



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: June 19, 2013 REPORT NO. HO-13-053

ATTENTION: Hearing Officer

SUBJECT: **NATIONAL PACIFIC PETROLEUM CUP**
PTS PROJECT NUMBER - 291127.
PROCESS 3.

LOCATION: 6795 Mira Mesa Boulevard

APPLICANT: Mr. Benjamin Donel, Sunset Equity Partners LLC, Property Owner
(ATTACHMENT 10) / Mrs. Sherrie Olson, Consultant/Agent

SUMMARY

Requested Action - Should the Hearing Officer approve a Conditional Use Permit to allow off-site sales of beer and wine within an existing gas station mini-market building in the Mira Mesa Community Plan area?

Staff Recommendation – APPROVE Conditional Use Permit No. 1021372 an Amendment to Conditional Use Permit No. 88-0231.

Community Planning Group Recommendation – The Mira Mesa Community Planning Group voted 12-0-0 to recommend approval of the project at their meeting of October 15, 2012, with no conditions. (ATTACHMENT 9).

Environmental Review – The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301, “Existing Facilities”. This project is not pending an appeal of the environmental determination. The exemption determination for this project was made on June 4, 2013, and the opportunity to appeal that determination will end on June 17, 2013.

BACKGROUND

The project site is currently developed with an existing, gas station, car wash and mini market located on 0.51-acre property on the corner of Mira Mesa Boulevard and Camino Santa Fe. The project site is part of a larger existing retail shopping center of approximately 102,925 square feet on an 10.08-acre property. The gas station, car wash and convenience store was approved under a Conditional Use Permit No. 88-0231 on June 13, 1990 (ATTACHMENT 8).

The project site is located at 6795 Mira Mesa Boulevard, within the CC-1-3 Zone, MCAS Miramar Influence Area 1, FAA Part 77 Overlay Zones within the Mira Mesa Community Plan area. A Conditional Use Permit is required, by Land Development Code Section 126.0303(a), for proposed use as an alcoholic retail sales establishment.

DISCUSSION

The project proposes to allow for a new Liquor License (a Type 20 for off-sale beer and wine) to an existing gas station, previously approved under Conditional Use Permit No. 88-0231. This Conditional Use Permit is an amendment to that previous Conditional Use Permit. During the review City Staff found the proposed use to comply with all of the applicable development regulations including those of the CC-1-3 Zone. The review of the proposed use also included a review by the Police Department that examined alcohol related crime statistics in the area, the proximity of this use to other uses in the area, the makeup of other commercial uses within the subject shopping center and reviewed the day to day operations of the proposed use. The Police Department recommended approval of the proposed use with conditions which have been included in the draft permit (ATTACHMENT 6).

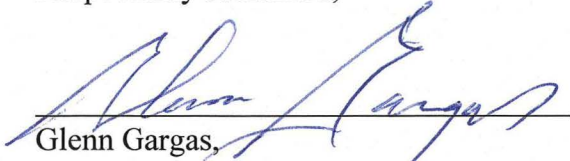
CONCLUSION

Staff has reviewed the request for the Conditional Use Permit for the proposed alcohol sales for an existing gas station and found the project to be in conformance with all the applicable sections of the San Diego Municipal Code regulating alcoholic establishments. Staff believes the required findings can be supported and recommends the Hearing Officer approve the project as proposed.

ALTERNATIVES

1. Approve Conditional Use Permit No. 1021372, with modifications.
2. Deny Conditional Use Permit No. 1021372, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,


Glenn Gargas,
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 (Full set of plans to the Hearing Officer)
6. Draft CUP with Conditions
7. Draft CUP Resolution with Findings
8. Copy of existing CUP No. 88-0231
9. Copy of Community Group Recommendation
10. Ownership Disclosure Statement
11. Copy of Public Notice

