

RESOLUTION NUMBER R-295622

ADOPTED ON OCTOBER 23, 2001

WHEREAS, Chevron USA, Inc., Owner/Permittee, filed an application with the City of San Diego for Planned Commercial Development/Conditional Use Permit [PCD/CUP] No. 99-1200 to construct and operate a limited-hours gas station, mini-mart and automated car wash facility known as the Chevron Gas Station - Sorrento Hills project, located at the southwest corner of Carmel Mountain Road and East Ocean Air Drive, and legally described as Parcel 1 of Map No. 18123, in the Sorrento Hills Community Plan area, in the CC-1-3 zone (previously referred to as the CA zone); and

WHEREAS, on February 1, 2001, the Planning Commission of the City of San Diego considered PCD/CUP No. 99-1200, and pursuant to Resolution No. 3084-PC voted to approve the project subject to specific conditions of approval; and

WHEREAS, Chevron Products, and Richard Kiy for the Torrey Hills Community Coalition, appealed the Planning Commission decision to the Council of the City of San Diego; and

WHEREAS, on July 31, 2001, by Resolution No. R-295257, the Council denied the appeals and approved PCD/CUP No. 99-1200 for the Chevron Gas Station in Sorrento Hills; and

WHEREAS, on September 18, 2001, the Council considered and approved a motion to waive the permanent rules of the Council and a motion for reconsideration of the appeals by Chevron Products and Richard Kiy; and

WHEREAS, the matter was set for public hearing on October 23, 2001, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to PCD/CUP No. 99-1200:

**I. CONDITIONAL USE PERMIT FINDINGS - GAS STATION LAND USE**

**A. The proposed use will not adversely affect the neighborhood, the City of San Diego's Progress Guide and General Plan, or the community plan, and if conducted in conformity with conditions provided by the permit, 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 properties in the vicinity of the site.**

The permit prepared for this project includes various conditions and corresponding exhibits of approval relevant to achieving compliance with the regulations of the San Diego Municipal Code [SDMC] in effect for this project site and that such conditions have been determined by the decision-maker as necessary to avoid adverse impacts upon the health, safety and general public welfare of persons residing or working in the area. These conditions include limitations upon the permitted hours of operation for the commercial uses approved on this site, minimum building design and parking standards, requirements pertaining to the type(s) of alcoholic beverages that may be sold on the premises and minimum landscape standards. The project is consistent with the City's General Plan and Progress Guide and the Sorrento Hills Community Plan (which identifies a gas station as a permitted use on the subject property).

As conditioned, this project would be comparable to gas stations in similar or larger communities. The scaling down of the number of gasoline stations from twelve to six makes the commercial use more compatible with the residential uses which are in close proximity. Given the existing as stations in the nearby area, a six-station facility would be adequate to serve the adjacent communities. Because of the requirements and referenced exhibits incorporated as conditions of the project's PCD/CUP, it is concluded that the project will not adversely affect other properties in the vicinity of the project site.

**B. The proposed use will comply with the relevant regulations in the San Diego Municipal Code in affect for this site.**

The permit prepared for this project includes various conditions and corresponding exhibits of approval relevant to achieving compliance with the regulations of the San Diego Municipal Code in effect for this project site. These conditions include limitations upon the permitted hours of operation for the commercial land uses approved on this site, minimum building design standards, minimum off-street parking standards, requirements pertaining to the

type(s) of alcoholic beverages that may be sold on the premises, and minimum landscape standards.

## **II. CONDITIONAL USE PERMIT FINDINGS - SALE OF ALCOHOL**

### **A. The proposed use will not be detrimental to the health, safety and general welfare of persons residing or working in the area.**

The San Diego Police Department has reviewed the project and has determined that the area surrounding this site is considered a low crime area in terms of reported alcohol-related incidents, and that there is no over-concentration of retail alcohol licenses in this portion of the Sorrento Hills community.

The Police Department has further determined that the issuance of a license to sell alcoholic beverages on the premises (as proposed) will not result in a measurable increase in the crime rate within this portion of the community and because of specific conditions incorporated into the project's permit (which include limitations placed upon the hours such beverages may be sold within the convenience store and the types of alcoholic beverages that may be purchased) would not adversely affect the health, safety, and general public welfare of persons residing or working within the surrounding area.

