



THE CITY OF SAN DIEGO

## Report to the Hearing Officer

DATE ISSUED: August 30, 2017 REPORT NO. HO-17-060

HEARING DATE: September 6, 2017

SUBJECT: Sunshine on Voltaire, Process Three Decision

PROJECT NUMBER: [518838](#)

TENANT/APPLICANT: Amira Hanna Najor, Tenant, and Jason Greminger, Applicant

### SUMMARY:

Issue: Should the Hearing Officer approve an alcoholic beverage outlet allowing the sale of beer, wine, and distilled spirits for off-site consumption from a retail store located at 4051 Voltaire Street within the Peninsula Community Plan and Local Coastal Program Land Use Plan area?

Staff Recommendation: DENY Conditional Use Permit No. 1821393.

Community Planning Group Recommendation: On February 16, 2017, the Peninsula Community Planning Board (PCPB) voted 10-2-1 to recommend approval of the project, with recommendations as provided by the PCPB's Permit Review Committee to; 1) The applicant agrees to the conditions suggested by the SDPD and the SDPD suggested conditions be included in CUP with the exception of hours of sales; 2) The hours of operation for the sales of alcoholic beverages to be allowed between 9:00AM and 10:00PM on week days and between 9:00AM and 11:00PM on Friday and Saturday; 3) Pursue a permanent designated "Loading Zone" on San Clemente St. to be available for all tenants; and 4) Replace existing and damaged landscape materials located along Wabaska Dr. (Attachment 8).

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301, Existing Facilities, on May 8, 2017. The opportunity to appeal this determination ended May 22, 2017 and no appeal was filed (Attachment 7).

### BACKGROUND

The project site is comprised of two lots, creating a triangular shaped, 0.078-acre site located at 4051 Voltaire Street at the northwest corner of Wabaska Boulevard and Voltaire Street (Attachment 1). The project proposes a Conditional Use Permit (CUP) to allow a Type 21, off-sale beer, wine, and

distilled spirits with the issuance of an California Department of Alcohol Beverage Control (ABC) license within a proposed 1,874-square-foot liquor and delicatessen store lease area located within the existing commercial/retail development comprised of two single-story buildings with approximately 16,213 square feet of lease area. The commercial/retail development is a permitted use in the CC-3-5 Zone. The Peninsula Community Plan and Local Coastal Program Land Use Plan (Community Plan) identifies this site within northeast portion of the approximately 15-acre Voltaire Commercial District and is designated for Neighborhood Commercial Uses (Attachment 2).

The two commercial/retail buildings were constructed in 1950, consistent with the building and zoning regulations, and does not meet local designation criteria as an individually significant resource under any adopted Historical Resources Board Criteria. The current commercial/retail tenants include the following:

- Guitar Shop – 1,976 square feet (SF);
- Furniture Store – 7,925 SF;
- Hair Salon – 1,264 SF;
- Clothing Store – 773 SF;
- Insurance Office – 1,017 SF;
- Fitness/Training – 1,384 SF; and
- Vacant – 1,874 SF

In addition to the two buildings, the project site includes off-street surface parking area with 18 parking spaces, three driveways on Wabaska Boulevard, landscape planters, and retaining walls.

The surrounding development of the site consists of a proposed mixed-use residential development (currently under construction, [PTS No. 352643](#)) with 28 residential units and six commercial spaces to the north, a multi-family residential condominium development with 32 units to the east, a San Diego Gas and Electric substation and single family units to the south, and a mix of single family units and commercial uses to the west.

## DISCUSSION

### Development Regulations and Location Criteria

This project proposes a CUP for a Type 21, Off-Sale Alcohol license in Census Tract No. 74.00 to allow beer, wine, and distilled spirits to be sold from a proposed liquor and delicatessen store. A Type 21 license prohibits the alcohol sold at the store from being consumed on the premises. The CC-3-5 Zone accommodates a mix of pedestrian-oriented, community serving commercial uses and residential uses.

The San Diego Municipal Code (SDMC) defines Type 21 licenses as “alcoholic beverage outlets”, which are allowed in the CC-3-5 Zone as a Limited Use subject to the requirements of SDMC [141.0502\(b\)](#). An alcoholic beverage outlet that does not comply with these requirements, including the location criteria per SDMC 141.0502(b)(1), may still be permitted with a Process Three, CUP pursuant to SDMC 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 location criteria set forth in SDMC 141.0502(b)(1) due to the proximity to residential zoning, 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.**

A Census Tract is considered to have "high crime" if the crime rate exceeds 120 percent of the city-wide average. The subject property is in Census Tract No. 74.00, which is bounded by north of Niagara Avenue, east of Froude Street, west of Worden Street, and south of the Famosa Slough area. This tract reported a crime rate of 115.3 percent of the city-wide average based on statistics provided by the SDPD. Therefore, the project site is not located within a "high crime" Census Tract. The project site is not located within 600 feet of another census tract.