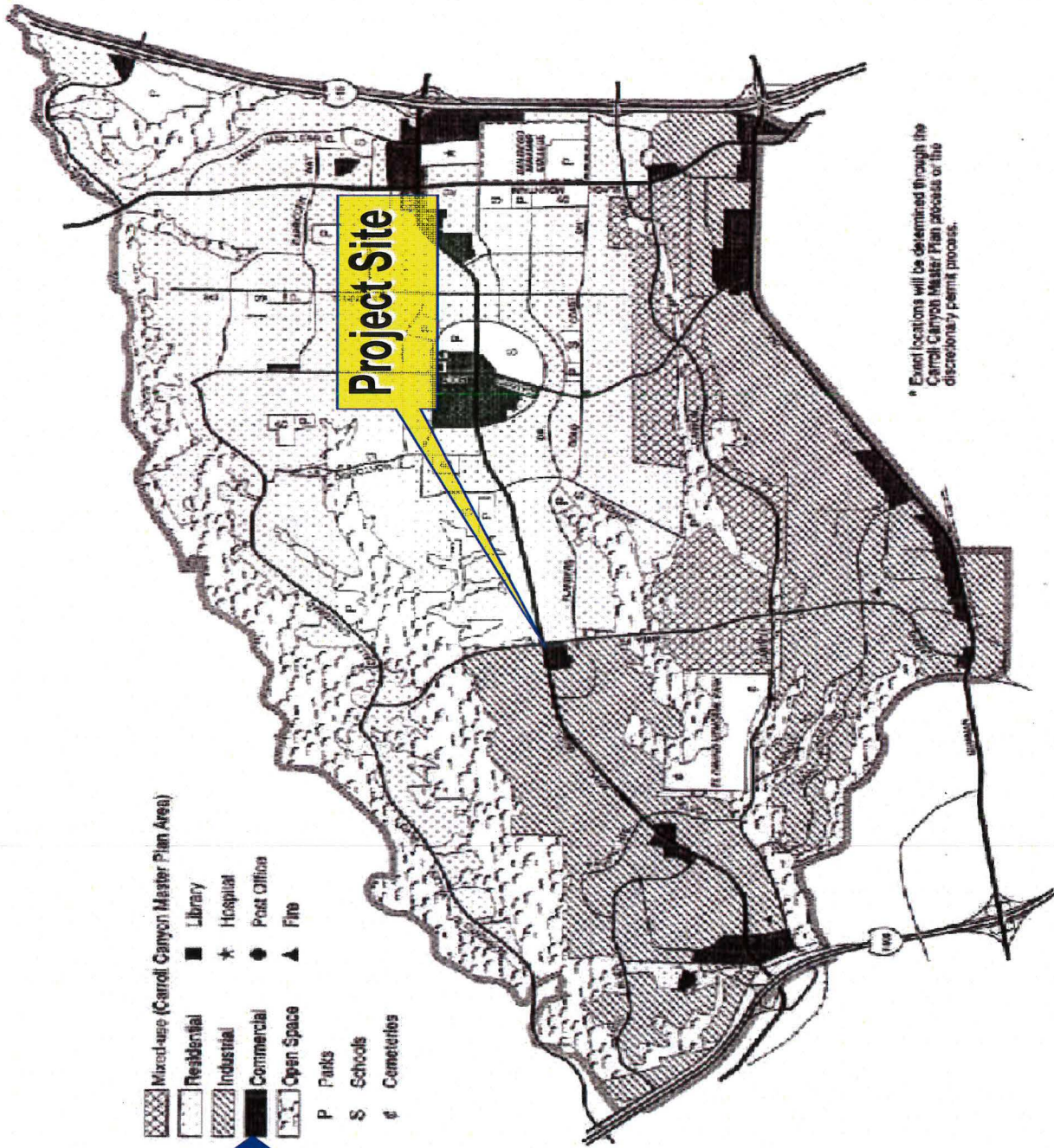
Internal Order Number: 24003106



Aerial Photo

6795 MIRA MESA BLVD. – NATIONAL PACIFIC PETROLEUM CUP
PROJECT NUMBER 291127





* Exact locations will be determined through the Carrol Canyon Master Plan process or the discretionary permit process.



