnership  Owner  Tenant/Lessee  Successor Agency

Street Address: 8380 Miramar Mall #233

City: San Diego State: CA Zip: 92121

Phone No.: 858-597-2106 Fax No.: \_\_\_\_\_ Email: hkiffmann@mpi-sd.com

Signature: \_\_\_\_\_ (see attached signature page) Date: \_\_\_\_\_

Additional pages Attached:  Yes  No

**Other Financially Interested Persons**

Name of Individual: Andy hirmez  Owner  Tenant/Lessee  Successor Agency

Street Address: 2424 cerro sereno

City: San Diego El cajon california State: CA Ca Zip: 92019

Phone No.: 619-402-6100 Fax No.: \_\_\_\_\_ Email: Andyhirmez@yahoo.com

Signature: AV Date: \_\_\_\_\_

Additional pages Attached:  Yes  No

(EMA CUP RENEWAL SIGNATURE PAGE)

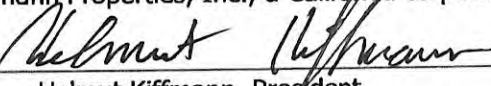
**Eastgate Miramar Associates, a California limited partnership**

By: Facilities Development Company, a California general partnership, General Partner

By: El Camino Realty, Inc., a California corporation, General Partner

By:  \_\_\_\_\_  
Dana Goodman, President

By: Kiffmann Properties, Inc., a California corporation, General Partner

By:  \_\_\_\_\_  
Helmut Kiffmann, President

By: E.M. Goodman Associates, LLC, a California limited liability company, General Partner

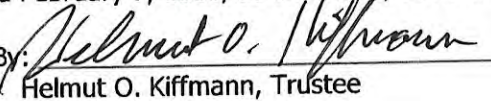
By: Dana Goodman, Trustee of the George Goodman 2005 Grantor Exempt Trust  
fbo Dana Goodman, Manager

By:  \_\_\_\_\_  
Dana Goodman, Trustee

By: Steve Goodman, Trustee of the George Goodman 2005 Grantor Exempt Trust  
fbo Steve Goodman, Manager

By:  \_\_\_\_\_  
Steve Goodman, Trustee

By: Helmut O. Kiffmann, Trustee of the Helmut O. Kiffmann Trust under Declaration of Trust  
dated February 7, 1986, as amended, General Partner

By:  \_\_\_\_\_  
Helmut O. Kiffmann, Trustee

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

PREMISE ADDRESS: 5706 Miramar Road, San Diego CA 92121

TYPE OF BUSINESS: Gas station/Market (Type 20, Off Sale Beer/Wine)

FEDERAL CENSUS TRACT: 83.50

NUMBER OF ALCOHOL LICENSES ALLOWED: Off-Sale: 3

NUMBER OF ALCOHOL LICENSES EXISTING: Off-Sale: 13

CRIME RATE IN THIS CENSUS TRACT: 272.3%  
(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 premises is located within census tract 83.50. The reported crime rate for 2022 within Census Tract 83.50 was 272.3% and the alcohol crime rate was 77.9%.

SUGGESTED CONDITIONS:

The San Diego Police Department agrees with the reissuance of a Conditional Use Permit and support their current conditions be continued.

If the business is changing or modifying their business model in a significant manner, the San Diego Police Department requests the following conditions be incorporated:

1. The hours for in-store operations shall be from 8:00am to Midnight as it relates to sales, service, or consumption of alcoholic beverages. Sale of alcoholic product via app/online platform for delivery only shall be 6:00am to 2:00am.
2. No distilled spirits shall be sold in containers of less than 375 milliliters.
3. The sale of beer or malt beverages in kegs is prohibited.
4. Loitering will be prohibited.
5. No public pay phones will be permitted on the premise or adjacent and under the control of the applicant.
6. No arcade games of any type will be allowed/maintained inside the premise.
7. Video surveillance shall be recording and available to law enforcement upon request covering the interior and public access points of the premises. Upon request of law enforcement video

4-10-23  
MCM

surveillance shall not be deleted, voided or destroyed. Recordings shall be maintained for a minimum of 30 days absent a request of law enforcement.

8. Litter and any unauthorized graffiti will be removed promptly.

9. All retail employees are trained in ABC regulations (LEAD), theft deterrence and policies against the sale of alcoholic beverages to those under 21 years of age, and/or intoxicated.

**SAN DIEGO POLICE DEPARTMENT RECOMMENDATION:**

APPROVE

DENY

Benjamin M. Curry  
Name of SDPD Vice Sergeant (Print)

(619) 531-2977  
Telephone Number

*Benjamin M. Curry*  
Signature of SDPD Vice Sergeant

4-10-23  
Date of Review



5706 Miramar Rd, San Diego, CA, 92121, USA

FFIEC Year: 2023 Address: 5706 Miramar Rd, San Diego, California, 92121

Matched Address	5706 Miramar Rd, San Diego, California, 92121
MSA/MD Code	41740
State Code	06
County Code	073
Tract Code	0083.50
MSA/MD Name	SAN DIEGO-CHULA VISTA-CARLSBAD, CA
State Name	CALIFORNIA
County Name	SAN DIEGO COUNTY

The Census Demographic Data for 2023 is not available yet. This information is updated with the regular release of the FFIEC Census in the summer. However, the state, county, MSA, and census tract information has been updated for 2023.

Census Demographic Data

User Select Tract





# ABC Report

### Required Parameters

Reporting Period: 01/2022 to 12/2022

Agency: SAN DIEGO

### Optional Parameters

Geographical Area:

Group by: Census Tract

Prior Report Number: B98S328R

Total Part 1 Crime and Part 2 Arrest for Agency: 54,461

Total Census Tract: 302

Average Total per Census Tract: 180.3

(120% or above is High Crime Area indicated by \*)

	Census Tract	Totals	% Average by Census Tract
146	008313	42	23.3%
147	008324	110	61.0%
148	008327	92	51.0%
149	008328	51	28.3%
150	008329	187	103.7%
151	008330	40	22.2%
152	008331	21	11.6%
153	008333	114	63.2%
154	008335	80	44.4%
155	008336	10	5.5%
156	008337	25	13.9%
157	008339	136	75.4%
158	008340	505	280.0%*
159	008341	237	131.4%*
160	008343	75	41.6%
161	008344	56	31.1%
162	008345	57	31.6%
163	008346	133	73.8%
164	008347	42	23.3%
165	008348	30	16.6%
166	008349	129	71.5%
167	008350	491	272.3%*
168	008351	124	68.8%
169	008352	37	20.5%
170	008353	38	21.1%
171	008354	220	122.0%*
172	008355	87	48.2%
173	008356	25	13.9%
174	008357	137	76.0%



**San Diego Police Department**  
**Alcohol Arrests & Cites - By Census Tract**  
**(Excluding Unknown Tracts)**  
**January to December 2022**

2010 Census Tract	Alcohol Violations	Tract Total as % of Average Tract
008348	0	0.0%
008349	8	47.9%
<b>008350</b>	13	<b>77.9%</b>
008351	2	12.0%
008352	0	0.0%
008353	0	0.0%
008354	7	41.9%
008355	6	35.9%
008356	0	0.0%
008357	6	35.9%
<b>008358</b>	<b>32</b>	<b>191.7%</b>
008359	15	89.9%
008360	14	83.9%
008361	4	24.0%
008362	1	6.0%
008363	1	6.0%
008364	4	24.0%
008365	0	0.0%
008366	1	6.0%
008501	8	47.9%
008502	11	65.9%
008503	7	41.9%
008504	13	77.9%
008505	15	89.9%
008506	3	18.0%
<b>008507</b>	<b>23</b>	<b>137.8%</b>
008509	15	89.9%
008510	8	47.9%
<b>008511</b>	<b>48</b>	<b>287.6%</b>
008512	8	47.9%
008513	3	18.0%
008600	11	65.9%
008701	2	12.0%
008702	16	95.9%
008800	4	24.0%
008901	5	30.0%
<b>008902</b>	<b>22</b>	<b>131.8%</b>
009000	2	12.0%
<b>009101</b>	<b>23</b>	<b>137.8%</b>
009102	5	30.0%
009103	6	35.9%

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
NUMBER OF LICENSES AUTHORIZED  
BY CENSUS TRACT

County Name	County Population	County Ratio On Sale	County Ratio Off Sale	Census Tract #	Census Tract Population	On Sale	Off Sale
SAN DIEGO	3,315,404	739	1,600	83.03	3,531	4	2
SAN DIEGO	3,315,404	739	1,600	83.05	14,126	19	8
SAN DIEGO	3,315,404	739	1,600	83.06	3,163	4	1
SAN DIEGO	3,315,404	739	1,600	83.07	3,887	5	2
SAN DIEGO	3,315,404	739	1,600	83.10	5,731	7	3
SAN DIEGO	3,315,404	739	1,600	83.11	2,849	3	1
SAN DIEGO	3,315,404	739	1,600	83.12	3,787	5	2
SAN DIEGO	3,315,404	739	1,600	83.13	2,245	3	1
SAN DIEGO	3,315,404	739	1,600	83.24	6,745	9	4
SAN DIEGO	3,315,404	739	1,600	83.27	6,247	8	3
SAN DIEGO	3,315,404	739	1,600	83.28	8,213	11	5
SAN DIEGO	3,315,404	739	1,600	83.30	5,524	7	3
SAN DIEGO	3,315,404	739	1,600	83.31	2,568	3	1
SAN DIEGO	3,315,404	739	1,600	83.36	2,191	2	1
SAN DIEGO	3,315,404	739	1,600	83.37	4,358	5	2
SAN DIEGO	3,315,404	739	1,600	83.39	1,886	2	1
SAN DIEGO	3,315,404	739	1,600	83.43	4,322	5	2
SAN DIEGO	3,315,404	739	1,600	83.44	3,609	4	2
SAN DIEGO	3,315,404	739	1,600	83.45	3,609	4	2
SAN DIEGO	3,315,404	739	1,600	83.46	4,831	6	3
SAN DIEGO	3,315,404	739	1,600	83.47	6,598	8	4
SAN DIEGO	3,315,404	739	1,600	83.48	5,178	7	3
SAN DIEGO	3,315,404	739	1,600	83.49	3,526	4	2
SAN DIEGO	3,315,404	739	1,600	83.50	6,228	8	3
SAN DIEGO	3,315,404	739	1,600	83.51	4,393	5	2
SAN DIEGO	3,315,404	739	1,600	83.52	3,544	4	2
SAN DIEGO	3,315,404	739	1,600	83.53	4,941	6	3
SAN DIEGO	3,315,404	739	1,600	83.55	3,366	4	2
SAN DIEGO	3,315,404	739	1,600	83.56	3,697	5	2
SAN DIEGO	3,315,404	739	1,600	83.57	4,500	6	2
SAN DIEGO	3,315,404	739	1,600	83.58	6,856	9	4
SAN DIEGO	3,315,404	739	1,600	83.59	4,121	5	2
SAN DIEGO	3,315,404	739	1,600	83.60	6,159	8	3
SAN DIEGO	3,315,404	739	1,600	83.61	2,616	3	1
SAN DIEGO	3,315,404	739	1,600	83.62	3,334	4	2
SAN DIEGO	3,315,404	739	1,600	83.63	5,025	6	3
SAN DIEGO	3,315,404	739	1,600	83.64	5,132	6	3
SAN DIEGO	3,315,404	739	1,600	83.65	2,881	3	1
SAN DIEGO	3,315,404	739	1,600	83.66	7,113	9	4
SAN DIEGO	3,315,404	739	1,600	83.67	3,491	4	2
SAN DIEGO	3,315,404	739	1,600	83.68	6,580	8	4
SAN DIEGO	3,315,404	739	1,600	83.69	3,151	4	1
SAN DIEGO	3,315,404	739	1,600	83.70	4,080	5	2
SAN DIEGO	3,315,404	739	1,600	83.71	4,434	6	2
SAN DIEGO	3,315,404	739	1,600	83.72	4,260	5	2

