



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: June 12, 2013 REPORT NO. HO-13-057

ATTENTION: Hearing Officer

SUBJECT: 7-ELEVEN MISSION GORGE
PROJECT NUMBER: 310272

LOCATION: 5829 Mission Gorge Road

APPLICANT: 7-Eleven, Inc., Bill Adams

SUMMARY

Issue(s): Should the Hearing Officer approve a Conditional Use Permit to allow the sales of beer and wine in accordance with a Type 20 liquor license and tenant improvements within an existing building in the Navajo Community Plan area?

Staff Recommendation - APPROVE Conditional Use Permit No. 1088561.

Community Planning Group Recommendation – On February 25, 2013 the Navajo Community Planners, Inc., voted 9-0-0 to recommend approval of the project with suggested conditions (Attachment 10).

Environmental Review - The proposed activity is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (New Construction) of the State CEQA Guidelines in that allows for alterations to existing private or public facilities, involving negligible or no expansion of use. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on May 10, 2013, the opportunity to appeal that determination ended on May 30, 2013 and no appeal was filed.

BACKGROUND

The project proposes the sale of beer and wine and tenant improvements for a 2,871 square-foot 7-Eleven convenience store within an existing building. The 0.57-acre site is located at 5829 Mission Gorge Road in the IL-3-1 Zone of the Navajo Community Plan Area. The site is surrounded by commercial retail establishments, car dealerships and light industrial uses. The project includes tenant improvements to the existing building to create a new 7-Eleven convenience store.

DISCUSSION

Project Description

The project proposes the off-site sales of beer and wine within a 2,871 square-foot convenience store. A Conditional Use Permit for the off-site sale of alcoholic beverages is permitted pursuant to Section 141.0502(c) of the Land Development Code. The sales of beer and wine will be limited between the hours of 8:00 a.m. to 12:00 midnight, Monday through Sunday as conditioned by the San Diego Police Department (SDPD) and LDR-Planning review (Attachment 6). The convenience store will be open 24 hours a day seven days a week.

Section 141.0502 determines when the off-site 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 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 except those established in association with section 141.0404(a), a hospital or a San Diego County welfare district office.
- Within 100 feet of a residentially zoned property.

A Conditional Use Permit is required for the subject site because the ratio of alcohol beverage outlets in the project area exceeds the standards established by the California Business and Professions Code section 23958.4. Statistics provided by the San Diego Police Department (SDPD) for the project's Federal Census Tract No. 96.04 shows the area is allowed to have two alcoholic beverage licenses where eight exist today.

The San Diego Police Department (SDPD) reviewed the proposed project and recommends approval with recommendations and conditions for the Conditional Use Permit (Attachment 6). Conditions within the permit include, but are not limited to, the time restriction for the sale of beer and wine, security assurance, and that no more than 15-percent of the floor space of the premises will be used for the display of alcoholic beverages. All SDPD recommendations and conditions are included in the draft permit. The SDPD'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 the law enforcement concerns, if necessary.

CONCLUSION

Staff has determined that the project complies with the development regulations of all applicable sections of the Land Development Code. Staff has also considered the alcohol beverage outlet statistics from the Department of Alcoholic Beverage Control and the recommendation and conditions from the SDPD-Vice Operations. Staff has determined that the required findings can be made as the project meets the applicable San Diego Municipal Code regulations and requirements. Therefore, staff recommends approval of the project as proposed.

ALTERNATIVES

1. Approve Conditional Use Permit No. 1088561, with modifications or;
2. Deny Conditional Use Permit No. 1088561, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Morris E. Dye
Development Project Manager

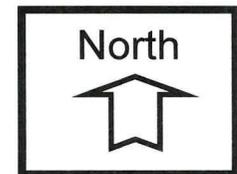
Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft Permit with Conditions
6. Draft Resolution with Findings
7. Ownership Disclosure Statement
8. Project Chronology
9. SDPD Conditional Use Permit Recommendation
10. Community Planning Group Recommendation
11. Notice of Exemption
12. Project Plan