Land Use Map

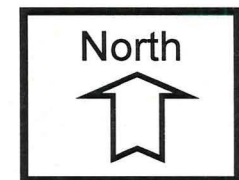
NATIONAL PACIFIC PETROLEUM – 6795 MIRA MESA BLVD.
PROJECT NO. 291127 Mira Mesa





Project Location Map

NATIONAL PACIFIC PETROLEUM CUP – 6795 MIRA MESA BLVD.
PROJECT NO. 291127



PROJECT DATA SHEET

PROJECT NAME:	Nation Pacific Petroleum CUP – Project No. 291127
PROJECT DESCRIPTION:	Conditional Use Permit, Amendment to CUP No. 88-0231 for an off-sale beer & wine (Type 20 Liquor License) added to an existing gas station with an approximate 979 sq. ft. mini market on a 0.51 acre property.
COMMUNITY PLAN AREA:	Mira Mesa
DISCRETIONARY ACTIONS:	Conditional Use Permit Amendment.
COMMUNITY PLAN LAND USE DESIGNATION:	Commercial

ZONING INFORMATION:

ZONE: CC-1-3 Zone

HEIGHT LIMIT: 45-Foot maximum height limit.

LOT SIZE: 5,000 square-foot minimum lot size – 0.51 acre.
existing lot.

FLOOR AREA RATIO: 0.75

FRONT SETBACK: 0

SIDE SETBACK: 10

STREETSIDE SETBACK: 0

REAR SETBACK: 10

PARKING: 7 existing parking spaces to remain.

<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Light Industrial; IL-2-1 Zone.	Light Industrial Office
SOUTH:	Commercial; CC-1-3 Zone.	Commercial Shopping Center
EAST:	Multi-Family Residential; RM-1-1 Zone	Multi-Family Residential - Apartments
WEST:	Commercial; CC-1-3 Zone.	Commercial Shopping Center

ATTACHMENT 4

DEVIATIONS OR VARIANCES REQUESTED:	None.
COMMUNITY PLANNING GROUP RECOMMENDATION:	On October 15, 2012, the Mira Mesa Community Planning Group voted (12-0-0) to recommend approval of this project. The recommendation did not include any 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: 24003106

CONDITIONAL USE PERMIT NO. 1021372 AN AMENDMENT TO CUP NO. 88-0231
NATIONAL PACIFIC PETROLEUM - PROJECT NO. 291127
HEARING OFFICER

This Conditional Use Permit No. 1021372 an Amendment to CUP No. 88-0231 is granted by the Hearing Officer of the City of San Diego to Sunset Equity Partners LLC, a California Limited Liability Corporation, Owner, and National Pacific Petroleum Inc., a California Corporation, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0304. The 0.51-acre site is located at 6795 Mira Mesa Boulevard, in the CC-1-3 Zone zone(s) of the Mira Mesa Community Plan area. The project site is legally described as: Parcel 1, Parcel Map No. 15212.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate an alcoholic beverage outlet conditioned upon the issuance of a license from the State Department of Alcoholic Beverage Control and subject to the City's land use regulations, and as described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 19, 2013, on file in the Development Services Department.

The project shall include:

- a. To allow for new Type 20 alcohol sales at an existing 979-square-foot gas station with convenience store on the 0.51-acre property. Operate an alcoholic beverage outlet conditioned upon the issuance of a license from the State Department of Alcoholic Beverage Control;
- b. Existing Landscaping (planting, irrigation and landscape related improvements);
- c. Existing 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 July 3, 2016.
2. The utilization of this CUP is contingent upon the approval of a license to sell alcohol at this location by the California Department of Alcoholic Beverage Control [ABC]. The issuance of this CUP does not guarantee that the ABC will grant an alcoholic beverage license for this location.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - 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.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

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

9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

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

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

PLANNING/DESIGN REQUIREMENTS:

12. Owner/Permittee shall maintain a minimum of four (4) 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.

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

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

15. All terms and conditions of Conditional Use Permit No. 88-0231 shall remain in effect except as modified by this approval.