### **B. The proposed use is consistent with the policies, goals, and objectives of the applicable land use plan.**

The permit prepared for this project includes conditions pertaining to the sale of alcoholic beverages on the premises, including limitations placed upon the hours such beverages may be sold and the types of alcoholic beverages (beer and wine only) that may be purchased. Further, these conditions are consistent with standards of the San Diego Police Department regarding the retail sale of alcoholic beverages and is consistent with the policies, goals, and objectives of the Sorrento Hills Community Plan and the SDMC section 101.0515 to avoid adverse impacts upon the health, safety, and public welfare of persons residing or working within this portion of the community. This finding is further substantiated by the determination of the San Diego Police Department that the retail sale of alcoholic beverages proposed by this project would not result in an over-concentration of retail alcohol licenses in the neighborhood and correspondingly, will not result in a measurable increase in the (alcohol-related) crime rate within this portion of the Sorrento Hills Community.

### **C. The proposed use is consistent with the purpose and intent of the applicable zone.**

The permit prepared for this project includes various conditions and exhibits of approval relevant to achieving compliance with the regulations of the SDMC in effect for this project site. These conditions include limitations upon the permitted hours of operation for alcoholic beverage sales, restrictions pertaining to the types of alcoholic beverages that may be sold on the premises (beer and wine only), and minimum standards of the underlying zone, the Sorrento Hills

Community Plan, and the SDMC section 101.0515 pertaining to land use intensity, setbacks, minimum parking and landscaping.

Further, the San Diego Police Department has reviewed the project and has determined that the area surrounding the project site is considered a low crime area in terms of reported alcohol-related incidents, and that the issuance of a license to engage in the sale of alcoholic beverages on the premises, as proposed, will not result in a measurable increase in the crime rate within this portion of the community. Based upon the conditions of approval incorporated into the permit for this project, it is concluded that the proposed commercial uses on the project site (including the limited sale of alcoholic beverages within the proposed convenience store) are consistent with, and would not adversely affect, the purpose and intent of the applicable zoning provisions in effect for this site.

**D. The proposed use, as may be conditioned, is appropriate at this location.**

The permit prepared for this project includes conditions pertaining to the sale of alcoholic beverages on the premises, including limitations placed upon the hours such beverages may be sold and the types of alcoholic beverages (beer and wine only) that may be purchased. The San Diego Police Department has reviewed the project and has determined that the area surrounding the project site is considered a low crime area in terms of reported alcohol-related incidents, and that there is no over-concentration of retail alcohol licenses in this portion of the Sorrento Hills community. The Police Department has further determined that the issuance of a license for the retail sale of alcoholic beverages on the premises will not result in a measurable increase in the crime rate within this portion of the community and that the specific conditions incorporated into the applicant's proposal to sell alcoholic beverages on the subject property is appropriate at this particular location, and will not adversely affect the health, safety, and public welfare.

**E. The proposed use will serve a public convenience or necessity.**

Because this is a recently developed area of the City, there are few commercial uses within this portion of the Sorrento Hills community which provide for the sale of alcoholic beverages and correspondingly, there is no over-concentration of retail alcohol licenses in the surrounding neighborhood. Further, the San Diego Police Department considers the area surrounding the project site a low crime area in terms of reported alcohol-related incidents. Based upon the preceding circumstances cited for this area, it is concluded that the proposed retail sale of alcoholic beverages on the premises (beer and wine only) will serve a public convenience, will comply with Police Department standards regarding the sale of alcoholic beverages on site's proximate to residential neighborhoods and will not pose a threat to the health, safety, and public welfare of persons residing or working within this portion of the Sorrento Hills community.

**III. PLANNED COMMERCIAL DEVELOPMENT PERMIT FINDINGS**

**A. The proposed use will not adversely affect the neighborhood, the Progress Guide and General Plan or the Community Plan and if conducted in conformity with**

**conditions provided by the permit, 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 properties in the vicinity of the site.**

The permit prepared for this project includes various conditions and exhibits of approval relevant to achieving compliance with the regulations of the SDMC in effect for this project site and that such conditions have been determined by the decision-maker as necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the area. These conditions include limitations upon the permitted hours of operation for the commercial uses approved on this site, minimum off-street parking and landscape standards, and requirements pertaining to the type(s) of alcoholic beverages that may be sold on the premises.