Location Aerial Photo

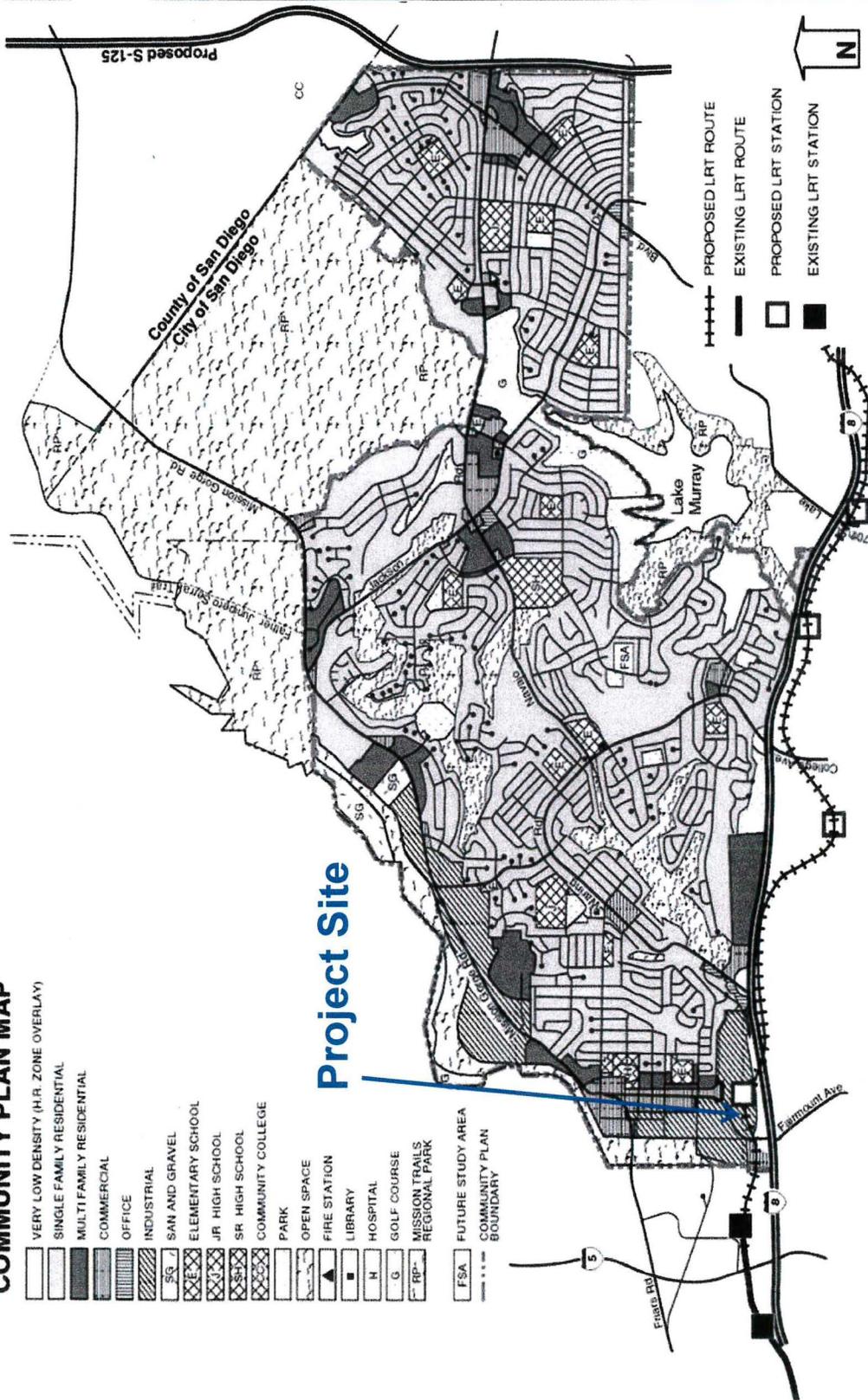
7-Eleven Mission Gorge – 5829 Mission Gorge Road
PROJECT NO. 310272



COMMUNITY PLAN MAP

- VERY LOW DENSITY (H.R. ZONE OVERLAY)
- SINGLE FAMILY RESIDENTIAL
- MULTI FAMILY RESIDENTIAL
- COMMERCIAL
- OFFICE
- INDUSTRIAL
- SAN AND GRAVEL
- ELEMENTARY SCHOOL
- JR HIGH SCHOOL
- SR HIGH SCHOOL
- COMMUNITY COLLEGE
- PARK
- OPEN SPACE
- FIRE STATION
- LIBRARY
- HOSPITAL
- GOLF COURSE
- MISSION TRAILS REGIONAL PARK
- FSA
- FUTURE STUDY AREA
- COMMUNITY PLAN BOUNDARY

