



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: September 9, 2015                      REPORT NO. HO 15-115

ATTENTION:                      Hearing Officer

SUBJECT:                      FOOD 4 LESS FUEL CENTER  
PROJECT NO. 351732

LOCATION:                      5801 – 5985 University Avenue, San Diego CA

APPLICANT:                      Ken Barton, Fiedler Group Architecture and Engineering

### SUMMARY

Issue(s): Should the Hearing Officer approve a Neighborhood Use Permit and Planned Development Permit to construct and operate a commercial fueling station and correct parking requirements on an existing commercial shopping center in the Eastern Area of the Mid-City Communities Plan?

Staff Recommendation: APPROVE Neighborhood Use Permit No. 1278756 and Planned Development Permit No. 1519938.

Community Planning Group Recommendation: On April 14, 2015, the Eastern Area Communities Planning Committee voted 11-0-1 to recommend approval with a condition that Food 4 Less work with the of the operator of the shopping center to ensure that the trees and other landscaping will be maintained by the responsible applicant in cooperation with the Urban Forester Office of the City of San Diego.

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15303, New Construction or Conversion of Small Structures. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on July 2, 2015, and the opportunity to appeal that determination ended July 17, 2015.

### BACKGROUND

The project site is located at 5801 – 5985 University Avenue, east of 58<sup>th</sup> Street and west of 60<sup>th</sup> Street, within the University Square Shopping Center, an existing commercial shopping center in the Central Urbanized Planned District Ordinance CC-5-3 (Community Commercial) and Transit

Area Overlay Zones of the Eastern Area of the Mid-City Communities Plan. The existing 19.80-acre University Square Shopping Center was entitled in April 1988 through issuance of Planned Commercial Development (PCD) Permit No. 88-0124, an amendment PCD No. 87-0514, to redeveloped the shopping center with 225,800 square feet of commercial space to include retail/commercial, food services, and theater uses. To date, approximately 197,783 square feet of commercial space has been developed.

The largest tenant space within the University Square Shopping Center is Food 4 Less, a grocery store facility with approximately 58,634 square feet of commercial lease space. Food 4 Less proposes to develop ancillary commercial fueling center within the shopping center, in which no automobile service station currently exists on the site. The development of a automobile service station may be permitted in the CC-5-3 Zone with issuance of a Neighborhood Use Permit (NUP) pursuant to San Diego Municipal Code (SDMC) Table 131-05B, Use Regulations Table for Commercial Zones.

In addition to processing a NUP for the proposed commercial fueling center, the Owner and Permittee proposes to amend PCD Permit No. 88-0124 to correct the condition for the minimum parking spaces required for the University Square Shopping Center to reflect the actual required minimum parking spaces pursuant to the SDMC for commercial development. The amendment to PCD Permit No. 88-0124 requires processing a Planned Development Permit (PDP) pursuant to SDMC sec. 126.0113.

## DISCUSSION

The project proposes a service station located within the University Square Shopping Center that was constructed under Planned Commercial Development (PCD) Permit No. 88-0124, an amendment PCD No. 87-0514. The proposed service station would be located on an approximately 24,500 square-foot pad area, centrally located within the shopping center and fronting University Avenue, that is identified in the approved exhibits of both PCD Permit No. 88-0124 and PCD Permit No. 87-0514 as future development of a commercial structure or facility. While the use of the automobile service station requires a Neighborhood Use Permit, this commercial enterprise at this location will be consistent with the planned or anticipated uses at this location under the PCDs.

The proposed service station will consist of a 4,752 square-foot canopy structure, 112 square-foot sales kiosk, signage, six fuel dispensers for twelve fueling stations, two underground storage tanks, underground stormwater detention system, and landscaping. Implementation of the project will require the removal of approximately 51 parking spaces within the shopping center. The removal of the parking spaces would decrease the parking spaces below the minimum required as conditioned in the PCD.

The applicant provided a University Square Center occupancy parking survey dated July 30, 2014 completed by Darnell & Associates, Inc. The survey stated that there are 1,000 automobile, 26 van accessible, 13 accessible and 4 motorcycle spaces, one loading dock, and one bicycle rack on the entire site. The survey also indicated that the highest use of the parking lot occurred at

1:00 PM on Saturday, July 26, 2014 with 460 automobiles parked in the entire center. The 460 occupied spaces represent 44.3% of the 1,039 automobile parking spaces available. The survey also stated that there are 197,783 square feet of occupied development with the shopping center. The project site is within the Transit Overlay Zone and within the Eastern District of the Mid-City Planned District. Table 142-05E identifies the requirement of 2.1 automobile parking spaces per 1,000 square feet development within the Mid-City Planned District. Utilizing the City's current minimum parking requirements, the development with 210,000 square feet would be required to provide a minimum of 441 automobile parking spaces. However, the PCD Permit No. 88-0124 approved a 225,800 square feet development with "no fewer than 1,129 off-street parking spaces..." This is equal to 5 automobile parking spaces per 1,000 square feet of commercial development. Based upon the survey provided and processing a PDP to amend PCD Permit No. 88-0124, City staff can support the removal of 51 automobile parking spaces for the service station development and establishing a permit condition to provide a minimum of 988 automobile parking spaces which would provide adequate parking spaces for the entire University Square Shopping Center and represent a logical automobile parking rate of 4.70 per 1,000 square feet of commercial development for the site.

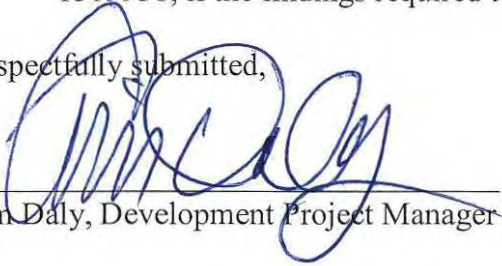
The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15303, New Construction or Conversion of Small Structures. CEQA Section 15303 allows for the construction and location of limited numbers of new, small facilities or structures. The proposed project does not impact any environmentally sensitive lands and does not require any mitigation measures as a condition of the permit for the accessory structures to the existing single family residence.

In conclusion, City staff has determined that the project complies with the development regulations of all applicable sections of the Land Development Code and all the required findings can be made. Therefore, staff recommends approval of the project as proposed.

#### ALTERNATIVES

1. Approve Neighborhood Use Permit No. 1278756 and Planned Development Permit No. 1519938, with modifications.
2. Deny Neighborhood Use Permit No. 1278756 and Planned Development Permit No. 1519938, if the findings required to approve the project cannot be affirmed.