The project is consistent with the Sorrento Hills Community Plan (which identifies a gas station as a permitted land use on the subject property) and the City's Progress Guide and General Plan. Because of the specific requirements and referenced exhibits incorporated as conditions of the project's permit, it is concluded that the project will not adversely affect the Sorrento Hills Community Plan or other properties in the vicinity of the subject property.

**B. The proposed development will not adversely affect the City of San Diego's Progress Guide and General Plan or the adopted community plan for the area.**

The project is consistent with the Sorrento Hills Community Plan which identifies a gas station as a permitted land use on the subject property and the City's Progress Guide and General Plan. Further, no deviations of the zoning ordinance provisions in affect for this site per the San Diego Municipal Code are required to implement the proposed land use and project design.

**C. The proposed use will comply with the relevant regulations in the San Diego Municipal Code in affect for this site.**

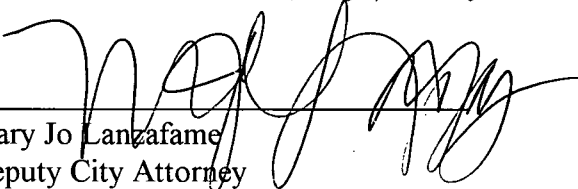
The project is consistent with the applicable ordinance provisions of the San Diego Municipal Code pertaining to land use and development guidelines of the Sorrento Hills Community Plan which identify a gas station as a permitted land use on the subject property. Further, the PCD/CU Permit prepared for this project includes various conditions and exhibits of approval relevant to achieving compliance with the regulations of the SDMC. These conditions include limitations upon the permitted hours of operation for the commercial land uses approved on this site, minimum off-street parking and landscape standards, and requirements pertaining to the type(s) of alcoholic beverages that may be sold on the premises.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the appeals of Chevron Products and Richard Kiy are denied; and Planned Commercial Development/Conditional Use Permit No. 99-1200 is granted to Chevron USA, Inc., Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof, subject to the following additional modifications:

1. The number of fueling stations shall be limited to three islands with a maximum of six stations.
2. The hours of operation shall be from 6:00 a.m. to 10:00 p.m.
3. The project site shall not include or otherwise use exterior amplified music.
4. With respect to Condition No. 40, the services provided by the car wash operation shall not expand beyond the self-contained automated operation. This prohibition includes employees (but not customers) washing, waxing, or drying customer vehicles.

APPROVED: CASEY GWINN, City Attorney

By   
Mary Jo Lanzafame  
Deputy City Attorney

MJL:lc  
12/21/01  
Or.Dept:Clerk  
R-2002-871  
Form=permitr.frm  
Reviewed by Kevin Sullivan

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

**AND WHEN RECORDED MAIL TO  
CITY CLERK  
MAIL STATION 2A**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**CHEVRON GAS STATION - SORRENTO HILLS  
PLANNED COMMERCIAL DEVELOPMENT AND  
CONDITIONAL USE PERMIT NO. 99-1200 - MMRP**

**CITY COUNCIL**

This Planned Commercial Development and Conditional Use [PCD/CU] Permit is hereby granted by the Council of the City of San Diego to Chevron USA Inc., a Pennsylvania Corporation, Owner/Permittee, pursuant to the regulations and ordinance provisions in effect for the subject property per the San Diego Municipal Code [SDMC]. Permission is hereby granted by the Council to the Owner/Permittee to construct and operate a self-service gas station, convenience store, automated car wash facility and implement corresponding site improvements on a vacant 2.48-acre site. The subject property, which is legally described as Parcel 1 of recorded Map No. 18123, is located at the southwest corner of East Ocean Air Drive and Carmel Mountain Road within in the CC-1-3 zone (previously referred to as the CA zone) of the Sorrento Hills Community Plan area.

