



THE CITY OF SAN DIEGO

ADDENDUM TO A MITIGATED NEGATIVE DECLARATION

Project No. 498332
Addendum to MND No. 96-0466
SCH No. N/A

SUBJECT: **SHELL GAS STATION: NEIGHBORHOOD USE PERMIT (NUP)** to continue the operation of an existing gas station with mini mart, and car wash facility, on a 35,966-square-foot site. The project site is addressed at 3890 Division Street in the CC-2-1 (Commercial-Community) zone, and it is designated community commercial-residential prohibited within the Southeastern San Diego Community Plan (Legal Description: Parcel 3, Map 4420, San Diego County, Recorded on January 28, 1976; Portions of Lots 25-41 Block 257, Hayden's Subdivision, Map No. 24, San Diego County, Recorded December 10, 1886; Block A of Nordica Heights, Map No. 1446, San Diego County, Recorded May 24, 1912; Together With That Portion of Dalbergia Street Now Vacated and Closed to Public Use, APN 550-760-13-00), Applicant: Ahmad Ghaderi

I. PROJECT DESCRIPTION

A **NEIGHBORHOOD USE PERMIT (NUP)** to continue the operation of an existing gas station with mini mart, and a car wash facility, on a 35,966 square feet site. The existing 1,670 square-foot mini mart, 1,164 square-foot car wash facility, and 1,351 square-foot canopy would remain in place and undisturbed. No new development or construction is proposed. The project proposes to restripe two new parking spaces. The service station would continue to operate 24 hours a day, seven days a week.

On February 5, 1997, the original Conditional Use Permit (CUP) and Southeast San Diego Development Permit No. 94-0234, was amended by the Conditional Use Permit and Southeastern San Diego Development Permit No. 96-0466. The amended permit approved the remodeling of an existing gas station which included the addition of an equipment storage room to the proposed car wash, the construction of a hallway enclosing the bathrooms inside the proposed mini-mart, realignment of the on-site parking, remodeling of the fascia on the canopy over the gas pumps, and additional landscaping on an unused portion of the lot.

On December 15, 2015, the Southeastern San Diego Planned District was rescinded. As a result, the Southeastern San Diego Development Permit is no longer a requirement for the subject site. The ordinance went to effect on January 15, 2016, and the site is now regulated by the citywide Commercial Community zone. An application was submitted for an NUP, which would replace the previously approved CUP that expired on February 5, 2017, to allow the use to continue.

II. ENVIRONMENTAL SETTING

The developed 35,966 square foot lot is addressed at 3890 Division Street, San Diego, California, Assessor Parcel Number 550-760-13-00 within the Southeastern San Diego Community Plan. The site is improved with an existing service station with a canopy and fueling islands, a convenience store, and a car wash facility. The surrounding area is developed with a hotel to the north, multi-family to the east, Valero Gas Station to the south, and to the west is Dalbergia Court. Additionally, the project site is situated in a developed area, currently serviced by existing public services and utilities.

III. PROJECT BACKGROUND

A Mitigated Negative Declaration (MND) No. 96-0466 was prepared for the original project to evaluate the overall environmental affects which could result with the implementation of the Shell Gas Station project. The MND concluded that the Shell Gas Station would result in significant environmental impacts related to Noise. Therefore, mitigation measures were implemented to reduce these impacts to below a level of significance. An environmental analysis has determined that the NUP to continue the use of the existing service station with mini-mart, and car wash facility would not result in new impacts; and therefore, an Addendum to the MND has been prepared.

IV. ENVIRONMENTAL DETERMINATION

The City previously prepared and certified the **Shell Gas Station Mitigated Negative Declaration LDR No. 96-0466**. Based on all available information in light of the entire record, the analysis in this Addendum, and pursuant to Section 15162 of the State CEQA Guidelines, the City has determined the following:

- There are no substantial changes proposed in the project which will require major revisions of the previous environmental document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- Substantial changes have not occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous environmental document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous environmental document was certified as complete or was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous environmental document;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous environmental document;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project,

but the project proponents decline to adopt the mitigation measure or alternative; or

- d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous environmental would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

In accordance with Section 15164 of the CEQA Guidelines, only minor technical changes and additions are necessary, and none of the conditions described in Section 15162 calling for preparation of a new environmental document apply. Therefore, this Addendum to the previously adopted MND is appropriate. It has been prepared in accordance with Section 15164 of the CEQA State Guidelines. Public review of this Addendum is not required per CEQA.