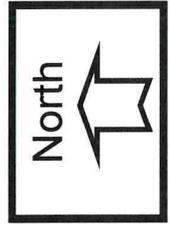
Project Site

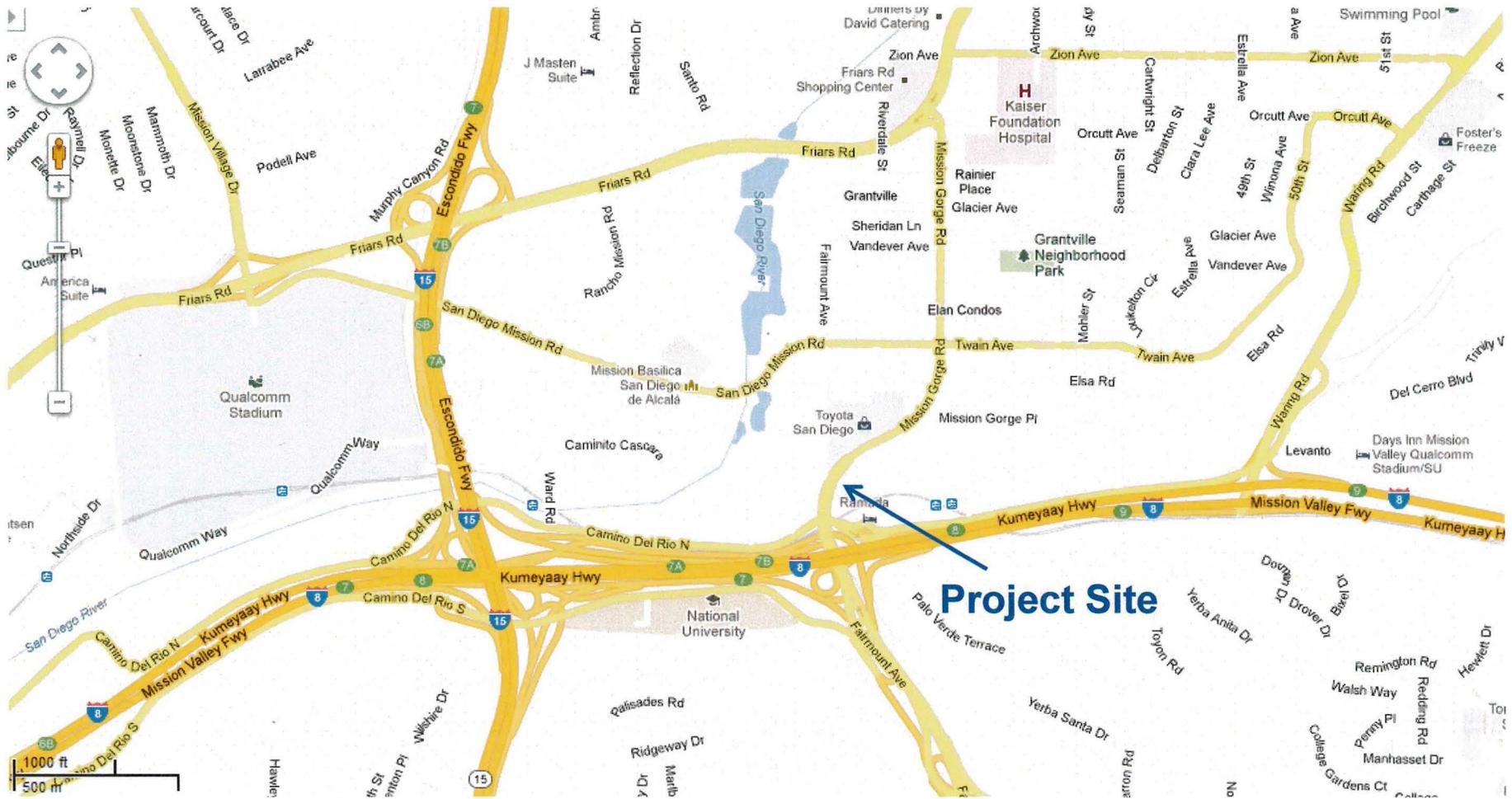


Land Use Map

7-Eleven Mission Gorge – 5829 Mission Gorge Road

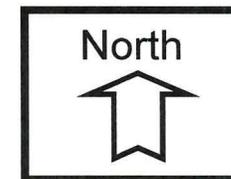
PROJECT NO. 310272





Project Location Map

7-Eleven Mission Gorge– 5829 Mission Gorge Road
PROJECT NO. 310272



PROJECT DATA SHEET

| | | |
|---|---|--------------------------|
| PROJECT NAME: | 7-Eleven Mission Gorge PTS No. 310272 | |
| PROJECT DESCRIPTION: | Conditional Use Permit to allow the sales of beer and wine in accordance with a Type 20 liquor license and tenant improvements within an existing building. | |
| COMMUNITY PLAN AREA: | Navajo | |
| DISCRETIONARY ACTIONS: | Conditional Use Permit | |
| COMMUNITY PLAN LAND USE DESIGNATION: | Commercial (Proposed to change to Industrial) | |
| <u>ZONING INFORMATION:</u> | | |
| ZONE: IL-3-1 Zone | | |
| HEIGHT LIMIT: N/A | | |
| LOT SIZE: 0.57-acres | | |
| FLOOR AREA RATIO: 2.0 | | |
| FRONT SETBACK: 15 feet | | |
| SIDE SETBACK: 10feet | | |
| STREETSIDE SETBACK: 15 feet | | |
| REAR SETBACK: 0 feet | | |
| PARKING: 12 spaces | | |
| <u>ADJACENT PROPERTIES:</u> | LAND USE DESIGNATION & ZONE | EXISTING LAND USE |
| NORTH: | Industrial IL-3-1 | Commercial |
| SOUTH: | Industrial IL-3-1 | Industrial |
| EAST: | Industrial IL-3-1 | Industrial |
| WEST: | Industrial IL-3-1 | Commercial |
| DEVIATIONS OR VARIANCES REQUESTED: | None | |
| COMMUNITY PLANNING GROUP RECOMMENDATION: | On February 25, 2013 the Navajo Community Planners, Inc. Community Planning Group voted 15-0-1 to recommend approval of the project with conditions. | |

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: 24003522

CONDITIONAL USE PERMIT NO. 1088561
7-ELEVEN MISSION GORGE PROJECT NO. 310272
HEARING OFFICER

This Conditional Use Permit No. 1088561 is granted by the Hearing Officer of the City of San Diego to **Four D. Properties, Inc.**, Owner and 7-ELEVEN, INC., A TEXAS CORPORATION, Permittee, pursuant to San Diego Municipal Code [SDMC] section 141.0502(c) and 126.0303. The 0.57-acre site located at 5829 Mission Gorge Road in the IL-3-1 Zone of the Navajo Community Plan Area. The project site is legally described as: a portion of Lot 1 in Block 46 of the amended Map No. 1 of Granville and out lots, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 776, filed in the Office of the County Recorder of San Diego County, February 16, 1894;

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to operate an alcoholic beverage outlet to sell beer and wine within a convenience store conditioned upon the issuance of a Type 20 license from the State Department of Alcoholic Beverage Control and tenant improvements, 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 June 12, 2013, on file in the Development Services Department.

The project shall include:

- a. Operating an alcoholic beverage outlet within a convenience store conditioned upon the issuance of a Type 20 license from the State Department of Alcoholic Beverage Control and associated tenant improvements;
- b. Sale of alcoholic beverages between the hours of 8:00 a.m. and 12:00 midnight 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 June 26, 2016.
2. This Conditional Use Permit (CUP) shall expire on June 12, 2038. Prior to the expiration date of this CUP, the Owner/Permittee may submit a new CUP application to the City Manager for consideration with review and a decision by the appropriate decision maker at that time. The request for consideration shall be made at least 60 calendar days prior to the expiration of this Conditional Use Permit. An application for an extension shall be considered in accordance with Process Two if there is no record in the City of San Diego Police Department or other department or with any other governmental agency of any violations of the State of California Department of Alcoholic Beverage Control rules, regulations, and orders or of any violation of city, county, state or federal law, code, regulation or policy related to prostitution, drug activity or other criminal activity on the premises. An application for an extension shall be considered in accordance with Process Three if there is a record of violations as described in Section 141.0502(c)(7)(B).
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 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.

POLICE DEPARTMENT REQUIREMENTS:

13. The Permittee shall post and maintain a professional quality sign facing the premises parking lot 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.

14. Wine shall not be sold in containers of less than 750 milliliters and shall not have an alcoholic content greater than 15 percent by volume, except for "Dinner Wines" which have been aged two years or more.

15. Beer, malt beverages or wine cooler products, regardless of container size, must be sold in multi-unit quantities of three (3) or greater.

16. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the licensee shall be removed or painted over within 48 hours of being applied.

17. There shall be no amusement machines or video game devices on the premises at any time.

18. No pay telephone will be maintained on the interior or exterior of the premises.

19. Proper illumination will be maintained in the parking lot.

20. The petitioner shall maintain a video surveillance system that monitors, records and stores, for a minimum of 15 days, the interior, exterior and parking lot areas in control of the 7-Eleven, and that is readily accessible to law enforcement.