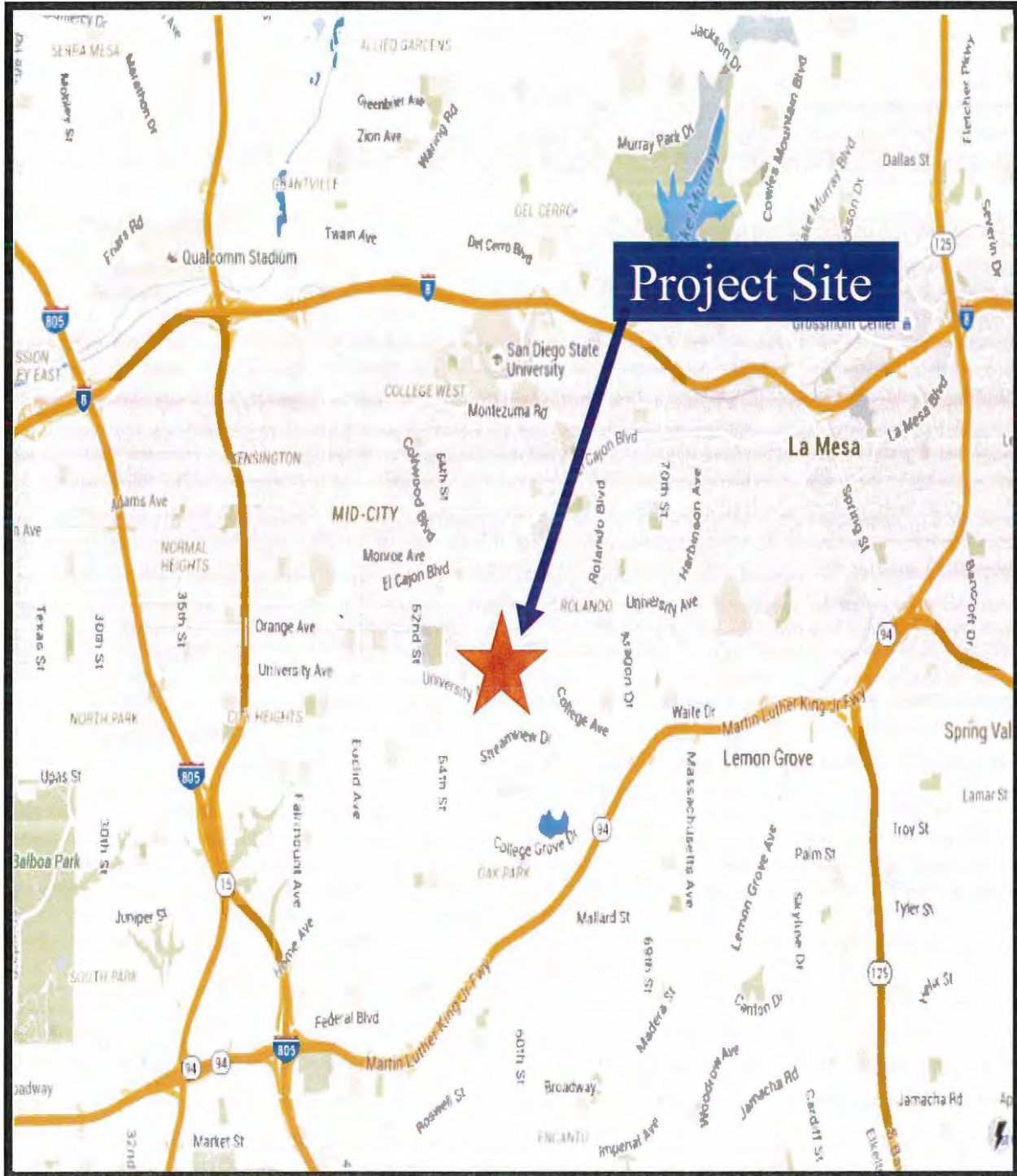
Respectfully submitted,

  
Tim Daly, Development Project Manager

Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Project Data Sheet
5. Draft Permit Resolution with Findings
6. Draft Permit with Conditions
7. Environmental Exemption
8. Planned Commercial Development (PCD) Permit No. 88-0124, amendment to PCD Permit No. 87-0514
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement
11. Project Chronology
12. Project Plans (Separately to Hearing Officer)

