



THE CITY OF SAN DIEGO

## Report to the Hearing Officer

HEARING DATE: May 18, 2016 REPORT NO. HO 16-030

SUBJECT: Mission Square Market CUP, Process Three Decision

PROJECT NUMBER: [432218](#)

OWNER/  
APPLICANT: Sidney Family Limited Partnership  
Steve Rawlings, Alcoholic Beverage Consulting

### SUMMARY:

Issue: Should the Hearing Officer approve an alcoholic beverage outlet allowing the sale of beer and wine in an existing convenience store located at 6171 Mission Gorge Road within the Navajo Community Planning Area?

Staff Recommendation: Approve Conditional Use Permit No. 1521168.

Community Planning Group Recommendation: On January 13, 2016, the Navajo Community Planning Group voted 11-1-0 to recommend approval with conditions (Attachment 8).

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on April 6, 2016 and the opportunity to appeal that determination ended April 20, 2016 (Attachment 7).

### BACKGROUND

The project is an application for a Conditional Use Permit (CUP) for an alcoholic beverage outlet to allow the sale of beer and wine in accordance with a Type 20 Alcohol and Beverage Control (ABC) license within an existing 2,027-square-foot convenience store. The convenience store is a new tenant space within a commercial retail building located at 6171 Mission Gorge Road, on the southeast corner of Mission Gorge Road and Vandever Avenue (Attachment 1). The 1.68-acre project site is located in the CC-4-2 Zone, and the Community Plan Implementation (CPIOZ-A), the Airport Land Use Compatibility (Montgomery Field), Airport Influence Area (Review Area 2), and the Federal Aviation Authority (FAA) Part 77 Overlay Zones. The site is designated for Community Commercial in the Navajo Community Plan (Attachment 2).

The project site is currently improved with a one-story, 23,760-square-foot, multi-tenant commercial building approved on August 3, 1977 pursuant to Building Permit No. E55030. Existing tenant spaces consist of several eating and drinking establishments, a hair salon, and the subject

convenience store. Tenant improvements for the convenience store were approved on July 22, 2015 pursuant to Building Permit No. 1409316. The site is surrounded by a multi-unit residential complex and a private school to the east, restaurants and multi-unit residential developments to the north, restaurants, office and commercial establishments to the west, and a tire-service center and a single-family dwelling unit abutting the property to the south (Attachment 3).

## DISCUSSION

### Development Regulations and Location Criteria

The project proposes a CUP for a Type 20 ABC (beer and wine) license. A Type 20 ABC license is defined as "off-sales," which does not allow the alcohol sold at the store to be consumed on the premises. The underlying CC-4-2 Zone is intended to accommodate development with high intensity, strip commercial characteristics and allows alcoholic beverage outlets as a Limited Use subject to regulations set forth in [San Diego Municipal Code \(SDMC\) Section 141.0502\(b\)](#). An alcoholic beverage outlet that does not comply with these requirements, including certain location criteria per [SDMC Section 141.0502\(b\)\(1\)](#), may still be permitted with a Process Three CUP pursuant to [SDMC Section 141.0502\(c\)](#), and requires a recommendation from the San Diego Police Department (SDPD). The proposed alcoholic beverage outlet at this location requires a CUP because the project site does not meet the location criteria set forth in SDMC Section 141.0502(b)(1) as explained below:

- 1. Within a census tract, or within 600 feet of a census tract, where the general crime rate exceeds the citywide average general crime rate by more than 20 percent.**  
The subject property is in Census Tract No. 96.04, which reported a crime rate of 134.0 percent of the city-wide average based on the statistics provided by the SDPD. A Census Tract is considered to have "high crime" if the crime rate exceeds 120 percent of the city-wide average. The project site is located within a "high crime" Census Tract. According to SDPD data, the majority of the crime in the area consists of burglary and larceny.
- 2. Within a Census Tract, or within 600 feet of a Census Tract, where the ratio of alcoholic beverage outlets exceeds the standards established by the California Business and Professional Code Section 23958.4.**  
The subject property is in Census Tract No. 96.04, which based on the standards in California Business and Professional Code Section 23958.4, is allowed a total of two off-sale alcoholic beverage outlets unless an exception applies. There are currently nine existing off-sale alcoholic beverage outlets within Census Tract 96.04 (Attachments 11 and 12). This project would increase the number of licenses to ten.
- 3. Within 600 feet of a public or private accredited school, a public park, playground or recreational area, church, hospital or a San Diego County Welfare District Office.**  
Uses existing within 600 feet of the project site including 1) a private school, Sam and Rose Stein Education Center, located at 6145 Decena Drive; 2) a church, Mission Center of Hope, located at 6162 Mission Gorge Road #B; and 3) a drug and alcohol center, Harmony Women's Recovery Center, located at 6145 Mission Gorge Road.

#### **4. Within 100 feet of residentially Zoned property.**

The project site is within 100 feet of residentially zoned properties, including the RM-3-9 Zone to the north across Vandever Avenue, the RM-3-7 and RM-1-1 Zones to the east across Decena Drive, and the RM-4-10 Zone immediately south of the project site.

#### Community Plan Consistency

The Navajo Community Plan (NCP) identifies Mission Gorge Road as a major entry point into the community that contains strip commercial development with a mix of land uses, and designates the site for Community Commercial. The overriding objective for long-range commercial development in the community is to have facilities that provide a wide range of goods and services to the community, while blending into and enhancing the community environment (page 27). To achieve this objective, the NCP "promotes development of commercial areas that provide goods and services of a convenience nature, designed to meet daily needs. The dominant store is usually a supermarket. Other establishments may include a drug store, liquor store, self-service laundry, beauty and barber shop, shoe repair and service station providing a complete range of convenience goods and services" (page 146). The proposed sale of beer and wine within an existing convenience store is consistent with the underlying Community Commercial land use designation, and would add to the range of goods available within the subject commercial center that serves the community. Furthermore, the project is not subject to the CPIOZ-A supplemental development regulations set forth in Chapter 13, Article 2, Division 14 of the SDMC since the project proposes interior improvements to an existing building that do not expand the floor area.

#### Alcohol Sales-Project Analysis

As explained above, the proposed alcoholic beverage outlet at this location requires a Conditional Use Permit because the project site does not meet the location criteria of SDMC Section 141.0502(b)(1). Approval of this application would allow the sale of alcohol, limited to beer and wine, to be conditioned so that the alcohol sales would not have a negative impact on the surrounding neighborhood. The project has been reviewed by City staff and the SDPD for conformance to the applicable development regulations and land use policies. Staff support of the proposed alcoholic beverage outlet at this location is based on the commercial nature of the primary use of the site, and its location within a commercial retail center along a commercial corridor. The operation of an alcoholic beverage outlet within the existing convenience store to provide the sale of beer and wine for consumption off premises is consistent with the commercial use designated by the NCP and permitted by the underlying CC-4-2 zone. Furthermore, both staff and SDPD concluded that if the permit were appropriately conditioned, the proposed alcohol sales would not have an adverse impact on the surrounding neighborhood. SDPD has provided conditions for the permit (Attachment 10).

Staff is recommending approval of the project as conditioned by staff and the SDPD (Attachment 6). The Conditional Use Permit includes proposed conditions that limit the hours of sales, regulate the type and volume of alcoholic beverages, limit advertising, and address loitering and graffiti through immediate corrective action, with the objective to reduce the potential for loitering and criminal activity on the property. The proposed condition restricting advertising is recommended due to the commercial center frequented by minors and the direct correlation between alcohol advertisement and consumption by juveniles ([Rand Corporation Research, 2006](#)), as well as the presence of an

alcohol recovery center within close proximity of the subject convenience store. Additionally, the Conditional Use Permit includes a 10-year expiration. The permit could be extended through the appropriate review and decision process and may be subject to additional conditions at that time.

#### Community Group Recommendation

The Navajo Community Planning Group voted 11-1-0 to recommend approval with the following conditions:

1. No more than 5 coolers for beer space;
2. No more than 5 linear feet shelf space for wine;
3. No alcohol signage permitted on exterior windows; and
4. Cannot open store prior to 6 a.m. nor close later than 11 pm.

The project applicant has agreed to the above conditions, which have been incorporated into the subject Conditional Use Permit as conditions 20, 21, 22, and 30.

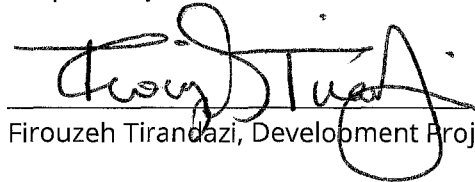
#### Conclusion

Staff has reviewed the application for the CUP for the off-sale of beer and wine, and has determined that the project complies with all applicable regulations and policy documents. The project is consistent with the recommended land use and the development standards in effect for this site per the adopted NCP and the SDMC. Furthermore, the permit has been conditioned to ensure the proposed sale of beer and wine at this location would not be detrimental to the public health, safety and welfare. Therefore, staff recommends the Hearing Officer approve the CUP.