21. No more than 15 percent of floor space shall be allocated for the display of alcohol.

22. The site shall include a video surveillance system that monitors, records and stores for a minimum of 15 days, the interior, exterior and parking lot controlled by the convenience store and readily accessible to law enforcement.

23. No more than 15-percent of the square footage of the premises will be used for the display of alcoholic beverages.

ENGINEERING REQUIREMENTS:

24. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to reconstruct the existing driveway with a current City Standards 24 feet wide SDG-162 Concrete Driveway for Confined Right-of-Way, adjacent to the site on Mission Gorge Road, to the satisfaction of the City Engineer.
25. Any party, on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within 90 days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code 66020.

INFORMATION ONLY:

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

APPROVED by the Hearing Officer of the City of San Diego on June 12, 2013.

Permit Type/PTS Approval No.: CUP No. 1088561
Date of Approval: June 12, 2013

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Morris E. Dye
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.**

Owner

By _____

Four D. Properties, Inc.
a Nevada Corporation

Permittee

By _____

7-Eleven, Inc., a Texas corporation

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

HEARING OFFICER
RESOLUTION NO. HO-
CONDITIONAL USE PERMIT NO. 1088561
7-ELEVEN MISSION GORGE PROJECT NO. 310272

WHEREAS, FOUR D. PROPERTIES, INC., a Nevada Corporation, Owner and 7-ELEVEN, INC., a TEXAS CORPORATION Permittee, filed an application with the City of San Diego for a permit to operate an off-sales alcoholic beverage outlet and tenant improvements within an existing building, conditioned upon the issuance of a Type 20 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), on portions of a 0.57-acre site;

WHEREAS, the project site is located at 5829 Mission Gorge Road in the IL-3-1 Zone of the Navajo Community Plan Area;

WHEREAS, the project site is legally described as a portion of Lot 1 in Block 46 of the amended Map No. 1 of Granville and out lots, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 776, filed in the Office of the County Recorder of San Diego County, February 16, 1894;

WHEREAS, on June 12, 2013, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1088561 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on May 10, 2013, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15303 (New Construction) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

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 June 12, 2013.

FINDINGS:

Conditional Use Permit - Section 126.0305

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

The project proposes a Conditional Use Permit for a Type 20 liquor license to allow the sales of beer and wine and tenant improvements within an existing building on a 0.57-acre site located at 5829 Mission Gorge Road in the IL-3-1 Zone within the Navajo Community Plan Area.

The site is designated Light Industrial within the Navajo Community Plan. These areas are developed with a mixture of uses, including automobile sales and repair centers, restaurants, fast food outlets, and

home improvements stores. The Navajo Community Plan does not specifically speak to the sales of beer and wine within a convenience store. However, many industrially designated areas within the Navajo area provide retail and commercial services supporting the industrial developments. A mix of uses is discussed in the Plan and reflects the desire to promote walkability and an integration of uses. The Plan also discusses how the industrially designated areas of the Navajo community are developed with office and retail uses. Additionally, these retail and commercial uses serve commuters travelling within and through the Navajo community. Currently, car dealerships, home improvement stores, restaurants and industrial supply stores surround the site. The proposal would serve many of these uses as well as residents within the Navajo community.

The proposed use is allowed in the zone and within the land use designation. The proposed convenience store supports many established industrial and commercial uses within this light industrial area, as anticipated in the Navajo Community Plan. Therefore, the proposed development will not adversely affect the applicable land use plan.

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

The project proposes a Conditional Use Permit for a Type 20 liquor license to allow the sales of beer and wine and tenant improvements within an existing building on a 0.57-acre site located at 5829 Mission Gorge Road in the IL-3-1 Zone within the Navajo Community Plan Area.

The SDPD staff has determined that the proposed “off-sales” of beer and wine is an accessory and not the primary commodity for this business. The San Diego Police Department supports the limited sale of beer and wine as conditioned by the Conditional Use Permit to ensure that the sale of alcoholic beverages is maintained as an incidental part of the store. Conditions within the permit restrict beer and wine selling hours, security obligations, and that no more than 15 percent of the floor space of the premises may be used for the display of alcoholic beverages. All Police Department recommendations have been added to the draft permit as conditions or recommended conditions to the Department of Alcoholic Beverage Control (ABC). The San Diego Police Department’s Vice Unit will work with the applicant and the ABC to place additional conditions on the alcohol license to minimize the law enforcement concerns, if necessary. The SDPD has determined that given these conditions, the proposed off-sales of beer and wine at the proposed site would not be detrimental to the public health, safety, and welfare.

In addition to including safety and public health-related conditions in the permit, the project was determined to be exempt from the California Environmental Quality Act (CEQA) 15303 (New Construction). 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 a Type 20 liquor license to allow the sales of beer and wine and tenant improvements within an existing building on a 0.57-acre site located at 5829 Mission Gorge Road in the IL-3-1 Zone within the Navajo Community Plan Area.

The site is designated for Light Industrial development within the Navajo Community Plan. The proposed sales of alcoholic beverages within a convenience store will be in accordance with the San

Diego Municipal Code and is contingent upon the issuance of a license by the State of California Alcohol Beverage Control Board (ABC). Section 141.0502 determines when the off-site sale of alcohol is permitted by right or when a Conditional Use Permit is required in accordance with a Process Three (Hearing Officer) decision. This project would exceed the ratio of alcohol beverage outlets standard established by the California Business and Professional Code section 23958.4, and, therefore, requires the Conditional Use Permit. The applicant proposes no deviations to San Diego Municipal Code development regulations. For the reasons above the proposed development 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 a Type 20 liquor license to allow the sales of beer and wine and tenant improvements within an existing building on a 0.57-acre site located at 5829 Mission Gorge Road in the IL-3-1 Zone within the Navajo Community Plan Area.