POLICE DEPARTMENT REQUIREMENTS:

16. The sales of alcoholic beverage shall be permitted only between the hours of 8:00 a.m. and 12:00 Midnight each day of the week.

17. 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.

18. 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.

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

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

21. No loitering on the premises and if necessary a security guard to control enforcement of this provision.

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

23. Video surveillance system that monitors, records and stores for a minimum of 15 days, the interior, exterior and parking lot area in control of gas station/mini-market and is readily accessible to law enforcement.

24. No more than 15% of floor space shall be allocated for the display of alcohol.

25. Exterior advertising of alcoholic beverages or interior advertising of alcoholic beverages that is visible from the exterior of the premises shall be prohibited.

POLICE DEPARTMENT RECOMMENDATIONS FOR ABC LICENSE:

- Wine shall not be sold in containers of less than 750 milliliters, with the exception of wine coolers sold in four-pack containers or more per sale.
- Beer, malt beverages, and wine coolers cannot be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.
- Containers of wine must be 750 ml or greater and must contain no more than 15% alcohol.
- Malt beverages shall not be sold in less than-six-pack containers per sale.
- Wine shall not be sold with an alcoholic content greater than 15 percent by volume.
- The premises shall be maintained as a convenience store, and the quarterly annual sales of alcoholic beverages shall not exceed 10 percent of the quarterly annual sales of all other products.

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 19, 2013 and HO- _____.

HEARING OFFICER RESOLUTION NO. _____
CONDITIONAL USE PERMIT NO. 1021372 AN AMENDMENT TO CUP NO. 88-0231
NATIONAL PACIFIC PETROLEUM - PROJECT NO. 291127

WHEREAS, Sunset Equity Partners LLC, a California Limited Liability Corporation, Owner, and National Pacific Petroleum Inc., a California Corporation, Permittee, filed an application with the City of San Diego for a permit to Amend CUP NO. 88-0231 to operate an alcoholic beverage outlet conditioned upon the issuance of a license from the State Department of Alcoholic Beverage Control within an existing gas station mini-market (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1021372), on portions of a 0.51-acre property;

WHEREAS, the project site is located at 6795 Mira Mesa Boulevard, in the CC-1-3 Zone and within the Mira Mesa Community Plan area;

WHEREAS, the project site is legally described as Parcel 1, Parcel Map No. 15212;

WHEREAS, on June 19, 2013, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1021372, pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on June 4, 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 15301 (A) – Existing Facilities 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 19, 2013.

FINDINGS:

Conditional Use Permit Approval – Section §126.0305

(a) The proposed development will not adversely affect the applicable land use Plan.

The proposed alcoholic beverage outlet is to be located within an existing gas station mini market, which is part of a larger existing commercial shopping center. This proposed project does not propose any further physical or structural changes to the property. The project site has a land use designation of Commercial Land Use as identified by the Mira Mesa Community Plan. The community plan does not address the sale of beer, wine or alcohol. However, alcoholic beverage outlets maybe approved through a Conditional Use Permit. This proposed Conditional Use Permit was reviewed by the Police Department that examined crime statistics in the area and other potential adverse affects of the proposed use. The proposed use was recommended for approval by the Police Department with conditions which have been included in the permit. Based on this information the proposed alcoholic beverage outlet will not adversely affect the Mira Mesa Community land use plan.