1. This permit shall include the following uses, facilities and site development improvements as identified by size, dimension, quantity, location and type on the corresponding approved Exhibit "A" for the project, dated October 23, 2001, on file in the Development Services Department:

- a. Install one 20,000-gallon underground fuel storage tank on the property;
- b. Construct a self-service gasoline station (consisting of a maximum six fuel dispensers) and a 23-foot high steel frame canopy in the central portion of the subject property;
- c. Construct a one-story (approximately 3,000 square-foot) convenience store in the northeast portion of the property. In addition to the general retail sale of food items and fuel, the store will also be permitted to engage in the sale of alcoholic beverages (beer and wine only);
- d. Construct a one-story (approximately 900 square-foot) automated car wash facility in the southeastern portion of the site;
- e. Site landscaping, permanent irrigation and hardscape improvements;
- f. Off-street parking facilities (refer to condition no. 3); and

- g. Accessory uses and improvements as may be determined acceptable by the City Manager or designated representative to be consistent with land use and development regulations of the City's Progress Guide and General Plan, the Sorrento Hills Community Plan, the existing zone, CEQA guidelines, and all other applicable sections of the SDMC in effect for the subject property.
2. Prior to the issuance of any building or grading permits for this project, complete site, building and landscape plans (including construction drawings, calculations, and an automatic irrigation system) shall be submitted by the Permittee to the Development Services Department for approval. All plans shall be submitted in substantial conformance to the approved Exhibit "A," dated October 23, 2001, on file in the Development Services Department for the project, as determined by the City Manager (or designated representative). No changes, modifications or alterations to either the approved uses or improvements on this site shall be made unless application for either Substantial Conformance Review [SCR] or alternatively, an amendment to this permit (via noticed public hearing) shall have been granted by the appropriate decision maker.
  3. A minimum of sixteen surface parking stalls shall be provided on site at all times. Each space shall be maintained in the approximate location as shown on the approved Exhibit "A," dated October 23, 2001, on file in the Development Services Department. All parking spaces shall comply with the applicable parking provisions of the SDMC and shall not be converted or utilized for any other purpose unless otherwise authorized by the City Manager or designated representative.
  4. The utilization and continued use of this permit shall be subject at all times to the regulations of this or other governmental agencies.
  5. Prior to the issuance of any grading or building permits for this project, this Permit shall be recorded in the Office of the County Recorder.
  6. All construction and grading activities for this development must commence and be pursued by the Permittee within thirty six months after the effective date of final approval of this permit by the City, following all appeals. Failure to utilize the permit within thirty six months will automatically void the permit unless an extension of time has been granted. Any such extension of time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
  7. Unless this permit has been revoked by the City of San Diego, the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.
  8. This permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.
  9. Issuance of this permit by the City of San Diego, does not authorize the Permittee to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. § 1531 et seq.).
  10. 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 permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

11. The Owner/Permittee shall secure all necessary building permits for this development. The Permittee is informed that to secure these permits, substantial modifications to the building or site improvements to comply with applicable Building, Fire, Mechanical and Plumbing Codes and state law requiring access for disabled people may be required.

12. All of the conditions contained in this Permit have been considered and have been determined by the decision-maker to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is entitled as a result of this Permit. It is the intent of the City that the Owner of the property which is the subject of this Permit either utilize the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the Permit.

13. 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. 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.

#### **LANDSCAPING REQUIREMENTS:**

14. Prior to the issuance of any Certificate of Occupancy for any building on this property, it shall be the responsibility of the Owner/Permittee to install all approved landscaping per the approved Exhibit "A," dated October 23, 2001, on file in the Development Services Department and obtain all required landscape inspections.

15. All approved landscape for this project, per the approved Exhibit "A," dated October 23, 2001, on file in the Development Services Department, shall be maintained in a disease, weed and litter free condition at all times. Modifications such as severely pruning or topping is not allowed.

16. If any existing or proposed landscape features indicated on the approved Exhibit "A," dated October 23, 2001, on file in the Development Services Department are damaged or removed during demolition, construction or at any time after issuance of any permit or Certificate of Occupancy, it shall be repaired or replaced in kind and equivalent size per the approved plans by the Owner/Permittee within thirty days of damage or issuance of a certificate of occupancy. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of removal to the satisfaction of the City Manager or designated representative.