**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. 74.00 which permits a total of four off-sale alcoholic beverage outlets based on California Business and Professional Code Section 23958.4. There is currently two existing off-sale alcoholic beverage outlet within Census Tract 74.00. This project purposes the transfer of the owners existing Type 21 license from their existing location at 3911 Voltaire Street to the new location and therefore, the license will not increase or exceed the concentration of ABC licenses within this census tract. The project site is not located within 600 feet of another census tract.

**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.**

No such uses exist within 600 feet of the project site.

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

The project is within 100 feet of the residentially RM-2-5 Zone properties to the east, south and west. Because it is located with 100 feet of this zone, a CUP is required.

Alcohol Sales - Project Analysis

The proposed alcoholic beverage outlet at this location requires a CUP because the project site does not meet certain location criteria of SDMC Section 141.0502(b)(1). During the City's review of this application, the SDPD analyzed service calls to the project site, performed reconnaissance of the area, and visited with the project site's existing tenants. As noted in the SDPD CUP Recommendation (Attachment 10), the SDPD does not recommend approval of this CUP application due to the transient traffic associated with a liquor store which creates disturbances for the surrounding residents to the site and therefore, will generate calls for SDPD service. In addition, the businesses within the existing commercial/retail development are closed for business during the early evening hours and do not cause a disturbance to the surrounding residential community. Therefore, City staff cannot support the proposed alcoholic beverage outlet at this location based upon the aforementioned factors with impacts to the adjacent residential community and public health, welfare and safety services provided by the City.

However, should the Hearing Officer decide to approve the CUP, City staff has provided a draft CUP to include specific conditions and SDPD recommendations for the ABC license to minimize adverse impacts on the surrounding neighborhood with the proposed alcohol sales (Attachment 6). The CUP includes conditions that limit the hours of sales, limit advertising, prohibit machines or video game devices on the premises, prohibit loitering and graffiti, and recommends that the ABC define and limit the size, package quantity, and alcohol content of beverages sold.

PCPB Recommended Conditions

- Should the Hearing Officer decide to approve the CUP, City staff supports PCPB recommendations No. 1 and No. 4, as noted above, and includes permit conditions that reflect these recommendations.
- Recommendation No. 2, the City does not support the PCPB recommended hours for the sales of alcoholic beverages to be allowed between 9:00 AM and 10:00 PM on week days and between 9:00 AM and 11:00 PM on Friday and Saturday. Considering the location of the alcohol beverage outlet to the abutting residential zones and business hours of the existing commercial/retail tenant spaces within the development, the SDPD supports the sales of alcoholic beverage between the hours of 10:00 AM and 9:00 PM each day of the week.
- Recommendation No. 3, the Owner/Permittee may apply for establishing loading zone area within San Clemente Street, but is not a condition of approval for the alcohol beverage outlet use or the existing commercial/retail development with previously conforming rights.

Conclusion

City staff has reviewed the application for the CUP for the off-sale purchase of beer, wine, and distilled spirits and has determined that the project would be detrimental to the health, safety and welfare of the residential neighborhood, businesses within the immediate development, and impact City resources and services to the community. Therefore, staff recommends the Hearing Officer deny the project.

ALTERNATIVES

1. Deny Conditional Use Permit No. 1821393.
2. Approve Conditional Use Permit No. 1821393, with modifications if the findings required to deny the project cannot be affirmed.