I/NetViewer

Search:

1000 Rows ( 1-20 )

- [Main](#)
- [Events](#)
- [Units](#)
- [Messages](#)
- [Lineups](#)
- [Inquiry](#)
- [Configure](#)

Event Search Results ( 5 Returned) [New Event Search](#)

Date Range:  Show All Events

Events From 04/09/22 - 04/09/23 See search criteria

Agency	DGroup	Date/Time	Event	Type	Primary Unit	Location	Status	Priority	Beat
SDPD	P9	04/21/22 20:22:41	E22040031425	20002	115Y2	5706 MIRAMAR RD SD	Closed - Assigned	1	931
SDPD	P9	05/07/22 16:42:48	E22050009859	5150	931Y2	5706 MIRAMAR RD SD	Closed - Assigned	2	931
SDPD	P9	09/19/22 18:34:34	E22090027667	1183	937Y2	5706 MIRAMAR RD SD	Closed - Assigned	0	931
SDPD	P9	03/11/23 19:10:35	E23030016240	FS	931Y2	5706 MIRAMAR RD SD	Closed - Assigned	2	931
SDPD	P9	03/14/23 19:37:30	E23030020754	415		5706 MIRAMAR RD SD	Closed - Assigned	2	931





CALIFORNIA DEPARTMENT OF

# Alcoholic Beverage Control

Having trouble viewing the report?

**Results for:** Active Off-Sale Retail License

**County:** SAN DIEGO County

**Census Tract:** 83.50

**Report Date:** Sunday, April 09, 2023

## Search

Results will be filtered as you type

0 Results

## License Number: 462703

**Status:**ACTIVE **License Type:**20 **Orig. Iss. Date:**12/31/2007 **Expir. Date:**03/31/2024 **Primary Owner:**

6695 MIRA MESA BLVD,  
SAN DIEGO, CA 92121-6312

S & L OIL INC **Premises Addr.:**Census Tract: 0083.50 **Business Name:** VIPER WAY SHELL **Geo Code:**3710

## License Number: 467510

**Status:**SUREND **License Type:**21 **Orig. Iss. Date:**01/12/2009 **Expir. Date:**12/31/2023 **Primary Owner:**

6755 MIRA MESA BLVD, STE 128,  
SAN DIEGO, CA 92121-4392

BEVERAGES & MORE INC **Premises Addr.:**Census Tract: 0083.50 **Business Name:** BEVERAGES & MORE

**Geo Code:**3710

## License Number: 632487

**Status:**ACTIVE **License Type:**20 **Orig. Iss. Date:**12/14/2021 **Expir. Date:**07/31/2023 **Primary Owner:**

9030 CARROLL WAY, STE 8,  
SAN DIEGO, CA 92121-2417

DOCG IMPORTS LLC **Premises Addr.:**Census Tract: 0083.50 **Business Name:** DOCG IMPORTS **Geo Code:**

3710

## License Number: 635468

**Status:**ACTIVE **License Type:**20 **Orig. Iss. Date:**04/19/2022 **Expir. Date:**03/31/2024 **Primary Owner:**

7094 MIRAMAR RD, STE 104,  
SAN DIEGO, CA 92121-2311

MIRAMAR MART, INC **Premises Addr.:**Census Tract: 0083.50 **Business Name:** KIMS MART **Geo Code:**3710

## License Number: 639677

**Status:**ACTIVE **License Type:**21 **Orig. Iss. Date:**09/21/2022 **Expir. Date:**08/31/2023 **Primary Owner:**

6904 MIRAMAR RD, STE 201,  
SAN DIEGO, CA 92121

VINTAGE WINES LLC **Premises Addr.:**Census Tract: 0083.50 **Business Name:** VINTAGE WINES LTD

**Geo Code:**3710

## License Number: 476590

**Status:**ACTIVE **License Type:**20 **Orig. Iss. Date:**05/11/2009 **Expir. Date:**04/30/2024 **Primary Owner:**

6616 MIRAMAR RD,  
SAN DIEGO, CA 92121-2509

MIRAMAR PETROLEUM INC **Premises Addr.:**Census Tract: 0083.50 **Business Name:** ARCO AMPM

**Geo Code:**3710

## License Number: 609739

**Status:**ACTIVE **License Type:**20 **Orig. Iss. Date:**06/22/2020 **Expir. Date:**05/31/2023 **Primary Owner:**

6795 MIRA MESA BLVD,  
SAN DIEGO, CA 92121-4336

MIRA MESA OIL, INC. **Premises Addr.:**Census Tract: 0083.50 **Business Name:** **Geo Code:**3710

## License Number: 565641

**Status:**ACTIVE **License Type:**85 **Orig. Iss. Date:**02/12/2016 **Expir. Date:**01/31/2023 **Primary Owner:**

6323 NANCY RIDGE DR,  
SAN DIEGO, CA 92121-6201

EXCLAMATIONS, INC **Premises Addr.:**Census Tract: 0083.50 **Business Name:** EXCLAMATIONS INC

**Geo Code:**3710

## License Number: 427459

**Status:**ACTIVE **License Type:**21 **Orig. Iss. Date:**08/15/2005 **Expir. Date:**02/29/2024 **Primary Owner:**ZALAK INC

6780 MIRAMAR RD, STES 107 & 109,  
SAN DIEGO, CA 92121

**Premises Addr.:**Census Tract: 0083.50

**Business Name:** GALLERIA LIQUOR **Geo Code:**3710

## License Number: 452901

**Status:**ACTIVE **License Type:**21 **Orig. Iss. Date:**05/31/2007 **Expir. Date:**04/30/2023 **Primary Owner:**

6755 MIRA MESA BLVD, STE 125,  
SAN DIEGO, CA 92121-4311

PLAZA WINE LLC **Premises Addr.:**Census Tract: 0083.50

**Business Name:** PLAZA WINE & SPIRITS

**Geo Code:**3710

## License Number: 610394

**Status:**SUREND **License Type:**21 **Orig. Iss. Date:**12/23/2020 **Expir. Date:**11/30/2023 **Primary Owner:**

5706 MIRAMAR RD,  
SAN DIEGO, CA 92121-2523

AY OIL, INC **Premises Addr.:**Census Tract: 0083.50

**Business Name:** STARS & STRIPES TRAVEL CENTER

**Geo Code:**3710

## License Number: 593775

**Status:**ACTIVE **License Type:**20 **Orig. Iss. Date:**05/16/2019 **Expir. Date:**04/30/2023 **Primary Owner:**

6755 MIRA MESA BLVD, STE 130,  
SAN DIEGO, CA 92121-4311

AI CALIFORNIA LLC **Premises Addr.:**Census Tract: 0083.50

**Business Name:** ALDI **Geo Code:**3710

## License Number: 529219

**Status:**ACTIVE **License Type:**20 **Orig. Iss. Date:**02/20/2013 **Expir. Date:**01/31/2024 **Primary Owner:**

7080 MIRAMAR RD, STE 100,  
SAN DIEGO, CA 92121-2315

SAN DIEGO WINE CO., INC. **Premises Addr.:**Census Tract: 0083.50

**Business Name:** SAN DIEGO WINE CO

**Geo Code:**3710

## License Number: 632423

**Status:**ACTIVE **License Type:**20 **Orig. Iss. Date:**01/18/2022 **Expir. Date:**12/31/2023 **Primary Owner:**AY OIL, INC

5706 MIRAMAR RD,  
SAN DIEGO, CA 92121-2523

**Premises Addr.:**Census Tract: 0083.50 **Business Name:** STARS AND STRIPES **Geo Code:**3710

---

## License Number: 639287

**Status:**ACTIVE **License Type:**20 **Orig. Iss. Date:**08/30/2022 **Expir. Date:**07/31/2023 **Primary Owner:**

8210 CAMINO SANTA FE,  
SAN DIEGO, CA 92121-3219

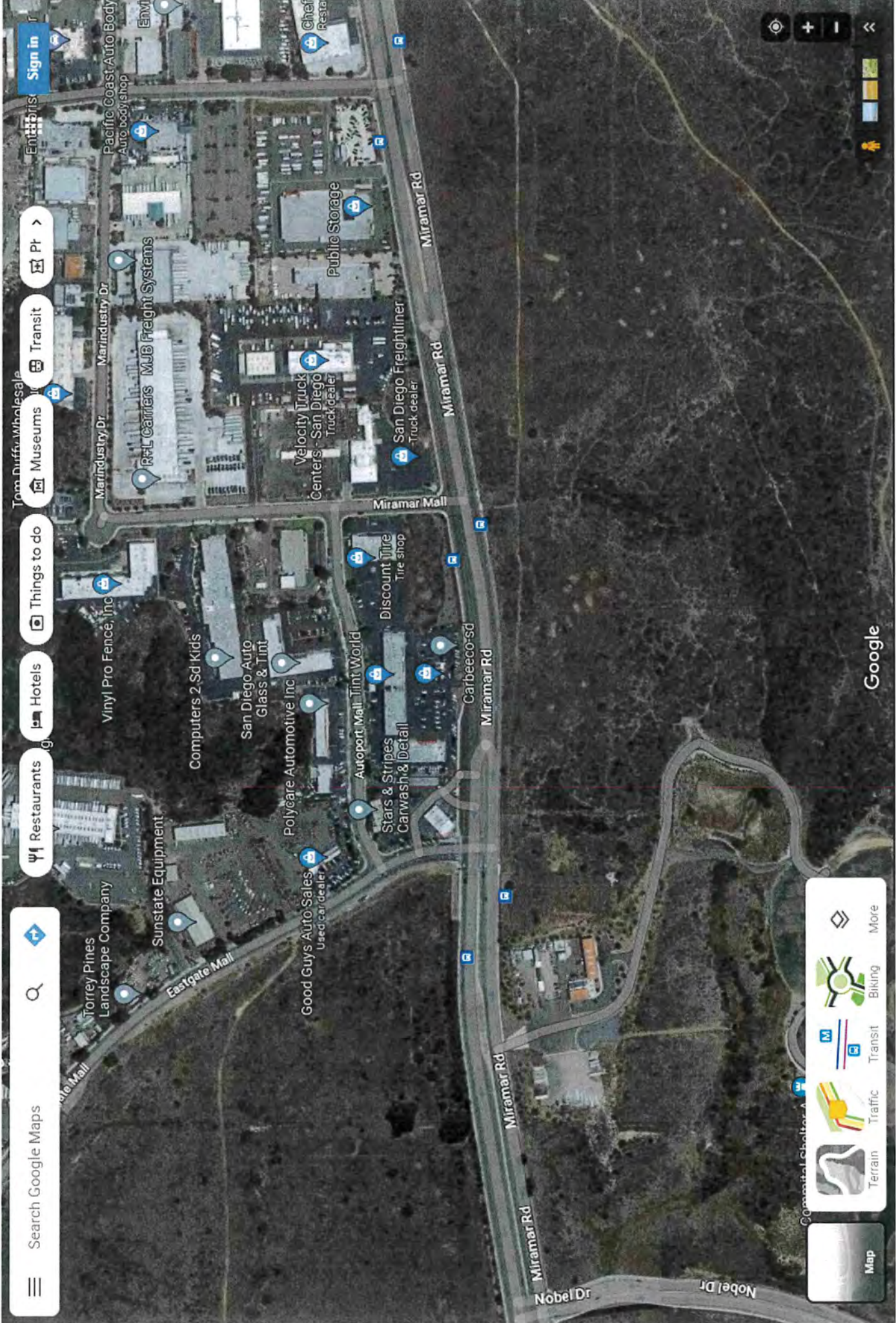
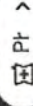
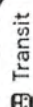
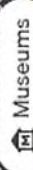
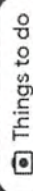
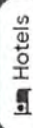
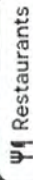
H&S ENERGY PRODUCTS, LLC **Premises Addr.:**Census Tract: 0083.50 **Business Name:**