17. Prior to the issuance of any engineering permits from the City Engineer for improvements within the public right-of-way adjacent to this site, a landscape planting plan shall be submitted to the City Manager for approval. This planting plan per the approved Exhibit "A," dated October 23, 2001, on file in the Development Services Department shall identify the new locations for the two existing street trees which will be displaced due to construction of the new

driveways for this project. The two existing street trees fronting this site shall be relocated to their new locations before improvement activities take place. Correspondingly, driveways, utilities, drains, water and sewer laterals for this development shall be designed so as not to prohibit the placement of these street trees within the adjacent public right-of-way area.

18. Prior the issuance of any grading permits for this project, construction documents, including detailed irrigation plans for slope planting or revegetation and hydroseeding of all disturbed land on this site per the approved Exhibit "A," dated October 23, 2001, on file in the Development Services Department, shall be submitted in accordance with the Landscape Technical Manual section 7 and in a manner satisfactory to the City Manager.

19. The installation of slope planting and associated erosion control measures, including seeding of all disturbed portions of the property (slopes and pads) consistent with the approved landscape and grading plans, is considered to be in the public interest. As such, the Owner/Permittee shall initiate such measures as soon as the grading for this project has been completed. Such erosion appurtenances shall be installed in accordance with the approved plans for this project and the Landscape Technical Manual.

20. The Owner/Permittee or subsequent property owner(s) shall be responsible for the maintenance of all street trees and landscape improvements including right-of-way and median landscaping associated with the proposed development of this site consistent with the standards of the City's Landscape Technical Manual unless the long-term maintenance of street trees, right-of-way and median landscaping will be the responsibility of a Landscape Maintenance District or other entity deemed acceptable by the City Manager or designated representative.

#### **FIRE DEPARTMENT REQUIREMENTS:**

21. Building address numbers shall be visible and legible from the street fronting the property as required by the Uniform Fire Code section 901.4.4.

#### **CITY ENGINEER REQUIREMENTS:**

22. Prior the issuance of any building permits for this project, the Owner/Permittee shall obtain a bonded grading permit from the City Engineer, referred to as an engineering permit, for the grading proposed for this project. All grading for this project shall conform to requirements in accordance with the applicable sections of the SDMC, in a manner satisfactory to the City Engineer.

23. The drainage system proposed with this development is subject to approval by the City Engineer.

24. Prior to building occupancy, the Permittee shall demonstrate conformance with the applicable section of the SDMC pertaining to Public Improvement Subject to Desuetude or Damage. If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, in a manner satisfactory to the permit-issuing authority.

25. All export earthen material taken from this site in accordance with the approved concept plans, dated October 23, 2001, on file in the Development Services Department shall be discharged into a legal disposal site. Correspondingly, this permit does not authorize the

processing or sale of such export material. Such action requires approval of a separate Conditional Use Permit by the City of San Diego.

**ENVIRONMENTAL REQUIREMENTS:**

26. The Permittee shall implement and comply at all times with the Mitigation, Monitoring and Reporting Program [MMRP] adopted for this project, per certified Mitigated Negative Declaration LDR No. 99-1200, in a manner satisfactory to the City Manager. Prior to the issuance of any grading or building permits for this development, all mitigation measures as specifically outlined in the referenced MMRP shall be implemented by the Owner/Permittee relative to impacts associated with noise, paleontological resources, and water quality/hydrology, in a manner satisfactory to the City's Environmental Analysis Section.

**PLANNING REVIEW / DESIGN REQUIREMENTS:**

27. All private outdoor lighting fixtures shall be shaded and adjusted to fall on the premises where such lights are located. The Owner/Permittee shall implement a lighting plan per the approved Exhibit "A," dated October 23, 2001, on file in the Development Services Department, featuring the use of low pressure sodium lights and lighting fixtures with cut-off type lenses to minimize light emanating outside of the project boundary. Additionally, external lights proposed on the outside walls of the convenience store and service station canopy shall be shielded with flat lenses, and will utilize metal halide lamps for improved color rendition in these customer areas.