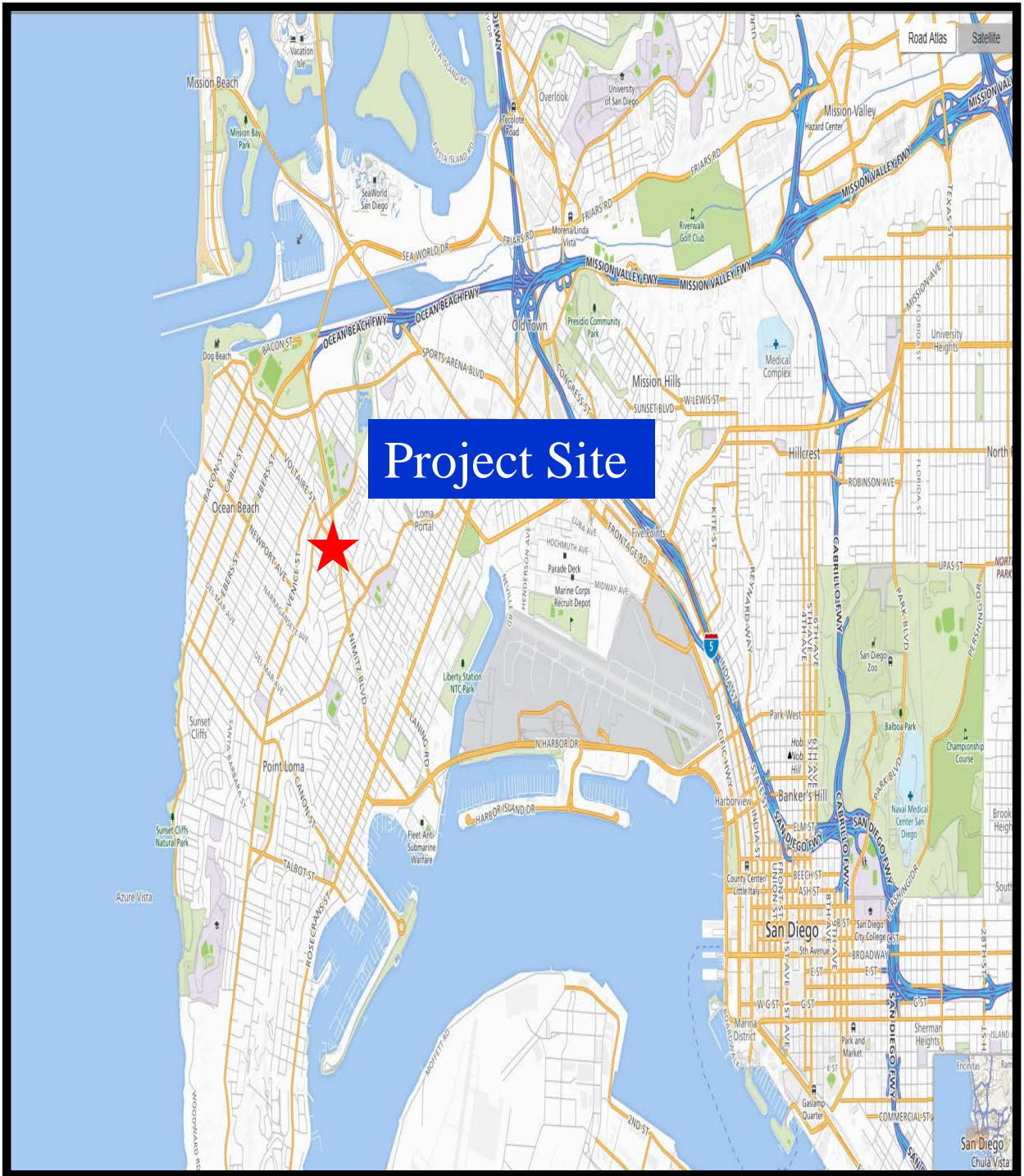
Respectfully submitted,

  
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Tim Daly  
Development Project Manager

Attachments:

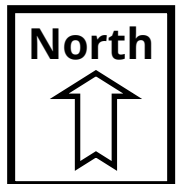
1. Project Location Map

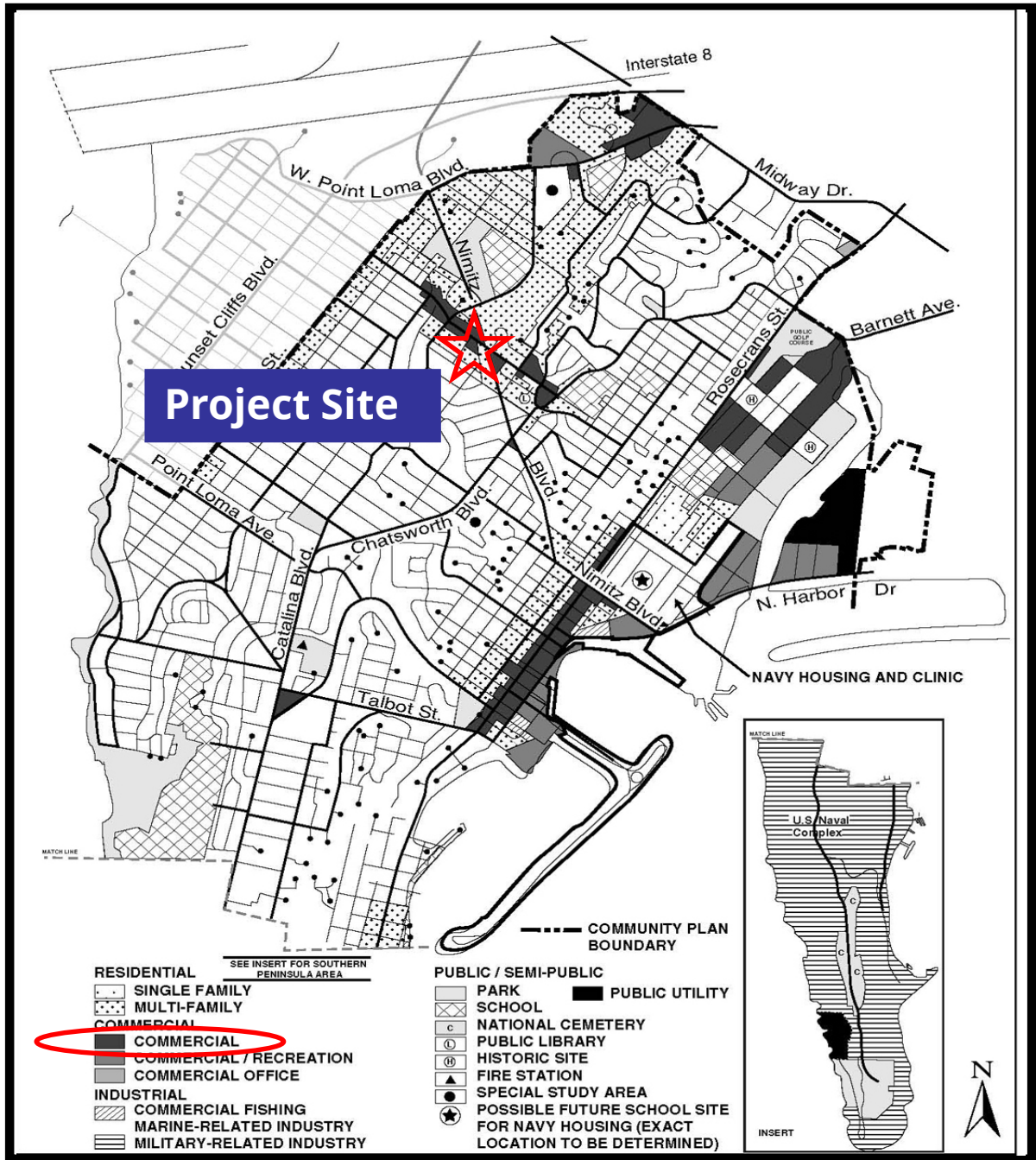
2. Community Plan Land Use Map
3. Aerial Photograph
4. Project Data Sheet
5. Draft Resolution with Findings
6. Draft Permit with Conditions
7. Environmental Exemption
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement
10. San Diego Police Department Recommendation
11. ABC – Existing off-sale licenses in Census Tract
12. Project Plans (Separate to Hearing Officer)