H&S ENERGY PRODUCTS, LLC STORE #2066 **Geo Code:**3710

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Search Google Maps



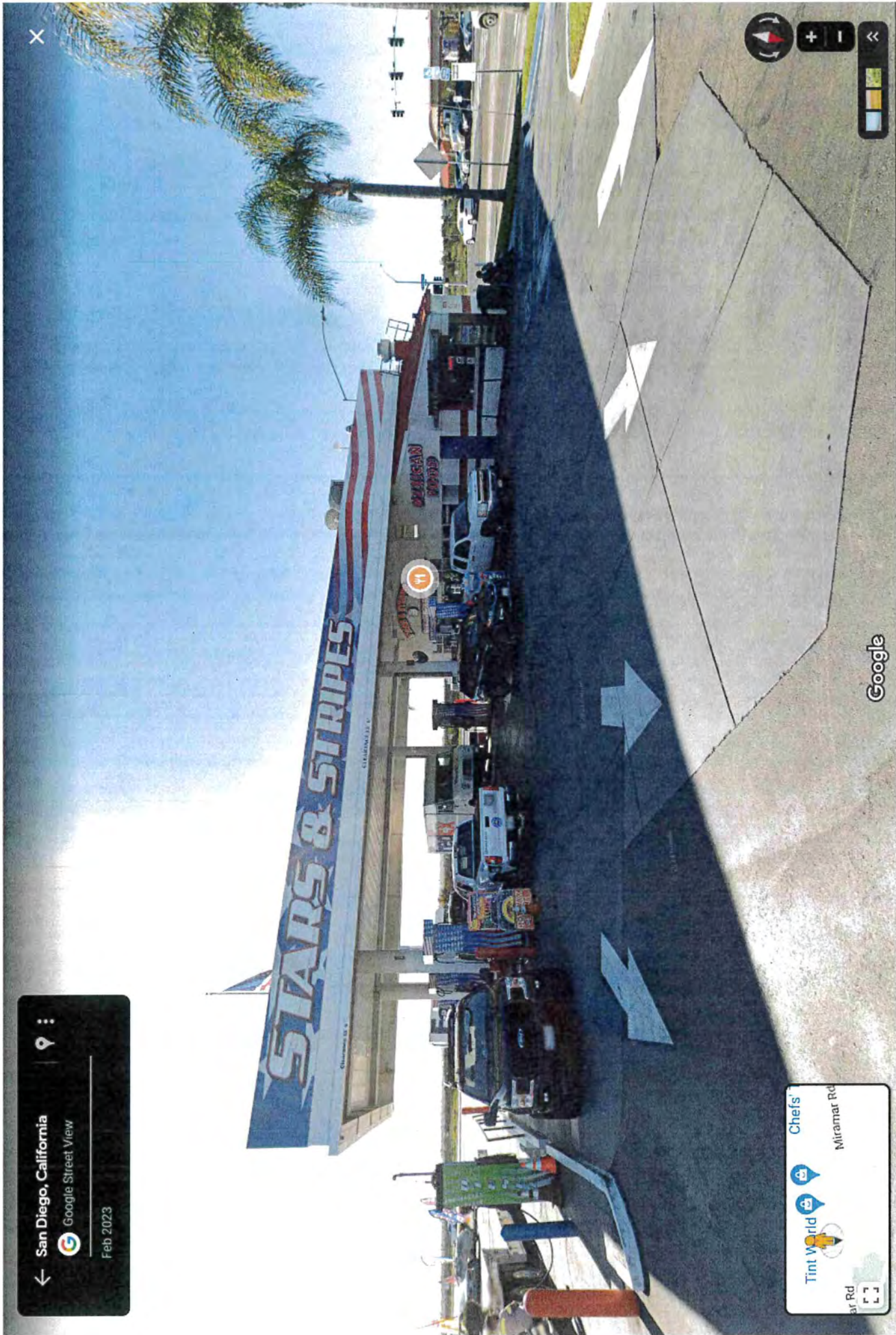
Google

Map

Terrain Traffic Transit Biking More



San Diego, California  
Google Street View  
Feb 2023



Tint World  
Chefs  
Miramar Rd

Google

Navigation controls: compass, zoom in (+), zoom out (-), and back (<<).



# EMA CUP RENEWAL

## PROJECT DATA

## PROJECT DIRECTORY

## DRAWINGS INDEX

**PROJECT INTENT:** PERMIT RENEWAL OF CONDITIONAL USE PERMIT NO. 98-0553. ALL EXISTING FEATURES TO REMAIN WITH NO PROPOSED PRIVATE IMPROVEMENTS.

**PROJECT DESCRIPTION:** THIS PROJECT IS A CONDITIONAL USE PERMIT RENEWAL FOR CUP 98-0553 AND IS BEING SUBMITTED PRIOR TO THE GRANTING CUP'S EXPIRATION ON APRIL 17, 2021 PURSUANT TO CONDITION 20 OF THE GRANTING CUP. THE SITE CONSISTS OF A 4,400 SQ.FT. CAR WASH, A 2,250 SQ.FT. CONVENIENCE STORE WITH SIX FUELING PUMPS AND A 2,862 SQ.FT. AUTO REPAIR FACILITY WITH A TOTAL LOT SIZE OF 1.457 ACRES. THE SITE HAS REMAINED IN COMPLIANCE WITH THE GRANTING CUP AND APPLICABLE CONDITIONS AND REMAINS IN GOOD STANDING WITH THE COUNTY OF SAN DIEGO DEPARTMENT OF ENVIRONMENTAL HEALTH (PERMIT ID: DEH2015-FFPP-004907) AND THE AIR POLLUTION CONTROL DISTRICT (PERMIT ID: APCD2009-PTO-020317). NO NEW STRUCTURES OR USES ARE BEING PROPOSED AS PART OF THIS PROJECT. NO NEW IMPERVIOUS AREA IS BEING PROPOSED AS PART OF THIS PROJECT AND THEREFOR IS NOT SUBJECT TO PERMANENT STORM WATER REQUIREMENTS. NO NEW LANDSCAPING IS BEING PROPOSED. BUSINESS OPERATIONS INCLUDING HOURS OF OPERATION WILL REMAIN THE SAME.

**SITE ADDRESSES:** 5706-26 MIRAMAR ROAD  
SAN DIEGO, CA 92121

**EXISTING USE:** CARWASH

**ASSESSORS PARCEL NUMBER:** 343-260-06

**ZONING:** IL-2-1

**CBC OCCUPANCY CLASSIFICATION:** BUSINESS GROUP B

**OWNER:** EASTGATE MIRAMAR ASSOCIATES  
10721 TREENA ST #200  
SAN DIEGO, CA 92131

**CIVIL:** NAJARS ENGINEERING  
772 JAMACHA RD #157  
EL CAJON, CA 92019  
619-971-7514

A1.0 COVER TITLE SHEET  
A1.1 STORMWATER CHECKLIST SHEET  
A2.0 EX SITE CONDITIONS  
A3.0 EX GAS STATION FLOOR PLAN  
A3.1 EX GAS STATION ELEVATIONS  
A3.2 EX GAS STATION ELEVATIONS  
A4.0 EX AUTO REPAIR FLOOR PLAN  
A4.1 EX AUTO REPAIR ELEVATIONS  
A5.0 EX CARWASH FLOOR PLAN  
A5.1 EX CARWASH ELEVATIONS  
A5.2 EX CARWASH ELEVATIONS

### EXISTING FLOOR AREA:

CAR WASH: 4,400 SQ FT  
CONVENIENCE STORE: 2,250 SQ FT  
AUTO REPAIR: 2,862 SQ FT

TOTAL AREA: 9,512 SQ FT

### DEVELOPMENT REGULATION:

	REQUIRED	ACTUAL
LOT AREA MINIMUM	15,000'	63,598'
LOT DIMENSION		
MIN LOT WIDTH	75'	250'
MIN STREET FRONTAGE	75'	250'
MIN LOT DEPTH	100'	210'
MAX LOT DEPTH	--	--
SETBACK REQUIREMENTS		
MIN FRONT	15'	15'
STD FRONT	20'	--
MIN SIDE	10'	--
MIN STREET SIDE	15'	3.5'
STD STREET SIDE	20'	--
MIN REAR	0'	0'
MAXIMUM STRUCTURE HEIGHT	--	20'

### ZONING DESIGNATION

BASE ZONE	IL-2-1
AIRPORT LAND USE	MCAS Miramar
COMMUNITY PLAN IMPLEMENTATION	CPI02-B
EARTHQUAKE FAULT BUFFERS	GEOLOGIC HAZARD CATEGORY 12
WATERSHED	PENASQUITOS
UNIFIED SCHOOL DISTRICT	UNIFIED SAN DIEGO

### PARKING:

	EXISTING
TOTAL SPACES (OUTSIDE TRANSIT AREA) INCLUDING ACCESSIBLE SPACES	39
TOTAL ACCESSIBLE SPACES	3
TOTAL MOTORCYCLE PARKING SPACE	0
TOTAL BICYCLE PARKING SPACES	0

## LEGAL DESCRIPTION

## SITE NOTES:

## FLOOD ZONE:

## SITE AGENCY SERVICES

LOT 6 OF MIRAMAR 805 PROJECT, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 10031, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 13, 1981

- FLOOD ZONE X: AREA OF MINIMAL FLOOD HAZARD  
- PARCEL IS NOT LOCATED WITHIN SPECIAL FLOOD HAZARD ZONE.

SEWER AGENCY: CITY OF SAN DIEGO  
WATER AGENCY: CITY OF SAN DIEGO  
SCHOOL DISTRICT: UNIFIED SAN DIEGO

## CUP NOTES:

## UTILITY NOTES:

## PERVIOUS/IMPERVIOUS QUANTITIES:

THIS PROJECT HAS BEEN CONSTRUCTED IN CONFORMANCE TO CITY OF SAN DIEGO CONDITIONAL USE PERMIT NO.: 98-0553.