28. There shall be compliance at all times with the regulations of the underlying zone on the property, unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this permit. Where there is a conflict between a condition (including corresponding exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulation(s). Where a condition (including corresponding exhibits) of this permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

29. The height of the buildings approved herein this permit shall not exceed those heights set forth in the approved Exhibit "A," dated October 23, 2001, on file in the Development Services Department including, but not limited to, elevations and cross sections or the maximum permitted building height of the underlying zone, whichever is lower.

30. A topographical survey of this site conforming to the provisions of section 101.0216 of the SDMC may be required if it is determined, during construction of the project, that there may be a conflict between the building 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.

31. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

32. The subject property (and associated commercial buildings or facilities) shall be maintained free and clear of litter, trash and graffiti at all times.

33. No mechanical equipment shall be erected, constructed, or enlarged on the roof of any

building on this site, unless all such equipment is contained within a completely enclosed architecturally integrated structure, in a manner satisfactory to the City Manager or designated representative.

34. The use of textured or enhanced paving surfaces on this site shall meet applicable City standards as to location, noise and friction values.

35. All uses, except storage and loading, shall be conducted entirely within an enclosed building on site. Outdoor storage of merchandise, material and equipment is permitted in any required interior side or rear yard, provided the storage area is completely enclosed by walls, fences or a combination thereof. Walls or fences shall be solid, not less than six feet in height and no merchandise, material or equipment shall be stored higher than any adjacent wall.

36. No merchandise, material or equipment shall be stored on the roof of any building on site.

37. Prior to the issuance of any building permits for this project, complete construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (SDMC section 101.2001) to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A," dated October 23, 2001, on file in the Development Services Department.

38. All signage for this development shall be consistent with the project's approved Exhibit "A," dated October 23, 2001, on file in the Development Services Department [Sign Plan] and the City-Wide Sign Regulations set forth in the SDMC.

39. The convenience store and gas station on this site shall be permitted to operate between the hours of 6:00 a.m. to 10:00 p.m., seven days per week; with fuel tanker truck delivery hours for the gas station restricted between the hours of 7:00 a.m. to 10:00 p.m., seven days per week.

40. The automated car wash facility on this site shall be permitted to operate between the hours of 7:00 a.m. to 10:00 p.m., seven days per week. At no time shall hand-washing of vehicles be allowed at this car wash facility.

41. Amplified or exterior music is prohibited on the site.

42. This CUP permit authorizes the retail sale of alcoholic beverages (beer and wine only) within the proposed convenience store on this site. The sale of these alcoholic beverages on the premises shall be exclusively for off-site consumption and shall be limited to the hours of 6:00 a.m. to 10:00 p.m. The utilization of this CUP Permit is contingent upon the subsequent approval by the State of California Alcohol Beverage Control Board [ABCB] of a license to sell alcohol at this location. The issuance of this CUP Permit by the City of San Diego does not guarantee the granting of a license by the ABCB to sell alcohol at this location.

43. No outdoor display of merchandise for retail sale or promotional give-away is permitted on this site. No tables or seating shall be provided inside or outside of the proposed convenience store.

44. Prior to the recordation of this permit with the office of the County Recorder, the Permittee shall revise the plans for this project to reflect the following modifications, in a manner satisfactory to the Development Services Department:

- a. Eliminate Chevron's standard blue stripe and wordmark from the side panel of the steel canopy proposed above the fuel pump area;
- b. Establish and maintain a 3-foot high landscape berm along the edge of the new building pad on Carmel Mountain Road;
- c. Modify the landscape plan to replace all deciduous trees with non-deciduous species (minimum 24-inch box broad leaf evergreen); and install double-rows of evergreen shrubs (minimum 4- to 5-foot high) along the project's Carmel Mountain Road frontage to provide increased screening of the proposed commercial uses on this site; and
- d. Modify the size of the proposed monument sign along the project frontage on Carmel Mountain Road to be a maximum 3-foot high and 8-foot long.

APPROVED by the Council of the City of San Diego on October 23, 2001, by Resolution No. R-295622.

12/19/01

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AUTHENTICATED BY THE CITY MANAGER

By \_\_\_\_\_

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**The undersigned Permittee**, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Permittee hereunder.

**CHEVRON USA, INC.**, a Pennsylvania Corporation  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

**NOTE: Notary acknowledgments  
must be attached per Civil Code  
section 1180 et seq.**

12/19/01

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