#### ALTERNATIVES

1. Approve Conditional Use Permit No. 1521168, with modifications.
2. Deny Conditional Use Permit No. 1521168, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

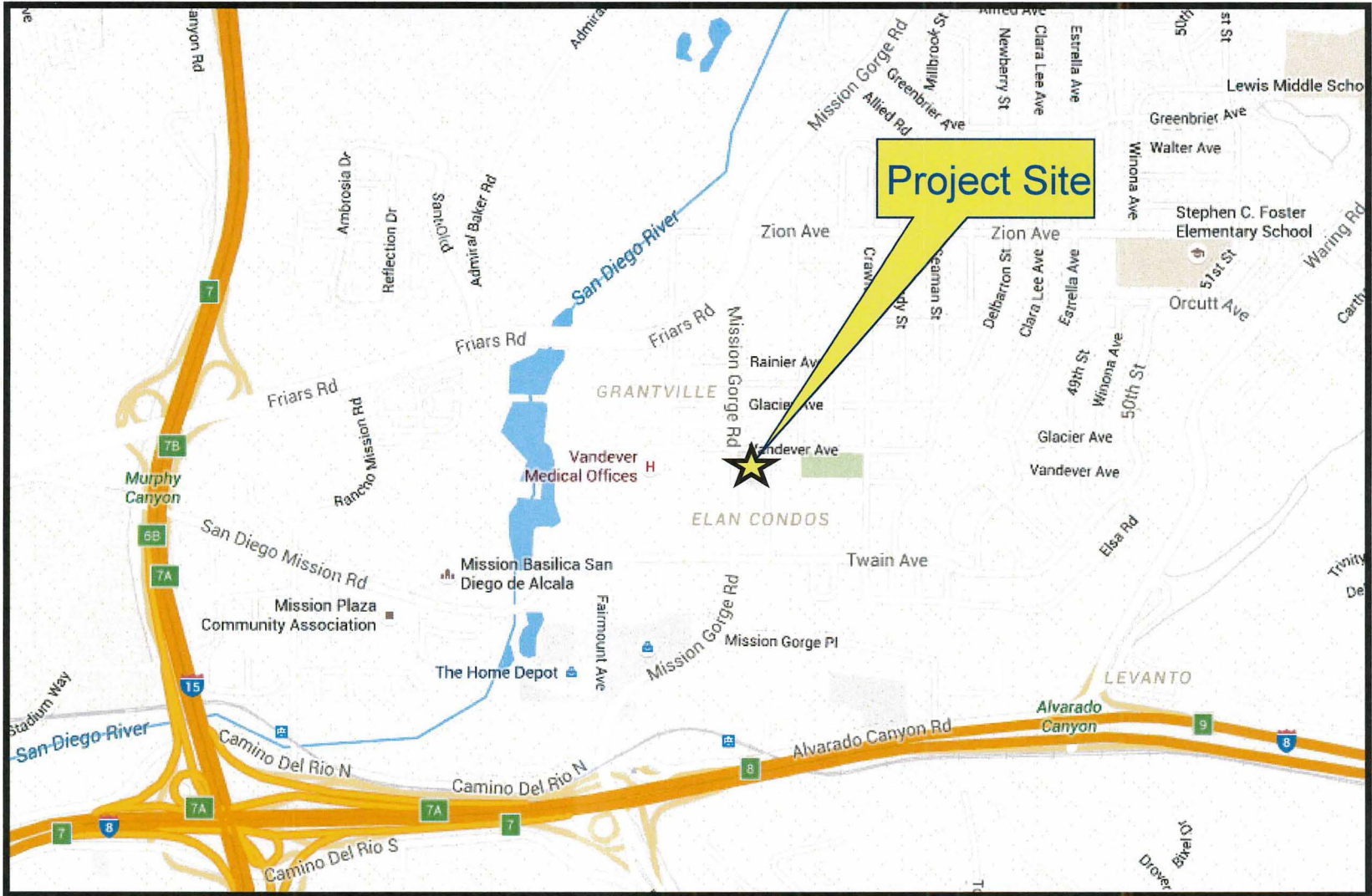


Firouzeh Tirandazi, Development Project Manager

Attachments:

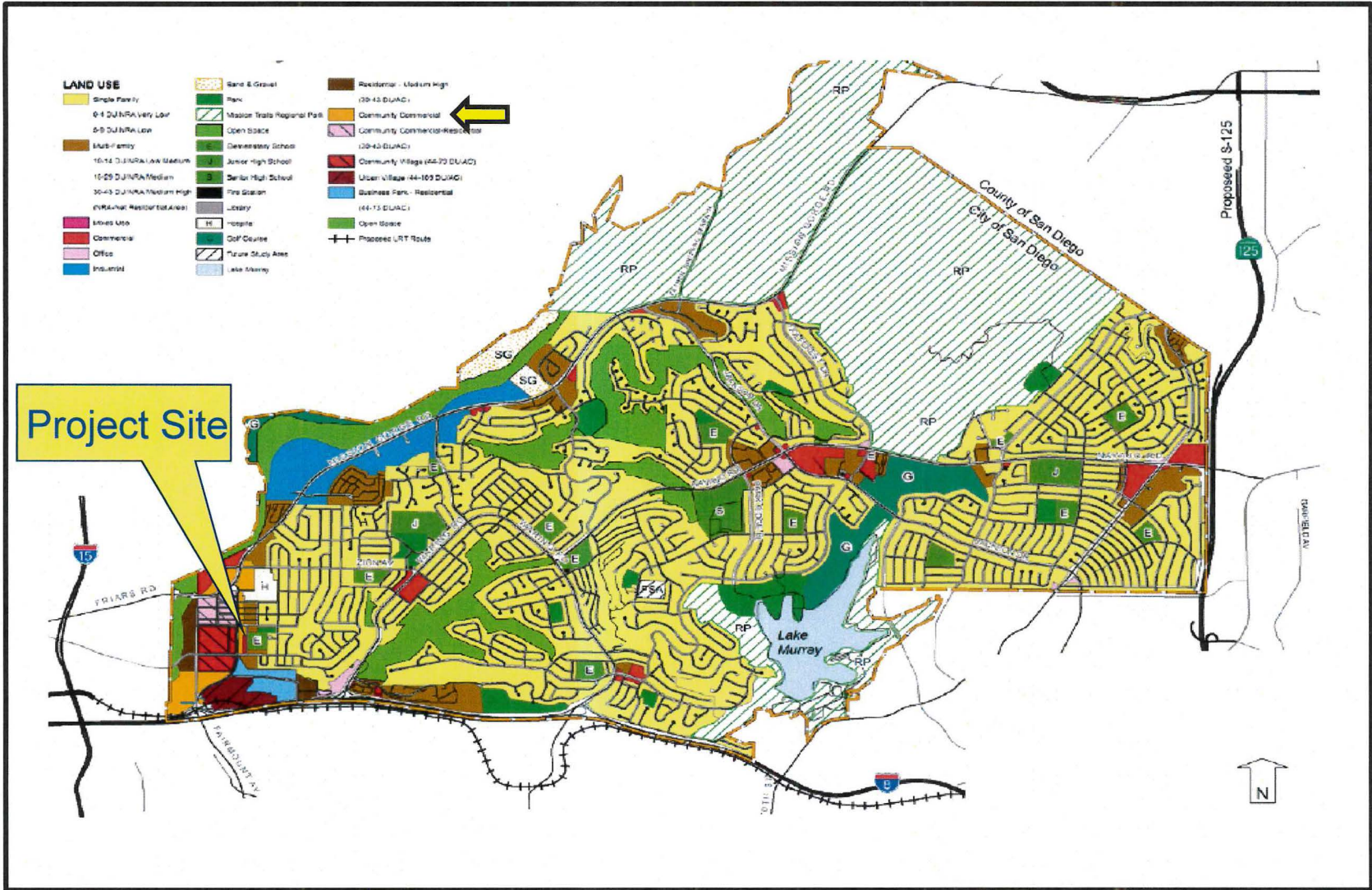
1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Project Data Sheet
5. Draft Resolution with Findings
6. Draft Permit with Conditions
7. Environmental Exemption

8. Community Planning Group Recommendation
9. Ownership Disclosure Statement
10. San Diego Police Department Recommendation
11. ABC – Liquor Licenses within Census Tract 96.04 Map
12. ABC – Existing off-sale licenses in the 96.04
13. Project Plans



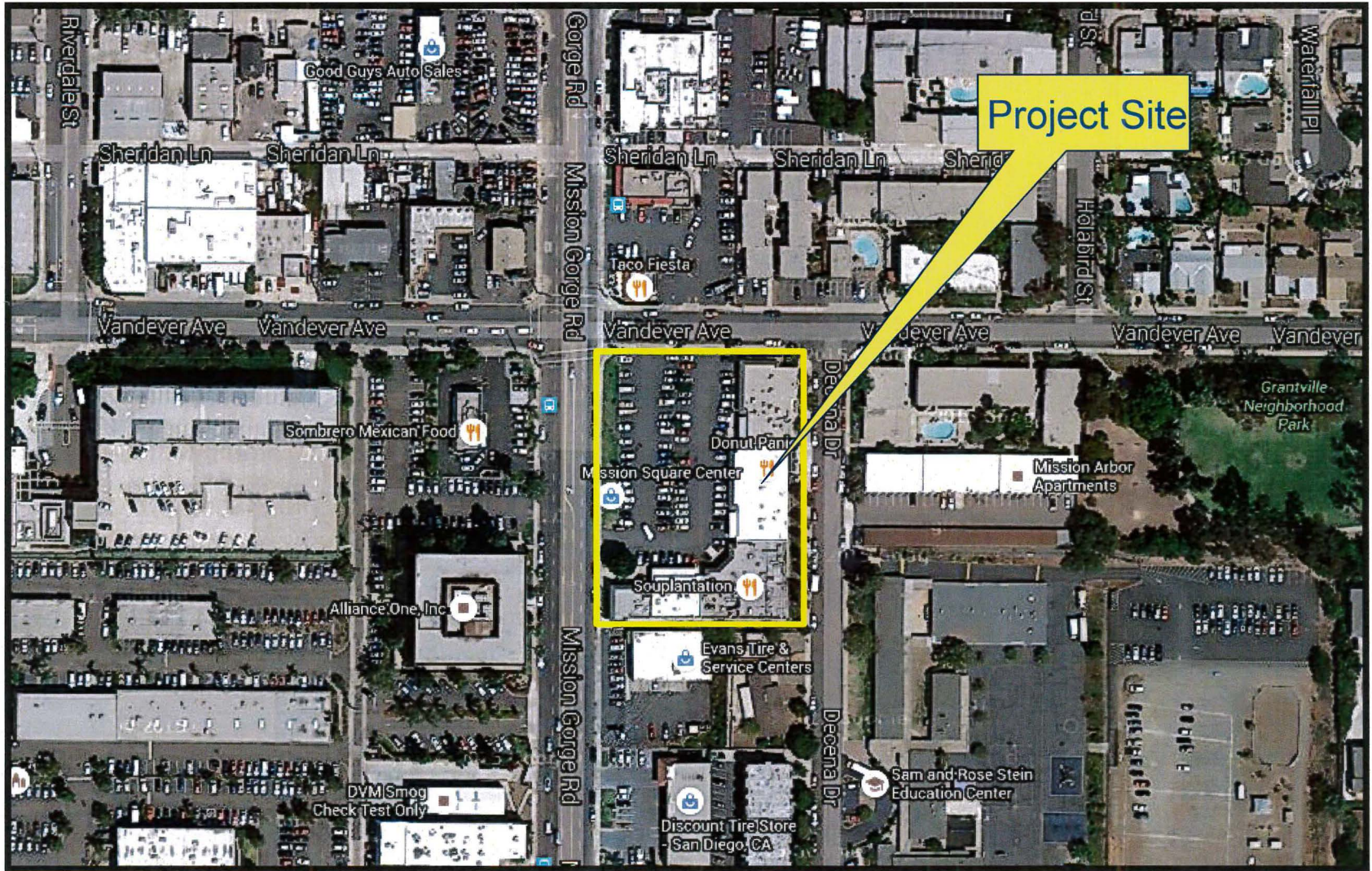
**Project Location Map**  
**MISSION SQUARE MARKET CUP - Project No. 432218**  
**6171 Mission Gorge Road**