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

The proposed alcoholic beverage outlet is to be located within an existing gas station mini-market, which is part of a larger commercial center and was found to comply with all of the applicable development regulations including those of the CC-1-3 Zone. The review of the proposed use also included a review by the Police Department that examined crime statistics in the area and other potential public health and safety issues. The proposed use was recommended for approval by the Police Department with conditions which have been included in the permit. These conditions included such things as limiting hours for alcohol sales, proper illumination of the exterior parking lot area and video surveillance systems in an effort to protect public health, safety and welfare. The Environmental Analysis Section determined that the proposed project was categorically exempt under CEQA, determining that there were no significant environmental impacts, including public health, safety, and welfare. The proposed alcoholic beverage outlet to be added to the existing gas station mini-market will not be detrimental to public health, safety, and welfare.

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

The proposed alcoholic beverage outlet is to be located within an existing gas station mini-market, which is part of a larger commercial center with surface parking and was found to conform to all of the applicable development regulations including those of the CC-1-3 Zone. There are no proposed variances or deviations to any of the development regulations.

(d) The proposed use is appropriate at the proposed location.

The proposed alcoholic beverage outlet is to be located within an existing gas station mini-market, which is part of a larger commercial center. All the surrounding uses are also commercial uses or mixed commercial with second floor office use to the east and south, with light industrial to the north and multi-family residential to the east. The proposed use was reviewed by the Police Department that examined alcohol related crime statistics in the area, the proximity of this use to other uses in the area, the makeup of other commercial uses within the subject commercial center and reviewed the day to day operations of the proposed use. The Police Department found the proposed use appropriate and recommended approval of the use with conditions which have been included in the Conditional Use Permit. The Mira Mesa Community Plan identifies this site for Commercial land use and the proposed use as an alcoholic beverage outlet was found to be in general conformance with the land use plan, with an approved Conditional Use Permit and an appropriate use at this location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 1021372 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. 1021372, a copy of which is attached hereto and made a part hereof.

Glenn R. Gargas
Development Project Manager
Development Services

Adopted on: June 19, 2013

Job Order No. 24003106

Page 1 of 8
Recording requested by
and mail to:
City of San Diego
Planning Department
202 C Street, M.S. 4A
San Diego, CA 92101-3864

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NOT COUNTY RECORDER, PLEASE RECORD AS
RESTRICTION ON USE OR DEVELOPMENT OF
REAL PROPERTY AFFECTING THE TITLE TO
OR POSSESSION THEREOF.

ATTACHMENT 8
SD-433945

RECORDED IN
OFFICIAL RECORDS
OF SAN DIEGO COUNTY, CA.

1990 AUG -8 PM 2:30

VERA L. LYLE
COUNTY RECORDER

WHEREAS, on February 23, 1988, NARAIN OIL COMPANY, a California corporation, Owner/Permittee, filed an application for a Conditional Use Permit to construct and operate a Mobil Oil Service Station, mini-mart, and car wash located on Mira Mesa Boulevard between Camino Santa Fe and Flanders Drive, on the southwest corner of Mira Mesa Boulevard and Camino Santa Fe, described as Parcel 1 being a division of Lot 43 of Lusk Mira Mesa Business Park East I, Unit No. 3, in the City of San Diego, according to Map No. 11437, in the CA Zone; and

RF	10
AR	8
MG	9

WHEREAS, on June 13, 1990, the Planning Director of the City of San Diego considered Conditional Use Permit No. 88-0231, pursuant to Section 101.0510 of the Municipal Code of the City of San Diego; and NOW, THEREFORE,

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

1. That the Planning Director adopted the following written Findings, dated June 13, 1990:

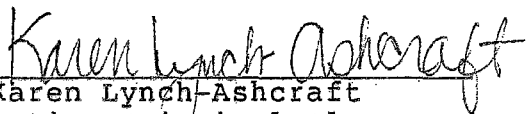
- a. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the community plan. The proposed use will serve the many motorists on Mira Mesa Boulevard and in the surrounding community. The site is designated for neighborhood commercial use in the Mira Mesa Community Plan. The proposed use is consistent with the plan.
- b. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity. The limited signage and enhanced landscaping will improve the visual character of the shopping center; and the lack of curb cuts along Mira Mesa Boulevard will not impact traffic in the area.
- c. The proposed use will comply with the relevant regulations in the Municipal Code. The proposed use meets all requirements of the CA Zone and the guidelines for automobile service stations. Section 101.0510 of the Municipal Code allows the Planning Director or Designated Representative to approve a service station under a Conditional Use Permit. Appropriate conditions exist in this case to approve the proposed use.