**EXISTING WATER & SEWER LATERALS:** ALL EXISTING WATER AND SEWER LATERAL ARE TO BE PROTECTED IN PLACE.

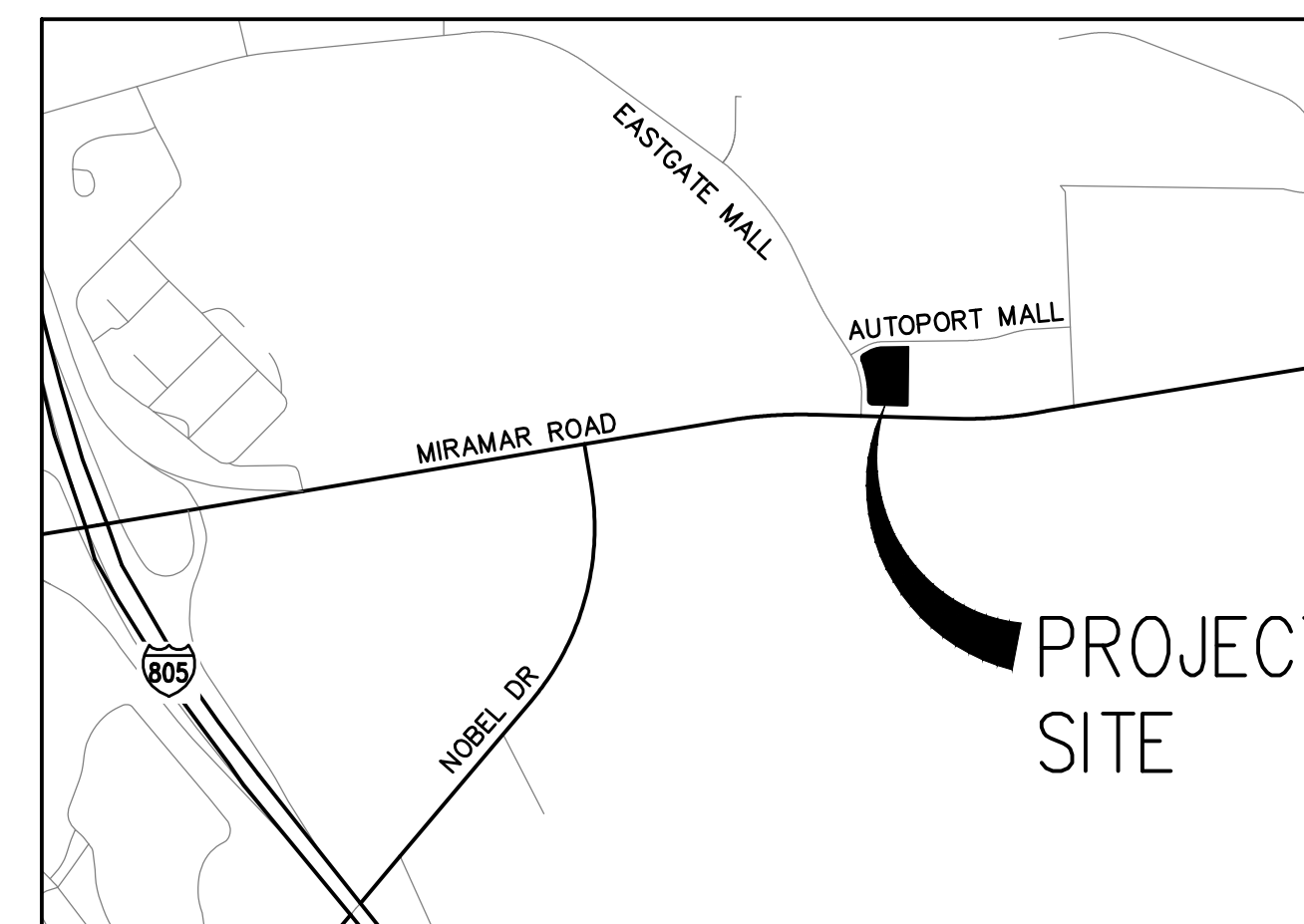
**EXISTING CONDITION:**  
- PERVIOUS AREA: 9,730SF (0.223AC)  
- IMPERVIOUS AREA: 53,737SF (1.234AC)  
- TOTAL AREA: 63,598SF (1.457AC)

THIS PROJECT SHALL COMPLY WITH THE 2019 CALIFORNIA BUILDING CODE THAT ADOPTS THE 2018 IBC, 2018 UMC, 2018 UPC AND 2019 NEC.

**PROPOSED WATER & SEWER LATERALS:** THERE ARE NO PROPOSED WATER AND/OR SEWER LATERALS AS PART OF THE SCOPE OF THIS PROJECT.

**PROPOSED CONDITION:** (NOT APPLICABLE)

IT IS NOT ANTICIPATED THAT ANY WATER AND/OR SEWER LATERALS AND/OR MAINS TO BE ABANDONED/KILLED/REROUTED AS PART OF THE SCOPE OF THIS PROJECT.



VICINITY MAP  
NOT TO SCALE

## LEGEND

PROPERTY LINE/RIGHT OF WAY	---
RIGHT OF WAY	----
EASEMENT	- - - -
EX CURB	=====
EX CURB & GUTTER	=====
STRIPING	=====
EX WATER LINE	— W —
EX STORM DRAIN LINE	— SD —
EX SANITARY SEWER LINE	— SS —
EX SEWER MANHOLE	○
EX PCC PAVEMENT	[Pattern]
EX AC PAVEMENT	[Pattern]
EX LANDSCAPE	[Pattern]
EX NO. OF PARKING SPACES	③

REV	DESCRIPTION	DATE

**NAJARS ENGINEERING, INC.**  
772 JAMACHA RD #157, EL CAJON, CA 92019  
PHONE (619) 971-7514 EMAIL: BGN@NAJARSGMAIL.COM

**EMA CUP RENEWAL**  
5726 MIRAMAR ROAD  
SAN DIEGO, CA 92121

**TITLE SHEET**

DESIGNER: BGN  
DRAWN BY: BGN  
CHECKED BY: BGN

DATE: 11/03/2020

JOB NO. 395

SHEET 1 OF 11

**A1.0**

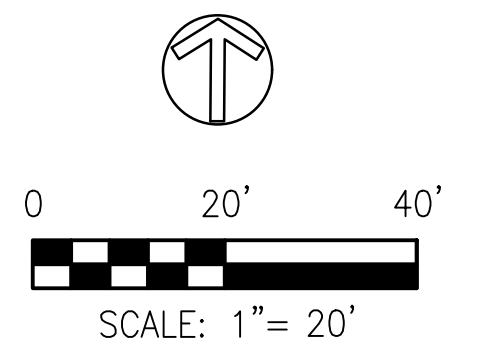
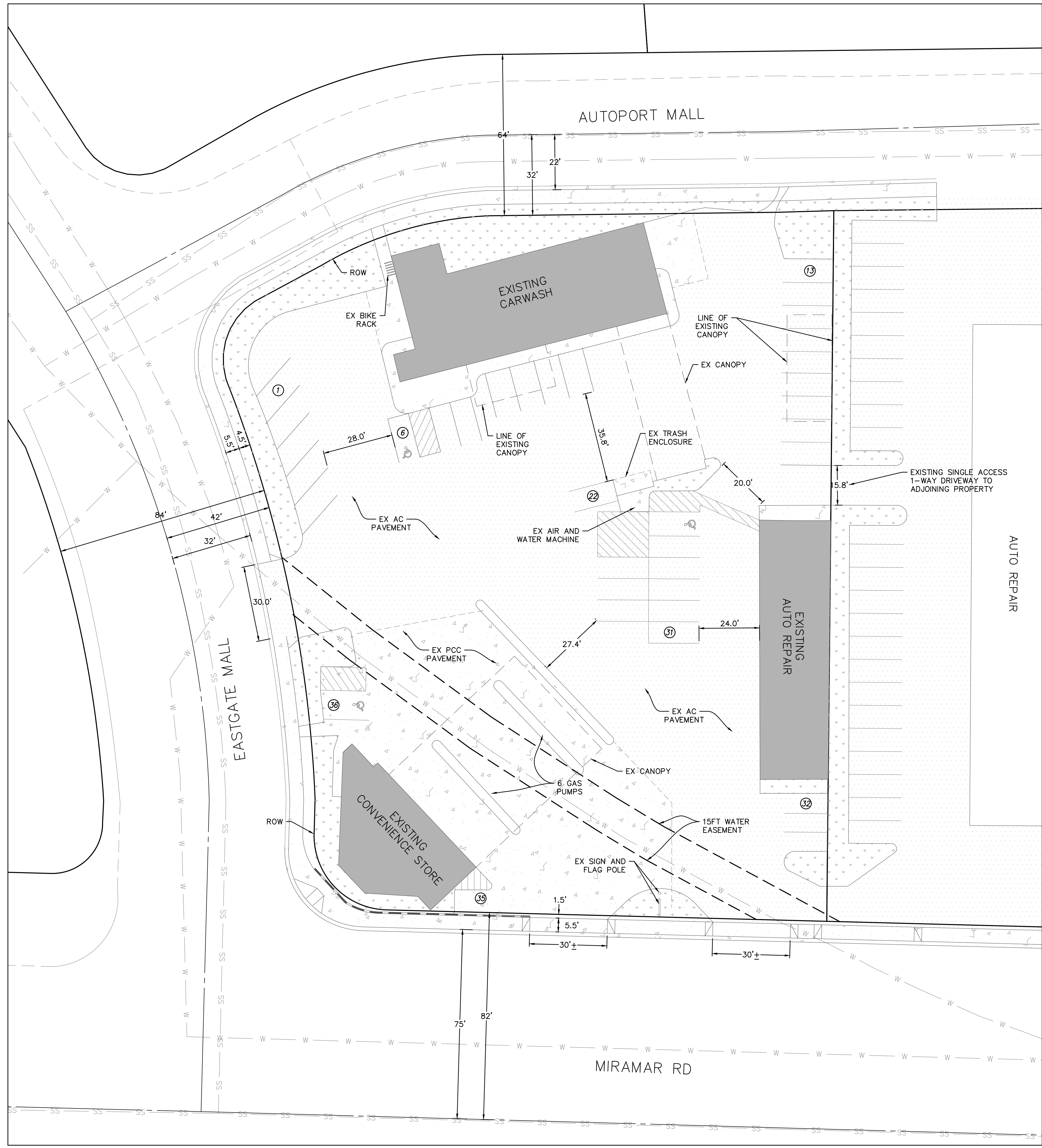
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FILE NAME: C:\Users\Najars\OneDrive\Projects\300\395 Stars and Stripes CUP Renewal\Cadd\A2.0.dwg LAYOUT NAME: Layout1 PLOTTED: Thursday, January 28, 2021 - 10:19am USER: Najars\EngineeringPC2