**Navajo Land Use Map**  
**MISSION SQUARE MARKET CUP - Project No. 432218**  
**6171 Mission Gorge Road**





**Aerial Photograph**  
**MISSION SQUARE MARKET CUP - Project No. 432218**  
**6171 Mission Gorge Road**





<b>PROJECT DATA SHEET</b>		
<b>PROJECT NAME:</b>	Mission Square Market CUP	
<b>PROJECT DESCRIPTION:</b>	Type 20 Beer and Wine Alcohol Beverage Outlet	
<b>COMMUNITY PLAN AREA:</b>	Navajo	
<b>DISCRETIONARY ACTIONS:</b>	Conditional Use Permit	
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	Community Commercial	
<b>ZONING INFORMATION:</b>		
<b>ZONE:</b>	CC-4-2 (Commercial-Community Zone)	
<b>HEIGHT LIMIT:</b>	60 feet	
<b>LOT SIZE:</b>	minimum 5,000 square feet	
<b>FLOOR AREA RATIO:</b>	--	
<b>FRONT SETBACK:</b>	0/100 feet (min/max)	
<b>SIDE SETBACK:</b>	10/0 feet (min/optional)	
<b>STREETSIDE SETBACK:</b>	--	
<b>REAR SETBACK:</b>	10/0 feet (min/max)	
<b>PARKING:</b>	2.5 spaces/1,000 square feet	
<b>ADJACENT PROPERTIES:</b>	<b>LAND USE DESIGNATION &amp; ZONE</b>	<b>EXISTING LAND USE</b>
<b>NORTH:</b>	Community Commercial and Multi-Family; CC-4-2 and RM-3-9 zones	Restaurant and a Multi-unit Residential Complex
<b>SOUTH:</b>	Community Commercial and Commercial; CC-4-2 and RM-4-10 zones	Tire Service Center and Single-Family Dwelling Unit
<b>EAST:</b>	Multi-Family and Elementary School; RM-3-7 and RM-1-1 zones	Multi-unit Residential Complex and School
<b>WEST:</b>	Community Village; CC-3-8 zone	Restaurant and Office/Commercial Establishments
<b>DEVIATION REQUESTED:</b>	Deviation or None	
<b>COMMUNITY PLANNING GROUP RECOMMENDATION:</b>	On January 13, 2016, the Navajo Community Planning Group voted 11-1-0 to recommend approval of the project with four conditions.	

HEARING OFFICER  
 RESOLUTION NO. \_\_\_\_\_  
 CONDITIONAL USE PERMIT NO. 1521168  
**MISSION SQUARE MARKET CUP PROJECT NO. 432218**

WHEREAS, SIDNEY FAMILY LIMITED PARTNERSHIP, Owner and FRESH START MARKET, INC., Permittee, filed an application with the City of San Diego for a permit to operate an alcoholic beverage outlet (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Conditional Use Permit No. 1521168), on portions of a 1.68-acre site;

WHEREAS, the project site is located at 6171 Mission Gorge Road, Suites 111 and 112, in the CC-4-2 Zone, and the Community Plan Implementation (CPIOZ-A), the Airport Land Use Compatibility (Montgomery Field), Airport Influence Area (Review Area 2), and the Federal Aviation Authority (FAA) Part 77 Overlay Zones of the Navajo Community Plan;

WHEREAS, the project site is legally described as Parcel 1 as shown at Page 6206 of Parcel Maps, filed in the Office of the County Recorder of San Diego County, July 28, 1977 as File No. 77-305211;

WHEREAS, on May 18, 2016, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1521168 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on April 6, 2016, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guideline Section 15301 (Existing Facilities) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520; 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 May 18, 2016.

FINDINGS:

Conditional Use Permit Approval – SDMC Section 126.0305

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

The project is an application for a Conditional Use Permit (CUP) for an alcoholic beverage outlet to allow the sale of beer and wine, in accordance with a Type 20 Alcohol and Beverage Control (ABC) license, within an existing 2,027-square-foot convenience store. The convenience store is an existing tenant space within a commercial retail building on a 1.68-acre site located at 6171 Mission Gorge Road, on the southeast corner of Mission Gorge Road and Vandever Avenue.

The Navajo Community Plan (NCP) identifies Mission Gorge Road as a major entry point into the community that contains strip commercial development with a mix of land uses, and designates the site for Community Commercial. The overriding objective for long-range commercial development in the community is to have facilities that provide a wide range of goods and services to the community, while blending into and enhancing the community environment (page 27). To achieve this objective, the NCP "promotes development of commercial areas that provide goods and services of a convenience nature, designed to meet daily needs. The dominant store is usually a supermarket. Other establishments may include a drug store, liquor store, self-service laundry, beauty and barber shop, shoe repair and service station providing a complete range of convenience goods and services" (page 146).

The proposed sale of beer and wine within an existing convenience store is consistent with the underlying Community Commercial land use designation, and would add to the range of goods available within the subject commercial center that serves the community. The project is not subject to the CPIOZ-A supplemental development regulations in Chapter 13, Article 2, Division 14 of the SDMC since the project is proposed within an existing building and does not propose to expand the floor area. The Navajo Community Planning Group considered the subject CUP application and recommends approval subject to conditions, which have been incorporated into the CUP. Therefore, based on the commercial retail nature of the convenience store and project location, and consistency with the NCP, the proposed project would not adversely affect the applicable land use plan.

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

The primary use of the site is a convenience store, which is a commercial development located within a commercial center along a commercial corridor. The operation of an alcoholic beverage outlet within the existing convenience store is consistent with the community commercial use designated by the NCP, and allowed in the CC-4-2 Zone with a CUP at this location. Approval of this application would allow the sale of beer and wine for off-site consumption to be conditioned so that the alcohol sales would not have a negative impact on the surrounding neighborhood. The CUP includes conditions limiting the hours of sales, regulating the type and volume of alcoholic beverages, limiting advertising, and includes measures to address loitering and graffiti, which would help to ensure a safe and well maintained operation. The project is also subject to all federal, state, and other local regulations related to alcohol beverage sales, which would further ensure that the subject alcoholic beverage outlet would not have an adverse impact on the public health, safety, and welfare.

The project is not subject to the requirements of the SDMC Chapter 13, Article 2, Division 15, applicable to development within the Airport Land Use Compatibility Overlay Zone because the project is proposed within an existing tenant space, and will not increase the density, floor area, or height of the existing structure. The City of San Diego conducted an environmental review of this project in accordance with the State of California

Environmental Quality Act (CEQA) guidelines, and concluded there would be no environmental impacts associated with the proposed project. Based on the above analysis, the proposed development would not be detrimental to the public's health, safety, and welfare.

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

The project proposes an alcoholic beverage outlet in accordance with an ABC Type 20 license, in an existing convenience store located within a commercial center along a commercial corridor. A Type 20 ABC license is defined as "off-sales," which does not allow the alcohol, limited to beer and wine, sold at the store to be consumed on the premises. The underlying CC-4-2 Zone, which is intended to accommodate development with high intensity, strip commercial characteristics, allows alcoholic beverage outlets as a Limited Use subject to regulations set forth in SDMC Section 141.0502(b). The proposed alcoholic beverage outlet does not meet the aforementioned Limited Use regulations, but can be permitted at this location with a CUP pursuant to SDMC Section 141.0502(c). The CUP for the project includes various conditions and corresponding exhibits of approval relevant to achieving compliance with the SDMC, as well as to ensure the project would not have an adverse impact on the community. The project is proposed within an existing structure that is in compliance with all applicable development regulations including floor area ratio, height, and parking. The project does not propose to increase density, height, or floor area of the existing structure; therefore, it is exempt from the supplemental development regulations of the Community Plan Implementation (Type A) and Montgomery Field Airport Land Use Compatibility Overlay Zones. No variance or deviations are requested as part of this application. Therefore, the proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code.

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

The site is designated for Community Commercial in the NCP. The NCP encourages commercial development that provide for a wide range of goods and services, while blending into and enhancing the community environment (page 27). The NCP further states "establishments may include a drug store, liquor store, self-service laundry, beauty and barber shop, shoe repair and service station providing a complete range of convenience goods and services" (page 146). The project is a request for a CUP to allow the sale of alcoholic beverages, limited to beer and wine, within a convenience store. The convenience store is a tenant space within an existing commercial retail center that also includes several restaurants, a yogurt shop, a donut shop, and a hair salon, along a commercial corridor. The use of the site as retail establishment will remain the same and consistent with the commercial designation.