## Project Location

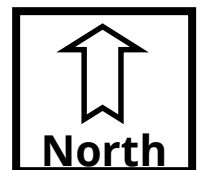
Sunshine on Voltaire, Project No. 518838  
4051 Voltaire Street, San Diego CA





# Peninsula Land Use Map

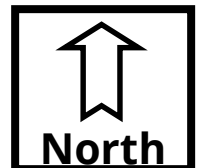
Sunshine on Voltaire, Project No. 518838  
4051 Voltaire Street, Ste. C, San Diego CA





## Aerial Photo

Sunshine on Voltaire, Project No. 518838  
4051 Voltaire Street, Ste. C, San Diego CA





<b>PROJECT DATA SHEET</b>		
<b>PROJECT NAME:</b>	Sunshine on Voltaire, Project No. 518838	
<b>PROJECT DESCRIPTION:</b>	Conditional Use Permit for an Alcoholic Beverage Outlet	
<b>COMMUNITY PLAN AREA:</b>	Peninsula	
<b>DISCRETIONARY ACTIONS:</b>	Conditional Use Permit (CUP)	
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	Neighborhood Commercial	
<b>ZONING INFORMATION:</b>		
<b>ZONE:</b> CC-3-5 <b>LOT SIZE:</b> 0.078 acres		
<b>ADJACENT PROPERTIES:</b>	<b>LAND USE DESIGNATION &amp; ZONE</b>	<b>EXISTING LAND USE</b>
<b>NORTH:</b>	Neighborhood Commercial; CC-3-5	Mixed Use Residential (under construction)
<b>SOUTH:</b>	Multi-Family; RM-2-5	Multi-Unit Residential and SDG&E Sub-Station
<b>EAST:</b>	Multi-Family; RM-2-5	Multi-Unit Residential
<b>WEST:</b>	Multi-Family and Neighborhood Commercial; RM-2-5 and CC-3-5	Multi-Unit Residential and Neighborhood Commercial
<b>DEVIATION REQUESTED:</b>	None requested	
<b>COMMUNITY PLANNING GROUP RECOMMENDATION:</b>	On February 16, 2017, the Peninsula Community Planning Board (PCPB) voted 10-2-1 to recommend approval of the project, with recommendations as provided by the PCPB's Permit Review Committee.	

HAERING OFFICER RESOLUTION NO. HO-XXXX  
CONDITIONAL USE PERMIT NO. 1821393  
**SUNSHINE ON VOLTAIRE PROJECT NO. 518838**

WHEREAS, MILTON AND SHIRLEY MEUNITZ TRUST A, Owner, and AMIRA HANNA NAJOR, 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 Permit No. 1821393), on portions of a 0.078-acre site;

WHEREAS, the project site is located at 4051 Voltaire Street, Suite C, in the CC-3-5 Zone, ALUCP Noise Contours Overlay Zone (SD International Airport 65-70 CNEL), the Airport Influence Overlay Zone (SD International Airport), FAA Part 77 Noticing Areas Overlay Zone (SD International Airport and North Island NAS), the Coastal Height Limitation Overlay Zone, the Community Plan Implementation Overlay Zone (CPIOZ-B), and the North Bay Redevelopment Project Redevelopment District within the Peninsula Local Coastal Program and Community Plan;

WHEREAS, the project site is legally described as Lots 1, 2, 3, and 4 of Loma Alta No. 1, City of San Diego, County of San Diego, State of California, according to Map No. 1078, filed in the Office of the County Recorder of San Diego County, August 29, 1907;

WHEREAS, on May 8, 2017, 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; and

WHEREAS, on September 6, 2017, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1821393 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

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

That the Hearing Officer adopts the following written Findings, dated September 6, 2017.

