

## SOUTHEASTERN SAN DIEGO PLANNING GROUP (SSDPG)

### PROJECTS COMMITTEE SUMMARY

June 25, 2012 – 6:00 P.M.

**1. CALL TO ORDER, ROLL CALL, AND INTRODUCTIONS:** *The Projects Committee is a subcommittee of the Southeastern San Diego Planning Group and is subject to the Brown Act. Therefore, Board attendance is limited to four Board Members in order to avoid a quorum. All other Board Members must refrain from discussion of the Projects presented. This limitation does not apply to non-voting General Members.* Board Member Present: Reynaldo PISAÑO, Vincent Noto, James Lawrence, and Maria Riveroll. General Members Present: Steve Veach and Louise Torio.

**2. GENERAL COMMENTS:** None

**3. INFO ITEMS:**

**A. EKCO METALS, Project No. 241664, 2830-2846 Commercial St., Memorial Neighborhood**

.56 acre, Zoned I-1, Memorial Neighborhood. Application for a Neighborhood Use Permit and Neighborhood Development Permit for a recycling facility with a rear yard and side yard 9' over-height fences, are being being proposed as 10', therefore, these are 2 separate deviations. Applicant is Donnis Eninger. Project Manager is Renee Mezo, Development Services. Presented by Steve Laub, Land Solutions.

**Presentation:**

- Neighborhood Use Permit (NUP) for a recycling facility and Neighborhood Development Permit (NDP) - NUP for recycle and NDP is for 2 deviations for fence heights on the rear fence and west side fence, proposing 10' where 9' +20% is allowed.
- NUP is for a large recycling collection facility. No processing.
- This is a Process 2, the decision will be made by the Planning Director .
- Site last was used as trucking terminal.
- Ecko has been on the property for more than a year (doing trucking activities without a permit. They (were cited and) requested to get an NUP.
- The NUP (Neighborhood Use Permit) is for recycling; (not over 800sf) which would be considered a large recycling facility. Since 1966, they have operated a site in Los Angeles for heavy recycling. This is a small collection facility, which, after sorting, will send the materials there.
- The only activity at this site is to sort and place the materials in a truck (once a week) – more if they get more business (on permit it requires no more than once a day).
- Will not receive CRV recyclables (noise issues). No after-hours drops. No reverse-vending machines. No after-hours drop-offs. No food waste on property. Dealing with business to business. One of the contracts that they will seek is the water department for the old water meters and such. Will only accept large items.
- At the point of public drop-offs, their clients will require 2 forms of identification. Will generate police reports to ensure that the property recycled has not been stolen.
- No new buildings. Front steps will be moved to the back, for access to the office through the loading dock only.
- Wood-like material will cover corrugated metal fences. Meets PDO requirements.
- Existing fence in the front will be moved back 10 feet from front-yard set-back area, no deviation will be needed – that is allowed.
- 10' set-back will be landscaped, with “thorny” plants. 20 such plants in 15 gallon-size, i.e., pyracantha kasan They will add one peppermint tree to the parkway.

- Hope to have 7 employees on site.
- Environmental review is exempt, no impacts. No new construction.
- Met all requirements for the City; we have asked them to wait for this Board's decision.
- The hours of operation = 7:30AM to 3:30PM M-F, 7:30AM to 12:30PM pm Saturday.
- Doing transfer and storage on the site which is permitted by right on the Code.
- The Ordinance allows the fence on west 10' high.
- 13 off-street parking for employees and customers. The bed of the semi will be parked there and when full, will be picked up and an empty one left.
- The fence went up in March 2011. Will need building permit for the fence...1 to move the front fence back, and the other to re-do the two existing fences.
- Landscaping is not required a site this size for this use. We are adding it voluntarily.

**Committee Concerns and Recommendations:**

1. Need guarantee on landscape maintenance (*Response: Part of the City's Permit, requires maintenance*).
2. Issue regarding the environmental document - This is not an existing facility. The previous use was a transportation facility.
3. This use is not consistent with the Community Plan. The Environmental Document must be challenged and also the NUP.
4. Page 66, Item 3b, of the 1987 Southeast San Diego Community Plan does not support recycling – there has been no action by the City Council or the Planning Commission to change or remove this language. (*Response: We followed the PDO*).
5. We will reserve our right to appeal. The deadline for comments is tomorrow. One of the requirements for the findings is that it must be consistent with the Community Plan. (*Response: We are hoping you will not do that*).
6. How can this (use) be operating as an existing facility?
7. One of the findings for NUP is that the applicable permitted use of the land should not be incompatible with the Community Plan..
8. We will appeal the Environmental Document and reserve the right to appeal the NUP if it is approved.

**Consensus of the Committee: To forward the Project to the Planning Group Board without a recommendation; however, highlight our concerns to the Board. We have notified the Project Manager, Renee Mezo, that we reserve the right to appeal the decision.**

**B. Eduardo's Market, Project No.268446, CUP Application and a Site Development Permit, 3175 National Avenue, Memorial Neighborhood, for alcoholic beverage sales**

Project Manager, Tim Daly, Development Services. Presented by Attorney Shamoun.

**Presentation:**

- Very reputable and experienced company.
- Markets over 15,000sf can bypass the Community Plan and get a beer and wine license. This market is 12-13,000sf.
- This is a type 20 license only for beer and wine- no singles and no fortified wines.
- In the community (Census Tract 39.02), there are 4 liquor licenses, 3 markets and 1 gas station.
- Police approved this because on 13% only 1/3 (4%) of those happened between 8AM and 8 PM, when the market would be open. Less than 1% sale to minors.
- Give people to do one-stop shopping. The Police Department has put many restrictions on the operation of Eduardo's if they were to get a beer and wine license.