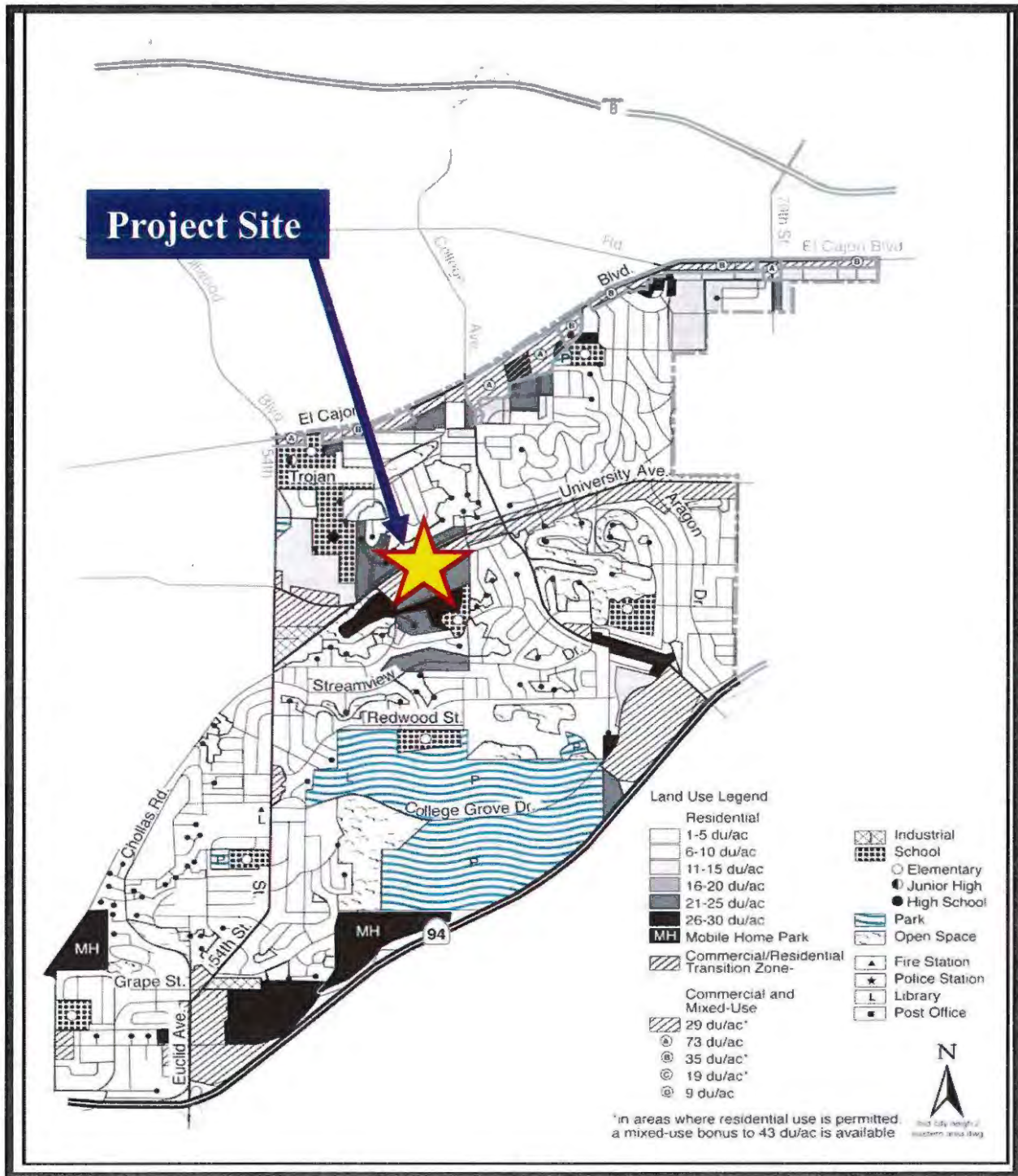




## Project Location

Food 4 Less Fuel Center, Project No. 351732  
5801 – 5985 University Avenue



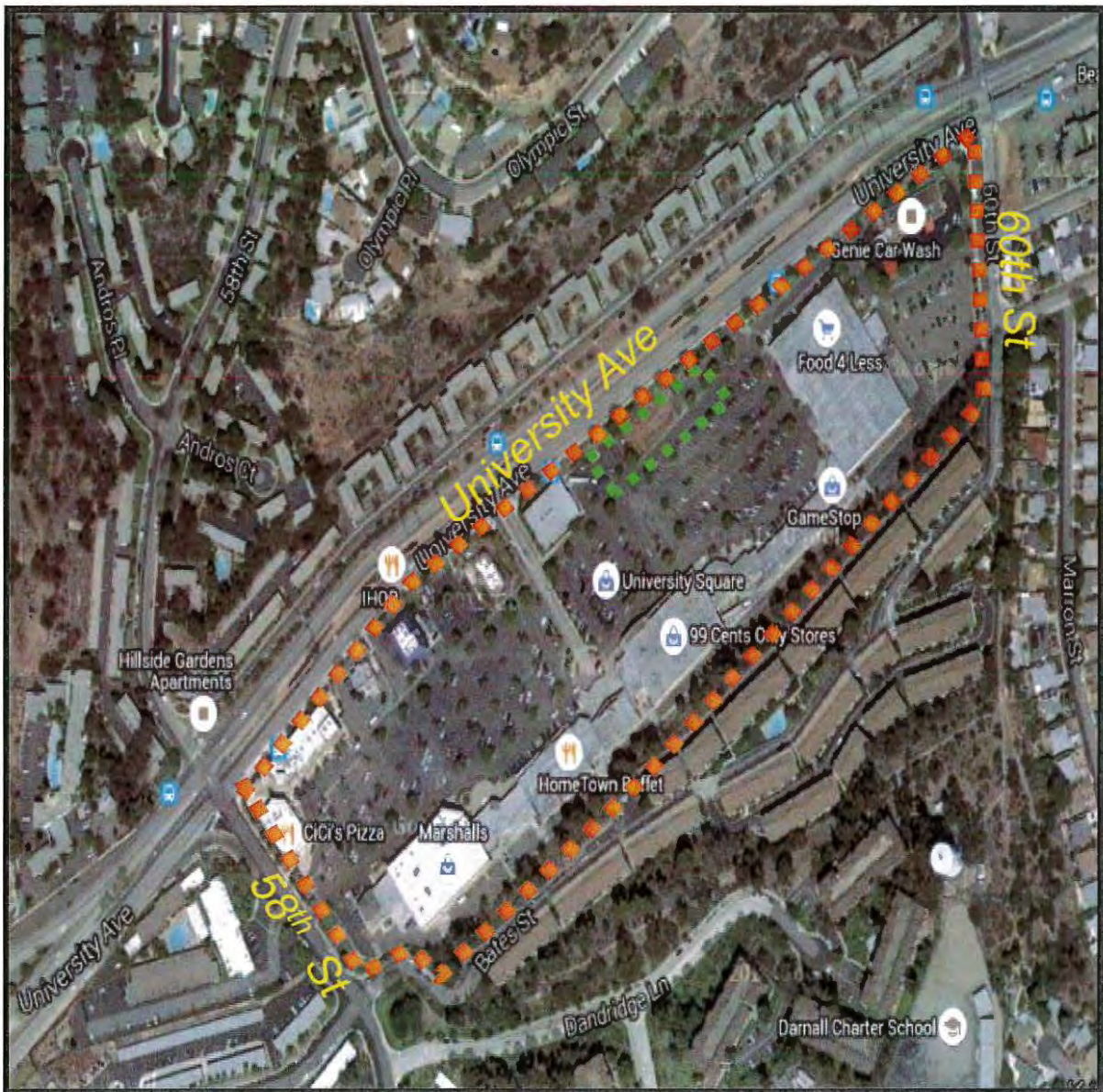


# Eastern Area Community Plan Map

Food 4 Less Fuel Center, Project No. 351732  
5801 – 5985 University Avenue

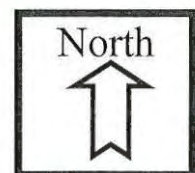






## Aerial Photo

Food 4 Less Fuel Center, Project No. 351732  
5801 – 5985 University Avenue



## PROJECT DATA SHEET

<b>PROJECT NAME:</b>	Food 4 Less Fuel Center	
<b>PROJECT DESCRIPTION:</b>	Construct and operate a commercial fueling station and correct parking requirements on Planned Commercial Development Permit No. 88-0124, an existing commercial shopping center located at 5801 – 5985 University Avenue.	
<b>COMMUNITY PLAN AREA:</b>	Eastern Area Mid-City Communities Plan	
<b>DISCRETIONARY ACTIONS:</b>	Neighborhood Use Permit and Planned Development Permit.	
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	Commercial	
<b><u>ZONING INFORMATION:</u></b>		
<b>ZONE:</b> CC-5-3 <b>HEIGHT LIMIT:</b> None <b>LOT SIZE:</b> Min. 5,000 s.f.; 862,488 s.f. existing <b>FLOOR AREA RATIO:</b> None for commercial <b>FRONT SETBACK:</b> None <b>STREET SIDE SETBACK:</b> None <b>REAR SETBACK:</b> Min. 10 feet; 10 feet existing <b>PARKING:</b> 988 parking spaces required		
<b><u>ADJACENT PROPERTIES:</u></b>	<b>LAND USE DESIGNATION &amp; ZONE</b>	<b>EXISTING LAND USE</b>
<b>NORTH:</b>	Residential; RM-1-3	Mixed Use
<b>SOUTH:</b>	Residential; RM-1-3	Multi-family Residential
<b>EAST:</b>	Commercial; CC-4-3 and Residential; RS-1-7	Commercial Strip Mall and Single Family Residential
<b>WEST:</b>	Commercial; CC-5-3	Commercial
<b>DEVIATIONS OR VARIANCES REQUESTED:</b>	None	
<b>COMMUNITY PLANNING GROUP RECOMMENDATION:</b>	On April 14, 2015, the Eastern Area Communities Planning Committee voted 11-0-1 to recommend approval with a condition that Food 4 Less work with the of the operator of the shopping center to ensure that the trees and other landscaping will be maintained by the responsible applicant in cooperation with the Urban Forester Office of the City of San Diego.	



HEARING OFFICER RESOLUTION NO. HO-XXXX  
NEIGHBORHOOD USE PERMIT NO. 1278756  
PLANNED DEVELOPMENT PERMIT NO. 1519938  
**FOOD 4 LESS FUEL CENTER PROJECT NO. 351732**

WHEREAS, LAKHA PROPERTIES – SAN DIEGO LLC, Owner, and FOOD 4 LESS OF CALIFORNIA INC., Permittee filed an application with the City of San Diego for a permit to modify the University Square Shopping Center’s overall commercial/retail parking requirements and construct a new gas station on a 33,029 square-foot lot with a 4,752 square-foot canopy, 112 square-foot kiosk, signs, six fuel dispensers, and underground storage tanks (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1278756 and 1519938), on portions of a 19.80-acre site;

WHEREAS, the project site is located at 5801 – 5985 University Avenue in the CC-5-3 Zone of the Mid-City Community Plan;

WHEREAS, the project site is legally described as Lots 1, 2, 5, 6, 7, 8, 9, 10, 12, and 13 of University Square in the City of San Diego, County of San Diego, State of California according to Map No. 12796, filed in the Office of the County Recorder of San Diego County March 27, 1991 and Parcels 1 and 2 of Parcel Map 17112 in the City of San Diego, County of San Diego, State of California filed in the Office of the County Recorder of San Diego County April 8, 1993.;

WHEREAS, on September 9, 2015, the Hearing Officer of the City of San Diego considered Neighborhood Use Permit No. 1278756 and Planned Development Permit No. 1519938 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on July 2, 2015, 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 and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520; NOW, THEREFORE,

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

That the Hearing Officer adopts the following written Findings, dated September 9, 2015.

FINDINGS:

Neighborhood Use Permit - Section 126.0205