V. IMPACT ANALYSIS

This environmental document serves as an Addendum to the previously adopted Shell Gas Station MND, as referenced above, and provides project-specific environmental review for the Shell Gas Station NUP project pursuant to CEQA, and the City's implementing procedures. The original MND determined that direct significant impacts associated with Noise would require mitigation. The mitigation to construct a 6-foot high solid wall, as outlined in the mitigation has been satisfied, the wall would remain in place to ensure compliance with the decibel levels as outlined in the MMRP, and Section 59.5.0401 of the Municipal Code.

Public Health and Safety

Hazardous Materials:

As part of the environmental review process, steps must be taken to disclose and address the safe removal, disposal, and/or remediation of hazardous materials. The subject site at 3890 Division Street has two open case listings that were opened May 30, 2007, and July 10, 2017, and two closed case listings, on the California State Regional Water Quality Control Board (RWQCB) Geotracker database for hazardous materials. One open case is listed for the Shell Station at 3890 Division Street, the contaminant of concern consists of petroleum hydrocarbon release beneath the ground, and the other open case is listed at Osborn and Division Streets which involves this site, and the Valero Gas Station (formerly Exxon/Mobile) site. The Osborn and Division Streets Commingled Plume consists of petroleum hydrocarbon release beneath the ground; the release migrated to the other gas station site (or commingled). The responsible parties for the petroleum hydrocarbon release from the Shell and Valero gas station sites will be required to continue the clean-up, and groundwater investigations of these sites. Region 9, RWQCB is the lead agency, and is providing oversight for these locations. The Shell Station has a total of four case listings involving this site, two of the cases were closed August 1989, and March 2000, the other two cases were opened after MND 96-0466 was adopted, and remain open cases. No ground disturbance is proposed with this project, however, due to the project being included on Government Code listing of hazardous waste sites, the City is required to disclose that the subject site has open case listings for hazardous materials.

In addition, as part of the environmental review and the City's CEQA Significance Determination Thresholds for non-residential projects, the applicant submitted a Hazardous Materials Questionnaire (HMQ) to EAS. The project is an existing facility, and does not propose any new

construction or require obtaining building permits for tenant improvements; therefore, additional review for the above proposal is not required by the County of San Diego's Department of Environmental Health, Hazardous Materials Division. No impact would result, and mitigation is not required.

Noise

MND 96-0466 identified the potential for the self-service car wash to have a decibel level that would exceed the City's Noise Ordinance, and impact sensitive receptors (residential and hotel uses) in the area. The sensitive receptors are located to the north and east of the subject site. The MND required the construction of a 6 foot-high solid wall along the northern property line, overlooking the Quality Inn (formerly known as Sun Coast Inn) parking lot. The wall was required to extend southward for 50 feet, on top of the embankment, on the eastern property line, from the point where the wall intersects with the wall on the northern property line; the placement of this wall mitigates the impact to below a level of significance. The applicant implemented the mitigation measure as part of the construction of the project. The current project does not propose new development or new construction activities on the project site; therefore, no additional acoustical analysis was required.

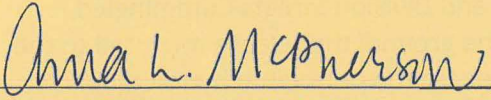
Based on the foregoing analysis and information, there is no evidence that the project would require a major change to the MND. The project would not result in any new significant impact, nor would a substantial increase in the severity of impacts from that described in the MND result. No additional mitigation is required.

VII. IMPACT SIGNIFICANCE

The MND identified that all impacts would be mitigated to below a level of significance through mitigation. This Addendum confirms that all impacts were mitigated to below a level of significance, consistent with the previously certified MND.

VIII. CERTIFICATION

Copies of the addendum, the final MND, the Mitigation Monitoring and Reporting Program, and associated project-specific technical appendices, if any, may be reviewed in the office of the Development Services Department, or purchased for the cost of reproduction.