**Conditional Use Permit Findings – SDMC Section 126.0305:**

**1. The proposed development will not adversely affect the applicable land use plan.**

The project proposes a Conditional Use Permit (CUP) for the operation of an alcoholic beverage outlet within a 1,874-square-foot liquor and delicatessen store. Implementation of an approved CUP is contingent on the California Department of Alcoholic Beverage Control (ABC)'s issuance of a Type 21 license allowing for the sale of beer, wine, and distilled spirits for off-site consumption. The Peninsula Community Plan and Local Coastal Program Land Use Plan (Community Plan) identifies this site within northeast portion of the approximately 15-acre Voltaire Commercial District and is designated for Neighborhood Commercial Uses.

The proposed commercial land use is consistent with the permitted uses in the CC-3-5 Zone and does not conflict with applicable policies in the Community Plan. The sale of alcoholic beverages is not addressed in the City's General Plan or the Community Plan; however, one Community Plan goal is to "permit convenience goods and services for surrounding residential neighborhoods." The sale of alcohol products is defined as a commercial retail use in the Land Development Code and permitted with the approval of a CUP. The Community Plan recommends that the site can be used for commercial development; therefore, the CUP to allow the sale of alcohol would not adversely affect the applicable land use plan.

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

The project proposes a CUP for the operation of an alcohol beverage outlet within a 1,874-square-foot liquor and delicatessen store. The applicant must also obtain a Type 21 license allowing for the off-sales of beer, wine, and distilled spirits for off-site consumption from the ABC.

The surrounding development of the site consists of a proposed mixed-use residential development, currently under construction, with 28 residential units and six commercial spaces to the north, a multi-family residential condominium development with 32 units to the east, a San Diego Gas and Electric substation and single family units to the south, and a mix of single family units and commercial uses to the west.

The proposed alcohol beverage outlet at this location is not supported by the San Diego Police Department (SDPD) due to the transient traffic associated with a liquor store which creates disturbances for the surrounding residents. Therefore, the disturbances will generate calls for SDPD service. In addition, the businesses within the existing commercial/retail development close for business during the early evening hours and do not cause a disturbance to the surrounding residential community, but would be subject to increased criminal activities. Therefore, the project will be detrimental to the health, safety and welfare of the residential neighborhood, businesses within the immediate development, and impact City resources and services to the community.

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

The purpose of the CC zoning designation is to accommodate community-serving commercial services, retail uses, and limited industrial uses of moderate intensity and small to medium scale. The CC zones are intended to provide for a range of development patterns from pedestrian-friendly commercial streets to shopping centers and auto-oriented strip commercial streets. Specifically to this project site, the CC-3-5 Zone allows for a mix of pedestrian-oriented, community serving commercial uses and residential uses. The proposed alcohol sales are an allowed use with a CUP pursuant to San Diego Municipal Code (SDMC) Section 141.0502. The project complies with the applicable regulations of the Land Development Code including parking and floor area ratio, and no deviations are requested

as a part of this application. Therefore, the proposed development will comply with the regulations of the Land Development Code.

**4. The proposed use is appropriate at the proposed location.**

The project site is comprised of two lots, creating a triangular shaped, 0.078-acre site located at 4051 Voltaire Street at the northwest corner of Wabaska Boulevard and Voltaire Street. The project proposes a CUP for the operation of an alcohol beverage outlet within a 1,874-square-foot liquor and delicatessen store lease area located within the existing commercial/retail development comprised of two single-story buildings of approximately 16,213 square feet of lease area. The commercial/retail development is a permitted use in the CC-3-5 Zone. The Peninsula Community Plan and Local Coastal Program Land Use Plan (Community Plan) identifies this site within northeast portion of the approximately 15-acre Voltaire Commercial District and is designated for Neighborhood Commercial Uses.

The surrounding development of the project site consists of a proposed mixed-use residential development, currently under construction, with 28 residential units and six commercial spaces to the north, a multi-family residential condominium development with 32 units to the east, a San Diego Gas and Electric substation and single family units to the south, and a mix of single family units and commercial uses to the west.

As discussed in Finding No. 2, the proposed alcohol beverage outlet at this location is not supported by the SDPD due to the transient traffic associated with a liquor store of which creates disturbances for the surrounding residents. Therefore, the disturbances will generate calls for SDPD service. In addition, the businesses within the existing commercial/retail development are closed for business during the early evening hours and do not cause a disturbance to the surrounding residential community, but would be subject to increased criminal activities. The project will be detrimental to the health, safety and welfare of the residential neighborhood, businesses within the immediate development, and impact City resources and services to the community. Therefore, the proposed alcohol beverage outlet use is determined to not be appropriate at this location.

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

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 1821393 is hereby DENIED by the Hearing Officer to the referenced Owner/Permittee.