The site is zoned CC-4-2, which is a community commercial zone intended to accommodate development with high intensity, strip commercial characteristics. An alcoholic beverage outlet is allowed at this location subject to approval of a CUP pursuant to SDMC Section 141.0502(c). Approval of this application would allow the sale of alcohol, limited to beer and

wine, to be conditioned so that the alcohol sales would not have a negative impact on the surrounding neighborhood. The CUP includes conditions limiting the hours of sales, regulating the type and volume of alcoholic beverages, limiting advertising, and includes measures to address loitering and graffiti, which would help to ensure a safe and well maintained operation. The proposed sale of beer and wine within the existing convenience store would expand the existing retail merchandise, and is consistent with the commercial nature of the primary use. The proposed alcoholic beverage outlet is also consistent with the underlying commercial designation per the community plan and zone. Therefore, based on the commercial retail nature of the convenience store and project location, and conditions of approval, the proposed development would be appropriate at the proposed location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, CUP No. 1521168 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in CUP No. 1521168, a copy of which is attached hereto and made a part hereof.

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Firouzeh Tirandazi  
Development Project Manager  
Development Services

Adopted on: May 18, 2016

IO#: 24006025

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

**PROJECT MANAGEMENT**  
**PERMIT CLERK**  
**MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24006025

CONDITIONAL USE PERMIT NO. 1521168  
**MISSION SQUARE MARKET CUP PROJECT NO. 432218**  
HEARING OFFICER

This Conditional Use Permit No. 1521168 is granted by the Hearing Officer of the City of San Diego to SIDNEY FAMILY LIMITED PARTNERSHIP, Owner and FRESH START MARKET, INC., Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The proposed alcoholic beverage outlet is proposed within Suites 111 and 112 of an existing commercial building located on a 1.68-acre site at 6171 Mission Gorge Road in the CC-4-2 Zone, the Community Plan Implementation Overlay Zone-Type A (CPIOZ-A), the Airport Land Use Compatibility (Montgomery Field) Overlay Zone, the Airport Influence Area (Review Area 2) Overlay Zone, and the Federal Aviation Authority (FAA) Part 77 Overlay Zone within the Navajo Community Plan area. The project site is legally described as: Parcel 1 as shown at Page 6206 of Parcel Maps, filed in the Office of the County Recorder of San Diego County, July 28, 1977 as File No. 77-305211.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to operate an alcoholic beverage outlet conditioned upon the issuance of a license from the State Department of Alcoholic Beverage Control and subject to the City's land use regulations described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated May 18, 2016, on file in the Development Services Department.

The project shall include:

- a. Operation of an alcoholic beverage outlet for the sale of beer and wine in accordance with a Type 20 license within an existing 2,027-square-foot convenience store, conditioned upon the issuance of a Type 20 license from the Department of Alcoholic Beverage Control for off-site consumption;
- b. Maintenance of existing off-street parking; and

- c. 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 June 3, 2019.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on June 3, 2026. The Owner/Permittee may request that the expiration date be extended in accordance with SDMC Section 141.0502(c) (7).
3. The utilization of this CUP is contingent upon the approval of a license to sell alcohol at this location by the California Department of Alcoholic Beverage Control [ABC]. The issuance of this CUP does not guarantee that the ABC will grant an alcoholic beverage license for this location.
4. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
5. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
6. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
7. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
8. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not

limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

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

10. 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.

11. 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.

12. 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.



**ENGINEERING REQUIREMENTS:**

13. Prior to the issuance of any construction permit, the Owner/Permittee shall reconstruct the non-ADA compliant curb ramp with a current City Standard curb ramp with truncated domes, per SDG-132 at the southeast corner of Mission Gorge Road and Vandever Avenue.
14. 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.
15. 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 San Diego Municipal Code, into the construction plans or specifications.

**PLANNING/DESIGN REQUIREMENTS:**

16. Owner/Permittee shall maintain a minimum of sixty (60) off-street parking spaces (107 spaces existing) on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.
17. Owner/Permittee shall post a copy of the Conditional Use Permit conditions in the licensed premises in a place where they may be readily viewed by any member of the general public or any member of a government agency.
18. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.
19. 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.
20. The store shall not operate prior to 6:00 a.m. and shall close no later than 11:00 p.m. daily.
21. The store shall be limited to no more than five (5) coolers for beer space.
22. The store shall be limited to no more than five (5) linear feet of space for wine.

**POLICE DEPARTMENT REQUIREMENTS:**

23. Wine shall not be sold in bottles or containers smaller than 750 milliliters.
24. The sales of beer or malt beverages in quantities of quarts, 40 oz., or similar size single containers are prohibited.
25. The Owner/Permittee shall post and maintain a professional quality sign facing the front of the

premises that reads as follows: "NO LOITERING, NO LITTERING, NO DRINKING OF ALCOHOLIC BEVERAGES. VIOLATORS ARE SUBJECT TO ARREST." The sign shall be in English and Spanish.

26. No loitering shall be allowed on the premises. If necessary, as determined by the Development Services Department, a licensed security guard shall be present to control enforcement of this provision.

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

28. Beer, malt beverages or wine cooler products, regardless of container size, must be sold in manufacturer pre-packaged multi-unit quantities.

29. There shall be no exterior advertising or sign of any kind, including advertising, directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages that are clearly visible from the exterior shall constitute a violation of this condition.

**POLICE DEPARTMENT RECOMMENDATION FOR ABC LICENSE:**

- No wine shall be sold with alcohol content greater than 15 percent by volume except for "Dinner Wines."

**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 May 18, 2016 and Resolution No.

\_\_\_\_\_.

Permit Type/PTS Approval No.: Conditional Use Permit No. 1521168

Date of Approval: May 18, 2016

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

---

Firouzeh Tirandazi  
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.

**SIDNEY FAMILY LIMITED PARTNERSHIP**

Owner

By \_\_\_\_\_

Larry Sidney  
Vice President

**FRESH START MARKET, INC.**

Permittee

By \_\_\_\_\_

Sunil Bhanage  
President

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

**NOTICE OF EXEMPTION***(Check one or both)*

TO:  Recorder/County Clerk  
 P.O. Box 1750, MS A-33  
 1600 Pacific Hwy, Room 260  
 San Diego, CA 92101-2400

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.: **432218**Project Title: **Mission Square Market**

Project Location-Specific: 6171 Mission Gorge Road, San Diego, California 92120

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

Description of nature and purpose of the Project: This project proposes a CONDITIONAL USE PERMIT for the development of an alcoholic beverage outlet under an Alcohol and Beverage Control (ABC) Type 20 license for the sale of alcoholic beverages for off-site consumption from an existing 2,072 square-foot convenience store. This project includes tenant improvements for a proposed convenience store. The 1.679 acre site is located at 6171 Mission Gorge Road in the CC-4-2 zone within the Affordable Housing Parking Demand, Community Plan Implementation (CPIOZ-A), Montgomery Field Airport Land Use Compatibility, and Airport Influence Area (AIA)-Review Area 2 within the Navajo Community Plan area.

Name of Public Agency Approving Project: City of San Diego

Name of Person or Agency Carrying Out Project: Sunil Bhanage  
 6171 Mission Gorge Road  
 San Diego, California 92120  
 (858) 216-0131

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: 15301 (Existing Facilities)
- Statutory Exemptions:

Reasons why project is exempt: The City of San Diego conducted an environmental review which determined the project would not have the potential for causing a significant effect on the environment in that the project is consistent with the community plan and the applicable zone. The project would not result in any significant environmental impacts. The project meets the criteria set forth in CEQA Section 15301 (Existing Facilities) which allows for the interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances. Furthermore, the exceptions listed in 15300.2 would not apply.


Lead Agency Contact Person: Morgan Dresser

Telephone: (619) 446-5404

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

 Sr. Planner  
Signature/Title

April 6, 2016  
Date

Check One:

- Signed By Lead Agency
- Signed by Applicant

Date Received for Filing with County Clerk or OPR:



THE CITY OF SAN DIEGO

DATE OF NOTICE: April 6, 2016

# NOTICE OF RIGHT TO APPEAL

## ENVIRONMENTAL DETERMINATION

### DEVELOPMENT SERVICES DEPARTMENT

---

**PROJECT NO:** 432218  
**PROJECT NAME:** Mission Square Market  
**COMMUNITY PLAN AREA:** Navajo  
**COUNCIL DISTRICT:** 7  
**LOCATION:** 6171 Mission Gorge Road, San Diego, California 92120

---

**PROJECT DESCRIPTION:** This project proposes a CONDITIONAL USE PERMIT for an alcoholic beverage outlet to allow the sale of beer and wine in accordance with a Type 20 Alcohol and Beverage Control (ABC) license within an existing 2,027-square-foot convenience store. The existing convenience store is within a commercial center located at 6171 Mission Gorge Road, on the southeast corner of Mission Gorge Road and Vandever Avenue. The 1.68-acre project site is located in the CC-4-2 Zone, and the Community Plan Implementation (CPIOZ-A), the Airport Land Use Compatibility (Montgomery Field), Airport Influence Area (Review Area 2), and the Federal Aviation Authority (FAA) Part 77 Overlay Zones. The site is designated for Community Commercial in the Navajo Community Plan.

---

**ENTITY CONSIDERING PROJECT APPROVAL:** City of San Diego Hearing Officer (Process 3)

**ENVIRONMENTAL DETERMINATION:** Categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA State Guidelines, Section 15301 (Existing Facilities)

**ENTITY MAKING ENVIRONMENTAL DETERMINATION:** City of San Diego

**STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION:** The City of San Diego conducted an environmental review which determined the project would not have the potential for causing a significant effect on the environment in that the project is consistent with the community plan and the applicable zone. The project would not result in any significant environmental impacts. The project meets the criteria set forth in CEQA Section 15301 (Existing Facilities) which allows for the interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances. Furthermore, the exceptions listed in 15300.2 would not apply.