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ATTACHMENT 8

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

BE IT FURTHER RESOLVED that, based on the Findings hereinbefore adopted by the Planning Director, Conditional Use Permit No. 88-0231 is hereby GRANTED to Owner/Permittee in the form and with the terms and conditions set forth in Conditional Use Permit No. 88-0231, a copy of which is attached hereto and made a part hereof.


Karen Lynch-Ashcraft
Acting Principal Planner

Adopted on: June 13, 1990

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CONDITIONAL USE PERMIT NO. 88-0231
PLANNING DIRECTOR

This Conditional Use Permit is granted by the Planning Director of the City of San Diego to NARAIN OIL COMPANY, a California corporation, Owner/Permittee, pursuant to Section 101.0510 of the Municipal Code of the City of San Diego.

1. Permission is granted to Owner/Permittee to construct and operate a Mobil Oil Service Station, mini-mart, and car wash, located on Mira Mesa Boulevard between Camino Santa Fe and Flanders Drive, on the southwest corner of Mira Mesa Boulevard and Camino Santa Fe, described as Parcel 1 being a division of Lot 43 of Lusk Mira Mesa Business Park East I, Unit No. 3, in the City of San Diego, according to Map No. 11437, in the CA Zone.

2. The facility shall consist of the following:

- a. Six new pump islands;
- b. A 969-square-foot sales/support building;
- c. A 504-square-foot car wash;
- d. A 4,500-square-foot canopy;
- e. Off-street parking; and
- f. Accessory uses as may be determined incidental and approved by the Planning Director.

3. No fewer than seven off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated June 13, 1990, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the Zoning Regulations of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Planning Department standards. Parking areas shall be marked at all times. Landscaping located in any parking area shall be permanently maintained and not converted for any other use.

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

- a. The Permittee signs and returns the permit to the Planning Department;
- b. The Conditional Use Permit is recorded in the office of the County Recorder.

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5. Before issuance of any building permits, complete grading and building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated June 13, 1990, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications, findings of substantial conformance or amendment of this permit shall have been granted.

6. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The plans shall be in substantial conformity to Exhibit "A," dated June 13, 1990, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended and is to be maintained in a disease-, weed- and litter-free condition at all times.

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

8. This Conditional Use Permit must be used within 36 months after the date of City approval or the permit shall be void. An Extension of Time may be granted as set forth in Section 101.0510.k. of the Municipal Code. Any extension of time shall be subject to all standards and criteria in effect at the time of extension is applied for.

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

10. After establishment of the project, the property shall not be used for any other purposes unless:

- a. Authorized by the Planning Commission; or
- ✓ b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or
- c. The permit has been revoked by the City.

11. This Conditional Use Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.

12. This Conditional Use Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.

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

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

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

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

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

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

19. A letter from the lessee stating that they have read, understand and agree to comply with the conditions imposed on the service station shall be written, signed and sent to the parent oil company and a copy sent to the City of San Diego Planning Department.

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

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

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

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23. Activities specifically prohibited on-site include:

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

24. When operations are discontinued at an automobile service station for a period approaching 12 months, the permittee of the Conditional Use Permit has the following options:

- a. Apprise the City Planning Department that the Conditional Use Permit should be rescinded pursuant to Municipal Code Section 101.0510.0 ("Rescission of Permit by Applicant") in the underlying zone or planned district, including underground tanks, shall be removed.
- b. Redevelop the property as a service station through an amended Conditional Use Permit, as set forth in Municipal Code Section 101.0510.1 ("Amendment to Permit").
- c. Resume use as a service station under the existing Conditional Use Permit.