The proposal to sell beer and wine within a convenience store is consistent with the existing commercial use of the property and complements the Light Industrial land uses in the area. The convenience store is not located near a church, school, residential zone, or park and is located in a zone which allows the sales of beer and wine in association with the issuance of a Conditional Use Permit. The SDPD staff has determined that the proposed sales of beer and wine would be component of the convenient store and is not the primary sales product. The SDPD has determined that the proposed off-sale of beer and wine at the proposed site would not be detrimental to the public health, safety, and welfare. The permit prepared for this project includes various recommendations which include, but are not limited to, hours beer and wine can be sold, beer and wine advertising limitations, security requirements, and that no more than 15 percent of the floor space of the convenience store will be used for the display of alcoholic beverages.

The proposed use is located within an existing building that will have tenant improvements to create the new 7-Eleven store. The SDPD has determined the proposed use is appropriate at this location due to an adequate separation from other alcohol beverage outlets and that the site is not located near schools, near a residential zone, or public parks in the area. Therefore, the proposed use is appropriate at this location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 1088561 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. 1088561, a copy of which is attached hereto and made a part hereof.

Morris E. Dye
Development Project Manager
Development Services

Adopted on: June 12, 2013

Job Order No. 24003522



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

Ownership Disclosure Statement

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

Project Title **Project No. For City Use Only**
 7-Eleven convenience store 310272

Project Address:
 5829 Mission Gorge Road, San Diego, CA 92120

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

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

Additional pages attached Yes No

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

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

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

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

| | |
|----------------|---------------------------------|
| Project Title: | Project No. (For City Use Only) |
|----------------|---------------------------------|

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? _____ Corporate Identification No. 88-031998Z
 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):
FOUR D. PROPERTIES INC

Owner Tenant/Lessee

Street Address:
5839A MISSION GORGE RD

City/State/Zip:
SAN DIEGO CA 92120

Phone No: 619 283 5557 Fax No: 619 283 0023

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

Title (type or print):
PRESIDENT

Signature: [Signature] Date: 12-26-12

Corporate/Partnership Name (type or print):
7-Cleven, INC.

Owner Tenant/Lessee

Street Address:
1722 BORTH ST, Suite 1000

City/State/Zip:
Dallas, TX 75201

Phone No: 972-828-7011 Fax No: _____

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

Title (type or print):
VP, Dev Strategy and Support

Signature: [Signature] Date: 1/8/13

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 Title:

Project No. (For City Use Only)

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? _____ Corporate Identification No. 880319982
 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):

Four D Properties Inc

Owner Tenant/Lessee

Street Address:

5839 A Mission Gorge Rd

City/State/Zip:

San Diego CA 92120

Phone No:

619 2835557

Fax No:

619 2830023

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

President, David Smith

Title (type or print):

David Smith

Signature :

[Signature]

Date:

1/8/13

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

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

Title (type or print):

Signature :

Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

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

Title (type or print):

Signature :

Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

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

Title (type or print):

Signature :

Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

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

Title (type or print):

Signature :

Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

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

Title (type or print):

Signature :

Date:

**Project Chronology
7-11 Mission Gorge
Project No. 31272**

| Date | Action | Description | City Review Time | Applicant Response |
|-------------------------------------|--|---|-------------------------|---------------------------|
| 4/15/2013 | First Submittal | Project Deemed Complete and distributed | | |
| 5/16/2013 | First Submittal Assessment Letter out | | 30 days | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| 6/12/13 | Hearing Officer Hearing | | 26days | |
| TOTAL STAFF TIME** | | | 2 Months | |
| TOTAL APPLICANT TIME** | | | | N/A |
| TOTAL PROJECT RUNNING TIME** | | From Deemed Complete to HO Hearing | 2 months | |

**Based on 30 days equals to one month.

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

PREMISE ADDRESS: 5829 Mission Gorge Rd, San Diego, CA 92120

TYPE OF BUSINESS: 7- Eleven Inc.

FEDERAL CENSUS TRACT: 96.04

NUMBER OF ALCOHOL LICENSES ALLOWED: 2

NUMBER OF ALCOHOL LICENSES EXISTING: 8

CRIME RATE IN THIS CENSUS TRACT: 91.7%
(Note: Considered High Crime If Exceeds 120% of City-wide Average)

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

IS THE PREMISE WITHIN 600 FEET OF INCOMPATIBLE FACILITY YES NO

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

ABC LICENSE REVOKED AT THIS PREMISE WITHIN PAST YEAR YES NO

HAS APPLICANT BEEN CONVICTED OF ANY FELONY YES NO

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

COMMENTS/OTHER FACTORS CONSIDERED:

The applicant is applying for a Conditional Use Permit for a 7-Eleven Convenience Store with a Type 20 Beer & Wine license. 5829 Mission Gorge Rd. 7-Eleven has an established and recognized business plan, and the sale of alcohol is an accessory and not the primary commodity.

Between 04/15/12 and 04/15/2013, there were two (2) calls for service at the location which resulted in a total police out of service time(OST) of 3.74 hours. The calls do not appear to be related to the location. This census tract is not considered "High Crime" having less than a 120% crime rate.

The license will add to the number of licenses in the area. There are currently eight (8) alcohol license existing in this census tract and two (2) allowed.

With the below listed conditions, the San Diego Police Department agrees to the issuance of the conditional use permit.

SUGGESTED CONDITIONS:

1. Sales of alcoholic beverages shall be permitted only between the hours of 8:00 AM and 12:00 Midnight each day of the week.

2. Beer, malt beverages or wine cooler products, regardless of container size, must be sold in manufacturerers, pre-packaged, multi-unit quantities of 3 or greater.
3. Wine shall not be sold in bottles or containers smaller than 750 ml and shall not have an alcoholic content greater than 15% by volume, except for "Dinner Wines" which have been aged two years or more.
4. 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 in Spanish.
5. 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.
6. There shall be no amusement machines or video game devices on the premises at any time.
7. No pay telephone will be maintained on the interior or exterior of the premises.
8. Proper illumination will be maintained in the parking lot.
9. Video surveillance system that monitors, records and stores for a minimum of 15 days, the interior, exterior and parking lot area in control of 7-eleven and is readily accessible to law enforcement.
10. No more than 15% of floor space shall be allocated for the display of alcohol.