REV	DESCRIPTION	DATE

**NAJARS ENGINEERING, INC.**  
 772 JAMACHA RD #157, EL CAJON, CA 92019  
 PHONE (619) 971-7514 EMAIL: BGN@NAJAR.COM

**EMA CUP RENEWAL**  
 5726 MIRAMAR ROAD  
 SAN DIEGO, CA 92121

**EXISTING CONDITIONS**

DESIGNER: BGN  
 DRAWN BY: BGN  
 CHECKED BY: BGN

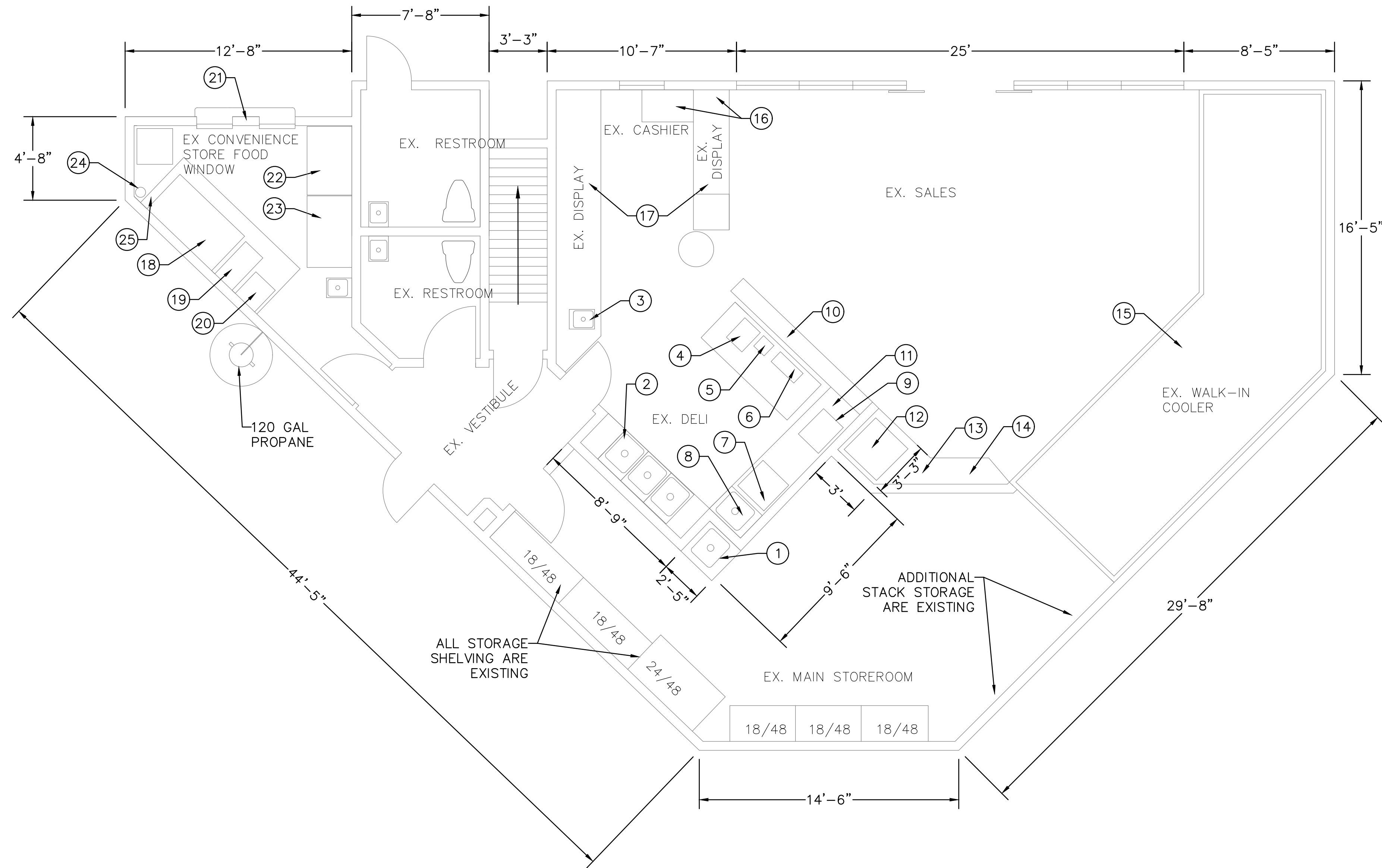
DATE: 11/03/2020

JOB NO. 395

SHEET 3 OF 11

**A2.0**

FILE NAME: C:\Users\Najars\OneDrive\Projects\300\395 Stars and Stripes CUP Renewal\Cad\A3.0.dwg LAYOUT NAME: Layout1 PLOTTED: Wednesday, February 03, 2021 - 9:48am USER: NajarsEngineeringPC2

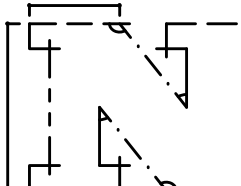


1  
-  
EX GAS STATION FLOOR PLAN  
SCALE: AS SHOWN

GRADING NOTES	
①	JANITOR MOP SINK
②	UTENSIL SINK
③	DROP-INHAND SINK
④	COFFEE DISPENSER
⑤	HOT WATER DISPENSER
⑥	MICROWAVE
⑦	SLICER
⑧	PREP SINK
⑨	PANINI
⑩	RETAIL COUNTER
⑪	SS COUNTER
⑫	DRINK DISPENSER W/ ICE MAKER
⑬	CUP, LID & STRAW DISPENSERS
⑭	SELF-SERVICE COUNTER
⑮	COOLER
⑯	CASH WRAP
⑰	DISPLAY
⑱	GRIDDLE UNDER 90"x42" HOOD
⑲	FRYER
⑳	POT TOP
㉑	WINDOW PASS THRU
㉒	HAND SINK
㉓	COOLER
㉔	ANSUL TANK
㉕	HOOD

REV	DESCRIPTION	DATE

REV	DESCRIPTION	DATE

  
**NAJARS ENGINEERING, INC.**  
 772 JAMACHA RD #157, EL CAJON, CA 92019  
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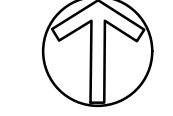
**EMA CUP RENEWAL**  
 5726 MIRAMAR ROAD  
 SAN DIEGO, CA 92121  
**EX GAS STATION FLOOR PLAN**

DESIGNER: BGN  
 DRAWN BY: BGN  
 CHECKED BY: BGN

DATE:  
11/03/2020

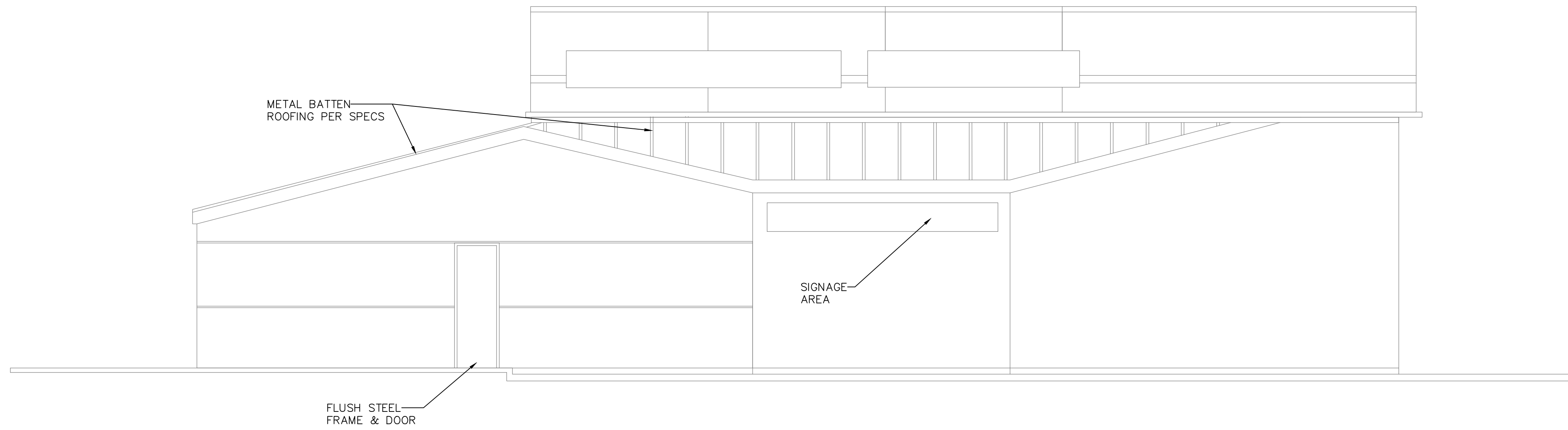
JOB NO.  
395

SHEET 4 OF 11

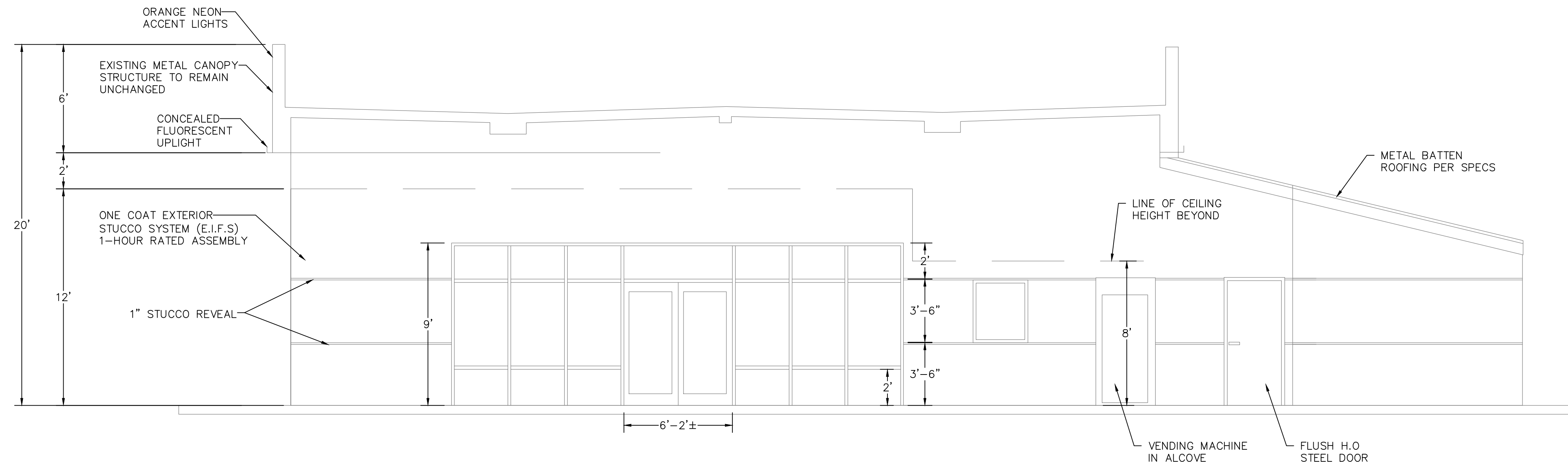
  
 1/4" = 1'-0"

A3.0

FILE NAME: C:\Users\Najars\OneDrive\Projects\300\395 Stars and Stripes CUP Renewal\Cad\A3.1.dwg LAYOUT NAME: Layout1 PLOTTED: Tuesday, January 26, 2021 - 4:50pm USER: NajarsEngineeringPC2