Anna L. McPherson, Senior Planner, AICP
Development Services Department

December 19, 2017
Date of Final Report

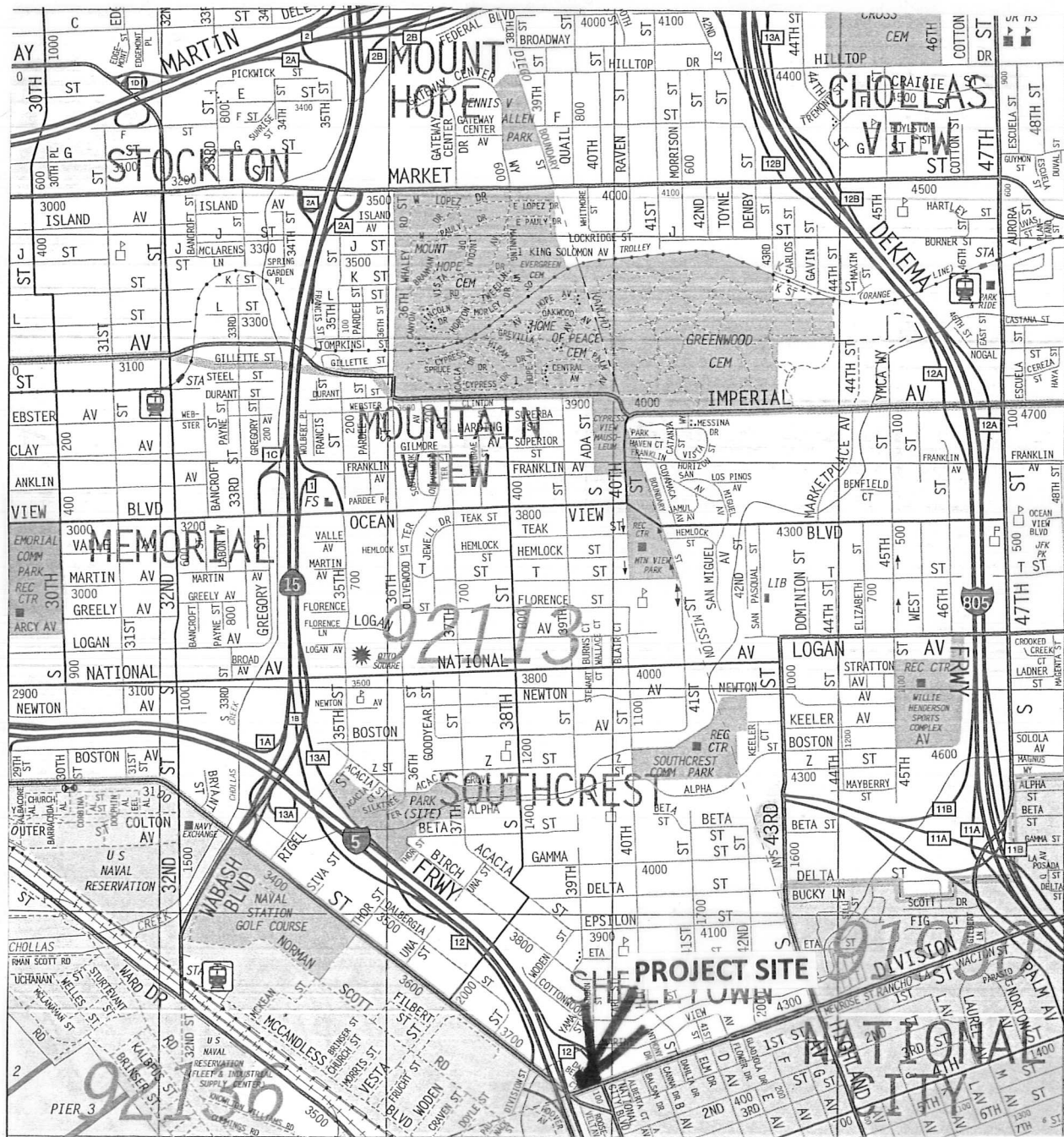
Analyst: R. Benally

Attachments:

Figure 1: Location Map

Figure 2: Site Plan

Mitigated Negative Declaration LDR No. 96-0466

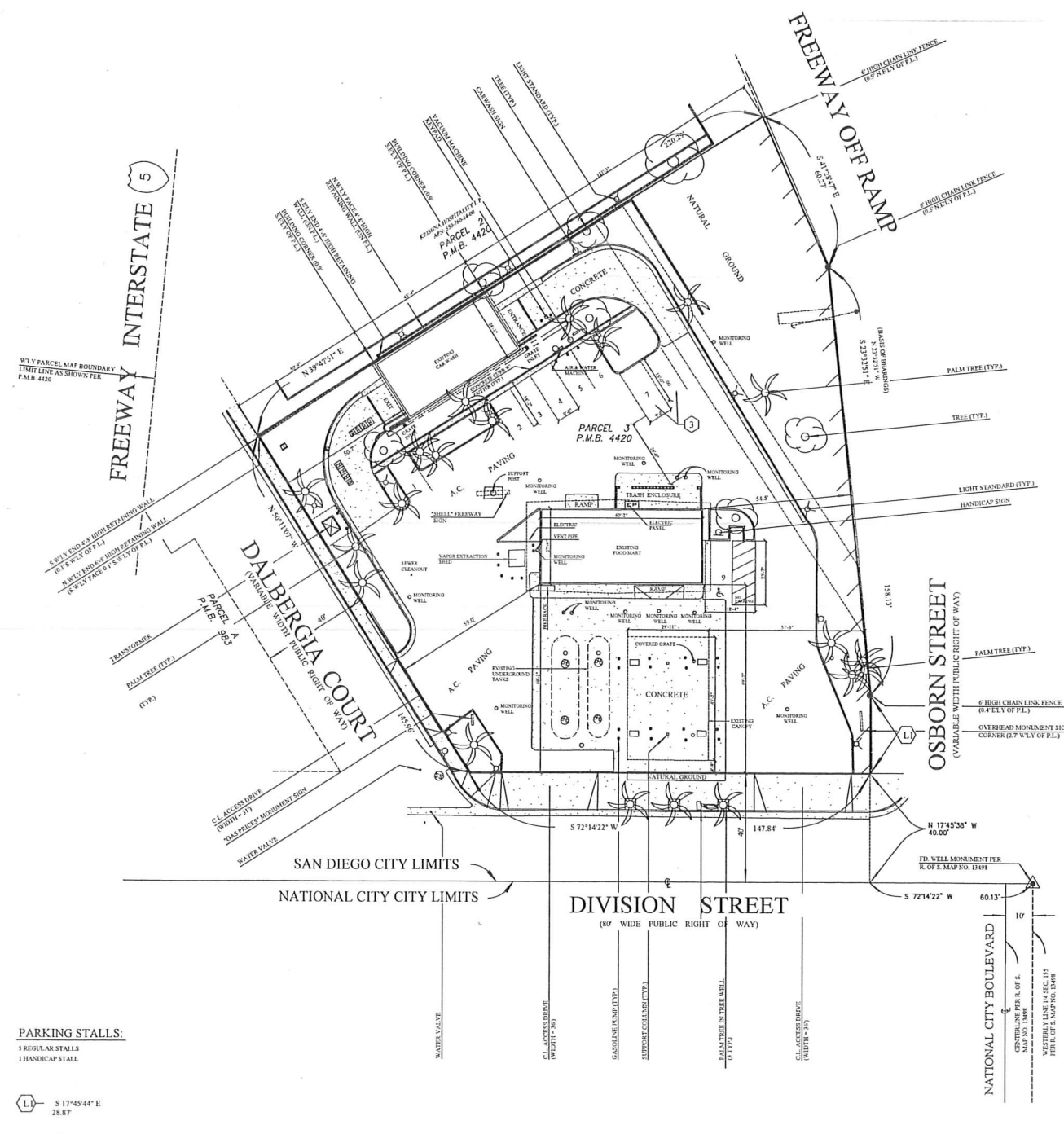


Shell Gas Station NUP

Location Map
 Environmental Analysis Section Project No. 498332
 CITY OF SAN DIEGO · DEVELOPMENT SERVICES

Figure
1





PARKING STALLS:
 1 REGULAR STALL
 1 HANDICAP STALL

(L) S 17°45'44" E
 28.87'

SITE INFORMATION			
ITEM	SIZE	LOT %	AREA (SQ. FT.)
TOTAL LOT AREA	N/A	N/A	35,966.00
EXISTING FOOD MART	60'-2" x 27'-9"	4.64	1,670.0
EXISTING CANOPY	29'-11" x 45'-2"	3.76	1,351.0
EXISTING CAR WASH	48'-4" x 24'-1"	3.24	1,164.0

SET BACK CAR WASH		
	REQUIRED	PROVIDED
FRONT	0	50'-9"
SIDE	0	0
REAR	0	121'-3"

FOOD MART		
	REQUIRED	PROVIDED
FRONT	0	69'-2"
SIDE	0	59'-0"
REAR	0	61'-0"