If none of the above options is taken by the permittee, and operations remain discontinued beyond the twelfth month, the City may initiate proceedings to rescind the permit and abate the nonconforming structures, as set forth in Municipal Code Section 101.0508 ("Failure to Conform or Comply with Conditions").

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

1432

26. Permanent and/or temporary signs shall be approved by the Planning Director and shall be consistent with the criteria established by the sign plan, part of Exhibit "A," dated June 13, 1990. Unless otherwise provided specifically within this Permit, all signs requested and proposed for this project shall conform to City Wide Sign Regulations and be administered by the Sign Code Administration Division of the Planning Department.

27. This project shall comply with the standards, policies and requirements in effect at the time of approval of this project, including any successor or new policies, financing mechanisms, phasing schedules, plans and ordinances adopted by the City of San Diego after January 11, 1990.

28. In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void.

Passed and adopted by the Planning Director on June 13, 1990.

**MIRA MESA COMMUNITY PLANNING GROUP
MONTHLY MEETING MINUTES
7:00 PM, Monday, 15 October 2012**

7:00 p.m. Call to Order & Attendance: Bari Vaz; Eileen Magno; Tom Derr; Bruce Brown; Craig Radke; Mike Linton; Jeff Stevens; Phil Lisotta; John Horst; Bob Mixon; Joe Frichtel; Pat O'Donohoe; Joe Punsalan.

1. Adopt draft agenda
 - a. Remove 3(c) from original agenda. The matter is in Substantial Conformance Review process for a previously approved Conditional Use Permit. Other New Business matters were moved up in the agenda.
 - b. Motion to adopt draft agenda as amended made/seconded by Joe Frichtel/Bruce Brown. Motion carried 12/0/0.
2. Approval of Minutes: September 2012
 - a. The Chair offered an opportunity to request corrections. As none were requested, Chair declared minutes accepted by unanimous consent.
3. New Business
 - a. National Pacific Petroleum, Inc, CUP for Type 20 Liquor License (Off Sale Beer and Wine), Donel Benjamin. New Chevron station requesting license to sell beer and wine. Will be using an ID card reader to verify age of customers. Alcohol sales will be limited to 8am – 12m. Fridge will have auto lock doors that will lock at 12m automatically. No single item sales of alcoholic beverages will be allowed. No arcade/gaming machines that would otherwise encourage young people to congregate will be part of the store. There will be 24/7 video security. Jeff discussed similar request in the same census tract, and noted that there have been no problems. Motion to recommend approval made/seconded by Jeff Stevens/Bob Mixon. Further questions were posed, question called. Motion carried 12/0/0.
 - b. Shire Regenerative Medicine, Craig Horwat, Project Architect. Project for manufacturing and office at group for Substantial Conformance Review consent. The project was initially presented in August as an information item. The projects land use, architecture, amenities, security and parking were reviewed. Motion to recommend approval as substantially in conformance made/seconded by Jeff Stevens/Phil Lisotta. Presenters reviewed a few other slides upon discussion. The question was called and the motion carried 12/0/0.
 - c. Casa Mira View 78 Easement Vacation, John Leppert. Dee Snow & Rory Linehan (for John Leppert) discussed easement related to storm drain pipe. The pipe will not be realigned. The portion of the easement running under the project will be vacated as a result of the application. Motion to recommend approval made/seconded by Bruce Brown/Jeff Stevens. Motion carried 12/0/1. (Joe Punsalan arrived for this vote. Mike Linton was temporarily absent and abstained.)
 - d. [Chevron Gas, Miramar Rd at Camino Santa Fe, Addition of diesel dispensers and underground tank, Kenneth Disconza. Removed from final agenda per 1 (a) above.]



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

National Pacific Petroleum Inc.