- 1. The proposed development will not adversely affect the applicable land use Plan.** The project site is located at 5801 – 5985 University Avenue proposes to modify the University Square Shopping Center’s overall commercial/retail parking requirements and construct a new gas station on a 33,029 square-foot lot with a 4,752 square-foot canopy, 112 square-foot kiosk, signs, six fuel dispensers, and underground storage tanks. The property is zoned CC-5-3 (Community Commercial) in the Central Urbanized Planned District Ordinance and Transit Area Overlay Zone area of the Eastern Area of the Mid-City Communities Plan. The Mid City Communities Plan’s Land Use Element

designates this site as Community Commercial and the proposed development is consistent with the Plan's continued vision within the commercial corridors and centers to provide vibrant shopping and business opportunities. The addition of a vehicle fueling station complements the existing University Square Shopping Center's commercial uses within the community's major transportation corridor along University Avenue. The project is consistent with the goals and recommendations within the applicable policy documents and 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 site is located at 5801 – 5985 University Avenue and proposes to modify the University Square Shopping Center's overall commercial/retail parking requirements and construct a new gas station on a 33,029 square-foot lot with a 4,752 square-foot canopy, 112 square-foot kiosk, signs, six fuel dispensers, and underground storage tanks.

The permit controlling this development contains conditions addressing compliance with the City's regulations and other regional, State and Federal regulations to prevent detrimental impacts to the health, safety, and welfare of persons residing in the area. These conditions address requirements relating to storm water runoff, runoff during construction, landscaping, and fuel station operations. All Uniform Building and Mechanical Codes governing the construction and continued operation of the development will apply to this site to prevent adverse effects to those persons or other properties in the vicinity. Therefore, the proposed project conforms to the development regulations and will not be detrimental to the public health, safety, and welfare.

3. **The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.** The project site is located at 5801 – 5985 University Avenue and proposes to modify the University Square Shopping Center's overall commercial/retail parking requirements and construct a new gas station on a 33,029 square-foot lot with a 4,752 square-foot canopy, 112 square-foot kiosk, signs, six fuel dispensers, and underground storage tanks. The proposed fuel station site design and the existing shopping center areas affected by the new fuel station facility have been designed to comply with all applicable Land Development Code regulations.

The project is consistent with the development regulations of the CC-5-3 zone and all other pertinent regulations of the Land Development Code which includes coverage, setbacks, siting of improvements, height, grading, landscaping, and architectural design. The project is not requesting any deviations or variances to the Land Development Code. Therefore, the proposed development will comply with the applicable regulations of the Land Development Code.

#### Planned Development Permit - Section 126.0604

##### A. Findings for all Planned Development Permits

1. **The proposed development will not adversely affect the applicable land use plan.** The project site is located at 5801 – 5985 University Avenue proposes to modify the University Square Shopping Center’s overall commercial/retail parking requirements and construct a new gas station on a 33,029 square-foot lot with a 4,752 square-foot canopy, 112 square-foot kiosk, signs, six fuel dispensers, and underground storage tanks. The property is zoned CC-5-3 (Community Commercial) in the Central Urbanized Planned District Ordinance and Transit Area Overlay Zone area of the Eastern Area of the Mid-City Communities Plan. The Mid City Communities Plan’s Land Use Element designates this site as Community Commercial and the proposed development is consistent Plan’s continued vision within the commercial corridors and centers to provide vibrant shopping and business opportunities.

