



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: September 26, 2012

REPORT NO. HO 11-068

ATTENTION: Hearing Officer

SUBJECT: G&M No. 108
PROJECT NUMBER: 278306

LOCATION: 8780 Lake Murray Boulevard

APPLICANT: Tobias Miller

SUMMARY

Issue(s): Should the Hearing Officer approve a Conditional Use Permit to allow the sale of beer and wine in accordance with a Type 20 liquor license within a convenience store on a site developed with an existing service station in the Navajo Community Plan area??

Staff Recommendation - APPROVE Conditional Use Permit No. 809723.

Community Planning Group Recommendation - On June 18, 2012, the Navajo Community Planners recommended approval of the project by a vote of 15-0-0.

Environmental Review - Environmental Analysis Section (EAS) staff has reviewed the project and determined that the project will comply with previous Negative Declaration No. 231825. No new impacts would apply and no new environmental document or determination is required.

BACKGROUND

The applicant requests a Conditional Use Permit to sell beer and wine in accordance with a Type 20 (beer and wine sales) Alcohol Beverage Control (ABC) license within an existing 2,745 square-foot convenience store on a 0.60-acre site located at 8780 Lake Murray Boulevard within the CC-1-3 zone of the Navajo Community Plan area. The convenience store was previously approved under Neighborhood Use Permit No. 892648 which included the demolition of an existing convenience store and the construction of a new 2,745-square-foot convenience store on a lot with an existing service station (fuel pumps and canopies). Building Permits for the new convenience store were issued on February 22, 2012 and the building is currently undergoing final inspection.

DISCUSSION

The applicant request a Conditional Use Permit to sell beer and wine within a convenience store associated with a service station. No new development is proposed with this application. Hours of operation will be limited from 7:00 a.m. to 12:00 midnight seven days a week. The Conditional Use Permit includes a 20 year expiration period from the date of approval.

The pending Alcohol Beverage Control (ABC) license (Type 20) is defined as “off sales” which would require all of the alcohol sold at the store to be consumed off the premises. Alcoholic beverage outlets are permitted by right as a “Limited Use” pursuant to SDMC section 141.0502(b) of the Land Development Code (LDC). A Limited Use may be permitted by right in the zone if the alcohol beverage outlet meets all of the development regulations and location criteria of a separately regulated use. Alcoholic beverage outlets that do not comply with the location criteria of this section may still be permitted with a Conditional Use Permit pursuant to SCMC section 141.0502(c).

Section 141.0502(b) determines when the limited sale of alcohol is permitted by right or when a Conditional Use Permit is required in accordance with a Process Three (Hearing Officer) decision. The limited sale of alcohol requires a Conditional Use Permit in the following instances:

- Within a census tract, or within 600 feet of a census tract, where the general crime rate exceeds the citywide average general crime rate by more than 20 percent.
- Within a census tract, or within 600 feet of a census tract, where the ratio of alcohol beverage outlets exceeds the standards established by the California Business and Professional Code (Section 23958.4).
- In an adopted Redevelopment Project Area.
- Within 600 feet of a public or private accredited school, a public park, a playground or recreational area, a church, a hospital, or a San Diego County welfare district office.
- Within 100 feet of residentially zoned property.

A Conditional Use Permit is required for the subject project because the property is located within 100 feet of residentially zoned properties.

East of the site across Lake Murray Boulevard is a large multi-family residential complex. The site is within census tract 98.02. Statistics provided by the San Diego Police Department for Federal Census Tract No. 98.02 show the area crime rate to be 99.3-percent of the citywide average (Attachment 12). Census Tract No. 98.02 allows up to 11 alcoholic beverage outlets where seven exist. The San Diego Police Department (SDPD) reviewed the proposed project and found that the project provides a public convenience and necessity and recommends

approval of the project (Attachment 11). The permit prepared for this project includes conditions related to types of wine and beer to be sold and size limitations. The permit also contains requirements from the SDPD related to hours of operation, signage, and security.

The San Diego Police Department's Vice Unit will work with the applicant and the Department of Alcoholic Beverage Control to place additional conditions on the alcohol license to minimize law enforcement concerns.

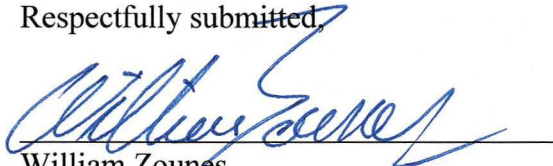
CONCLUSION

Staff has determined that the project complies with the development regulations of all applicable sections of the Land Development Code. Staff has determined that the required findings can be made, as the project meets the applicable San Diego Municipal Code regulations and requirements. Staff recommends approval of the project as proposed.

ALTERNATIVES

1. Approve Conditional Use Permit No. 978447, with modifications, or
2. Deny Conditional Use Permit No. 978447, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



William Zounes,
Development Project Manager

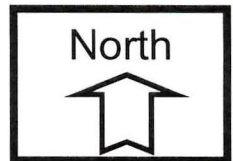
Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Site Plan
6. Draft Permit with Conditions
7. Draft Resolution with Findings
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement
10. Project Chronology
11. SDPD Conditional Use Permit Recommendation
12. Neighborhood Use Permit No. 829648