SOUTHWEST ELEVATION

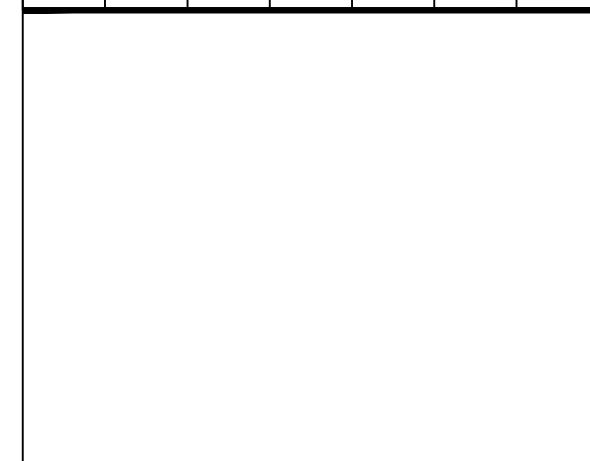


NORTHEAST ELEVATION

**1** EX GAS STATION ELEVATIONS  
SCALE: AS SHOWN

1/4" = 1'-0"

REV	DESCRIPTION	DATE



**NAJARS ENGINEERING, INC.**  
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**EMA CUP RENEWAL**  
5726 MIRAMAR ROAD  
SAN DIEGO, CA 92121

**EX GAS STATION ELEVATIONS**

DESIGNER: BGN  
DRAWN BY: BGN  
CHECKED BY: BGN

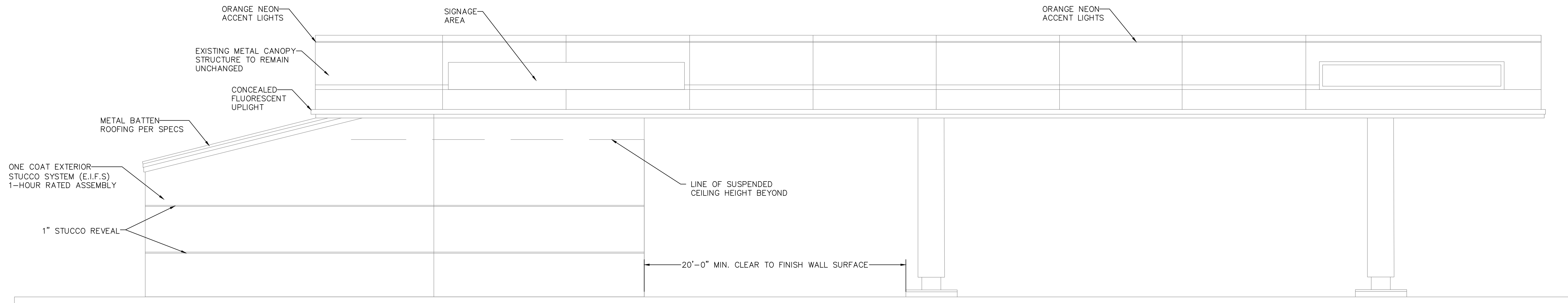
DATE: 11/03/2020

JOB NO. 395

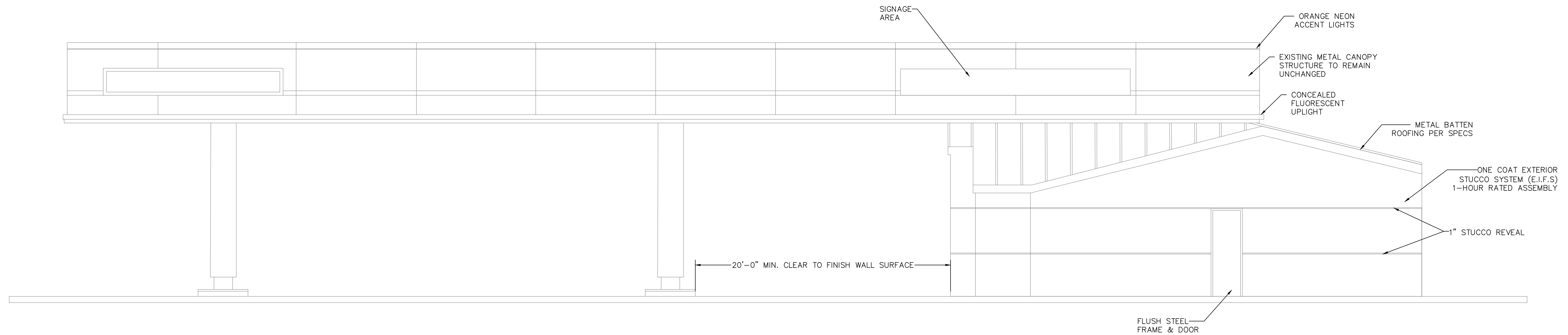
SHEET 5 OF 11

**A3.1**

FILE NAME: C:\Users\Najars\OneDrive\Projects\395 Stars and Stripes Cup Renewal\Cad\A3.2.dwg LAYOUT NAME: Layout1 PLOTTED: Tuesday, January 26, 2021 - 4:50pm USER: NajarsEngineeringPC2



SOUTHEAST ELEVATION



NORTHWEST ELEVATION

1 EX GAS STATION ELEVATIONS  
SCALE: AS SHOWN

1/4" = 1'-0"

REV	DESCRIPTION	DATE

**NAJARS ENGINEERING, INC.**  
772 JAMACHA RD #157, EL CAJON, CA 92019  
PHONE (619) 971-7514 EMAIL: BGN@NAJAR.COM

**EMA CUP RENEWAL**  
5726 MIRAMAR ROAD  
SAN DIEGO, CA 92121

**EX GAS STATION ELEVATIONS**

DESIGNER: BGN  
DRAWN BY: BGN  
CHECKED BY: BGN

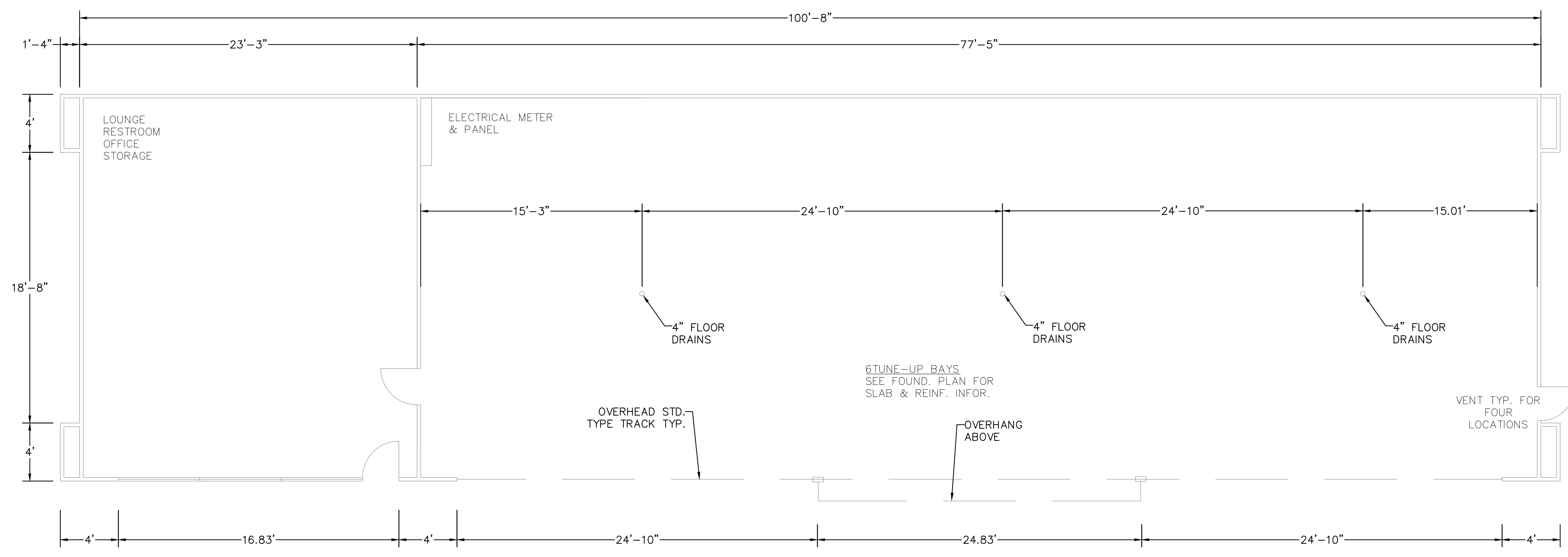
DATE: 11/03/2020

JOB NO. 395

SHEET 6 OF 11

**A3.2**

FILE NAME: C:\Users\Najars\OneDrive\Projects\395 Stars and Stripes CUP Renewal\Cad\A4.0.dwg LAYOUT NAME: Layout1 PLOTTED: Tuesday, January 26, 2021 - 4:50pm USER: NajarsEngineeringPC2



1  
-  
EX AUTO REPAIR FLOOR PLAN  
SCALE: AS SHOWN

1/4" = 1'-0"