The addition of vehicle fueling station compliments the existing University Square Shopping Center’s commercial uses within the community’s major transportation corridor along University Avenue. The reduction of the existing shopping center’s parking requirements continues to meet the minimum parking requirements of the Land Development Code and aligns with the shopping center’s commercial/retail uses and the intentions of the site’s Transit Area Overlay Zone designation, which encourages the community to utilize alternative transit options. The project is consistent with the goals and recommendations within the applicable policy documents and 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 site is located at 5801 – 5985 University Avenue proposes to modify the University Square Shopping Center’s overall commercial/retail parking requirements and construct a new gas station on a 33,029 square-foot lot with a 4,752 square-foot canopy, 112 square-foot kiosk, signs, six fuel dispensers, and underground storage tanks.

The parking requirements established under the shopping center’s existing Planned Commercial Development Permit (PCD 88-0124) exceeded the minimum parking requirements within the Land Development Code and the proposed reduction to meet the minimum required 988 parking spaces will not be detrimental to the public. As demonstrated in the development’s parking study conducted at the shopping center, the existing requirements for 1,129 on-site parking spaces far exceeds the peak parking demand of only 460 parking spaces. Specifically, the data from the study showed approximately 585 empty parking spaces were available to customers during peak parking demand hours, indicating a significant parking surplus. Therefore, the proposed project continues to conform to the development regulations and 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 proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone; and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.** The project site is located at 5801 – 5985 University Avenue proposes to modify the University Square Shopping Center’s overall commercial/retail parking requirements and construct a new



gas station on a 33,029 square-foot lot with a 4,752 square-foot canopy, 112 square-foot kiosks, signs, six fuel dispensers, and underground storage tanks. The proposed fuel station site design and the existing shopping center areas affected by the new fuel station facility have been designed to comply with all applicable Land Development Code regulations, with consideration to the Transit Area Overlay Zone requirements.

The parking requirements established under the shopping center's existing Planned Commercial Development Permit (PCD 88-0124) exceeded the minimum parking requirements within the Land Development Code and the proposed reduction to meet the minimum required 988 parking spaces will reflect the current Land Development Code requirement. As demonstrated in the development's parking study conducted at the shopping center, the existing requirements for 1,129 on-site parking spaces far exceeds the peak parking demand of only 460 parking spaces. Specifically, the data from the study showed approximately 585 empty parking spaces were available to customers during peak parking demand hours, indicating a significant parking surplus. Therefore, the proposed project continues to conform to the development regulations, does not request any deviations, and will comply with the regulations of the Land Development Code.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Neighborhood Use Permit No. 1278756 and Planned Development Permit No. 1519938 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Neighborhood Use Permit No. 1278756 and Planned Development Permit No. 1519938, a copy of which is attached hereto and made a part hereof.

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Tim Daly  
Development Project Manager  
Development Services

Adopted on: September 9, 2015

SAP Number: 24004282

**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: 24004282

NEIGHBORHOOD USE PERMIT NO. 1278756  
PLANNED DEVELOPMENT PERMIT NO. 1519938  
**FOOD 4 LESS FUEL CENTER PROJECT NO. 351732**  
Amendment to Planned Commercial Development Permit No. 88-0124  
Hearing Officer

This Neighborhood Use Permit No. 1278756 and Planned Development Permit No. 1519938, a amendment to Planned Commercial Development Permit No. 88-0124 is granted by the Hearing Officer of the City of San Diego to Lakha Properties – San Diego LLC, a Washington Limited Liability Company, Owner, and Food 4 Less of California Inc., a California Corporation, Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0201 and 126.0601. The 19.80-acre site is located at 5801 -- 5985 University Avenue in the CC-5-3 Zone of the Mid-City Community Plan. The project site is legally described as Lots 1, 2, 5, 6, 7, 8, 9, 10, 12, and 13 of University Square in the City of San Diego, County of San Diego, State of California according to Map No. 12796, filed in the Office of the County Recorder of San Diego County March 27, 1991 and Parcels 1 and 2 of Parcel Map 17112 in the City of San Diego, County of San Diego, State of California filed in the Office of the County Recorder of San Diego County April 8, 1993.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to modify the University Square Shopping Center's overall commercial/retail parking requirements and construct a new gas station on a 33,029 square-foot lot with a 4,752 square-foot canopy, 112 square-foot kiosk, signs, six fuel dispensers, and underground storage tanks described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated September 9, 2015, on file in the Development Services Department.

The project shall include:

- a. Modify the University Square Shopping Center's commercial/retail parking requirements and the construction of a new gas station on a 33,029 square-foot lot with a 4,752 square-foot canopy, 112 square-foot kiosk, signs, six fuel dispensers, and underground storage tanks;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking; and
- 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 September 23, 2015.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.



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

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

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

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

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

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

11. The Owner/Permittee shall continue compliance with Planned Commercial Development Permit No. 88-0124 unless specifically modified herein by this Permit.

**ENGINEERING REQUIREMENTS:**

12. Prior to the issuance of any construction permit for a building, the Owner/Permittee shall assure by permit and bond the replacement of the existing driveway, located immediately east of this project site, with City standard driveway, satisfactory to the City Engineer.

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

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

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

16. Prior to the issuance of any construction permit, the Water Quality Technical Report will be subject to final review and approval by the City Engineer.

**LANDSCAPE REQUIREMENTS:**

17. Complete landscape and irrigation construction documents consistent with the Land Development Manual: Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department.

18. In the event that the Landscape Plan and the Site Plan conflict, the Site Plan shall be revised to be consistent with the Landscape Plan such that landscape areas are consistent with the Exhibit "A," Landscape Development Plan.

19. Prior to issuance of construction permits for public right-of-way improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall take into account a 40 square-foot area around each tree, which is unencumbered by utilities. Driveways, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

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

Permit. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

21. Prior to Final Inspection, it shall be the responsibility of the Owner/Permittee to install all required landscape. A "No Fee" Street Tree Permit, and/or Encroachment Maintenance Removal Agreement (EMRA), if applicable, shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

22. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or a Final Landscape Inspection.

**PLANNING/DESIGN REQUIREMENTS:**

23. Owner/Permittee shall maintain a minimum of 988 off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." All on-site parking stalls and aisle widths 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.

24. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

25. The Owner/Permittee shall ensure devices to alert fuel center attendants to entering vehicles shall be located and adjusted so that they do not cause noise disturbance to adjoining businesses.

26. Fuel center merchandise, material, and products for sale shall be stored and displayed only within an enclosed structure or building within the center (including the attendant kiosk) except that motor oil, tires, batteries, and other automotive supplies may be displayed at pump islands if the display or storage racks and containers are designed to appear as an integral part of the pump island.

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

28. 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.



**PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:**

29. Prior to the issuance of any construction permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way. The Public Utilities Department will not permit the required BFPDs to be located below grade or within the structure.

30. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public water and sewer facilities are to be in accordance with established criteria in the most current City of San Diego Water and Sewer Design Guides.

31. All public water and sewer facilities are to be in accordance with the established criteria in the most current City of San Diego Water and Sewer Design Guides.

32. All proposed private water and sewer facilities located within a single lot are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the construction permit plan check.

33. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten (10) feet of any sewer facilities and five (5) feet of any water facilities.

34. Prior to issuance of any construction permits, the Owner/Permittee shall obtain Encroachment and Maintenance Removal Agreement (EMRA) for proposed improvements of any kind, including utilities, medians, landscaping, enriched paving, curb, gutter and sidewalk, and electrical conduits to be installed within the public right-of-way or sewer easement.

**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 September 9, 2015 and Resolution No. HO-XXXX.

Permit Type/PTS Approval No.: NUP No. 1270756

PDP No. 1519938

Date of Approval: September 9, 2015

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES  
DEPARTMENT

\_\_\_\_\_  
Tim Daly  
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.

**Lakha Properties – San Diego LLC**  
Owner

By \_\_\_\_\_  
*NAME:*  
*TITLE:*

**Food 4 Less of California Inc.**  
Permittee

By \_\_\_\_\_  
*NAME:*  
*TITLE:*

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

## NOTICE OF EXEMPTION

TO:   X   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 No.: 351732

Project Title: Food 4 Less Fuel Center

Project Location-Specific: 5801-5985 University Avenue, San Diego, CA 92115

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

Description of nature and purpose of the Project: **PLANNED DEVELOPMENT PERMIT (PDP) and NEIGHBORHOOD USE PERMIT (NUP)** to amend Planned Commercial Development (PCD) #88-0124 to correct the University Square Shopping Center's commercial/retail parking requirements and construction of a new gas station on a 33,029 square-foot lot with a 4,752 square-foot canopy, 112 square-foot kiosk, signs, six fuel dispensers, and underground storage tanks, all located at 5801 – 5985 University Avenue in the CC-5-3 Zone of the Mid-City Communities Plan area.

Name of Public Agency Approving Project: City of San Diego

Name of Person or Agency Carrying Out Project: Jeffrey Olsen (Applicant), Ralphs Grocery Company (Firm), 1100 W. Artesia Blvd., Compton, CA, 90220, (310) 900-3244

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: CEQA 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 Guidelines Section 15303 which consists of construction and location of limited numbers of new, small facilities or structures. Further, the exceptions listed in CEQA Section 15300.2 would not apply.

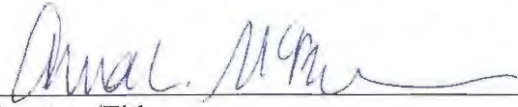
Lead Agency Contact Person: Rhonda Benally

Telephone: (619) 446-5468

If filed by applicant:

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

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

  
 \_\_\_\_\_  
 Signature/Title

July 2, 2015  
 \_\_\_\_\_  
 Date

Check One:

- Signed By Lead Agency  
 Signed by Applicant

Date Received for Filing with County Clerk or OPR:



g requested by  
l to:  
of San Diego  
g Department  
202 Street, M.S. 4A  
San Diego, CA 92101-3884

0.0747

NOTE: COUNTY RECORDER ATTACHMENT 3  
ON USE OR DEVELOPMENT OF  
PROPERTY AFFECTING THE TITLE TO  
POSSESSION THEREOF

PLANNING DIRECTOR RESOLUTION NO. 7477 PD  
GRANTING PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 88-0124  
AMENDMENT TO PCD PERMIT NO. 87-0514

WHEREAS, THE DOUGLAS ALLRED COMPANY, a California corporation, Owner/Permittee, filed an application to amend a Planned Commercial Development, University Square, described as Parcel 2 of Parcel Map No. 7031, located in the Mid-City Community Planning Area in the CA Zone; and

WHEREAS, on April 29, 1988, the Planning Director of the City of San Diego considered an amendment to Planned Commercial Development Permit No. 87-0514 pursuant to Section 101.0910 of the Municipal Code of the City of San Diego; NOW, THEREFORE,

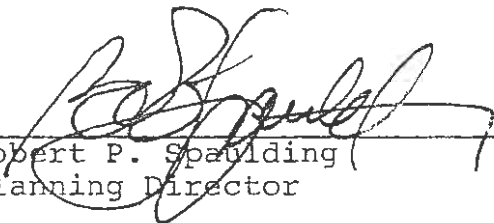
BE IT RESOLVED by the Planning Director of the City of San Diego as follows:

1. That the Planning Director adopts the following written Findings, dated April 29, 1988:
  - a. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the Mid-City Community Plan. The existing shopping center is vacant, except for an existing theater. The buildings are in a blighted condition. This redevelopment will provide consumer goods and services needed by the community. The existing theater has been a tradition at this location and its redevelopment will add vitality to the proposed project. This commercial project is in conformance with the General Plan and the Mid-City Community Plan. The property is zoned for the proposed type of commercial use.
  - 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 project will remove an existing blighted condition in the area and replace it with a viable community serving shopping center. Primary access will be University Avenue, a major street capable of handling the traffic to and from the proposed project. The project will improve the general welfare of persons residing in the area by providing needed consumer goods and services and employment opportunities. Conditions to provide for public improvements have been incorporated into the permit.

c. The proposed use will comply with the relevant regulations in the Municipal Code, as they are applied to the property under this Planned Commercial Development (PCD). The project substantially conforms to the PCD Ordinance and the City-wide Landscape Ordinance.

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, Planned Commercial Development Permit No. 88-0124, Amendment to PCD Permit No. 87-0514, is hereby GRANTED to Owner/Permittee in the form and with the terms and conditions set forth in Planned Commercial Development Permit No. 88-0124, a copy of which is attached hereto and made a part hereof.