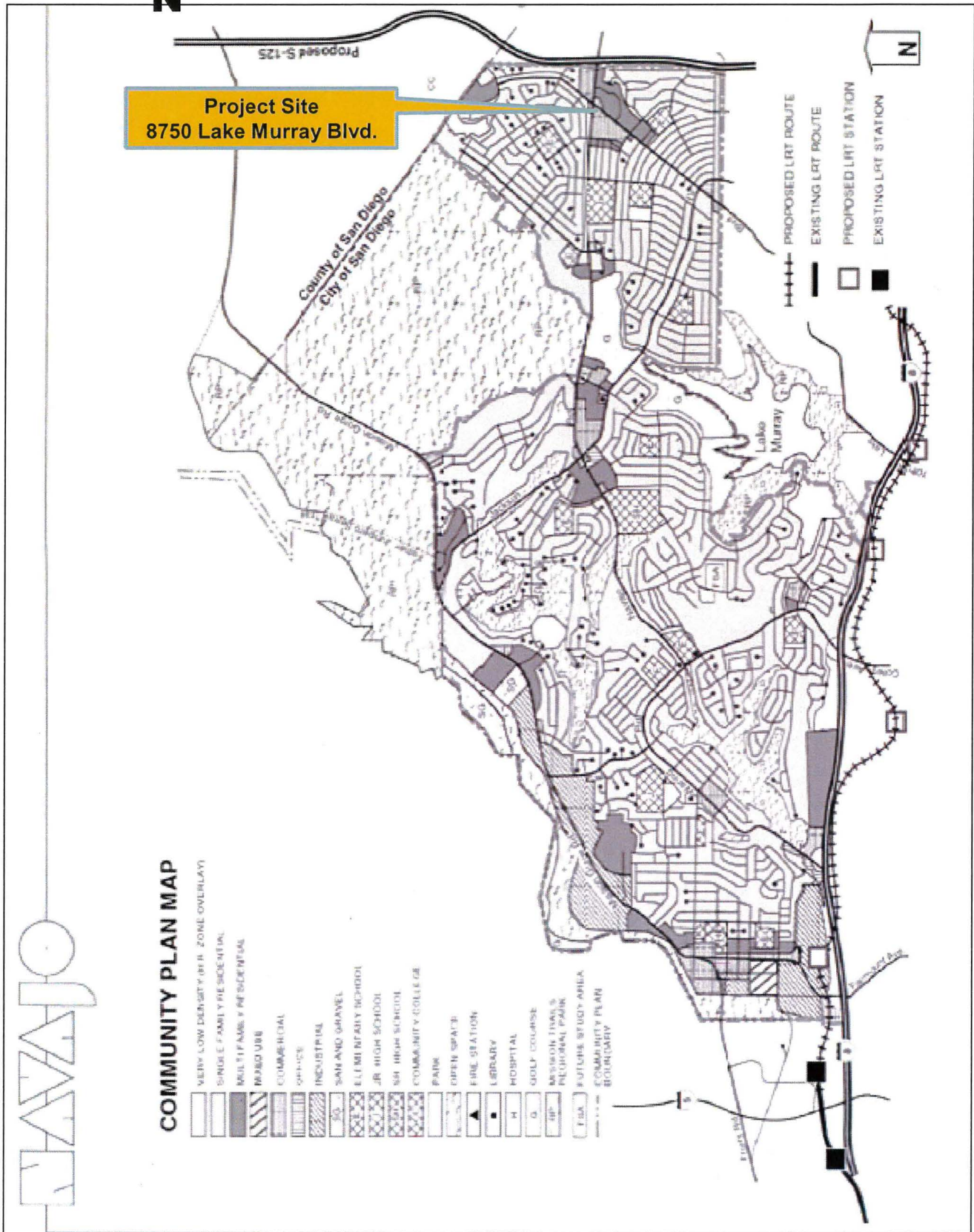


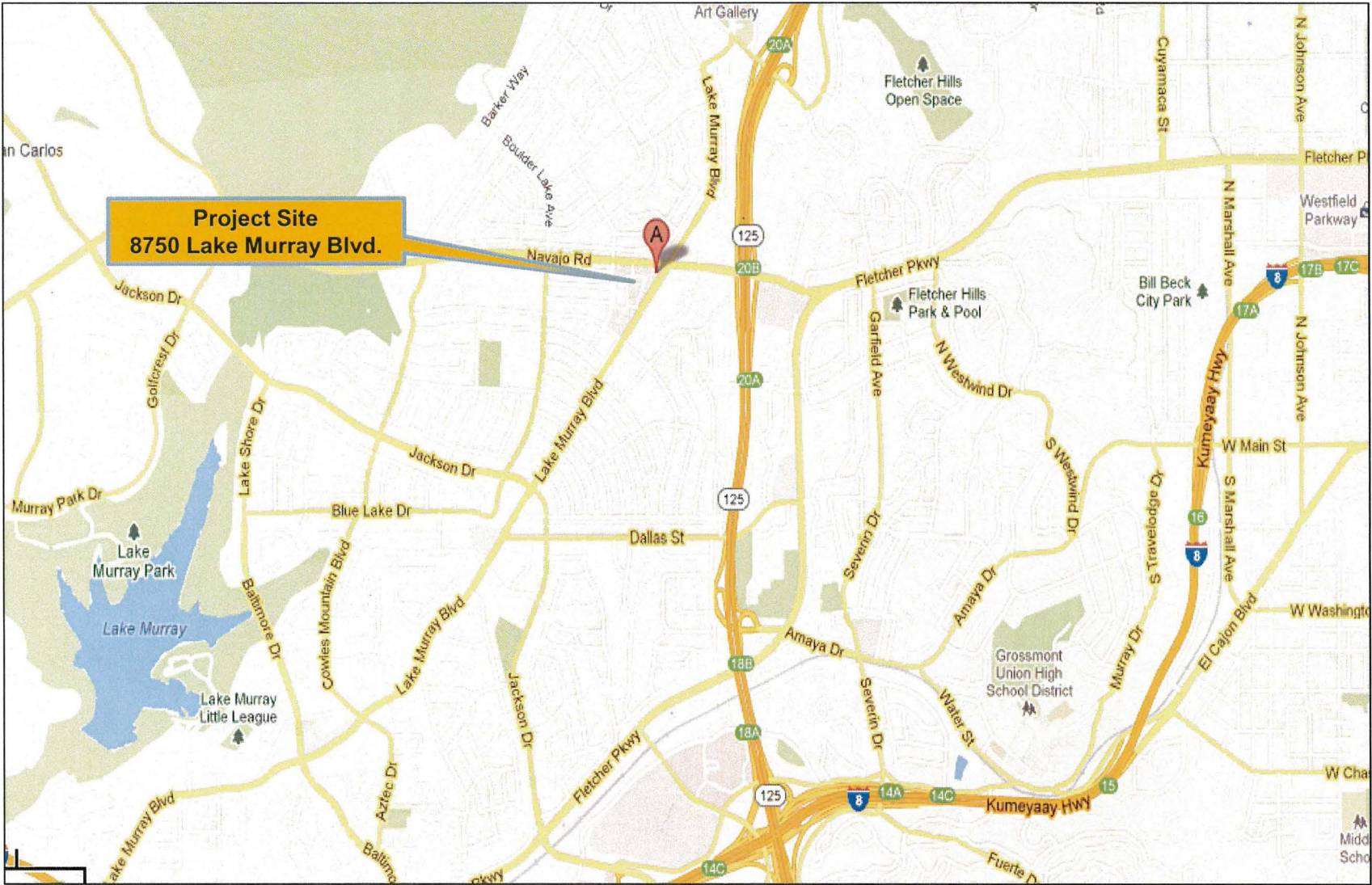
Aerial Photograph (Birds Eye)

G&M- Project No. 278306
8750 Lake Murray Boulevard



Attachment 2 Land Use Plan





Attachment 3
Project Location Map



Project Location Map

G&M- Project No. 278306
8750 Lake Murray Boulevard

PROJECT DATA SHEET

PROJECT NAME:	G&M No.108	
PROJECT DESCRIPTION:	Conditional Use Permit to obtain a Type-20 off-sales alcohol beverage license for the sale of beer and wine within a convenience store	
COMMUNITY PLAN AREA:	Navajo	
DISCRETIONARY ACTIONS:	Conditional Use Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	Commercial	
<u>ZONING INFORMATION:</u>		
ZONE: CC-1-3		
HEIGHT LIMIT: 30 feet		
LOT SIZE: 26,122square-foot lot size.		
FLOOR AREA RATIO: 0.75 maximum.		
FRONT SETBACK: N/A		
SIDE SETBACK: 10-feet/0-feet		
STREETSIDE SETBACK: N/A		
REAR SETBACK: Applies		
PARKING: 11 spaces required		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Commercial/Single Family; CO-1-2 & RS-1-7	Restaurant and single family homes
SOUTH:	Multi-family Residential/Commercial; RM-3-7 & CC-1-3	Multi-family dwelling and commercial retail
EAST:	Multi-family Residential; RM-3-7	Residential dwellings
WEST:	Multi-family Residential; RM-3-7	Residential dwellings
DEVIATIONS OR VARIANCES REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On June 18, 2012, the Navajo Community Planners recommended approval of the project by a vote of 15-0-0.	