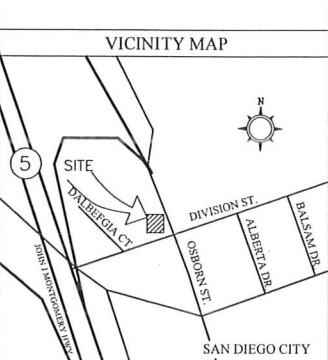
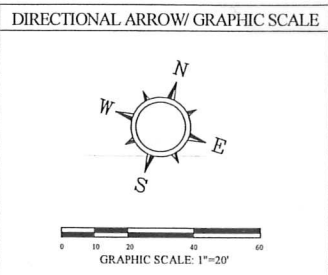
CANOPY		
	REQUIRED	PROVIDED
FRONT	0	4'-9"
SIDE	0	57'-3"
REAR	0	106'-0"

STRUCTURE	OCCUPANCY GROUP	TYPE OF CONSTRUCTION
FOOD MART	M	V-B, NON-SPRINKLER
CANOPY	B	II-B
CAR WASH	M	V-B, NON-SPRINKLER

PARKING STALLS:
 REQUIRED: 9 SPACES
 PROVIDED: 8 REGULAR STALLS
 1 HANDICAP STALL

CITY OF SAN DIEGO NOTES

- MERCHANDISE, MATERIAL, AND PRODUCTS FOR SALE SHALL BE STORED AND DISPLAYED ONLY WITHIN AN ENCLOSED BUILDING EXCEPT THAT MOTOR OIL, TIRES, BATTERIES, AND OTHER AUTOMOTIVE SUPPLIES MAY BE DISPLAYED AT PUMP ISLANDS OR ADJACENT TO BUILDING IF THE DISPLAY OR STORAGE RACKS AND CONTAINERS ARE DESIGNED TO APPEAR AS AN INTEGRAL PART OF THE PUMP ISLAND OR BUILDING EXTERIOR.
- THE EXISTING SHELL AUTO SERVICE STATION IS TO REMAIN AS TO ARCHITECTURAL DETAIL, COLOR AND DESIGN.



- SCOPE OF WORK**
- NEIGHBORHOOD USE PERMIT TO REPLACE CUP 96-0466.
 - NO CHANGE TO EXISTING OPERATION.
 - STRIP 2 NEW PARKING SPACES /

SITE INFORMATION

LEGAL DESCRIPTION:
 THE LAND REFERRED TO HEREON IS SITUATED IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:
 PARCEL 3 AS SHOWN ON A PARCEL MAP FILED IN BOOK OF PARCEL MAPS AT PAGE 4420 IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON 28 JANUARY 1976, BEING A PORTION OF LOTS 25 THROUGH 41 INCLUSIVE IN BLOCK 257 OF HAYDEN'S SUBDIVISION IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 24 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY DECEMBER 10, 1886, AND BLOCK A OF NORDICA HEIGHTS IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1446 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MAY 24, 1912 TOGETHER WITH THAT PORTION OF DALBERGIA STREET NOW VACATED AND CLOSED TO PUBLIC USE.

APN: 550-760-13-00
 ZONING: CC-2-1
EXISTING IMPROVEMENTS:
 A. FOOD MART
 B. CAR WASH
 C. CANOPY
HOURS OF OPERATION:
 24 HOURS/7 DAYS A WEEK
CONTACT PERSON:
 A&S ENGINEERING INC.
 AHMAD GHADERI
 (661) 250-9300
 ahmadg@asengineer.com

REV.	PER CITY	BY
1	07/14/2017	RY
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PLANS PREPARED BY:
A & S ENGINEERING INC.
 PLANNING ENGINEERING CONSTRUCTION MANAGEMENT
 28405 SAND CANYON ROAD, SUITE B
 CANYON COUNTRY, CA 91387
 PHONE #: (661) 250-9300; FAX #: (661) 250-9333



Tesoro Refining & Marketing Co.
 ATTN: RETAIL SUPPORT SERVICES
 19100 RIDGEWOOD PARKWAY SAN ANTONIO, TX 78259
 PHONE #: (210) 528-6224
 COST CENTER #: 68061
 ADDRESS: 3800 DIVISION STREET & DALBERGIA CT.
 SAN DIEGO, CA 92113

DRAWN	ER
CHECKED	
DATE	06/13/2016
SIT. TITLE	
SITE PLAN	
JOB NUMBER	
SHEET	S1

Shell Gas Station NUP

Site Plan
Environmental Analysis Section Project No. 498332
 CITY OF SAN DIEGO · DEVELOPMENT SERVICES DEPARTMENT

Figure 2