  
Robert P. Spaulding  
Planning Director

  
Robert W. Didion  
Senior Planner

Adopted On: April 29, 1988

PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 88-0124  
PLANNING DIRECTOR  
AMENDMENT TO PCD NO. 87-0514

This Planned Commercial Development Permit Amendment is granted by the Planning Director of the City of San Diego to UNIVERSITY SQUARE LTD., a California limited partnership, "Owner/Permittee," pursuant to Section 101.0910 of the Municipal Code of the City of San Diego.

1. Permission is granted to Owner/Permittee to redevelop the existing Bellview Shopping Center to contain retail/commercial uses, food services uses and a six-plex theater complex, resulting in a total of 225,800 square feet of gross floor area, located on the south side of University Avenue between 58th Street and 60th Street, described as Parcel 2 of Parcel Map No. 7031, in the CA Zone.

2. The facility shall consist of the following:

a. 225,800 square feet of total gross floor area, including the following uses:

1) Retail/commercial	166,967 square feet
2) Food service	33,233 square feet
3) Theater (1,650 seats)	<u>25,600</u> square feet
Total	225,800 square feet

b. Landscaping;

c. Off-street parking;

d. Accessory uses as may be determined incidental and approved by the Planning Director.

3. Signage shall consist of the following as referenced on the Comprehensive Sign Plan submitted with this project, Exhibit "A," dated April 29, 1988:

a. Type A: Two multi-tenant ground size signs not to exceed 18 feet in height each;

b. Type B: Seven major tenant signs;

c. Type C: Fascia/shop tenants signs not to exceed a total sign area of 1.5 feet x (lineal shop frontage); pad building signs not to exceed three signs per building with a maximum area of .75-square-foot per lineal foot of building face, but in no case more restrictive than 10 square feet per sign;

- d. Type D: Two "University Square" entrance monuments;
- e. Type E: One freestanding theater marquee not to exceed 18 feet in height.

4. No fewer than 1,129 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated April 29, 1988, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Planning Department standards. Parking areas shall be marked.

5. No permit for construction, operation or occupancy 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 Planned Commercial Development Permit is recorded in the office of the County Recorder.

6. 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 April 29, 1988, 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.

7. 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 April 29, 1988, 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 shall be maintained in a disease, weed and litter free condition at all times.

8. 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.

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 Director; 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. The property included within this Planned Commercial Development shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the Planning Director or the permit has been revoked by the City of San Diego.

12. This Planned Commercial Development Permit may be cancelled or revoked if there is any material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by the City of San Diego or Permittee.

13. This Planned Commercial Development 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.

14. This Planned Commercial Development may be developed in phases. Each phase shall be consistent with conditions and exhibits submitted to and approved by the Planning Director.

15. The use of textured or enhanced paving shall be permitted only with the approval of the City Engineer and Planning Director, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.

16. The satellite buildings shall be designed to establish a unified architectural theme which compliments the center. Before issuance of any building permits, the applicant shall submit elevation, floor and landscape plans to the Planning Department to obtain Planning Director approval.

17. A pedestrian circulation system utilizing patterned paving is to be provided from parking areas to shops and restaurants.

18. Bicycle parking shall be provided in front of all major tenants.

19. The applicant shall provide on-site access suitable for emergency vehicles, satisfactory to the Fire Department.

20. If, and only if, the proposed theater becomes a part of the project, subdivider shall provide an annual Parking Demand Study for a period up to ten years from the date of completion and substantial occupancy of the project. The requirement for the annual study may be deemed satisfied by the City Engineer, at any time during the ten years, if prior studies have satisfied him that further annual reviews will no longer be necessary.

If, at any time during the ten years, a Study indicates adverse effects, the theater operator shall be subject to a limitation on the number of admission tickets which may be sold for matinee performances (performances starting before 5:00 p.m.) on weekdays, excluding holidays.

If the City Engineer finds a necessity to restrict the seating capacity of the theater, during the afore-described time periods, the seating capacity shall be limited to 1,000 patrons during said time periods.

21. Prior to the issuance of occupancy permits for any structure, excluding the major tenant and the theater, the applicant shall vacate the existing right-of-way adjacent to this project, including the driveway openings on University Avenue, 58th Street and 60th Street. The limits of the street vacation are subject to the approval of the City Engineer. The vacation will include all areas to be used for off-street parking, signage, or structures of any type.

22. The applicant shall reconstruct the southwest corner of 60th Street and University Avenue, and the southeast corner of 58th Street and University Avenue, to provide for standard intersections, modifying the traffic signal as necessary, in a manner satisfactory to the City Engineer.

23. The applicant shall construct curb and sidewalk adjacent to this project on University Avenue, 60th Street, and 58th Street.

24. Standard driveway openings shall be constructed on 60th Street and 58th Street. Curb returns are approved at the signalized entrance on University Avenue and will be constructed in a manner satisfactory to the City Engineer.

25. The applicant shall construct an interconnected traffic signal system at the intersection of University Avenue and the project entrance. This will include modifying the existing median and turn pocket as required by the City Engineer.

26. The applicant shall install fire hydrants at locations satisfactory to the Fire Department and to the City Engineer.

27. The applicant shall provide the following sewer requirements:

- a. Relocate the existing 15-inch sewer main to a place outside the building perimeters, in a manner satisfactory to the Water Utilities Director. This relocation will require a study to demonstrate the feasibility of relocating the sewer main. The study will include calculations satisfactory to the Water Utilities Director, to show that the size and the grade of the new sewer main will provide adequate cleansing velocities.
- b. Provide CC&R's for operation and maintenance of commonly used private water and sewer facilities. Provide private easements for these facilities or show the location of these facilities in CC&R satisfactory to Water Utilities.
- c. Grant an alternate sewer easement at Car Wash site for future sewer relocation purposes, satisfactory to the Water Utilities Director.

28. A reciprocal access and parking agreement shall be created by separate instrument to the satisfaction of the Planning Director.

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

APPROVED by the Planning Director of the City of San Diego on April 29, 1988.

AUTHENTICATED BY:

*Robert W. Didion*  
Robert W. Didion, Senior Planner  
Planning Department

*Robert P. Spaulding*  
Robert P. Spaulding, Planning Director  
Planning Department

STATE OF CALIFORNIA, )  
COUNTY OF SAN DIEGO, ) SS.