ATTACHMENT 5 PROJECT SITE PLAN

PROJECT CONSULTANTS:

LESEE / TENANT
G&M OIL COMPANY, LLC
16868 A STREET
HUNTINGTON BEACH, CA 92647
ATTN: ANDREA MUNOZ
PHONE: (714) 475-6327
FAX: (714) 566-2634
amunoz@gmcc.com

PROPERTY OWNERS:
CAMDEN HOLDINGS, LLC
344 S SPALDING DR., SUITE #2
BEVERLY HILLS, CA 90212
ATTN: TOBI MILLER
PHONE: 310-556-5646
FAX: 310-556-0176
tobi@spaldingdevelopment.com

PRIME CONSULTANT:

LYONS WARREN, ENGINEERS + ARCHITECTS
9455 RIDGEHAVEN COURT, SUITE 200
SAN DIEGO, CA 92123-1649
ATTN: TRACY LINDQUIST
PHONE: (858) 573-8999
FAX: (858) 573-8998
tlindquist@lyonswarren.com

LEGAL DESCRIPTION:

REAL PROPERTY IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THAT PORTION OF LOT 3, NAVAJO SHOPPING CENTER, AND ALSO THOSE PORTIONS OF NAVAJO ROAD AND LAKE MURRAY BOULEVARD ADJACENT THERETO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 4721, FILED FEBRUARY 21, 1991 IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF SAID NAVAJO SHOPPING CENTER, BEING ALSO THE POINT OF INTERSECTION OF THE CENTERLINES OF SAID NAVAJO ROAD AND LAKE MURRAY BOULEVARD;
THENCE ALONG SAID CENTERLINE OF LAKE MURRAY BOULEVARD SOUTH 36° 17' 02" WEST 340.30 FEET;
THENCE NORTH 53° 42' 58" WEST 187.77 FEET;
THENCE NORTH 4° 03' 40" EAST 187.77 FEET TO A POINT IN SAID CENTERLINE OF NAVAJO ROAD;
THENCE ALONG SAID CENTERLINE SOUTH 85° 56' 20" EAST 340.30 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE PORTION THEREOF INCLUDED IN NAVAJO ROAD AND LAKE MURRAY BOULEVARD.

A.P.N.: 457-320-09-00

ZONING / DEVELOPMENT SUMMARY:

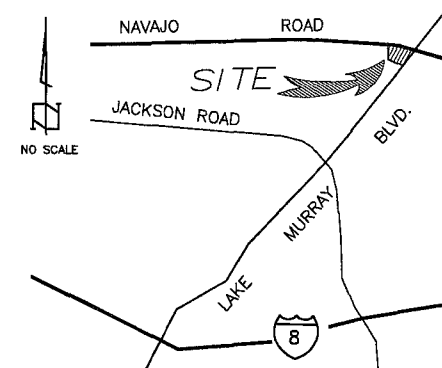
NARRATIVE:

REQUEST BEER AND WINE SALES FOR FUTURE C-STORE (CURRENTLY UNDER CONSTRUCTION - PROJECT 231825).

STORE WILL OPERATE 24 HOURS, 7 DAYS A WEEK.

TYPE OF CONSTRUCTION:	V-B, SINGLE STORY (NOT FIRE-SPRINKLERED)
OCCUPANCY:	M
BUILDING CODE:	2010 CALIFORNIA BUILDING CODE (CBC)
ZONING:	CO-1-3
GROSS SITE AREA:	26,122 SQ. FT. (0.60 ACRES)
FLOOR AREA:	2,745 SQ. FT.
FLOOR AREA RATIO:	10.5 % SQ. FT. (2,745 SQ. FT. / 26,122 SQ. FT.)
EXISTING / PROPOSED USE:	CONVENIENCE STORE, AUTOMOBILE FUELING
FUEL PUMPS:	EXISTING: 8 PROPOSED: NO NEW PUMPS PROPOSED
GEOLOGIC HAZARD CATEGORY:	SITE CLASS "D"
LANDSCAPE AREA:	3,538 SQ. FT.
BUILDING SETBACKS:	FRONT: --- SIDE: 10 FEET OPTIONAL SIDE: 0 FEET STREET SIDE: 0 FEET REAR: 10 FEET OPTIONAL REAR: 0 FEET
AIRPORT INFLUENCE AREA:	GILLESPE FIELD, REVIEW AREA 2
FAA PART 77 NOTICING AREA:	510 FEET TO 515 FEET ABOVE SEA LEVEL / 12,500 TO 13,000 FEET HORIZ. FROM RUNWAY
TANDEM PARKING:	NOT PROVIDED THIS PROJECT
TRANSIT AREA:	TRANSIT AREA OVERLAY ZONE

VICINITY MAP



KEY NOTES:

- 1 EXISTING DRIVEWAYS, CURBS, GUTTER AND SIDEWALK.
- 2 EXISTING FUEL PUMPS AND CANOPY ABOVE
- 3 EXISTING PARKING STALLS
- 4 EXISTING BUS STOP
- 5 EXISTING SITE LIGHTS
- 6 DASHED LINE INDICATES FUEL TRUCK DELIVERY PATH
- 7 EXISTING "CAV" CLEAN AIR VEHICLE PARKING SPACE.
- 8 EXISTING BUILDING TO BE DEMOLISHED AS PART OF PRIOR: NEIGHBORHOOD USE PERMIT: 829648 PROJECT NO.: 231825

SITE NOTES:

1. PROVIDE BUILDING ADDRESS NUMBERS, VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY PER FHPS POLICY P-00-6 (CFC 901.4.4)
2. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE OWNER/PERMITTEE SHALL ENTER INTO A MAINTENANCE AGREEMENT FOR THE ONGOING PERMANENT "BMP" MAINTENANCE, SATISFACTORY TO THE CITY ENGINEER.
3. PRIOR TO ISSUANCE OF ANY CONSTRUCTION PERMIT, THE OWNER/PERMITTEE SHALL INCORPORATE ANY CONSTRUCTION BEST MANAGEMENT PRACTICES NECESSARY TO COMPLY WITH CHAPTER 14, ARTICLE 2, DIVISION 1 (GRADING REGULATION) OF THE SAN DIEGO MUNICIPAL CODE, INTO THE CONSTRUCTION PLANS OR SPECIFICATIONS.
4. PRIOR TO ISSUANCE OF ANY CONSTRUCTION PERMIT, THE OWNER/PERMITTEE SHALL SUBMIT A WATER POLLUTION CONTROL PLAN (WPCP). THE WPCP SHALL BE PREPARED IN ACCORDANCE WITH THE GUIDELINES IN APPENDIX E OF THE CITY'S STORM WATER STANDARDS.
5. ALL ENGINEERING REVIEW CONDITIONS FOR NEIGHBORHOOD USE PERMIT No. 829648 AND PROJECT TRACKING SYSTEM No. 23185 ARE STILL APPLICABLE.
6. PROPOSED DRIVEWAYS AND CORNER CURB RAMP PER APPROVED PTS No. 266560 RIGHT-OF-WAY CONSTRUCTION PLAN.