---

**CITY PROJECT MANAGER:** Firouzeh Tirandazi  
**MAILING ADDRESS:** 1222 First Avenue, MS 301, San Diego, California 92101-4153  
**PHONE NUMBER/E-MAIL:** (619) 446-5325/ FTirandazi@sandiego.gov

---

On April 6, 2016 the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk within 10 business days from the date of the posting of this Notice (April 20, 2016). The appeal application can be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101.

This information will be made available in alternative formats upon request.

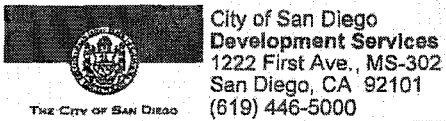


City of San Diego  
Development Services  
1222 First Ave., MS-302  
San Diego, CA 92101

## Community Planning Committee Distribution Form Part 2

<b>Project Name:</b> Mission Square Market CUP		<b>Project Number:</b> 432218	<b>Distribution Date:</b> 8/24/2015
<b>Project Scope/Location:</b> NAVAJO (Process 3) Conditional Use Permit for an ABC Type 24 License for the sale of alcoholic beverages for off-site consumption from an existing 1,972 sq ft convenience store at 6171 Mission Gorge Rd. The 1.679 acre site is in the CC-4-2 zone within the Navajo Community Plan Area. Council District 7.			
<b>Applicant Name:</b>		<b>Applicant Phone Number:</b>	
<b>Project Manager:</b> Firouzeh Tirandazi	<b>Phone Number:</b> (619) 446-5325	<b>Fax Number:</b> (619) 321-3200	<b>E-mail Address:</b> FTirandazi@sandiego.gov
<b>Committee Recommendations (To be completed for Initial Review):</b>			
<input checked="" type="checkbox"/> Vote to Approve	Members Yes 11	Members No 1	Members Abstain
<input type="checkbox"/> Vote to Approve With Conditions Listed Below	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Deny	Members Yes	Members No	Members Abstain
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			<input type="checkbox"/> Continued
<b>CONDITIONS:</b> No more than 5 coolers for beer space; No more than 5 linear ft. shelf space for wine; No alcohol signage permitted on exterior windows; Cannot open store prior to 6 a.m. nor close later than 11 pm.			
<b>NAME:</b> MATTHEW J. ADAMS		<b>TITLE:</b> CHAIR	
<b>SIGNATURE:</b> <i>Matthew J. Adams</i>		<b>DATE:</b> 1-18-2016	
<i>Attach Additional Pages If Necessary.</i>		Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101	
Printed on recycled paper. Visit our web site at <a href="http://www.sandiego.gov/development-services">www.sandiego.gov/development-services</a> . Upon request, this information is available in alternative formats for persons with disabilities.			





# 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* \_\_\_\_\_

Mission Square Market

Project Address:

6171 Mission Gorge Rd, #111-112

**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

<p>Name of Individual (type or print): _____</p> <p><input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <input type="checkbox"/> Redevelopment Agency</p> <p>Street Address: _____</p> <p>City/State/Zip: _____</p> <p>Phone No: _____ Fax No: _____</p> <p>Signature : _____ Date: _____</p>	<p>Name of Individual (type or print): _____</p> <p><input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <input type="checkbox"/> Redevelopment Agency</p> <p>Street Address: _____</p> <p>City/State/Zip: _____</p> <p>Phone No: _____ Fax No: _____</p> <p>Signature : _____ Date: _____</p>
<p>Name of Individual (type or print): _____</p> <p><input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <input type="checkbox"/> Redevelopment Agency</p> <p>Street Address: _____</p> <p>City/State/Zip: _____</p> <p>Phone No: _____ Fax No: _____</p> <p>Signature : _____ Date: _____</p>	<p>Name of Individual (type or print): _____</p> <p><input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <input type="checkbox"/> Redevelopment Agency</p> <p>Street Address: _____</p> <p>City/State/Zip: _____</p> <p>Phone No: _____ Fax No: _____</p> <p>Signature : _____ Date: _____</p>

Project Title: \_\_\_\_\_ Project No. (For City Use Only) \_\_\_\_\_

**Part II - To be completed when property is held by a corporation or partnership**

**Legal Status (please check):**

Corporation  Limited Liability -or-  General) What State? \_\_\_\_\_ Corporate Identification No. \_\_\_\_\_  
 Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. **Note:** The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. **Additional pages attached**  Yes  No

Corporate/Partnership Name (type or print):  
Sidney Family Limited Partnership

Owner  Tenant/Lessee

Street Address:  
220 30th Street  
City/State/Zip:  
Manhattan Beach, CA 90266  
Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

Name of Corporate Officer/Partner (type or print):  
Larry Sidney  
Title (type or print):  
Vice-President of Sidney Properties, Inc., General Partner  
Signature: \_\_\_\_\_ Date: Jun 9, 2015

Corporate/Partnership Name (type or print):  
Fresh Start Market, Inc.

Owner  Tenant/Lessee

Street Address:  
6171 Mission Gorge Rd, #111-112  
City/State/Zip:  
San Diego, CA 92120  
Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

Name of Corporate Officer/Partner (type or print):  
Sunil Bhanage  
Title (type or print):  
President  
Signature: *Sunil Bhanage* Date: Jun 9, 2015

Corporate/Partnership Name (type or print):

Owner  Tenant/Lessee

Street Address:  
City/State/Zip:  
Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

Name of Corporate Officer/Partner (type or print):  
Title (type or print):  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Corporate/Partnership Name (type or print):

Owner  Tenant/Lessee

Street Address:  
City/State/Zip:  
Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

Name of Corporate Officer/Partner (type or print):  
Title (type or print):  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Corporate/Partnership Name (type or print):

Owner  Tenant/Lessee

Street Address:  
City/State/Zip:  
Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

Name of Corporate Officer/Partner (type or print):  
Title (type or print):  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Corporate/Partnership Name (type or print):

Owner  Tenant/Lessee

Street Address:  
City/State/Zip:  
Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

Name of Corporate Officer/Partner (type or print):  
Title (type or print):  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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

PREMISE ADDRESS: 6171 Mission Gorge Road #111-112, San Diego California

TYPE OF BUSINESS: Convenience Store (Type 20) Off Sales General License

FEDERAL CENSUS TRACT: 96.04

NUMBER OF ALCOHOL LICENSES ALLOWED: 2

NUMBER OF ALCOHOL LICENSES EXISTING: 9

CRIME RATE IN THIS CENSUS TRACT: 134.0%  
(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 crime rate for census tract 96.04 in 2015 was 134.0% which is up from 2014, it was 119.9%. The alcohol crime rate is 22 arrests at 69.5% rate. The concentration level for Off-Sale licenses is nine (9) for a census tract that allows two (2).

Reference "Incompatible Facilities" near the premise. There are three within 600 feet of the premise. Sam and Rose Stein Education Center is a private school located at 6145 Decena Drive. Mission Center of Hope located at 6162 Mission Gorge Road #B. This is a church located across the street from the premise. Harmony Women's Recovery Center, located at 6154 Mission Gorge Road which focuses on drug and alcohol abuse. Reference residence within 100 feet of the premise is a apartment complex is directly behind the premise.

SUGGESTED CONDITIONS: The San Diego Police Department agrees to the issuance of this license providing the following conditions are included in the Conditional Use permit:

1. Sales and Service of alcoholic beverages shall be permitted only between the hours of 6am to midnight each day of the week.
2. Wine shall not be sold in bottles or containers smaller than 750 ml.
3. The sales of beer or malt beverages in quantities of quarts, 40 oz., or similar size containers are prohibited.

4. No wine shall be sold with an alcohol content greater than 15% by volume except for "Dinner Wines".
5. The petitioner(s) shall post and maintain a professional quality sign facing on the front of the premises that reads as the following: NO LOITERING, NO LITTERING, NO DRINKING OF ALCOHOLIC BEVERAGES. VIOLATORS ARE SUBJECT TO ARREST. The sign shall be in English and Spanish.
6. No loitering shall be allowed on the premises. If it necessary, a licensed security guard shall be present to control enforcement of this provision.
7. 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.
8. Beer, malt beverages or wine cooler products, regardless of container size, must be sold in manufacturer pre-packaged multi-unit quantities.
9. There shall be no exterior advertising or sign of any kind, including advertising, directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages that are clearly visible from the exterior shall constitute a violation of this condition.

SAN DIEGO POLICE DEPARTMENT RECOMMENDATION:

APPROVE

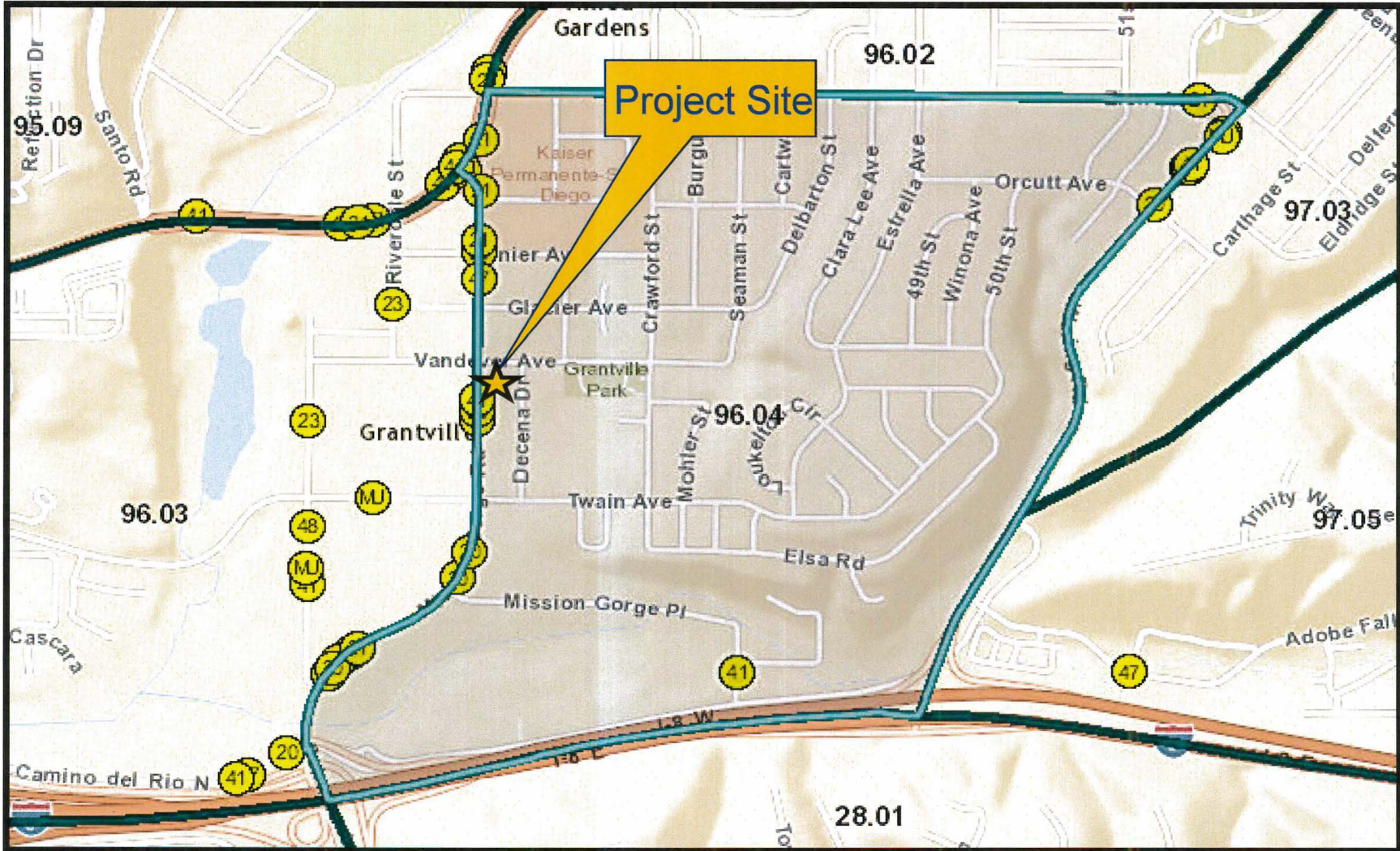
DENY

ROBERT STINSON  
Name of SDPD Vice Sergeant (Print)

619-531-2282  
Telephone Number

[Signature]  
Signature of SDPD Vice Sergeant

03-08-2016  
Date of Review



## Liquor Licenses within Census Tract 6.04

MISSION SQUARE MARKET CUP - Project No. 432218  
 6171 Mission Gorge Road





California Department of Alcoholic Beverage Control  
 For the County of SAN DIEGO - (Off-Sale Licenses)  
 and Census Tract = 96.04

Report as of 3/9/2016

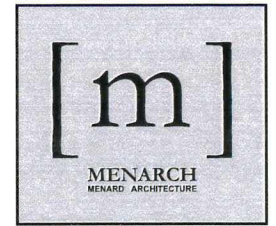
License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1) <a href="#">147384</a>	ACTIVE	20	11/30/1983	4/30/2016	PHILCOHN INC 6041 MISSION GORGE RD SAN DIEGO, CA 92120  Census Tract: 0096.04	IOWA MEAT FARMS	6041 MISSION GORGE RD SAN DIEGO, CA 92120	3710
2) <a href="#">194577</a>	ACTIVE	21	2/27/1987	6/30/2016	VONS COMPANIES INC THE 6555 MISSION GORGE RD SAN DIEGO, CA 92120  Census Tract: 0096.04	VONS 2359	PO BOX 29096 PHOENIX, AZ 85038-9096	3710
3) <a href="#">23435</a>	ACTIVE	21	3/15/1968	6/30/2016	THRIFTY PAYLESS INC 6505 MISSION GORGE RD SAN DIEGO, CA 92120  Census Tract: 0096.04	RITE AID STORE 5657	2600 CAPITOL AVE, STE 300 SACRAMENTO, CA 95816-5930	3710
4) <a href="#">454126</a>	ACTIVE	20	8/14/2007	6/30/2016	7 ELEVEN INC 6401 MISSION GORGE RD SAN DIEGO, CA 92120-2504  Census Tract: 0096.04	7 ELEVEN STORE 27623D 2111	PO BOX 219088, ATT: 7 ELEVEN LICENSING DALLAS, TX 75221-9088	3710
5) <a href="#">467978</a>	ACTIVE	20	9/9/2008	6/30/2016	7 ELEVEN INC 5102 WARING RD SAN DIEGO, CA 92120  Census Tract: 0096.04	7 ELEVEN 33694	PO BOX 219088, ATT: 7 ELEVEN LICENSING DALLAS, TX 75221-9088	3710
6) <a href="#">472517</a>	ACTIVE	20	11/3/2008	8/31/2016	NASHS INVESTMENTS INC 6011 MISSION GORGE RD SAN DIEGO, CA 92120-4007  Census Tract: 0096.04	MISSION GORGE ULTRAMAR		3710
7) <a href="#">503836</a>	ACTIVE	21	7/6/2012 9:42:06 AM	6/30/2016	MMM ENTERPRISES INC 5171 ZION AVE SAN DIEGO, CA 92120-2727  Census Tract: 0096.04	FAST BREAK MINI MARKET		3710
8) <a href="#">541099</a>	ACTIVE	20	3/14/2014 12:46:17 PM	6/30/2016	7 ELEVEN INC 5829 MISSION GORGE RD SAN DIEGO, CA 92120-4003  Census Tract: 0096.04	7 ELEVEN 2112 36751A	PO BOX 219088, ATT: 7 ELEVEN LICENSING DALLAS, TX 75221-9088	3710
9) <a href="#">543030</a>	ACTIVE	21	7/30/2014 11:29:51 AM	8/31/2016	MG LIQUOR INC 5865 MISSION GORGE RD SAN DIEGO, CA 92120  Census Tract: 0096.04	M G LIQUOR		3710

# Mission Square Market

6171 Mission Gorge, Suite 111 & 112  
San Diego, California 92120-3401

## SHEET INDEX

SHEET CS	SHEET INDEX SITE PLAN CODE DATA SITE INFORMATION BUILDING DATA EASEMENT(S) SCOPE OF WORK VICINITY MAP
SHEET SP	SITE PLAN
SHEET ABC	FLOOR PLAN



Mission Square Market :: TI  
6171 Mission Gorge, Suite 111 & 112  
San Diego, California 92120

APN :: 461-030-42

No.	REVISION / ISSUE	DATE
4	ABC Submittal	08-10 2015
3	PLAN CHECK	07-08 2015
2	PLAN CHECK	06-15 2015
1	PLAN CHECK	12-22 2014

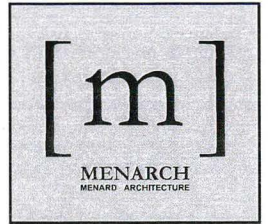
FIRM NAME AND ADDRESS  
**MENARCH**  
MENARD ARCHITECTURE  
225 N Broadway, Suite 213  
Santa Ana, California 92701  
Phn : 714.552.2722  
Web : www.menarch.com  
Email : nathan@menarch.com

STAMP

SHEET NAME  
COVER SHEET

PROJECT Mission Square Market	SHEET <b>CS</b>
DATE 08-10-15	
SCALE As Noted	

CODE DATA	SITE INFORMATION	BUILDING DATA	SCOPE OF WORK	OWNER / CONTRACTOR	VICINITY MAP
2013 California Building Code 2013 California Mechanical Code 2013 California Electrical Code 2013 California Plumbing Code 2013 California Fire Code 2013 Building Energy Efficiency Standards City of San Diego Amendments	Assessor Parcel Number ~ 461-030-43 Primary Zoning ~ Commercial CC-4-2 Community Plan ~ Implementation Overlay Zone A Montgomery Field Airport Influence Area Environmental Constraints ~ None Site Coverage Limitation ~ N/A (existing) Height Limitation ~ N/A (existing) Parcel Area ~ 73,180 Square Feet Legal Description: PAR 1 OF PARCEL MAP 6206	PRIOR USE: Retail  PROPOSED USE: Convenience Store One story building  <u>SQUARE FOOTAGE</u>  EXISTING: 2,027 Sq Ft  OCCUPANCY LOAD: 2,027 / 30 = 68  OCCUPANCY GROUP: M TYPE OF CONSTRUCTION: VB YEAR BUILT: 1986  Non-Sprinklered building	No Structural modifications.  No grease trap required.  Conditional Use Permit for an ABC Type 20 License (beer and wine sales for off-site consumption)	<u>Store Owners</u> Sunil Bhanage 13552 Arroyo Dale Lane San Diego, California 92120 sunil.bhanage@gmail.com (858) 216-0131  <u>Contractor</u> Chip Watson CWC Construction 4651 E Airport Road Ontario, CA 91761 (951) 805-6470 cwatsonpinnacle@gmail.com CA License #980964	

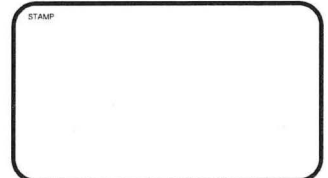


Mission Square Market :: TI  
 6171 Mission Gorge, Suite 111 & 112  
 San Diego, California 92120

APN :: 461-030-43

No.	REVISION / ISSUE	DATE
4	ABC Submittal	08-10-2015
3	PLAN CHECK	07-08-2015
2	PLAN CHECK	06-15-2015
1	PLAN CHECK	12-22-2014