291127

Project Address:

6795 Mira Mesa Blvd., San Diego, California 92121

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: National Pacific Petroleum Inc.	Project No. (For City Use Only)
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Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

Corporation
 Limited Liability -or-
 General) What State? CA
 Corporate Identification No. 200821710152
 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):
Sunset Equity Partners LLC

Owner Tenant/Lessee

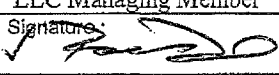
Street Address:
6003 Compton Avenue

City/State/Zip:
Los Angeles, California 90001

Phone No: (323) 923-4100 Fax No: (323) 923-4139

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

Title (type or print):
LLC Managing Member

Signature:  Date: 8/22/2012

Corporate/Partnership Name (type or print):
National Pacific Petroleum Inc.

Owner Tenant/Lessee

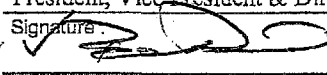
Street Address:
6003 Compton Avenue

City/State/Zip:
Los Angeles, California 90001

Phone No: (323) 923-4100 Fax No: (323) 923-4139

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

Title (type or print):
President, Vice President & Director

Signature:  Date: 8/22/2012

Corporate/Partnership Name (type or print):
Sunset Equity Partners LLC

Owner Tenant/Lessee

Street Address:
6003 Compton Avenue

City/State/Zip:
Los Angeles, California 90001

Phone No: (323) 923-4100 Fax No: (323) 923-4139

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

Title (type or print):
LLC Member

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:



THE CITY OF SAN DIEGO

DATE OF NOTICE: June 5, 2013

NOTICE OF PUBLIC HEARING HEARING OFFICER

DEVELOPMENT SERVICES DEPARTMENT

DATE OF HEARING: June 19, 2013
TIME OF HEARING: 8:30 A.M.
LOCATION OF HEARING: Council Chambers, 12th Floor, City Administration Building,
202 C Street, San Diego, California 92101
PROJECT TYPE: CONDITIONAL USE PERMIT, CEQA EXEMPTION,
PROCESS 3
PROJECT NO: 291127
PROJECT NAME: NATIONAL PACIFIC PETROLEUM CUP
APPLICANT: Sherrie Olson
COMMUNITY PLAN AREA: Mira Mesa
COUNCIL DISTRICT: District Five

CITY PROJECT MANAGER: Glenn Gargas, Development Project Manager
PHONE NUMBER/E-MAIL: (619) 446-5142 / ggargas@sandiego.gov

As a property owner, tenant, or person who has requested notice, please be advised that the Hearing Officer will hold a public hearing to approve, conditionally approve, or deny an application for **Conditional Use Permit, an Amendment to CUP No. 88-0231, to allow a new Liquor License (a Type 20 - off-sale beer and wine) at an existing 979-square-foot gas station with convenience store located on a 0.51-acre property. The project site is located at 6795 Mira Mesa Boulevard, in the CC-1-3 Zone, MCAS Miramar Influence Area 1; FAA Part 77 Overlay Zones and within the Mira Mesa Community Plan area.**

The decision of the Hearing Officer is final unless appealed to the Planning Commission. In order to appeal the decision you must be present at the public hearing and file a speaker slip concerning the application or have expressed interest by writing to the Hearing Officer before the close of the public hearing. The appeal must be made within 10 working days of the Hearing Officer's decision. Please do not e-mail appeals as they will not be accepted. See Information Bulletin 505 "Appeal Procedure", available at www.sandiego.gov/development-services or in person at the Development Services Department, located at 1222 First Avenue, 3rd Floor, San Diego, CA 92101

The decision made by the Planning Commission is the final decision by the City.

ATTACHMENT 11

This project was determined to be categorically exempt from the California Environmental Quality Act on June 4, 2013, and the opportunity to appeal that determination will end on June 17, 2013.

If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing. If you have any questions after reviewing this notice, you can call the City Project Manager listed above.

This information will be made available in alternative formats upon request. To request an agenda in alternative format or to request a sign language or oral interpreter for the meeting, call Support Services at (619) 321-3208 at least five working days prior to the meeting to insure availability. Assistive Listening Devices (ALD's) are also available for the meeting upon request.
Internal Order Number: 24003106.