REV	DESCRIPTION	DATE

NAJARS ENGINEERING, INC.  
772 JAMACHA RD #157, EL CAJON, CA 92019  
PHONE (619) 971-7514 EMAIL: BGN@NAJAR.COM

**EMA CUP RENEWAL**  
5726 MIRAMAR ROAD  
SAN DIEGO, CA 92121

**EX AUTO REPAIR FLOOR PLAN**

DESIGNER: BGN  
DRAWN BY: BGN  
CHECKED BY: BGN

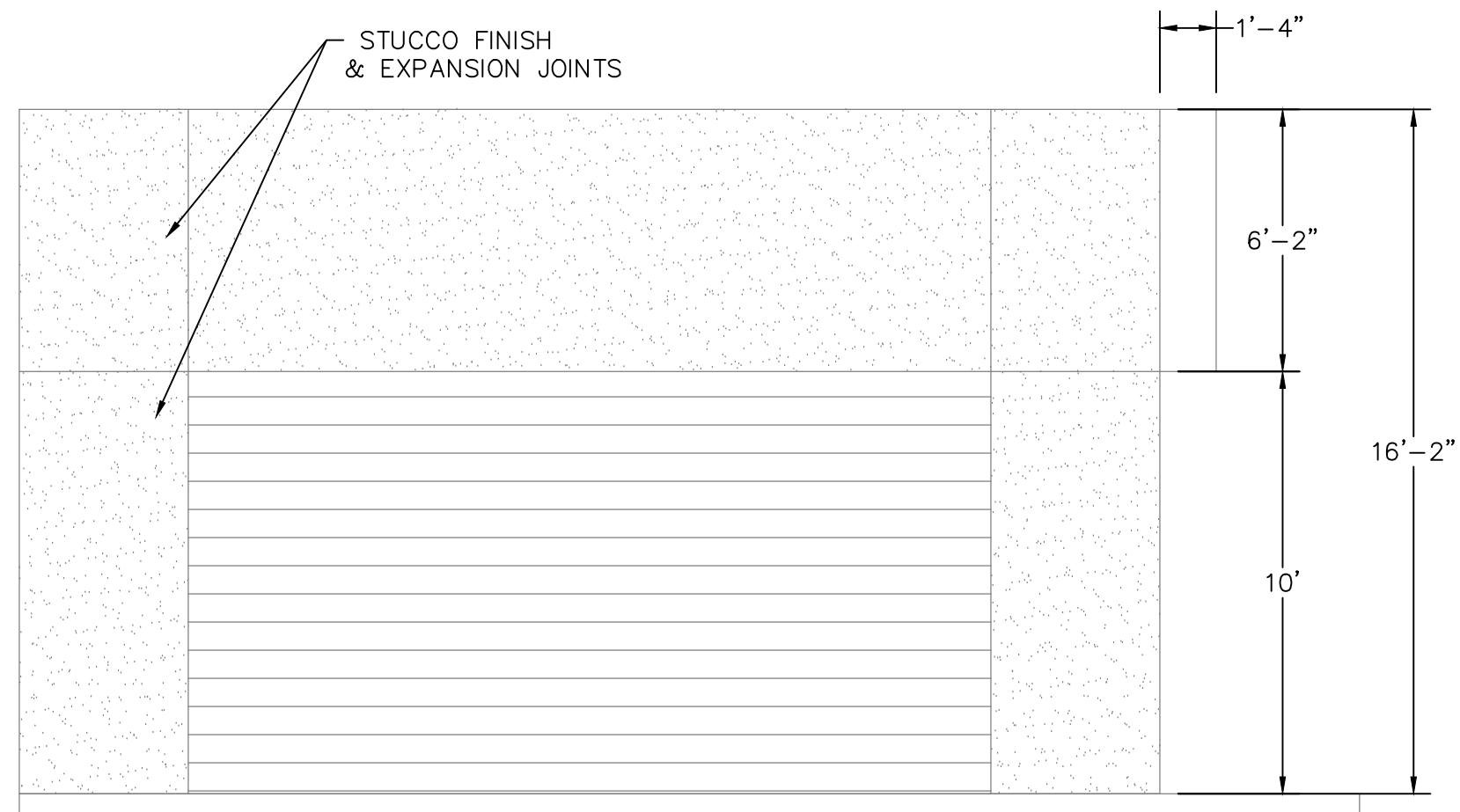
DATE: 11/03/2020

JOB NO. 395

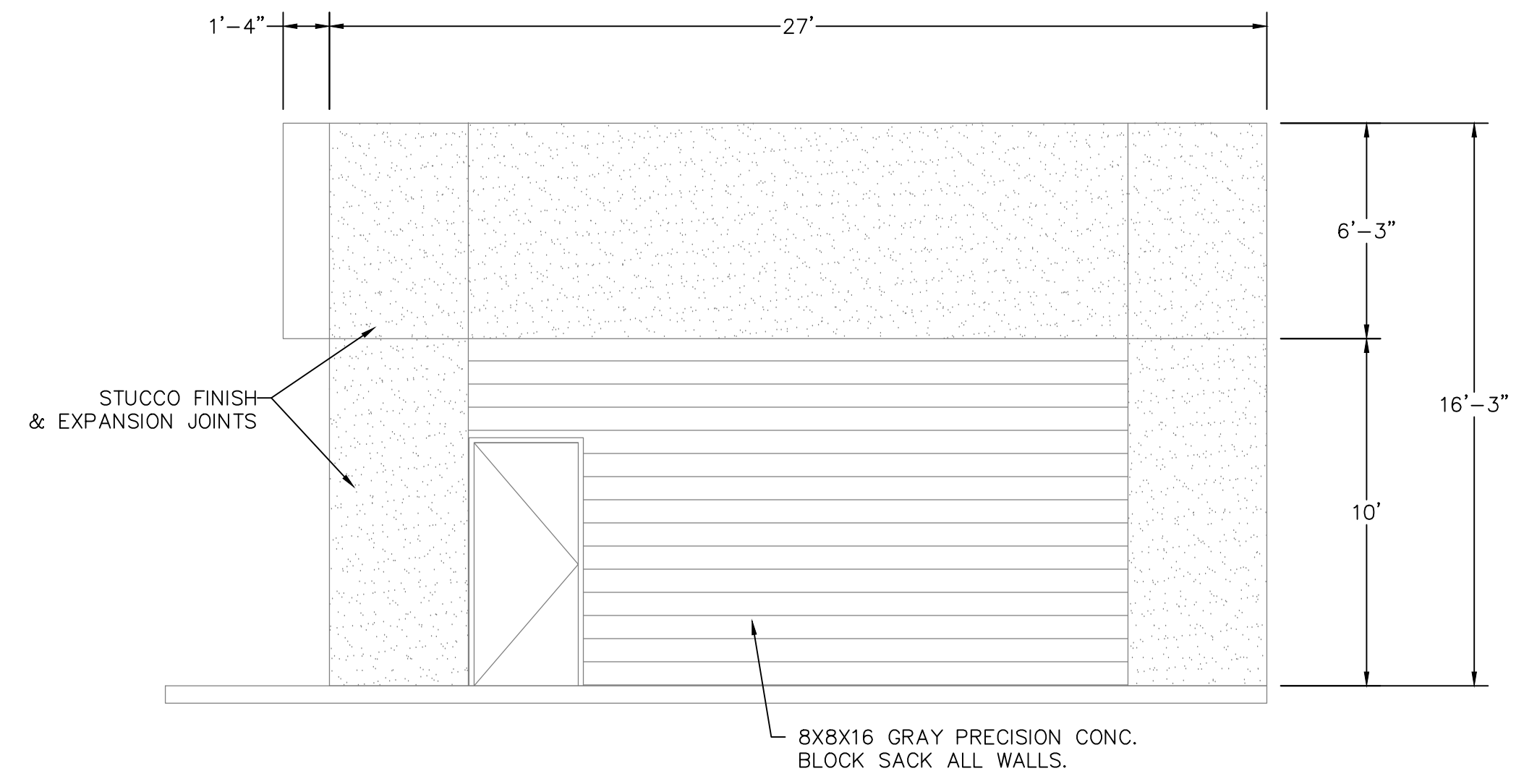
SHEET 7 OF 11

**A4.0**

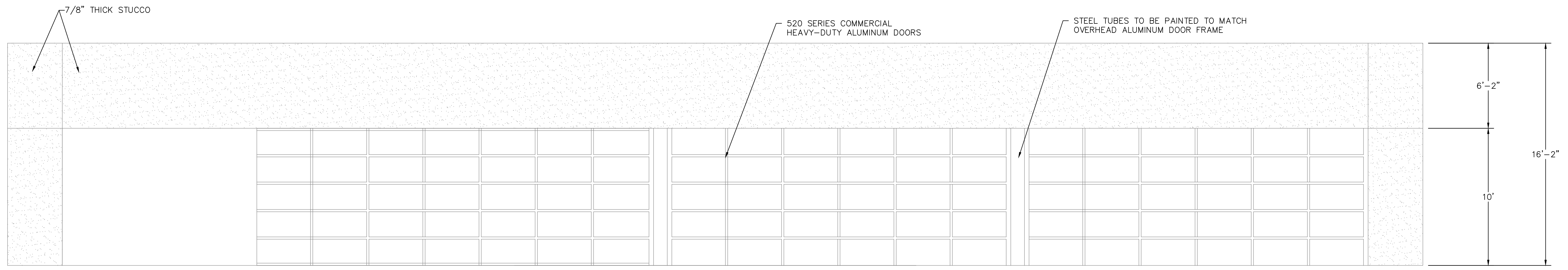




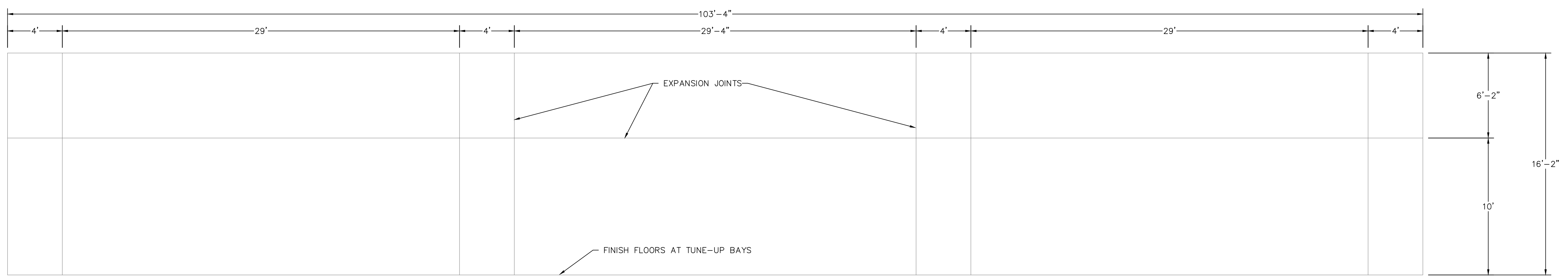
NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION



EAST ELEVATION

**EX AUTO REPAIR ELEVATIONS**  
SCALE: AS SHOWN

1/4" = 1'-0"

REV	DESCRIPTION	DATE

**NAJARS ENGINEERING, INC.**  
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**EMA CUP RENEWAL**  
5726 MIRAMAR ROAD  
SAN DIEGO, CA 92121