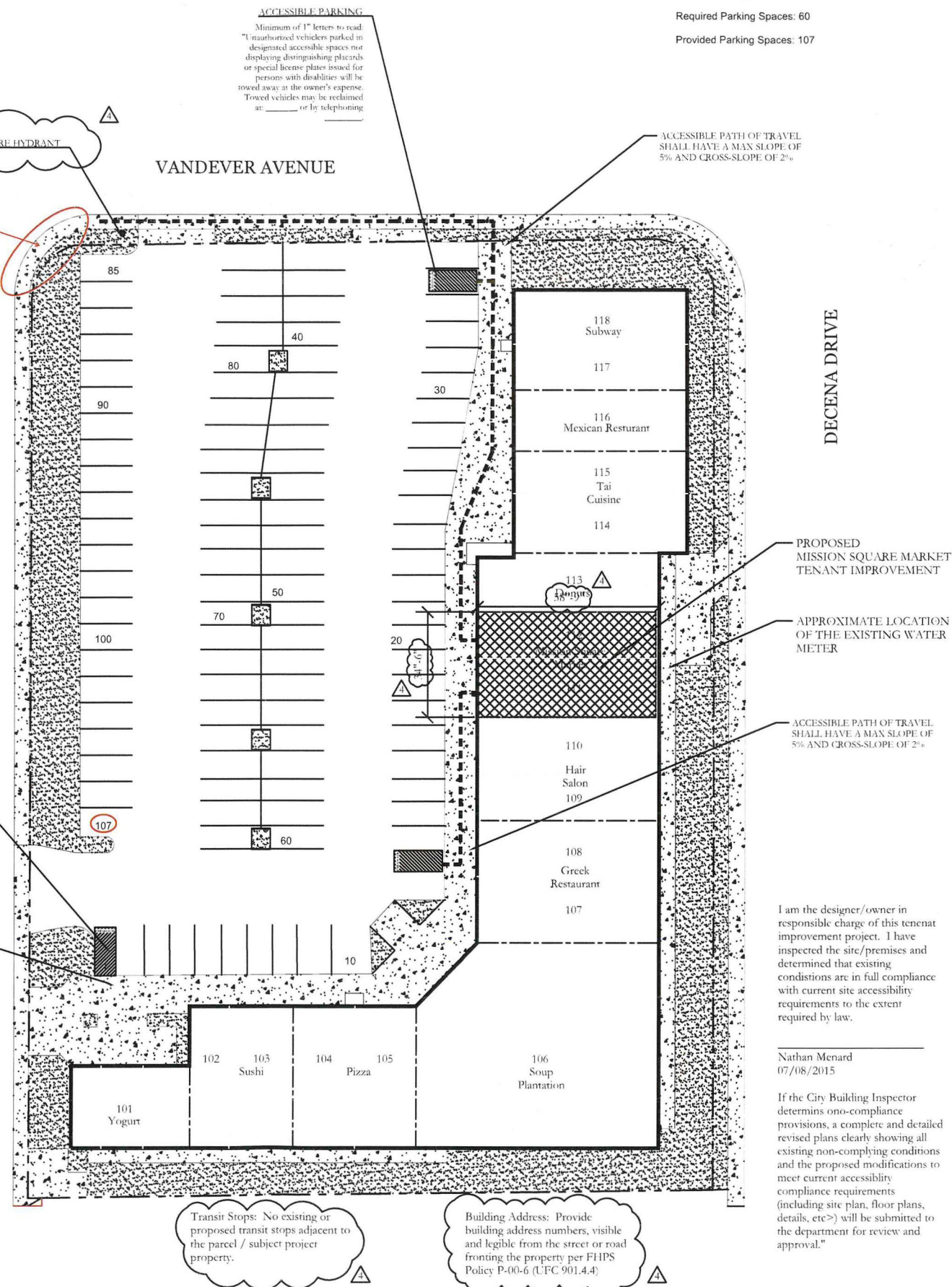
FIRM NAME AND ADDRESS  
**MENARCH**  
 MENARD ARCHITECTURE  
 225 N Broadway, Suite 213  
 Santa Ana, California 92701  
 Phn :: 714.552.2722  
 Web :: www.menarch.com  
 Email :: nathan@menarch.com



SHEET NAME  
 EXISTING SITE PLAN

PROJECT Mission Square Market	SHEET SP
DATE 08-10-15	
SCALE As Noted	

Overall Building Area: 23,760 sf  
 Required Parking Spaces: 60  
 Provided Parking Spaces: 107



**ACCESSIBLE PARKING**  
 Minimum of 1" letters to read. Unauthorized vehicles parked in designated accessible spaces not displaying distinguishing placards or special license plates issued for persons with disabilities will be towed away at the owner's expense. Towed vehicles may be reclaimed at \_\_\_\_\_ or by telephoning \_\_\_\_\_.

Reconstruct ramp per current City Standard SDG 132

EXISTING FIRE HYDRANT

ACCESSIBLE PATH OF TRAVEL SHALL HAVE A MAX SLOPE OF 5% AND CROSS-SLOPE OF 2%

**ACCESSIBLE PARKING**  
 Minimum of 1" letters to read. Unauthorized vehicles parked in designated accessible spaces not displaying distinguishing placards or special license plates issued for persons with disabilities will be towed away at the owner's expense. Towed vehicles may be reclaimed at \_\_\_\_\_ or by telephoning \_\_\_\_\_.

**ACCESSIBLE SIGNAGE**  
 SEE DETAILS 2 & 3/SP (Van parking left of stripping)

I am the designer/owner in responsible charge of this tenent improvement project. I have inspected the site/premises and determined that existing conditions are in full compliance with current site accessibility requirements to the extent required by law.

Nathan Menard  
 07/08/2015

If the City Building Inspector determines on-site compliance provisions, a complete and detailed revised plans clearly showing all existing non-complying conditions and the proposed modifications to meet current accessibility compliance requirements (including site plan, floor plans, details, etc) will be submitted to the department for review and approval."

Transit Stops: No existing or proposed transit stops adjacent to the parcel / subject project property.

Building Address: Provide building address numbers, visible and legible from the street or road fronting the property per FHPS Policy P-00-6 (LFC 901.4.4)

Financial Responsible Party for the Water & Sewer fees:  
 Sunil Bhanage  
 13552 Arroyo Dale Lane  
 San Diego, California 92120  
 sunil.bhanage@gmail.com  
 (858) 216-0131

ACCESSIBLE PARKING SIGNAGE  
 Scale :: 3/8" = 1'-0" **2**

Parking identification signs shall be reflective with a minimum area of 70 square inches

ACCESSIBLE PARKING SIGNAGE  
 Scale :: NTS **3**

ACCESSIBLE SIGNAGE SEE DETAILS 2 & 3/SP (Van parking left of stripping)

INTERNATIONAL SYMBOL OF ACCESSIBLE (ISA) COMPLYING WITH SEC 11B-703.7.2.1 ISA SEC 11B-502.6, FIG 11B-703.7.2.1

EXISTING ACCESSIBLE PARKING  
 Scale :: 1/8" = 1'-0" **4**

Blue painted border around the perimeter. The area within the blue borderlines shall be marked with hatched lines a maximum of 36" on center in a color contrasting with that of the aisle surface, preferably blue on white. The words "NO PARKING" shall be painted on the surface within each access aisle in white letters a minimum of 12 inches in height and located to be visible from the adjacent vehicular way. Access aisle markings may extend beyond the minimum required length.

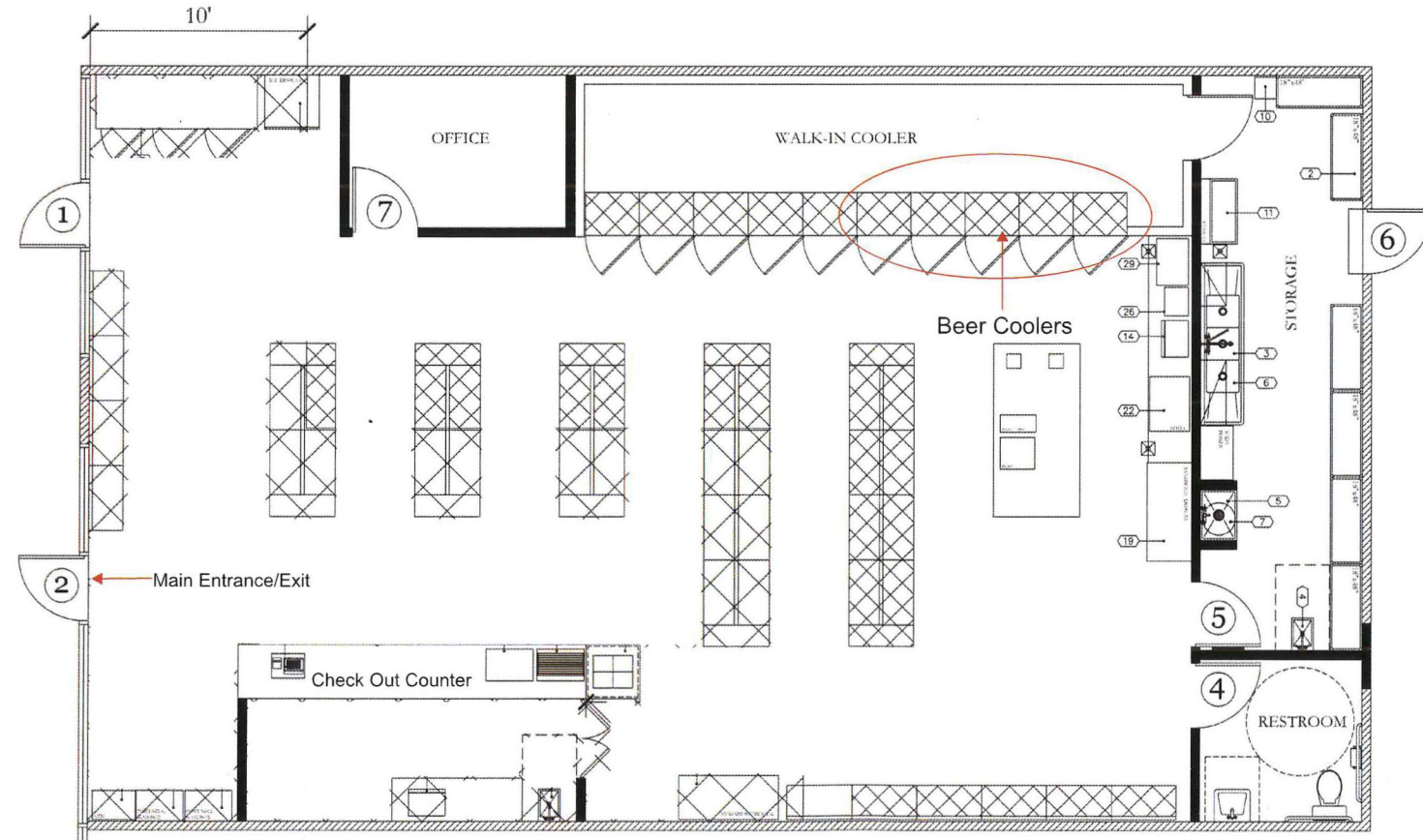
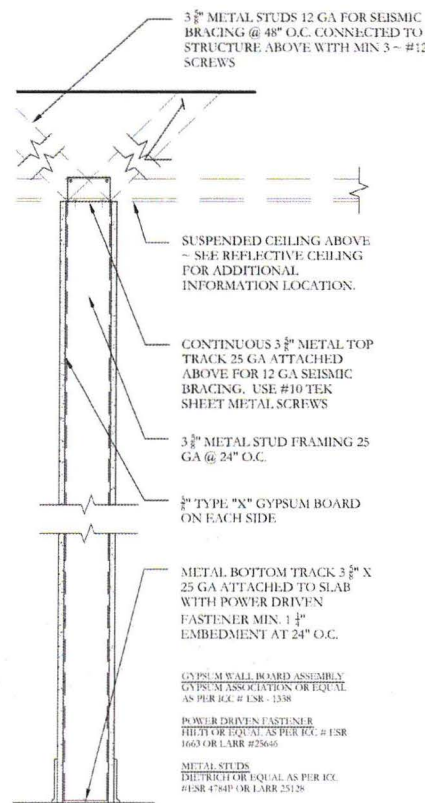