EASEMENTS:

- 1 8' SEWER & WATER EASEMENT PER PARCEL MAP NO. 245

PARKING ANALYSIS:

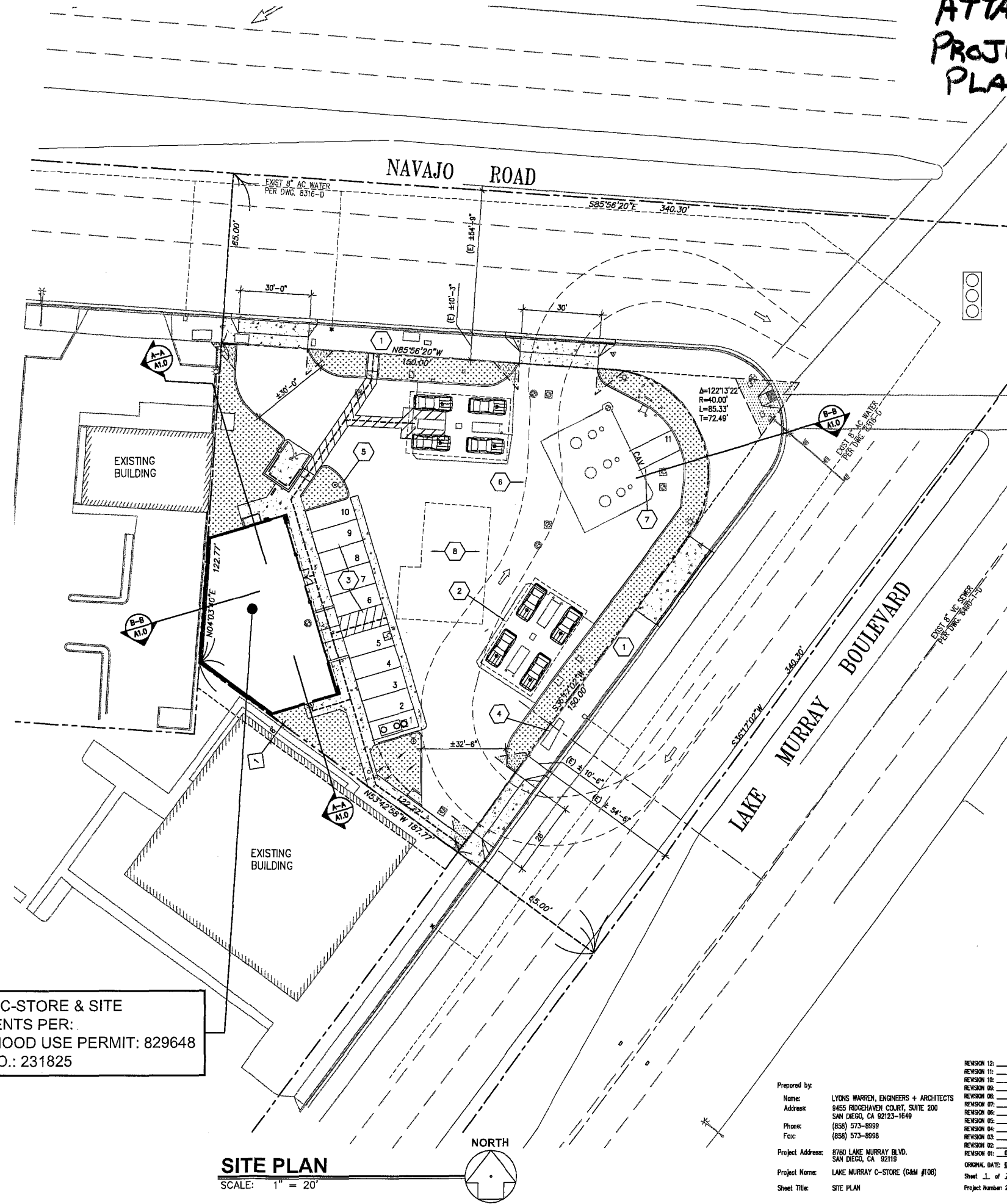
PARKING REQUIREMENTS ARE AS FOLLOWS:
(SECTION 142.0530, TABLE 142-05F; AUTOMOBILE SERVICE STATIONS)

REQUIRED:		
GAS STATION (2 PER STATION):	2	SPACES
CONVENIENCE MARKET (3 SPACES / 1,000 S.F. X 2,745):	8	SPACES
PROVIDED:		
ACCESSIBLE PARKING:	1	SPACE
STANDARD PARKING:	9	SPACES
CLEAN AIR VEHICLES (CAV):	1	SPACE
TOTAL PARKING PROVIDED:	11	SPACES

LEGEND:

- INDICATES LANDSCAPE AREAS
- INDICATES PROPOSED ACCESSIBLE PATH OF TRAVEL, 48" MIN. WIDTH, 2% MAX CROSS SLOPE, 5% MAX RUNNING SLOPE.
- (E) INDICATES EXISTING
- SHADED AREA INDICATES VISIBILITY TRIANGLES; 10'-0" AT DRIVEWAYS AND 25 FEET AT INTERSECTIONS.
- NO FENCES / SHRUBS HIGHER THAN 36" ARE ALLOWED IN THIS AREA.

PROPOSED C-STORE & SITE IMPROVEMENTS PER:
NEIGHBORHOOD USE PERMIT: 829648
PROJECT NO.: 231825



SITE PLAN
SCALE: 1" = 20'

Prepared by: LYONS WARREN, ENGINEERS + ARCHITECTS
Address: 9455 RIDGEHAVEN COURT, SUITE 200
SAN DIEGO, CA 92123-1649
Phone: (858) 573-8999
Fax: (858) 573-8998
Project Address: 8780 LAKE MURRAY BLVD.
SAN DIEGO, CA 92118
Project Name: LAKE MURRAY C-STORE (G&M #108)
Sheet Title: SITE PLAN

REVISION 12:	
REVISION 11:	
REVISION 10:	
REVISION 09:	
REVISION 08:	
REVISION 07:	
REVISION 06:	
REVISION 05:	
REVISION 04:	
REVISION 03:	
REVISION 02:	
REVISION 01:	07/23/2012
ORIGINAL DATE:	04/10/2012
Sheet 1 of 3	
Project Number:	278398

LW Job No. GMI1201 C
Scale: AS NOTED

PSD1.0

THIS SET OF DOCUMENTS IS FOR PLANNING LEVEL USE ONLY. LAYOUT IS SUBJECT TO CHANGE. NOT TO BE USED FOR CONSTRUCTION.
 SHEET CONTENTS:
 SITE PLAN
 PROJECT: LAKE MURRAY C-STORE (G&M #108)
 CLIENT: G&M OIL COMPANY, LLC
 8780 LAKE MURRAY BLVD.
 SAN DIEGO, CA 92119
 16868 A STREET
 HUNTINGTON BEACH, CA 92647
 LYONS WARREN, ENGINEERS + ARCHITECTS
 www.lyonswarren.com