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Tim Daly  
Development Project Manager  
Development Services

Adopted on: September 6, 2017  
IO#: 24007061

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

**WHEN RECORDED MAIL TO**  
**PROJECT MANAGEMENT**  
**PERMIT CLERK**  
**MAIL STATION 501**

INTERNAL ORDER NUMBER: 24007061

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 1821393  
**SUNSHINE ON VOLTAIRE PROJECT NO. 518838**  
HEARING OFFICER

This Conditional Use Permit No. 1821393 is granted by the Hearing Officer of the City of San Diego to Milton and Shirley Meunitz Trust A, Owner, and Amira Hanna Najor, Permittee, pursuant to San Diego Municipal Code [SDMC] section 141.0502(c). The 0.078-acre site is located at 4051 Voltaire Street, Suite C, in the CC-3-5 Zone, ALUCP Noise Contours Overlay Zone (SD International Airport 65-70 CNEL), the Airport Influence Overlay Zone (SD International Airport), FAA Part 77 Noticing Areas Overlay Zone (SD International Airport and North Island NAS), the Coastal Height Limitation Overlay Zone, the Community Plan Implementation Overlay Zone (CPIOZ-B), and the North Bay Redevelopment Project Redevelopment District within the Peninsula Local Coastal Program and Community Plan. The project site is legally described as Lots 1, 2, 3, and 4 of Loma Alta No. 1, City of San Diego, County of San Diego, State of California, according to Map No. 1078, filed in the Office of the County Recorder of San Diego County, August 29, 1907.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate an alcoholic beverage outlet conditioned upon the issuance of a license from the State Department of Alcoholic Beverage Control and subject to the City's land use regulations] described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated September 6, 2017, on file in the Development Services Department.

The project shall include:

- a. Operate an alcoholic beverage outlet within a 1,874-square-foot building lease area conditioned upon the issuance of a license from the California Department of Alcoholic Beverage Control;
- b. Off-street parking;
- 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 September XX, 2020.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on September XX, 2027. 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 construction permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

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 for tenant improvements, the Owner/Permittee shall assure by permit and bond that the middle driveway on Wabaska Boulevard

and damaged sidewalk on Voltaire Street has been reconstructed to current City Standards, to the satisfaction of the City Engineer. Should a construction permit for tenant improvements not be required, the Owner/Permittee shall have 120 calendar days to permit and reconstruct the middle driveway on Wabaska Boulevard and damaged sidewalk on Voltaire Street to current City Standards.

14. Prior to the issuance of any construction permit for tenant improvements, the Owner/Permittee shall obtain Encroachment and Maintenance Agreement for the existing private landscaping, irrigation system, curb, planters, and stairs within Wabaska Boulevard public right-of-way, to the satisfaction of City Engineer. Should a construction permit for tenant improvements not be required, the Owner/Permittee shall have 120 calendar days to obtain an Encroachment and Maintenance Agreement for the existing private landscaping, irrigation system, curb, planters, and stairs within Wabaska Boulevard public right-of-way.

**PLANNING/DESIGN REQUIREMENTS:**

15. Owner/Permittee shall maintain a minimum of 16 off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

16. 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.

17. The sale of alcoholic beverages shall be accessory and limited to a maximum of 95 square feet and/or 5.1 percent of the floor area of the market as shown on Exhibit "A".

18. 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.

19. Pool or billiard tables, foosball or pinball games, arcade style video and electronic games, or coin-operated amusement devices are not permitted on the premises.

20. Exterior public pay phones that permit incoming calls are not permitted on the premises, adjacent public sidewalks, or areas under the control of the Owner/Permittee.

21. The Owner/Permittee shall provide illumination, at a minimum level of 0.4 foot candles per square foot, on the exterior of the alcoholic beverage outlet, including adjacent public sidewalks and areas under the control of the Owner/Permittee. The illumination shall be in operation during all hours of darkness while the outlet is open for business so that persons standing on or near the premises at night are identifiable by law enforcement personnel.

22. The Owner/Permittee of the alcoholic beverage outlet shall post a prominent, permanent sign or signs stating, "No loitering, consumption of alcoholic beverages, or open alcoholic beverage containers are allowed inside the premises, in the parking area, or on the public sidewalks adjacent



to the premises, violators are subject to arrest." The sign shall be at least two square feet with two inch block lettering. The sign shall be in English and Spanish.

23. The Owner/Permittee shall list a business address and telephone number in the Pacific Bell/San Diego telephone directory or other similarly distributed directory.

24. The Owner/Permittee shall provide trash receptacles located for use by patrons, inside and outside the alcoholic beverage outlet, including adjacent public sidewalks and areas under the control of the Owner/Permittee. At least one 13-gallon trash receptacle shall be located inside the premises. At least one 32-gallon trash receptacle shall be located outside the alcoholic beverage outlet, and at least one additional 32-gallon trash receptacle shall be located in the parking areas under the control of the Owner/Permittee.

25. The Owner/Permittee shall maintain the premises, adjacent public sidewalks, and areas under the control of the Owner/Permittee, free of litter and graffiti at all times. The Owner/Permittee shall provide for daily removal of trash, litter, and debris. The Owner/Permittee shall eliminate graffiti within 48 hours of application.