**EX AUTO REPAIR ELEVATIONS**

DESIGNER: BGN  
DRAWN BY: BGN  
CHECKED BY: BGN

DATE: 11/03/2020

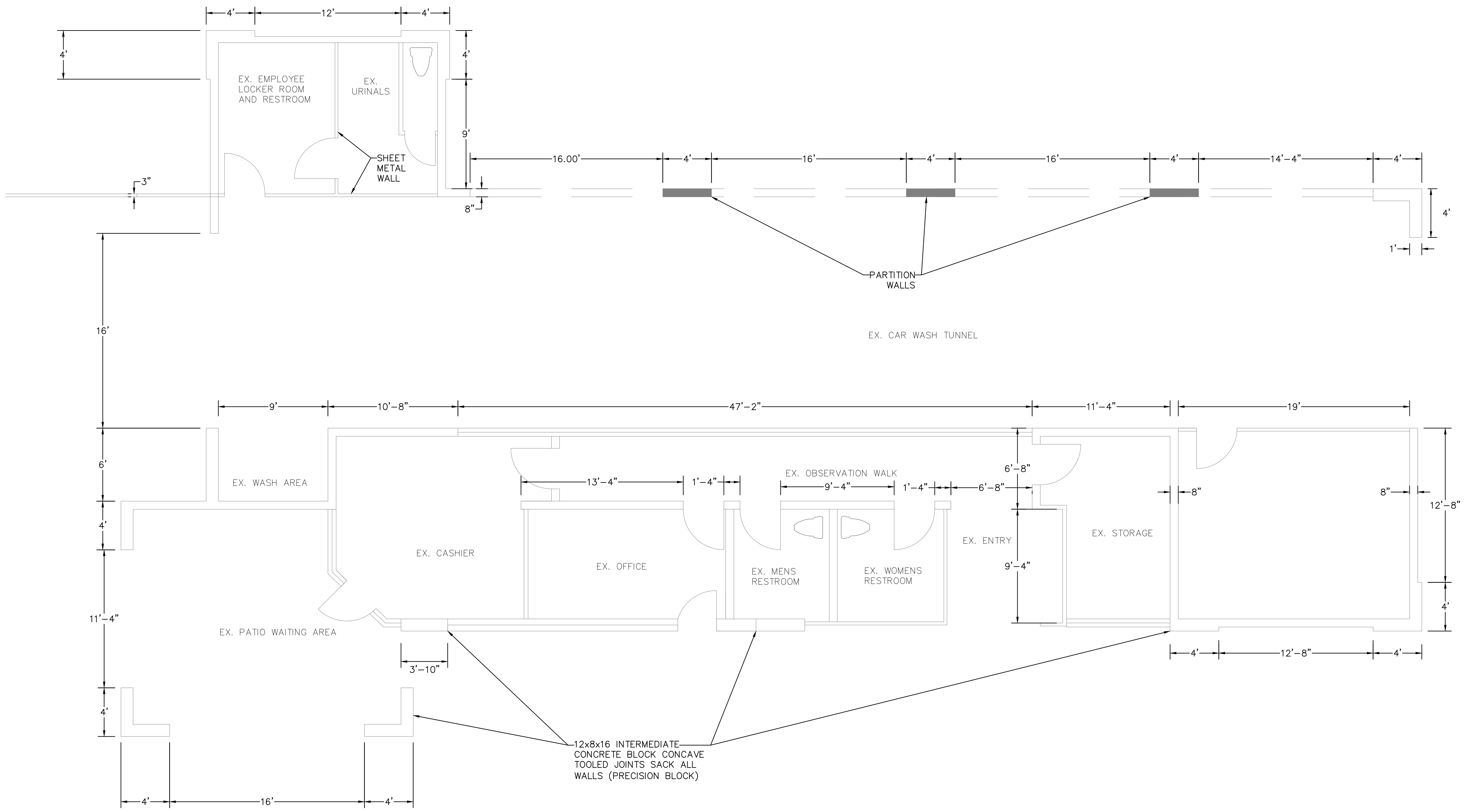
JOB NO. 395

SHEET 8 OF 11

**A4.1**

FILE NAME: C:\Users\Najars\OneDrive\Projects\395 Stars and Stripes CUP Renewal\Cad\A4.1.dwg LAYOUT NAME: Layout1 PLOTTED: Tuesday, January 26, 2021 - 4:56pm USER: NajarsEngineeringPC2

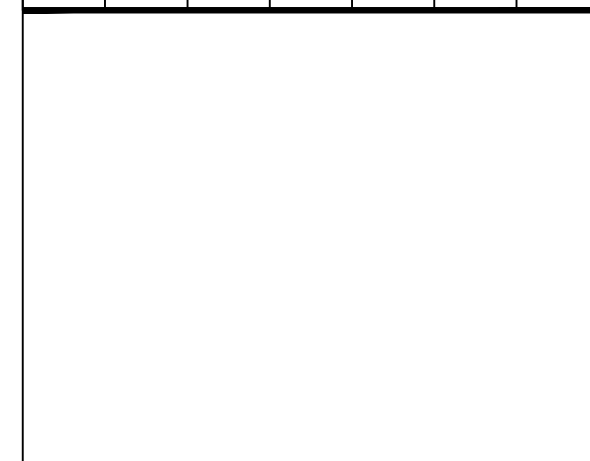
FILE NAME: C:\Users\Najars\OneDrive\Projects\395 Stars and Stripes CUP Renewal\Cadd\A5.0.dwg LAYOUT NAME: Layout1 PLOTTED: Tuesday, January 26, 2021 - 4:51 pm USER: NajarsEngineeringPC2



**1** EX CAR WASH FLOOR PLAN  
SCALE: AS SHOWN

1/4" = 1'-0"

REV	DESCRIPTION	DATE



**EMA CUP RENEWAL**  
5726 MIRAMAR ROAD  
SAN DIEGO, CA 92121

**EX CAR WASH FLOOR PLAN**

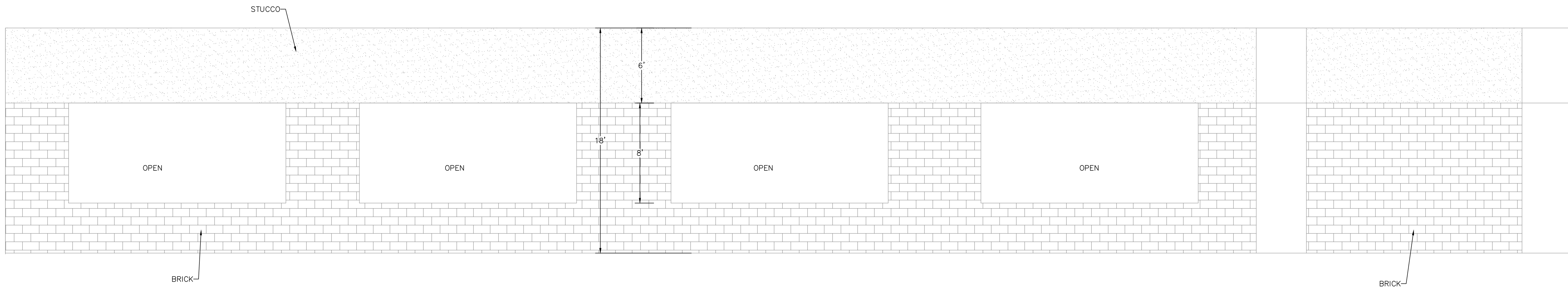
DESIGNER: BGN  
DRAWN BY: BGN  
CHECKED BY: BGN

DATE: 11/03/2020

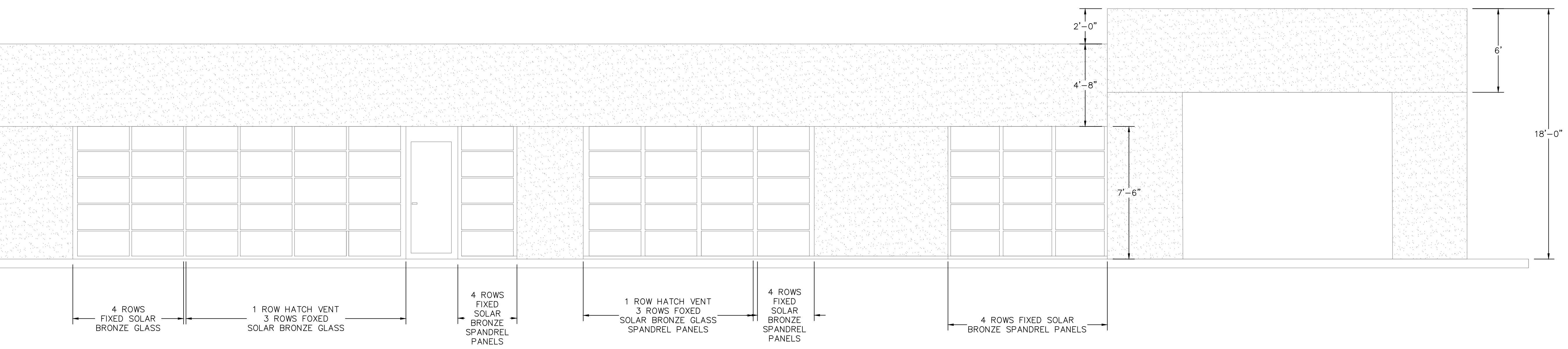
JOB NO. 395

SHEET 9 OF 11

**A5.0**



NORTH ELEVATION



SOUTH ELEVATION

1 EX CARWASH ELEVATIONS  
SCALE: AS SHOWN

1/4" = 1'-0"

REV	DESCRIPTION	DATE

**NAJARS ENGINEERING, INC.**  
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 PHONE (619) 971-7514 EMAIL: BGN@NAJAR.COM

**EMA CUP RENEWAL**  
 5726 MIRAMAR ROAD  
 SAN DIEGO, CA 92121

**EX CARWASH ELEVATIONS**

DESIGNER: BGN  
 DRAWN BY: BGN  
 CHECKED BY: BGN

DATE: 11/03/2020

JOB NO. 395

SHEET 10 OF 11

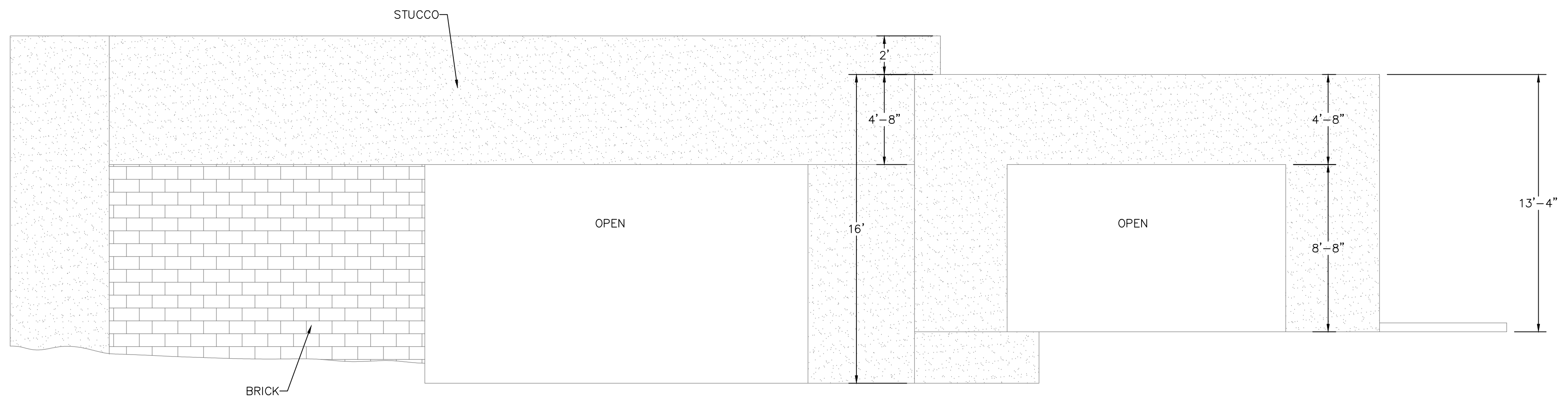
**A5.1**

FILE NAME: C:\Users\Najars\OneDrive\Projects\395 Stars and Stripes CUP Renewal\Cad\A5.1.dwg LAYOUT NAME: Layout1 PLOTTED: Tuesday, January 26, 2021 - 4:51 pm USER: NajarsEngineeringPC2

FILE NAME: C:\Users\Najars\OneDrive\Projects\395 Stars and Stripes CUP Renewal\Cad\A5.2.dwg LAYOUT NAME: Layout1 PLOTTED: Tuesday, January 26, 2021 - 4:49pm USER: NajarsEngineeringPC2



EAST ELEVATION



WEST ELEVATION

1 EX CARWASH ELEVATIONS  
SCALE: AS SHOWN

1/4" = 1'-0"

REV	DESCRIPTION	DATE

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 5726 MIRAMAR ROAD  
 SAN DIEGO, CA 92121

**EX CARWASH ELEVATIONS**

DESIGNER: BGN  
 DRAWN BY: BGN  
 CHECKED BY: BGN

DATE: 11/03/2020

JOB NO. 395

SHEET 11 OF 11

**A5.2**