This is a conditional approval of this project pending community/business support.

SAN DIEGO POLICE DEPARTMENT RECOMMENDATION:

APPROVE *x*

DENY _____

 JOHN SZAKANA
Name of SDPD Vice Sergeant (Print)

 617 531-2349
Telephone Number

 [Signature]
Signature of SDPD Vice Sergeant

 5/8/13
Date of Review



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

THE CITY OF SAN DIEGO

Community Planning Committee Distribution Form Part 1

| | | | | | |
|---|--|--|---|---|--|
| Project Name: 7-Eleven, Inc. | | Project Number: 310272 | | Distribution Date: 4/23/2013 | |
| Project Scope/Location: NAVAJO. Conditional Use Permit (Process 3) for off-sale beer and wine at a proposed 24-hour, 7-Eleven convenience store within an existing bldg and tenant improvement remodel located at 5829 Mission Gorge Rd. in the IL-3-1 zone, Geo 31, FP100, ALU-COZ, AIA-Montgomery Field, CPIOZ-A, Navajo Community Plan, Council 7, Notice Cards=1. | | | | | |
| Applicant Name: Adams, William | | | Applicant Phone Number: (619) 233-8200 | | |
| Project Manager: Teasley, Sandra | | Phone Number: (619) 446-5271 | Fax Number: (619) 446-5245 | E-mail Address: STeasley@sandiego.gov | |
| Project Issues (To be completed by Community Planning Committee for initial review): <p>NCP1 requests conditions - see attachment</p> <p>Navajo Community Planners Feb, 25, 2013 Meeting Minutes with conditions - See Attached</p> <p>- Anthony Wagner, Chair NAVASO Community Planners</p> | | | | | |
| 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. | | | | | |



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

THE CITY OF SAN DIEGO

Community Planning Committee Distribution Form Part 2

| | | |
|--|----------------------------------|--|
| Project Name: 7-Eleven, Inc. | Project Number: 310272 | Distribution Date: 4/23/2013 |
|--|----------------------------------|--|

Project Scope/Location:
 NAVAJO. Conditional Use Permit (Process 3) for off-sale beer and wine at a proposed 24-hour, 7-Eleven convenience store within an existing bldg and tenant improvement remodel located at 5829 Mission Gorge Rd. in the IL-3-1 zone, Geo 31, FP100, ALU-COZ, AIA-Montgomery Field, CPIOZ-A, Navajo Community Plan, Council 7, Notice Cards=1.

| | |
|--|--|
| Applicant Name: Adams, William | Applicant Phone Number: (619) 233-8200 |
|--|--|

| | | | |
|--|--|--------------------------------------|---|
| Project Manager: Teasley, Sandra | 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 | 1 |
| <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: See attachment with five (5) required conditions

| | |
|-----------------------------|---------------------------|
| NAME: Anthony Wagner | TITLE: Chair, NCPI |
|-----------------------------|---------------------------|

| | |
|------------------------------------|---------------------------|
| SIGNATURE: <i>AJ Wagner</i> | DATE: May 16, 2013 |
|------------------------------------|---------------------------|

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

NAVAJO COMMUNITY PLANNERS, INC.

Zion Avenue Community Church
4880 Zion Avenue
San Diego, CA 92120

Meeting Agenda for Monday, February 25, 2013

Back up materials relating to the agenda items may be reviewed online at navajoplanners.org

*Note: All times listed for agenda items are estimates only;
items may be heard earlier or later than listed.*

Call To Order: 7:00 p.m.

- Roll Call of Board Members

| | |
|--|-------------------------|
| Anthony Wagner (Allied Gardens) | March 2014 |
| Richard Burg (San Carlos) | March 2013 |
| Lynn Murray (Allied Gardens) | March 2014 |
| Matthew Adams (San Carlos) | March 2013 |
| Sherry Kelly (Grantville) | March 2014 |
| Mathew Kostrinsky (Del Cerro) | March 2013 |
| Douglas Livingston (Del Cerro) | March 2014 |
| Cindy Martin (Allied Gardens) | March 2013 |
| Michael McSweeney (Del Cerro) | March 2014 |
| Marilyn Reed (Allied Gardens) | March 2013 |
| Dan Smith (Grantville) | March 2014 |
| Daron Teemsma (Grantville) | March 2013 |
| Jay Wilson (Del Cerro) | March 2013 |
| Dale Peterson (San Carlos) | March 2014 |
| Mary Miller (San Carlos) | March 2014 arrived 1925 |

- Modifications to Agenda (Informational items can be changed to action items by 2/3 vote before the agenda has been adopted)
- Approval of the January 28, 2013 Meeting Minutes J. Wilson makes motion Matt 2nd D. Teemsma abstains unanimous vote

Officers Reports: 7:05 p.m.

- Chair's Report: COW Self Reporting
- Vice Chair's Report: Vacant
- Treasurer's Report: Paid \$18 to George Janson for website upkeep. Leaves balance of \$27 verified by D. Teemsma.

Elected Officials' Reports: 7:10 p.m.

- Representative for Council member Scott Sherman: reports 4 road projects: Looking into compliance for Fastbreak liquor and window treatments. Accident on Cowles Mt. and Boulder Lake Councilman Sherman's office canvassing neighborhood in regards to stop

sign at corner. M. Adams asks about intersection and Traffic Division. Does not meet point system quota. C. Martin wonders if Councilman Sherman will vote for or against. Asks Rep to remind Councilman he works for the community and they do not wish it.

- Eastern SDPD Community Service Officer Holland Tafoya: Grantville 2 commercial burglaries caught one. Allied Gardens one burglary and vehicle burglaries. Del Cerro 2 vehicle burglaries. Lake Murray one residential burglary, 2 identity theft, 1 cell phone robber caught. San Carlos 2 vehicle burglaries, 1 residential burglary. Officer Tafoya recommends that you don't give information over the phone!