**POLICE DEPARTMENT REQUIREMENTS:**

26. The sales of alcoholic beverage shall be permitted between the hours of 10:00 AM and 9:00 PM each day of the week.

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

28. A maximum of 33 percent of the square footage of the windows and doors of the premises may bear advertising or signs of any sort, except for any advertising prohibited by conditions herein or by law. All advertising and signs shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the outlet.

**POLICE DEPARTMENT RECOMMENDATIONS FOR ABC LICENSE:**

- Wine shall not be sold in containers of less than 750 milliliters, with the exception of wine coolers sold in four-pack containers or more per sale.
- The sales of beer or malt beverages in quantities of quarts, 40 oz., or similar size containers is prohibited.
- Beer, malt beverages or wine cooler products, regardless of container size, must be sold in manufacturer pre-packaged multi-unit quantities.
- Malt beverages shall not be sold in less than-six-pack containers per sale.

## ATTACHMENT 6

- No wine shall be sold with an alcohol content of greater than 15% by volume except for "Dinner Wines".
- No Distilled Spirits shall be sold in bottles or containers smaller than 375ml.
- The premises shall be maintained as a convenience store, and the quarterly annual sales of alcoholic beverages shall not exceed 10 percent of the quarterly annual sales of all other products.

### INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on September 6, 2017 and Resolution No. HO-XXXX.

Permit Type/PTS Approval No.: Conditional Use Permit No. 1821393  
Date of Approval: September 6, 2017

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

\_\_\_\_\_  
Tim Daly  
Development Project Manager

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

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

**Milton and Shirley Meunitz Trust A**  
Owner

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

**Amira Hanna Najor**  
Permittee

By \_\_\_\_\_

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

NOTICE OF EXEMPTION

ATTACHMENT 7

(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.: **518838**

Project Title: **Sunshine on Voltaire CUP**

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Project Location-Specific: 4051 Voltaire Street, Suite C, San Diego, CA 92107

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

Description of nature and purpose of the Project: A Conditional Use Permit for the sale of alcohol for off-site consumption in an existing 1,874 square-foot commercial space. The 0.71-acre site is located in the CC-3-5 (Commercial - Community) zone in the Peninsula Community Planning Area and Council District 2. (APN: 449-252-01)

Name of Public Agency Approving Project: City of San Diego

Name of Person or Agency Carrying Out Project: Peter Najor  
Sunshine Liquor and Deli  
3911 Voltaire Street  
San Diego, CA 92107  
619-226-0866

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: Section 15301

Reasons why project is exempt: The project has been determined to be exempt from CEQA pursuant to criteria set forth in State CEQA Guidelines Section 15301, Categorical Exemption for Existing Facilities. Section 15301 applies to the permitting of existing private structures which involve negligible or no expansion of use beyond that existing at the time of the environmental determination. None of the exceptions listed in CEQA Guidelines Section 15003.2 apply, therefore this exemption is applicable to the proposed project.

Lead Agency Contact Person: Mark Brunette

Telephone: (619) 446-5379

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

**ATTACHMENT 7**

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

Mark Pinto / SENIOR PLANNER

Signature/Title

5/23/17

Date

Check One:

Signed By Lead Agency

Signed by Applicant

Date Received for Filing with County Clerk or OPR:



# MINUTES

Meeting Date: February 16, 2017

The regularly scheduled meeting of the Peninsula Community Planning Board was held on February 16, 2017, at the Point Loma/Hervey Branch Library, located at 3701 Voltaire Street, San Diego, California 92107. The meeting was called to order by Chair Linney at 6:30 pm.

All Board members present, with the exception of Bruce Coons, and voting as indicated.

1. Approval of Agenda. M/R. Goldyn, S/D. Dick to approve the agenda as posted.  
Approved: 13/0/0 (Chair not voting)  
Yes: Clark, Dick, Goldyn, Hare, Herrin, Holasek, Krencik, Lohla, Miller, Nystrom, Quinn, Sevrens, Webb  
No: None  
Abstain: None  
Absent: Coons
2. Approval of Minutes. M/J. Hare, S/B. Herrin to approve minutes of January 19, 2017, that had been prepared by J. Quinn in the absence of Secretary Dick.  
Approved: 13/0/1 (Chair not voting)  
Yes: Clark, Goldyn, Hare, Herrin, Holasek, Krencik, Lohla, Miller, Nystrom, Quinn, Sevrens, Webb  
No: None  
Abstain: Dick (not present at January 2017 meeting)  
Absent: Coons
3. Secretary's Report. No report.
4. Treasurer's Report. Treasurer Patricia Clark reported a bank account balance of \$396.09.
5. Chair's Report. Chair Linney delivered a report of the activities of the Board during the prior year and offered thanks to several individuals who had been helpful to the Board during that period. He also reminded the Board and audience that the annual election to fill the 5 Board seats with terms expiring in 2017 would be held on Thursday, March 16, 2017 from 4:00 to 8:00 PM at the Point Loma/Hervey Branch Library.