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24002618

CONDITIONAL USE PERMIT NO. 978447
G&M No. 108 PROJECT NO. 278306
HEARING OFFICER

This Conditional Use Permit No. 978447 is granted by the Hearing Officer of the City of San Diego to CAMDEN HOLDINGS, LLC, TOBIAS MILLER and SHARON MILLER, Owners /Permittees, pursuant to San Diego Municipal Code [SDMC] section 141.0502 and 126.0303. The 0.60-acre site is located at 8780 Lake Murray Blvd in the CC-1-3 Zone within the Navajo Community Plan. The project site is legally described as: That portion of Lot 3, Navajo Shopping Center, and also those portions of Navajo Road and Lake Murray boulevard adjacent thereto, in the city of San Diego, County of San Diego, State of California, according to map thereof No. 4721;

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner CAMDEN HOLDINGS, LLC and G&M OIL COMPANY, LLC Permittee to obtain a Type-20 off-sales alcohol beverage license for the sales of beer and wine within a convenience store upon the issuance of a license from the State Department of Alcoholic Beverage Control and subject to the City's land use regulations described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated September 26, 2012, on file in the Development Services Department. The project shall include:

To operate an alcoholic beverage outlet conditioned upon the issuance of a Type 20 license from the State Department of Alcoholic Beverage Control. Hours of operation will be from 7:00 a.m. to 12:00 a.m. each day of the week.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6,

Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by October 10, 2012.

2. This Conditional Use Permit [CUP] for a Type 20 alcohol beverage license shall expire on September 26, 2032.

3. The utilization of this CUP is contingent upon the approval of a license to sell alcohol at this location by the California Department of Alcoholic Beverage Control [ABC]. The issuance of this CUP does not guarantee that the ABC will grant an alcoholic beverage license for this location.

4. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:

- a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
- b. The Permit is recorded in the Office of the San Diego County Recorder.

5. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.

6. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

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

8. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

9. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

10. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is

required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

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

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

PLANNING/DESIGN REQUIREMENTS:

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

POLICE DEPARTMENT REQUIREMENTS:

13. The sales of alcoholic beverage shall only be permitted between the hours of 7:00 a.m. to 12:00 a.m. each day of the week.

14. The petitioner(s) shall post and maintain a professional quality sign facing the premises parking lot(s) that reads as the following: "NO LITTERING, NO DRINKING OF ALCOHOLIC BEVERAGES. VIOLATORS ARE SUBJECT TO ARREST". The sign shall be at least two feet square with two inch block lettering. The sign shall be in English and Spanish.

15. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the licensee(s) shall be removed or painted over within 48 hours of being applied.
16. There shall be no amusement machines or video game devices on the premises at any time.
17. Wine shall not be sold in containers of less than 750 milliliters, and wine coolers or beer coolers must be sold in manufacturer pre-packaged multi-unit quantities.
18. No wine shall be sold with an alcoholic content greater than 15-percent by volume except for "Dinner Wines" which have been aged two years or more.
19. Beer, malt beverages or wine cooler products, regardless of container size, cannot be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.
20. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior constitute a violation of this condition.
21. There shall be video recording of both the interior and exterior of the premises. Upon request by police the video recording shall be provided within 24 hours of the request.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.
- Navajo Community Planners, Inc. suggested conditions:
 1. Beer be sold only in manufacturers prepackaged quantities of six or greater.

APPROVED by the Hearing Officer of the City of San Diego on September 26, 2012.

Permit Type/PTS Approval No.: CUP 978447
Date of Approval: September 26, 2012

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

William Zounes
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.**

By _____
Camden Holdings, LLC

By _____
Tobias Miller

By _____
Sharon Miller

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

HEARING OFFICER
RESOLUTION NO. XXXXXX
CONDITIONAL USE PERMIT NO. 978447
G&M No. 108 PROJECT NO. 278306

WHEREAS, CAMDEN HOLDINGS, LLC, TOBIAS MILLER and SHARON MILLER, Owners/Permittees, filed an application with the City of San Diego to obtain a Type-20 off-sales alcohol beverage license for the sale of beer and wine within a convenience store upon the issuance of a license from the State Department of Alcoholic Beverage Control and subject to the City's land use regulations (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 978447), on portions of a 0.60-acre site;

WHEREAS, the project site is located at 8780 Lake Murray Blvd in the CC-1-3 Zone within the Navajo Community Plan;

WHEREAS, the project site is legally described as that portion of Lot 3, Navajo Shopping Center, and also those portions of Navajo Road and Lake Murray Boulevard adjacent thereto, in the city of San Diego, County of San Diego, State of California, according to map thereof No. 4721;

WHEREAS, on September 26, 2012, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 978447 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, Environmental Analysis Section (EAS) staff has reviewed the project and determined that the project will comply with the previous Negative Declaration No. 231825. No new impacts would apply and no new environmental document or determination is required;

BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated September 26, 2012.

FINDINGS:

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

The project proposes a Conditional Use Permit for Type 20 (beer and wine sales) within a 2,745 square-foot convenience store located at 8780 Lake Murray Blvd in the CC-1-3 Zone within the Navajo Community Plan.

The proposed sale of beer and wine within an existing retail establishment is located within the Commercial designation of the Navajo Community Plan, which generally includes food markets, service stations, barber shops, beauty parlors, drug stores, hardware, and liquor stores. The Plan encourages neighborhood and community shopping facilities to adequately provide a wide variety of goods and services to Navajo, but also blend into and enhance the community environment.

The sale of beer and wine will take place within a convenience store associated with a service station undergoing a remodel in accordance with Neighborhood Use Permit No. 829648. The proposed sales of beer and wine with other convenience store items would support the intent and objective of the Community Plan. Therefore, the proposed Conditional Use Permit for a Type 20 Alcoholic Beverage License within a convenience store will be consistent with the applicable land use plan.

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

The project proposes a Conditional Use Permit for Type 20 (beer and wine sales) within a 2,745 square-foot convenience store located at 8780 Lake Murray Blvd in the CC-1-3 Zone within the Navajo Community Plan.

The San Diego Police Department (SDPD) staff has determined that the proposed Type 20 liquor license (beer and wine sales) is a small component of the market and is not the principal sales product. The products sold at the market store vary in diversity and will serve mostly the adjacent neighborhood. The SDPD has determined that the proposed Type 20 license at the proposed site would not be detrimental to the public health, safety, and welfare.

The project was determined to be consistent with Negative Declaration No. 231825 which allowed for the construction of a new convenience store in association with a service station. The Negative Declaration was certified by the City of San Diego City Manager Designee on December 8, 2011, by Neighborhood Use Permit No. 829648. The SDPD determined that a Public Convenience or Necessity (PCN) finding could be made, stating that the premise is located in a low crime area and the granting of the license will serve the unfulfilled needs of the local population. Additionally, operating conditions consistent with the needs of the community, such as hours of operation, content restrictions, and advertisement restrictions, will be applied with this Conditional Use Permit. The SDPD supports the Type 20 liquor license upgrade as conditioned by the Conditional Use Permit to ensure that the sale of alcoholic beverages is maintained as an incidental part of the convenience store. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

The project proposes a Conditional Use Permit for Type 20 (beer and wine sales) within a 2,745 square-foot convenience store located at 8780 Lake Murray Blvd in the CC-1-3 Zone within the Navajo Community Plan.

The proposed upgrade in liquor license will be in accordance with the Municipal Code and is contingent upon the issuance of a license by the State of California Alcohol Beverage Control Board [ABC].