DOOR SCHEDULE					
SIZE WTH/HT	TYPE	STYLE	SWING	HARDWARE	COMMENTS
① 3'-0" x 6'-8"	ALUMN/GLASS	STORE FRONT	DOUBLE	ACCESSABLE	EXISTING TO MEET CURRENT ADA REQUIREMENTS SELF-CLOSURE HARDWARE
② 3'-0" x 6'-8"	ALUMN/GLASS	STORE FRONT	DOUBLE	ACCESSABLE	EXISTING TO MEET CURRENT ADA REQUIREMENTS SELF-CLOSURE HARDWARE
③ 1'-0" x 2'-0"	INT. WOOD	HOLLOW CORE	DOUBLE	ACCESSABLE	DOUBLE SWINGING SPRING HINGE
④ 3'-0" x 6'-8"	INT. WOOD	HOLLOW CORE	LEFT	ACCESSABLE	SELF-CLOSURE HARDWARE
⑤ 3'-0" x 6'-8"	INT. WOOD	HOLLOW CORE	LEFT	ACCESSABLE	SELF-CLOSURE HARDWARE
⑥ 3'-0" x 6'-8"	EXT. METAL	HOLLOW CORE	LEFT	ACCESSABLE	EXISTING TO MEET CURRENT ADA REQUIREMENTS SELF-CLOSURE HARDWARE
⑦ 3'-0" x 6'-8"	INT. WOOD	HOLLOW CORE	LEFT	ACCESSABLE	SELF-CLOSURE HARDWARE

**DOOR & HARDWARE NOTES**

- Handles, pulls, latches, knobs, and other operable parts on doors and gates shall comply with 11B-309.4 Operation. Operable parts of such hardware shall be 34 inches minimum and 44 inches maximum above the finish floor or ground. Where sliding doors are in the fully open position, operating hardware shall be exposed and usable from both sides. 11B-404.2.7
- The force for pushing or pulling open a door or gate other than fire doors shall be as follows:
  - Interior hinged doors and gates: 5 lbs maximum.
  - Sliding or folding doors: 5 lbs maximum.
  - Required fire doors: the minimum opening force allowable by the appropriate administrative authority, not to exceed 15 lbs.
  - Exterior hinged doors: 5 lbs maximum.
- Swinging door and gates surfaces within 10 inches of the finish floor or ground measured vertically shall have a smooth surface on the push side extending the full width of the door or gate. Parts creating horizontal or vertical joints in the same surfaces shall be within 1/8 inch of the same plane as the other and free of sharp or abrasive edges. Cavities created by added kick plates shall be capped.
- All exit doors and restroom doors will be equipped with self closure hardware.
- If key-locking hardware is used at the existing main exit, provide a sign on the egress side on or adjacent to the door stating: "THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED".

FOOD SERVICE EQUIPMENT SCHEDULE						ELECTRICAL REQUIREMENTS						
ITEM No.	QTY	EQUIPMENT CATEGORY	MANUFACTURE	MODEL NUMBER	RE-MARKS	VOLTS/PHASE	AMPS	WATTS	HP	CONNECTION TYPE	ROUGH-IN HEIGHT	REMARKS
1	1	WALK-IN COOLER REFRIGERATION	HE VTCRAFT	WHF05X30ABFM	10 Door cooler	208-208V/1/60		5.5				10 DOOR WALK-IN COOLER (LARR 25314)
2	6	DRY STORAGE SHELVING	RELGENCY	460ECL1848	18"x36" shelf							
3	1	THREE COMPARTMENT SINK	AERO	MB3-2418-24LR	Stainless Steel							
4	2	HAND SINK	Eagle Group	HSANT-FS	Stainless Steel							
5	1	MOP SINK	Eagle Group	F2820-12	Stainless Steel							
6	2	FLOOR SINK	MIF-AB	FS1520-F1								
7	1	WATER HEATER	AO Smith	DRE-50	50 gallon	208V/1	11.5	6kW		DR		
8	1	SURVEILLANCE SYSTEM	General Electric	Concord 4		110V/1						
9	1	SAFE	Global Industries	T9FB986420	Location not shown							
10	1	EMPLOYEE LOCKERS (6 units total)	REINPRO	ELR6	12"x12"x12"							
11	1	ICE MAKER W/ BIN	Ice-O-Matic	HISU070		115V/60	5.6			DR	18"	NEMA 5-15
12	1	ICE DISPLAY	TRUE	T-12FG		115V/60/1	6.4			DR	18"	NEMA 5-15P
13	1	CONVECTION OVEN	NuVu	XO-1	No ventilation required	120V/1	16.5			DR	18"	NEMA 5-20P
14	1	MIRCO WAVE	Sharp	R-23GT		120V/1	13	2.5 kW		DR	18"	NEMA 5-15
15	1	HOT DOG ROLLER	Star Manufacturing International	20C	Sneeze guard, 60 AFF	120V/1	7.8	930		DR	18"	NEMA 5-15P
16	1	FOOD WARMER	Vollath	40733	Sneeze guard, 60 AFF	120V/1	12	1440		DR	18"	NEMA 5-15P
17	1	CONDIMENTS	TRUE	TSSU-27-8	Sneeze guard, 60 AFF	115V/60/1	4.9					NEMA 5-15P
18	1	THREE DOOR FREEZER	TRUE	TS-72FG	Wheel base	115V/208	14.1		1 3/4		18"	NEMA L-14-20P
19	1	OPEN DISPLAY	TRUE	TAC-48		208/230/60	12					NEMA 6-15P
20	1	BUNN COFFEE WARMER	Bunn	WL2	Low Profile	120V/1	15	1800	1/5	DR		NEMA 5-15; VERIFY REQUIREMENTS
21	1	NEWCO COFFEE WARMER	Newco	AKH-3		120V/1	14.8			DR	48"	VERIFY REQUIREMENTS W/SUPPLIER
22	1	SODA / ICE DISPENSER	Duraflex 150			115V/AC	3				COUNTER	
23	1	BROASTER	Broaster	VF-2	Ventless Fryer (ETL)	120/208V/60	27					Field Wired per ANSI/NFPA 70 or CSA C22.2
24	1	REGISTER / POS	Fujitsu	TeamPOS 3600		120V/1						
25	1	ATM	Burgmuller	H223SL		110-120V/1				DR	18"	NEMA 5-15
26	1	FROZEN BEV / SOFTSERVE	Snocting	E111		115V/1	14	3550		DR	18"	NEMA 5-20P
27	1	AIR CURTAIN	Mars	NH248-1U		115	9		1			
28	1	MAILBOX	National	HE200	Wheel base							
29	1	CHILI / CHEESE DISPENSER	Gold Metal Products	5301		120V/1	6.33	760		DR		NEMA 5-15P
30	1	ICE CREAM DISPLAY	Avanco	ICFC13	13 cu ft	115	5.2	60		DR		NEMA 5-15P

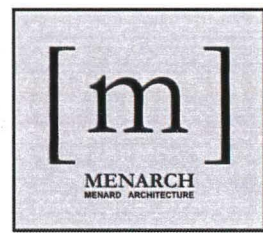


TYPICAL NEW WALL SECTION / SEISMIC BRACING  
Scale :: 1/2" = 1'-0"

2

EQUIPEMENT PLAN  
Scale :: 1/4" = 1'-0"

1



**QUICK MART :: TI**  
 6171 Mission Gorge, Suite 111 & 112  
 San Diego, California 92120  
 APN :: 461-030-43



No.	REVISION / ISSUE	DATE
1	PLAN CHECK	12-22-2014

**FIRM NAME AND ADDRESS**  
**MENARCH**  
 MENARD ARCHITECTURE  
 225 N Broadway, Suite 216  
 Santa Ana, California 92701  
 Phn : 714.552.2722  
 Web : www.menarch.com  
 Email : nathan@menarch.com

**STAMP**

**SHEET NAME**  
ABC EXHIBIT

<b>PROJECT</b> QMCA1040	<b>SHEET</b> ABC
<b>DATE</b> 12-22-14	
<b>SCALE</b> As Noted	