Public Comment on Non-Agenda Items (3 minutes each): 7:15 p.m.

- Mr. Pilch asks about Boulder Lake stop sign discussion. 55 signatures on petition currently.
- Ann Morrison: Lives 3 houses from accident scene with 3 children. Critical that intersection receives stop sign. Fear for the children. Parking obstructs view. Lot of young families on street.
- Charles Willkom: Lives one block away. He believes increased hikers on fire road have caused traffic increase on Cowles Mnt. Street wide and cars travel very fast. 5:30-10:10 and 3:30-one hr after sundown increased traffic periods.
- A. Wagner (NCPI Board member): states he wishes for those opposed to stop sign also have a say.
- S Kelly (NCPI Board member): Corrections to NCPI website Bylaws and Elections Committee not correct.

Informational Presentations: 7:25 p.m.

- NCPI Elections Schedule – applications: C. Martin states M. McSweeney should be off NCPI Board due to absences. A. Wagner will look into it. Election Subcommittee to meet at 5839 A Mission Gorge on March 13th at 4:30.
- City Staff report on Grantville flooding issues – City Representative Bill Harris: Master Maintenance program needs to choose area to conduct work based on criteria. Channels in Grantville made top ten. City has capacity (money, equipment, staff, etc.) to do 3 per yr. Priorities set. Sorrento Valley, TJ River Valley Murphy Canyon Creek 2013. Upper Alvarado and Adobe Falls 2014. Grantville due in 2015. A. Wagner asks about work. Holistic work in unlined channels by removing cobble, vegetation, and other fill. M. Adams asks what type of studies is needed. Biology, archeology, hydrology to name a few. Any mitigation required? J. Wilson what can be done to get Grantville in sooner? Hydro capacity models show other areas are needed fixed before Grantville.

Consent Agenda: 8:00 p.m.

7-Eleven, Inc. - with respect to a remodel of an existing structure to facilitate the opening of a new 7-Eleven convenience store at 5829 Mission Gorge Rd., formerly Hot Springs Spa (a Jacuzzi sales and service business) - On behalf of Applicant: William A. Adams, APC
NORTON, MOORE, & ADAMS, LLP

The NCPI Alcohol Licensing Subcommittee supports the following consent action item and MOTION:

MOTION THAT - The Navajo Community Planners SUPPORT a new 7-Eleven convenience store located at 5829 Mission Gorge Rd attaining Public Convenience or Necessity, a Conditional Use Permit from City of San Diego Business License Division and a California Alcoholic Beverage Control (ABC) license if the following conditions, mutually agreed upon by the applicant and our body, be placed as required condition(s) on document(s) pertaining to Public Convenience and Necessity, Conditional Use Permit – City of San Diego Business License and the ABC Type 20 License.

REQUIRED CONDITIONS:

- 1) No wine shall be sold with an alcoholic content of greater than 15% by volume except for "Dinner Wines" which have been aged two years or more and maintained in corked bottles.
- 2) No beer or malt beverage products shall be sold, regardless of container size, in quantities of less than three per sale, but must be sold in manufacturer pre-packaged multi-unit quantities.
- 3) Wine shall not be sold in bottles or containers smaller than 750 ml. and wine-coolers, and beer coolers must be sold in manufacturer pre-packaged multiunit quantities.
- 4) There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages.
- 5) During times when alcoholic beverages may not be sold, refrigerator doors where such beverages are stored shall remain locked and such beverages shall be inaccessible to the public – preferably through an electronic locking device.

D. Smith recluses himself from vote. M. Adams makes motion J. Wilson seconds. Unanimous vote from NCPI Board.

Action Items: 8:05 p.m.

(10 min Total) Kensington-Talmadge Planning Group's CalTrans grant application for Community-Based Transportation Planning – The planning proposed under this application covers Fairmount Avenue with emphasis on multi-modal access to the Grantville Trolley station and the I-8 & Mission Gorge/Fairmount interchange.

Request for letter of recommendation by David Moty - Chair, Kensington Talmadge Planning Group: Join with City Heights and College Area to support application to city to Caltrans for a \$300,000 Planning Grant. Community based planning. Fairmont/I-8 interchange failing. Asked to join Alliance (Caltrans planning process). Create a loop (bicycle) and medium down Fairmont to Montezuma bicycle lane down I-15. CSU system to potentially furnish funding for this project. J. Wilson states Caltrans has proposed intersection redo and asks if this incorporates that? Planning Group has input. M. Kostrinsky unsure of disposal NCPI is reviewing. M. Adams echoes M. Kostrinsky. D. Wilson asks how NCPI would work with the other planning groups. D. Peterson supports we should be at table but stunned that a transportation hub coming to Grantville and traffic studies and is a big deal. M. Reed asks what grant is for and who gets the

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 92101-2422

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 TITLE/NO.: 7-ELEVEN INC. / 310272

PROJECT LOCATION-SPECIFIC: 5829 Mission Gorge Road, City and County of San Diego CA

PROJECT LOCATION-CITY/COUNTY: San Diego/San Diego

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: Applicant is requesting a CONDITIONAL USE PERMIT to construct interior improvements within an existing structure to permit a 24-hour 7-Eleven and allow for off-sale of beer and wine. The 24,692-square foot project site is located at 5829 Mission Gorge Road. The land use designation for the project site is commercial within the community plan. The project site is within the IL-3-1 zone of the Navajo Community Plan Community Plan area.

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: William Adams, 7-Eleven New Store Development, One Art Plaza, 1722 Routh Street, Dallas, 75201, (972) 828-7852.

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))
 CATEGORICAL EXEMPTION: 15303 (New Construction or Conversion of Small Structures)
 STATUTORY EXEMPTIONS:

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 15303 that allows for new construction. Furthermore, the exceptions listed in CEQA Section 15300.2 would not apply in that no cumulative impacts were identified; no significant effect on the environmental were identified; the project is not adjacent to a scenic highway; the project was not identified on a list of hazardous waste sites pursuant to Section 65962.5 of the Government Code.