San Diego Municipal Code Section 141.0502(b) determines when the limited sale of alcohol is permitted by right or when a Conditional Use Permit is required in accordance with a Process Three (Hearing Officer) decision. The limited sale of alcohol requires a Conditional Use Permit when 1) the project is within a census tract, or within 600 feet of a census tract, where the general crime rate exceeds the citywide average general crime rate by more than 20 percent; 2) the project Within a census tract, or within 600 feet of a census tract, where the ratio of alcohol beverage outlets exceeds the standards

established by the California Business and Professional Code (Section 23958.4); 3) the project is in an adopted Redevelopment Project Area; 4) the project is within 600 feet of a public or private accredited school, a public park, a playground or recreational area, a church, a hospital, or a San Diego County welfare district office; or 5) The project is within 100 feet of residentially zoned property.

A Conditional Use Permit is required for the subject project because the property is located within 100 feet of residentially zoned properties. Therefore the project will comply with the regulations of the Land Development Code.

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

The project proposes a Conditional Use Permit for Type 20 (beer and wine sales) within a 2,745 square-foot convenience store located at 8780 Lake Murray Blvd in the CC-1-3 Zone within the Navajo Community Plan.

The existing use of the site as a convenience store associated with a service station is consistent with the existing commercial use of the property and compatible with the commercial land use designation of the community plan. The convenience store has been established and has encountered no significant crimes and very few calls for police services. The site is within census tract 98.02 which currently has a crime rate of 99.3-percent of the city wide average which is considered a "low crime rate". The City of San Diego considers high crime to be 120-percent of the city's average. Census tract 9 allows up to 11 alcohol beverage outlets. Currently there are seven.

There are residential dwellings within 100 feet from the site. The San Diego Police Department (SDPD) made the necessary finding of convenience or necessity to recommend approval of the project. The SDPD has determined that the proposed Type 20 liquor license at the proposed site would not be detrimental to the public health, safety or welfare. The permit prepared for this project includes various conditions and restrictions relevant to achieving compliance with the regulations of the Municipal Code.

Staff has determined the proposed Type 20 liquor license is appropriate at this location, as the proposed use supports a public convenience and necessity, there exists a low crime rate, there is an underconcentration of liquor licenses in the area, and it is located within other commercial services. Therefore, the proposed use is appropriate at the proposed location.

BE IT FURTHER RESOLVED, that, based on the findings herein adopted by the Hearing Officer, Conditional Use Permit No. 978447 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 978447, a copy of which is attached hereto and made a part hereof.

William Zounes
Development Project Manager
Development Services

Adopted on: September 26, 2012

Job Order No. 24002618

Draft

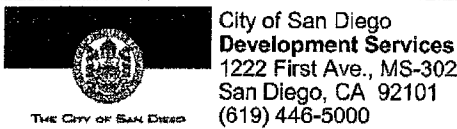


City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101

THE CITY OF SAN DIEGO

Committee Distribution Form Part 2

Project Name: G&M #108		Project Number: 278306	Distribution Date: 5/15/2012
Project Scope/Location: NAVAJO (PROCESS 3) Conditional Use Permit for beer/wine sales for a convenience store at 8780 Lake Murray Blvd in the CC-1-3 Zone within the Navajo Community Plan, Airport Land Use Compatibility Overlay, Airport Influence Area, FAA Part 77, Transit Area. Council District 7. Notice Cards=2.			
Applicant Name: Pam Swanson		Applicant Phone Number: (619) 224-8604	
Project Manager: Sandra Teasley	Phone Number: (619) 446-5271	Fax Number: (619) 446-5245	E-mail Address: STeasley@sandiego.gov
Committee Recommendations (To be completed for Initial Review):			
<input type="checkbox"/> Vote to Approve	Members Yes	Members No	Members Abstain
<input checked="" type="checkbox"/> Vote to Approve With Conditions Listed Below	15	0	0
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Deny	Members Yes	Members No	Members Abstain
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			<input type="checkbox"/> Continued
CONDITIONS: Recommend approval of the CUP on the condition that beer be sold only in manufacturer's prepackaged quantities of six or greater. The applicant (Andrea Muñoz) of G&M Oil accepted the condition.			
NAME: Allen Jones		TITLE: Chair, Navajo Community Planners, Inc.	
SIGNATURE: <i>Allen Jones</i>		DATE: 6/18/12	
Attach Additional Pages If Necessary.		Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101	
Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services . Upon request, this information is available in alternative formats for persons with disabilities.			



Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit
 Variance Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment • Other _____

Project Title Lake Murray C-Store Remodel **Project No. For City Use Only** 228306

Project Address:
 8780 Lake Murray Blvd, San Diego, CA 92119

Part 1 - To be completed when property is held by individual(s)

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

Additional pages attached Yes No

Name of individual (type or print):
 Tobias Miller
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 344 S Spalding Dr., Suite 2
 City/State/Zip:
 Beverly Hills, CA, 90212
 Phone No: (310) 556-5646 Fax No: (310) 556-0176
 Signature: *Tobias Miller* Date: 02/01/2011

Name of individual (type or print):
 Sharon Miller
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 344 S Spalding Dr., Suite 2
 City/State/Zip:
 Beverly Hills, CA, 90212
 Phone No: (310) 556-5646 Fax No: (310) 556-0176
 Signature: *Sharon Miller* Date: 02/01/2011

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

Name of individual (type or print):
 G&M Oil
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 City/State/Zip:
 Phone No: Fax No:
 Signature: Date:

Project Title: _____

Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

Corporation Limited Liability -or- General) What State? CA Corporate Identification No. _____
 Partnership

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

Corporate/Partnership Name (type or print):
 Camden Holdings, LLC

Owner Tenant/Lessee

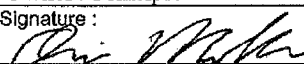
Street Address:
 9454 Wilshire Blvd., Suite 650

City/State/Zip:
 Beverly Hills, CA 90212

Phone No: (310) 553-1031 Fax No: (310) 553-1041

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

Title (type or print):
 Owner / Principle

Signature:  Date: 02/01/2011

Corporate/Partnership Name (type or print):
 G&M Oil Co., LLC

Owner Tenant/Lessee

Street Address:
 16868 A Street

City/State/Zip:
 Huntington Beach, CA, 92647

Phone No: (714) 375-4700 Fax No: (714) 596-2634

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

Title (type or print):
 Compliance Manager

Signature: _____ Date: _____

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: _____ Fax No: _____

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

Title (type or print):

Signature: _____ Date: _____

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: _____ Fax No: _____

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

Title (type or print):

Signature: _____ Date: _____

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: _____ Fax No: _____

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

Title (type or print):

Signature: _____ Date: _____

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: _____ Fax No: _____

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

Title (type or print):

Signature: _____ Date: _____

**Project Chronology
G&M No. 108
PROJECT NO. 278306**

Date	Action	Description	City Review Time	Applicant Response
5/15/12	First Submittal	Project Deemed Complete and distributed		
7/26/12	First Submittal Assessment Letter out		72 days	
7/27/12	Second submittal In	Engineering Review only		1 days from First Assessment Letter
8/9/12	Second Submittal Assessment Letter out	Final Assessment out with information regarding hearing process included.	13 days	
9/26/12	Hearing Officer Hearing		48 days	
TOTAL STAFF TIME**			4 month 13 days	
TOTAL APPLICANT TIME**				months 1 day
TOTAL PROJECT RUNNING TIME**		From Deemed Complete to HO Hearing	4 months 15 days	