- The saturation of liquor licenses in the area, we know, is an issue. Customers have requested beer and wine sales.
- We want to be a one-stop shopping convenience store.
- It will make the community a safer place. There 25 persons on staff.
- They close at 8:00PM.
- They will install a security officer to enforce the no loitering condition.
- The Company will go beyond the restrictions imposed by the San Diego Police Department, as follows:

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

PREMISE ADDRESS: 3175 National Ave, San Diego

TYPE OF BUSINESS: Grocery Store-MD & CD Inc.-Eduardos Mercado

FEDERAL CENSUS TRACT: 39.02

NUMBER OF ALCOHOL LICENSES ALLOWED: 4

NUMBER OF ALCOHOL LICENSES EXISTING: 4

CRIME RATE IN THIS CENSUS TRACT: 231.7%  
(Note: Considered High Crime If Exceeds 120% of City-wide Average)

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

IS THE PREMISE WITHIN 600 FEET OF INCOMPATIBLE FACILITY  YES  NO

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

ABC LICENSE REVOKED AT THIS PREMISE WITHIN PAST YEAR  YES  NO

HAS APPLICANT BEEN CONVICTED OF ANY FELONY  YES  NO

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

COMMENTS/OTHER FACTORS CONSIDERED: The applicant is applying for Type 20 Beer & Wine Off Sale license. During inspection of the premises, I found the grocery store clean and well kept. There is a liquor store across the street and residents on the back alley portion of the building.

The store would add convenience too many of the residents who would like to purchase beer & wine with their groceries. Because many of the residents in the area do not own cars, the only other alternative to buy beer & wine would be to purchase from a traditional style liquor store (Base Liquor) which is located on the corner.

SUGGESTED CONDITIONS: Although the convenience store would be good for the community in a general sense, there are issues that would need to be controlled. Due to its location in a high crime area, proximity to the freeway, and a demographic including families, special considerations should be taken with conditions placed on the off-sale privileges. The following recommended conditions should be incorporated into the regulatory licenses and land use for this location:

The San Diego Police Department agrees to the issuance of the CUP as long as the following conditions are included in the Alcoholic Beverage Control License, and any other language both agencies believe will benefit the community.

1. Sales of alcoholic beverages shall be permitted only between the hours of 7:00 AM and 10:00 each day of the week.

2. Wine shall not be sold in bottles or containers smaller than 750 ml and wine coolers or beer coolers must be sold in manufacturer pre-packaged multi-unit quantities.
3. No wine shall be sold with an alcoholic content greater than 15% by volume except for "Dinner Wines" which have been aged two years or more.
4. Beer, malt beverages or wine cooler products, regardless of container size, must be sold in manufacturer pre-packaged multi-unit quantities.
5. The petitioner(s) shall post and maintain a professional quality sign facing the premises parking lot(s) that reads as the following: NO LOITERING, NO LITTERING, NO DRINKING OF ALCOHOLIC BEVERAGES. VIOLATORS ARE SUBJECT TO ARREST. The sign shall be at least two feet square with two inch block lettering. The sign shall be in English and Spanish.
6. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the licensee(s) shall be removed or painted over within 48 hours of being applied.
7. There shall be no amusement machines or video game devices on the premises at any time.
8. No pay telephone will be maintained on the interior or exterior of the premises.
9. No loitering on the premises and if necessary a security guard to control enforcement of this provision.
10. Illumination in the parking lot. Security camera covering both interior and exterior premises.
11. No more than 20-percent of the square footage of the premises will be used for the display of alcoholic beverages.

Including any additional conditions that may be appropriate as a result of an establishment being located within a high crime area.

SAN DIEGO POLICE DEPARTMENT RECOMMENDATION:

APPROVE

DENY

S. RAPHAEL ALBRECHTSEN

Name of SDPD Vice Sergeant (Print)

619 531 2349

Telephone Number

[Signature]

Signature of SDPD Vice Sergeant

3/20/12

Date of Review

## **Committee Concerns and Comments:**

1. The conditions imposed by the Police Department are only suggestions. Even though the Applicant has assured us that they will go above and beyond any of these suggestions, they are asking us to accept their word. We have nothing in writing.
2. Concerned was expressed about the at-risk youth in the community and the availability alcohol. A remark was made that liquor can be acquired anywhere.
3. Traditionally, our community is over-saturated with beer and wine licenses. We do not support the sales of beer and wine.
4. There is a very high saturation of licenses for off-sale alcohol in our community.
5. Domestic violence is high in our area.
6. The Police Department rotates Vice staff every 6 months, they may not be aware of the conditions in our community. We cannot support this because of the social implication to our community.
7. This is NOT the first time the owner of this site had asked for a license. The previous owner was not successful.
8. There were 3 comments of support and 3 comments for denial.
9. Saturation of licenses IS STILL A BASIS for denial by the ABC. ALSO, this is a high crime area (over 120% of City-wide average) This Census Tract's crime rate is 231.7%.

**Committee consensus: to take the request to the full Planning Group with the Police Department Recommendations and guarantee of implementation. We reserve the right to appeal (this is a Process 3 – a Hearing Officer will make the final decision), however, we have not done that formally.**

**ADJOURNMENT 7:45 PM**