LEAD AGENCY CONTACT PERSON: E. Shearer-Nguyen

TELEPHONE: (619) 446-5369

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.



SIGNATURE/TITLE

SENIOR PLANNER

May 15, 2013

DATE OF PROJECT APPROVAL

CHECK ONE:

- SIGNED BY LEAD AGENCY
- SIGNED BY APPLICANT

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:

STANDARD FOR REUSE
A REVISION TO AN EXISTING PLAN OR SPECIFICATION SHALL BE IDENTIFIED BY A NUMBERED REVISION. THE REVISION NUMBER SHALL BE PLACED IN THE REVISION BLOCK. THE REVISION NUMBER SHALL BE PLACED IN THE REVISION BLOCK. THE REVISION NUMBER SHALL BE PLACED IN THE REVISION BLOCK.



7-ELEVEN
MISSION GORGE RD. &
FAIRMOUNT AVE.
SAN DIEGO, CA

JOB NUMBER: 12-12-12-00075

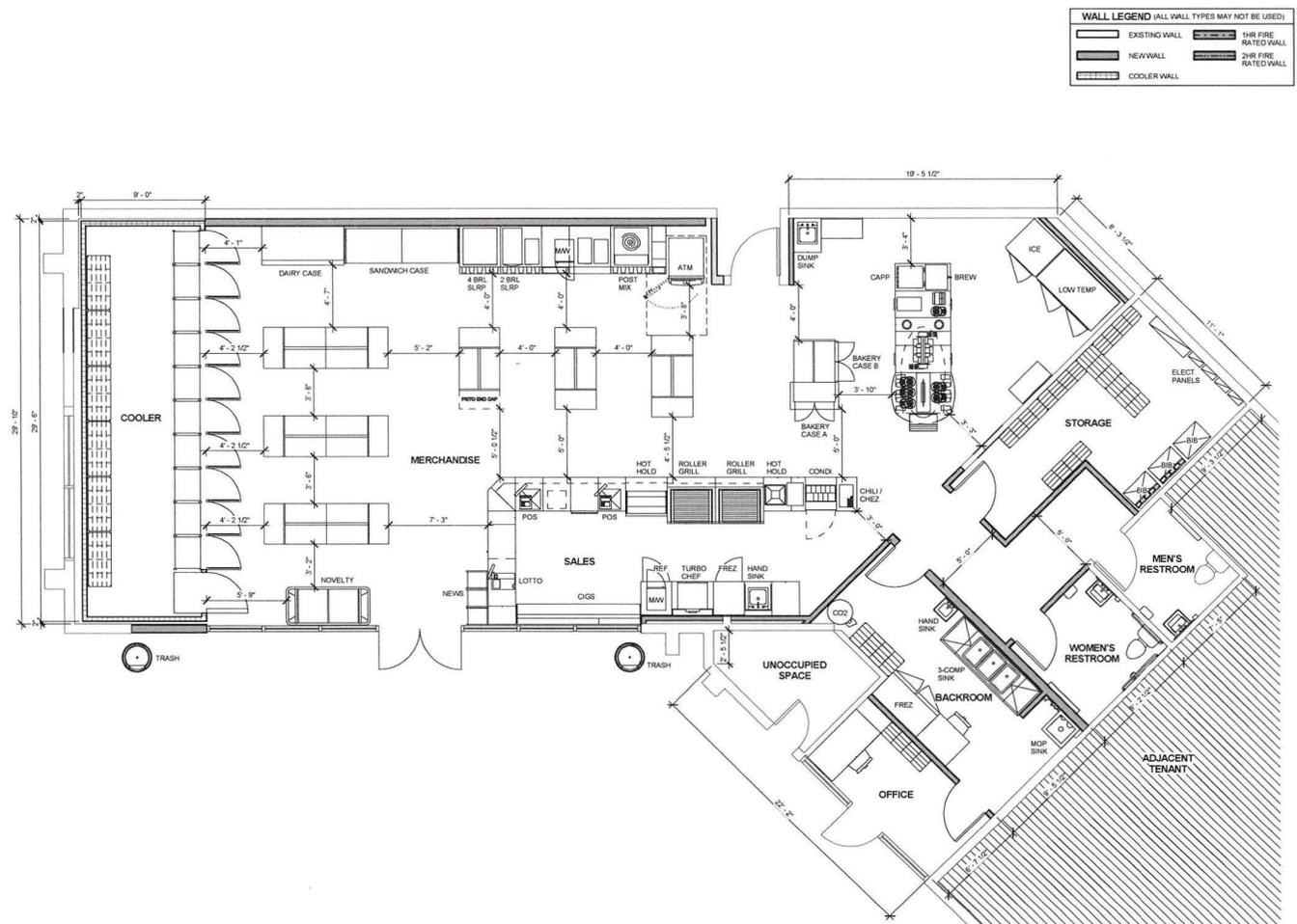
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STORE NO.: 36761
DOCUMENT DATE: 1/14/13
CHECKED BY: CS
DRAWN BY: LS

FLOOR PLAN
SHEET 2 OF 3
REV: A102

| | | |
|--------------|---|-----------------|
| MERCHANDISE | - | 1469 SF |
| SALES | - | 302 SF |
| COOLER | - | 315 SF |
| STORAGE | - | 189 SF |
| RESTROOMS | - | 136 SF |
| CORRIDOR | - | 108 SF |
| BACKROOM | - | 176 SF |
| OFFICE | - | 92 SF |
| UNOCCUPIED | - | 80 SF |
| TOTAL | - | 2,866 SF |



WALL LEGEND (ALL WALL TYPES MAY NOT BE USED)

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| [Symbol] | EXISTING WALL | [Symbol] | 1HR FIRE RATED WALL |
| [Symbol] | NEW WALL | [Symbol] | 2HR FIRE RATED WALL |
| [Symbol] | COOLER WALL | | |

1 PROPOSED FLOOR PLAN
1/4" = 1'-0"

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