**Based on 30 days equals to one month.

SAN DIEGO POLICE DEPARTMENT CONDITIONAL USE PERMIT RECOMMENDATION

PREMISE ADDRESS: 8780 Lake Murray Blvd, San Diego

TYPE OF BUSINESS: Gas Station Mini Market

FEDERAL CENSUS TRACT: 98.02

NUMBER OF ALCOHOL LICENSES ALLOWED: 11

NUMBER OF ALCOHOL LICENSES EXISTING: 7

CRIME RATE IN THIS CENSUS TRACT: 99.3%
(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 census tract currently has a reported crime rate of 83.6%, however, alcohol-related crime is only 33.9% within this census tract. Both of these figures are well below what is considered to be "high crime". The applicant provided numerous petitions signed by patrons of the gas station supporting the addition of alcohol to the location.

SUGGESTED CONDITIONS: The San Diego Police Department agrees to the issuance of this license as long as the following conditions are included in the Alcoholic Beverage Control License:

1. Sales of alcoholic beverages shall be permitted only between the hours of 7:00 AM and 12:00 AM Midnight each day of the week.

2. Wine shall not be sold in bottles or containers smaller than 750 ml and wine coolers or beer coolers must be sold in manufacturer pre-packaged multi-unit quantities.

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

4. Beer, malt beverages or wine cooler products, regardless of container size, cannot be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.

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

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

6. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the licensee(s) shall be removed or painted over within 48 hours of being applied.
7. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior constitute a violation of this condition.
8. There shall be no amusement machines or video game devices in the premises at any time.
9. There shall be video recording of both the interior and exterior of the premises. Upon request by police the video recording shall be provided within 24 hours of the request.

SAN DIEGO POLICE DEPARTMENT RECOMMENDATION:

APPROVE

DENY

S. PAPALEE ABBEYSEN

Name of SDPD Vice Sergeant (Print)



Signature of SDPD Vice Sergeant

(619) 531-2349

Telephone Number

5/31/12

Date of Review

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

THE ORIGINAL OF THIS DOCUMENT
WAS RECORDED ON DEC 09, 2011
DOCUMENT NUMBER 2011-0663805
Ernest J. Dronenburg, Jr., COUNTY RECORDER
SAN DIEGO COUNTY RECORDER'S OFFICE
TIME: 3:32 PM

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24001523

NEIGHBORHOOD USE PERMIT NO. 829648
LAKE MURRAY C STORE -PROJECT NO. 231825
DEVELOPMENT SERVICES DEPARTMENT

This Neighborhood Use Permit No. 829648 is granted by the Development Services Department of the City of San Diego to CAMDEN HOLDINGS, LLC, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0201. The 0.60-acre site is located at 8780 Lake Murray Boulevard in the Cc-1-3 zone of the Navajo Community Planning area. The project site is legally described as a portion of Lot 3, Navajo Shopping Center Map No. 4721, and portions of Navajo Road and Lake Murray Boulevard vacated for public use.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to demolish an existing convenience store and construct a new 2,745-square-foot convenience store on a lot with an existing service station (fuel pumps and canopies) described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated November 28, 2011, on file in the Development Services Department.

The project shall include:

- a. Demolish an existing convenience store and construct a new 2,745-square-foot convenience store; maintain eight existing fuel pumps, fuel equipment and canopies;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;
- d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by December 8, 2014.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
9. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is

required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" 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.

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

ENGINEERING REQUIREMENTS:

11. The project proposes to export no material from the project site. Any excavated material that is exported, shall be exported to a legal disposal site. The approval of this project does not allow the onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit per LDC Section 141.0620(i).

12. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.

13. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the reconstruction of the existing driveways which will remain, to current City Standards with SDG-114 Commercial Concrete Driveways, adjacent to the site on Navajo Road and Lake Murray Boulevard, satisfactory to the City Engineer. (The construction documents,

showing driveway locations, shall be in substantial conformance with Exhibit "A", 'Site Plan' and 'Grading Plan'.)

14. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the reconstruction of the existing curb ramp at the southwest corner of Navajo Road and Lake Murray Boulevard, with current City Standard curb ramp Standard Drawing SDG-130 and SDG-132 with truncated domes, satisfactory of the City Engineer.

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

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

17. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

LANDSCAPE REQUIREMENTS:

18. Prior to issuance of any construction permits, complete landscape and irrigation plans consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan.

19. Prior to Occupancy, the Owner/Permittee shall install all required landscape and irrigation, and obtain all required landscape inspections.

20. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.

21. Owner/Permittee shall maintain a minimum of ten off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

PLANNING/DESIGN REQUIREMENTS:

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

TRANSPORTATION REQUIREMENTS:

23. A minimum of 10 automobile spaces including 1 van accessible space are required by the Land Development Code. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Director.

24. Prior to final occupancy, the Owner/Permitted shall close the existing driveway at the northern side of Lake Murray Boulevard along the project's frontage and replace with standard height curb, gutter and sidewalk.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Development Services Department of the City of San Diego on 11/28/11 and Resolution Number CM-6206.

Permit Type/PTS Approval No.: NUP 829648
Date of Approval: 11/28/11

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT



SANDRA TEASLEY
Development Project Manager

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

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Diego }

On December 9, 2011 before me, Stacie L. Maxwell, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Bandra Feasley
Name(s) of Signer(s)

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



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

WITNESS my hand and official seal.

Signature: [Handwritten Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document: Lake Murray C Store PTS 231825

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____ Signer's Name: _____

- | | | | |
|---|---|---|---|
| <input type="checkbox"/> Corporate Officer — Title(s): _____
<input type="checkbox"/> Individual
<input type="checkbox"/> Partner — <input type="checkbox"/> Limited <input type="checkbox"/> General
<input type="checkbox"/> Attorney in Fact
<input type="checkbox"/> Trustee
<input type="checkbox"/> Guardian or Conservator
<input type="checkbox"/> Other: _____ | <p style="text-align: center; font-weight: bold; font-size: small;">RIGHT THUMBPRINT OF SIGNER</p> <p style="text-align: center; font-size: x-small;">Top of thumb here</p> | <input type="checkbox"/> Corporate Officer — Title(s): _____
<input type="checkbox"/> Individual
<input type="checkbox"/> Partner — <input type="checkbox"/> Limited <input type="checkbox"/> General
<input type="checkbox"/> Attorney in Fact
<input type="checkbox"/> Trustee
<input type="checkbox"/> Guardian or Conservator
<input type="checkbox"/> Other: _____ | <p style="text-align: center; font-weight: bold; font-size: small;">RIGHT THUMBPRINT OF SIGNER</p> <p style="text-align: center; font-size: x-small;">Top of thumb here</p> |
|---|---|---|---|

Signer Is Representing: _____ Signer Is Representing: _____

ORIGINAL

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.