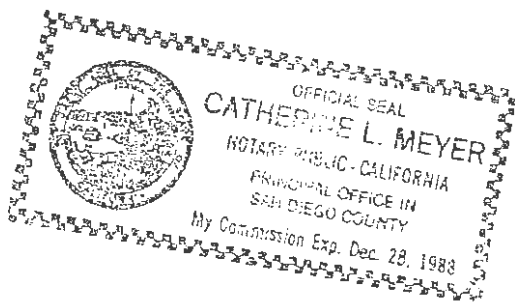
On this *Eight* day of *June* in the year *1988*  
before me, Catherine L. Meyer, a Notary Public in and for said  
county and state, personally appeared Robert W. Didion, personally  
known to me (or proved to me on the basis of satisfactory  
evidence) to be the person who executed this instrument as  
Senior Planner of the City of San Diego Planning Department, and  
Robert P. Spaulding, personally known to me (or proved to me on  
the basis of satisfactory evidence) to be the person who executed  
this instrument as Planning Director of the City of San Diego, and  
acknowledged to me that The City of San Diego executed it.

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

Name Catherine L. Meyer  
(typed or printed)

Signature *Catherine L. Meyer*

NOTARY STAMP



*LS*



ACKNOWLEDGED:

The undersigned "Owner/Permittee" by execution hereof agrees to each and every condition of this permit and promises to perform each and every obligation of Permittee hereunder.  
THE DOUGLAS ALLRED COMPANY, a California Corporation, "Owner/Permittee",

BY *Douglas Allred*

State of California,) SS.  
County of San Diego.)

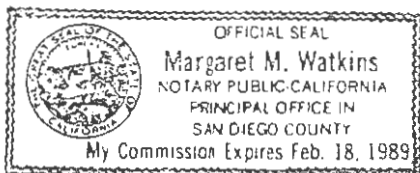
On this 13th day of June, in the year 1988, before me Margaret M. Watkins, a Notary Public in and for said county and state, personally appeared Douglas O. Allred, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed the within instrument as president (or secretary) or on behalf of the corporation therein named, and acknowledged to me that the corporation executed it.

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

Name MARGARET M. WATKINS  
(typed or printed)

Signature *Margaret M. Watkins*

NOTARY STAMP



(corporation)

ACKNOWLEDGED:

The undersigned "Owner/Permittee" by execution hereof agrees to each and every condition of this permit and promises to perform each and every obligation of Permittee hereunder.  
UNIVERSITY SQUARE LTD., a California limited partnership, "Owner/Permittee",

BY Douglas O. Allred  
DOUGLAS O. ALLRED, GENERAL PARTNER

State of California,) SS.  
County of San Diego.)

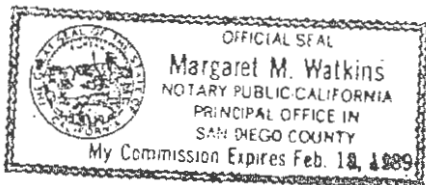
On this 11th day of August, in the year 1988, before me Margaret M. Watkins, a Notary Public in and for said county and state, personally appeared Douglas O. Allred, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed the within instrument as president (or secretary) or on behalf of the corporation therein named, and acknowledged to me that the corporation executed it.

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

Name MARGARET M. WATKINS  
(typed or printed)

Signature Margaret M. Watkins

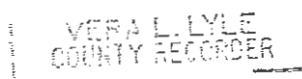
NOTARY STAMP



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**EASTERN AREA COMMUNITIES PLANNING COMMITTEE**  
HOLY SPIRIT CATHOLIC CHURCH  
2725 55<sup>TH</sup> STREET, SAN DIEGO, CA 92105  
Chair – Laura Riebau – 619-208-6813

**DEVELOPMENT RECOMMENDATION**

PROJECT NO:                   **351732**

PROJECT NAME:               **FOOD 4 LESS GAS STATION**

ADDRESS:                      **5975 UNIVERSITY AVENUE**  
                                      **SAN DIEGO, CA 92115**

DEVELOPMENT:               **GAS STATION**

PROJECT MGR:                 **TIM DALY**

DATE OF EACPC  
MEETING:                      **APRIL 14, 2015**

**EACPC MEETING**

**RECOMMENDATION:** Ken Barton with the Fielder Group presented the revised plans of the Gas Station for the Food 4 Less parking lot in University Square on University Avenue. The revision to the plans previously approved by the EACPC were minor and included setting back the canopy so it did not cover the area of the utilities, sewer and storm drain easements in any way.

The EACPC Board voted unanimously to approve the project as presented with the condition that Food 4 Less work with the operator of the shopping center to ensure that the trees and other landscaping will be maintained by the responsible applicant in cooperation with the Urban Forester office of the City of San Diego.

**The vote was – 11 for approval**  
**0 against approval**  
**Chair abstained**



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**  
 Food 4 Less Fuel Center #374 351732

**Project Address:**  
 5951 University Avenue

**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):	Name of Individual (type or print):
<input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <input type="checkbox"/> Redevelopment Agency	<input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <input type="checkbox"/> Redevelopment Agency
Street Address:	Street Address:
City/State/Zip:	City/State/Zip:
Phone No: <span style="float: right;">Fax No:</span>	Phone No: <span style="float: right;">Fax No:</span>
Signature : <span style="float: right;">Date:</span>	Signature : <span style="float: right;">Date:</span>
Name of Individual (type or print):	Name of Individual (type or print):
<input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <input type="checkbox"/> Redevelopment Agency	<input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <input type="checkbox"/> Redevelopment Agency
Street Address:	Street Address:
City/State/Zip:	City/State/Zip:
Phone No: <span style="float: right;">Fax No:</span>	Phone No: <span style="float: right;">Fax No:</span>
Signature : <span style="float: right;">Date:</span>	Signature : <span style="float: right;">Date:</span>





**Project Chronology**  
**Food 4 Less Fuel Center – Project No. 351732**

<b>Date</b>	<b>Action</b>	<b>Description</b>	<b>City Review Time</b>	<b>Applicant Response</b>
3/20/14	First Submittal	Project Deemed Complete		
5/5/14	First Assessment Letter		46 days	
10/29/14	Second Submittal			177 days
12/8/14	Second Review Complete		40 days	
3/26/15	Third Submittal			107 days
5/4/15	Third Review Complete		39 days	
5/18/15	Fourth Submittal			14 days
7/2/15	All Issues Resolved		45 days	
9/9/15	HO Hearing		69 days	
<b>TOTAL STAFF TIME</b>			<b>239 days</b>	
<b>TOTAL APPLICANT TIME</b>				<b>298 days</b>
<b>TOTAL PROJECT RUNNING TIME</b>		From Deemed Complete to Hearing Officer	<b>17 months, 19 days</b>	