CAMDEN HOLDINGS, LLC,
Owner and Permittee

By 

NAME: Ari Miller
TITLE: Manager

Tobias Miller
Owner/Permittee

By 

NAME: Tobias Miller

Sharon Miller
Owner/Permittee

By 

NAME: Sharon Miller

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

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1129

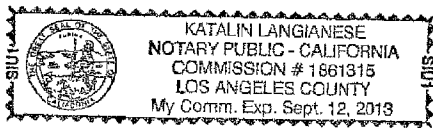
State of California

County of LOS ANGELES }

On Dec. 2, 2011 before me, KATALIN LANGIANESE
Date Here Insert Name and Title of the Officer NOTARY PUBLIC

personally appeared TOBIAS MILLER
Name(s) of Signor(s)
SHARON MILLER

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



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

WITNESS my hand and official seal.

Signature: Katalin Langianese
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document: NEIGHBORHOOD USE PERMIT No. 829648

Document Date: Dec. 2, 2011 Number of Pages: 7

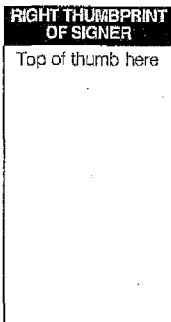
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

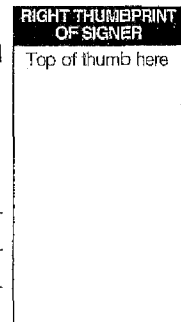
Signer's Name: TOBIAS MILLER

Signer's Name: SHARON MILLER

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



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



Signer Is Representing: _____

Signer Is Representing: _____

ORIGINAL

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

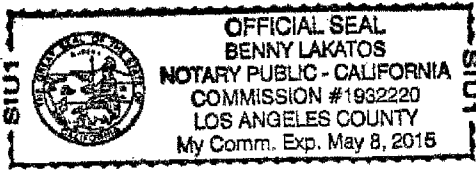
State of California

County of LOS ANGELES }

On 12/2/2011 before me, BENNY LAKATOS - Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Ari Miller
Name(s) of Signer(s)

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



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

WITNESS my hand and official seal.

Signature: Benny Lakatos
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document: NEIGHBORHOOD USE PERMIT # 829648

Document Date: 12/2/2011 Number of Pages: 7

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Ari Miller Signer's Name: _____

Corporate Officer — Title(s): _____ Corporate Officer — Title(s): _____

Individual Partner — Limited General Individual Partner — Limited General

Attorney in Fact Attorney in Fact

Trustee Trustee

Guardian or Conservator Guardian or Conservator

Other: _____ Other: _____

Signer Is Representing: _____ Signer Is Representing: _____

ORIGINAL

DEVELOPMNT SERVICES
RESOLUTION NO. 6206
NEIGHBORHOOD USE PERMIT NO. 829648
LAKE MURRAY C STORE -PROJECT NO. 231825

WHEREAS, CAMDEN HOLDINGS, LLC, Owner and Permittee, filed an application with the City of San Diego for a permit to demolish an existing convenience store and construct a new 2,745-square-foot convenience store on a lot with an existing service station (fuel pumps and canopies), as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 829648, on portions of a 0.60-acre site;

WHEREAS, the project site is located at 8780 Lake Murray Boulevard in the CC-1-3 zone of the Navajo Community Planning area;

WHEREAS, the project site is legally described as a portion of Lot 3, Navajo Shopping Center Map No. 4721, and portions of Navajo Road and Lake Murray Boulevard vacated for public use;

WHEREAS, on November 28, 2011, the Development Services Department of the City of San Diego considered Neighborhood Use Permit No. 829648 pursuant to the Land Development Code of the City of San Diego;

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

That the Development Services Department adopts the following written Findings, dated November 28, 2011:

NEIGHBORHOOD USE PERMIT FINDINGS:

1. The proposed development will not adversely affect the applicable land use Plan.

The project is the demolition of an existing convenience store and the construction a new 2,745-square-foot convenience store on a lot with an existing service station (fuel pumps and canopies). The site is designated for commercial uses in the Navajo Community Plan and zoned CC-1-3 a city-wide commercial zone. The existing development as a service station is consistent with the land use designation. The circulation element of the plan recommends that curb cuts be reduced and that the number and location of service stations be regulated. The site has 3 access points on Lake Murray Boulevard and Navajo Road. Project implementation requires the removal of one curb cut on Navajo Road be closed and a modification to the westerly driveway on Navajo Road. The existing development is previously conforming as it was constructed prior to the requirement for discretionary approval. As such, the proposed modification to the development requires discretionary action in the form of a Process 2 Neighborhood Use Permit. The processing of this permit has ensured that the use will be regulated and conditions imposed on the development where currently, none exists. Therefore, the proposed development will not adversely affect the applicable land use Plan.

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

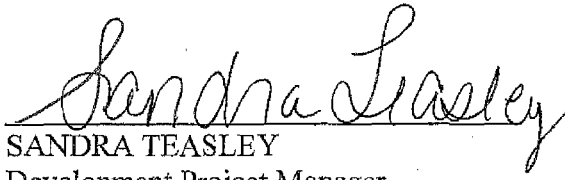
The project is the demolition of an existing convenience store and the construction a new 2,745-square-foot convenience store on a lot with an existing service station (fuel pumps and canopies. The site is designated for commercial uses in the Navajo Community Plan and zoned CC-1-3 a city-wide commercial zone. The existing development as a service station is consistent with the land use designation and has been located at this site since 1963.

The circulation element of the plan recommends that curb cuts be reduced and that the number and location of service stations be regulated. The site has 3 access points on Lake Murray Boulevard and Navajo Road. Project implementation requires the removal of one curb cut on Navajo Road be closed and a modification to the westerly driveway on Navajo Road. The existing development is previously conforming as it was constructed prior to the requirement for discretionary approval. As such, the proposed modification to the development requires discretionary action in the form of a Process 2 Neighborhood Use Permit. The processing of this permit has ensured that the use will be regulated and conditions imposed on the development where currently, none exists. A traffic study was prepared for the project which concluded that the modifications to the site would not create traffic impacts and, no mitigation was required. A Negative Declaration was prepared for the project as it was determined through the review of various required reports (*Lake Murray Convenience Store Traffic Impact Study* dated July, 2011, *Water Quality Study Report*, dated May 201, and, a Health Vapor Risk Assessment – reviewed by the County DEH), as well as a review of field conditions and the project submittal, that the proposed development would not require any mitigation measures. Various conditions of approval have been incorporated into the permit to ensure compliance with all Land Development Code requirements for ministerial approval (s).

3. The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

The project is the demolition of an existing convenience store and the construction a new 2,745-square-foot convenience store on a lot with an existing service station (fuel pumps and canopies. The site is designated for commercial uses in the Navajo Community Plan and zoned CC-1-3 a city-wide commercial zone. The existing development as a service station is consistent with the land use designation and has been located at this site since 1963. The development complies with all requirements of the Land Development Code.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Development Services Department, Neighborhood Use Permit No. 829648 is hereby GRANTED by the Development Services Department to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No829648, a copy of which is attached hereto and made a part hereof.


SANDRA TEASLEY
Development Project Manager
Development Services

Adopted on: November 28, 2011.

Job Order No. 24001523