### **Non-Agenda Public Comment**

Name	Subject
Jim Gilhooly	Regarding importance of representation from various elements of the Peninsula community.
Joe DaRosa	Concerns about parking in the vicinity of Kellogg Street
Francisco Garcia	The need for a complete update to the Peninsula Community Plan and his desire to participate

### **Government Reports**

1. Council District 2. C. Wear reported on various matters including synchronization of traffic signals on Rosecrans Street and the pending work on Wabaska Street. He offered that questions regarding the Wabaska project could be directed by e-mail to Tim Daly in Development Services at [tpdaly@sandiego.gov](mailto:tpdaly@sandiego.gov). He also confirmed that Councilmember Zapf would not be responding to the Board's letter urging the City initiate legal action against the San Diego Unified School District regarding the installation of permanent field lighting and other stadium expansion modifications to the stadium at Point Loma High School.
2. Planning Department. T. Kempton not present. No report.
3. San Diego Police Department. Officer Surwilo reported on recent leadership changes in the Western Division.

### **New/Old Business**

None.

### **Information Items**

None.

### Action Items

1. **Sunshine on Voltaire CUP**, Project 518838, 4501 Volutair Street, Zone CC-3-5 – Sale of Alcohol for Off-Premises Consumption.  
 M/D. Dick, S/P. Webb to approve the recommendation of the Project Review Committee to approve the proposed Conditional Use Permit, adopting the conditions imposed by the San Diego Police Department and State Department of Alcohol Beverage Control.  
 Approved 10/2/1 (Chair not voting).  
 Yes: Clark, Dick, Hare, Herrin, Holasek, Krencik, Lohla, Miller, Nystrom, Quinn, Webb  
 No: Sevrens  
 Abstain: None  
 Absent: Coons  
 Recusal: Goldyn – Lives in close proximity to existing location (sat in audience)
  
2. **White Residence CDP**, Project No. 504822, 369 Silvergate Avenue, Zone RS-1-4 for remodel and construction 880 SF addition to existing 6,888 SF home.  
 M/D. Sevrens, S/J. Holasek, to approve SDP  
 Approved: 13/0/0 (Chair not voting).  
 Yes: Clark, Dick, Goldyn, Hare, Herrin, Holasek, Krencik, Lohla, Miller, Nystrom, Quinn, Sevrens, Webb  
 No: None  
 Abstain: None  
 Absent: Coons
  
3. **Request for Letter Regarding City Use of NATCO Guidelines in Street Resurfacing Projects.** Consideration of a letter from the Board urging the City to use NACTO Guidelines when implementing upcoming resurfacing projects on Voltaire Street and Chatsworth and West Point Loma Boulevards. Presented by Nicole Burgess.  
 M/D. Sevrens, S/J. Holasek to approve letter subject to certain revisions as discussed.  
 Approved: 11/0/2 (Chair not voting)  
 Yes: Clark, Goldyn, Hare, Herrin, Holasek, Krencik, Lohla, Miller, Nystrom, Sevrens, Webb  
 No: N/A  
 Abstain: Dick (Insufficient familiarity with NACTO Guidelines); Quinn (Insufficient familiarity with NACTO Guidelines)  
 Absent: Coons
  
4. **Formation of PCPB/OBPB Joint Ad Hoc Committee.** Proposal to form a joint ad hoc committee comprised of members of the Peninsula Community Planning Board and the Ocean Beach Planning Board to discuss and development recommendations



to the City of San Diego Development Services Department with regard to, but strictly limited to, the following:

## OBJECTIVE

Identify a set of reasonable and attainable implementation measures targeted at a select number of issues underlying repeated regarding community planning concerns expressed by residents of the Ocean Beach and Peninsula Community Planning Areas for presentation and consideration by the respective Boards and, with and to the extent of their approval, coordinate and engage in cooperative discussion with Development Services staff of the City of San Diego staff for implementation in the respective Community Planning Areas.

## IMPLEMENTATION DISCUSSION ITEMS

- A. Ministerial versus Discretionary
  - (i) Code and process criterion requirements (I, II, III)
  - (ii) 50% existing wall re-use classified as an addition
  - (iii) Sustainable (solar panels) expedition used to expedite projects
  - (iv) Tentative Map Waivers (apartments versus condominiums)
  
- B. New Use Types (policies, how they get integrated, transparent action process)
  - (i) Adult use marijuana
  - (ii) Accessory Dwelling Units – Senate Bill 1069
  - (iii) Short-term vacation rentals
  
3. Regulatory
  - (i) Proximity Regulation for multiple planning areas. The extent to which both planning boards should have review authority and input on projects located on or in proximity to the boundary between the two planning areas.
  - (ii) Parcel Consolidation – Explore techniques (e.g. overlay zones) for addressing issues such as FAR, height, historic, and parking involving projects abutting the other community planning area so as to enhance planning consistency.

M/D. Sevrens, S/J. Lohla to approve formation of PCPB/OBPB Joint Ad Hoc Committee for a term of 6 months from approval, the PCPB representatives to which will be J. Linney, J. Quinn and J. Hare.

Approved: 13/0/0 (Chair not voting)

Yes: Clark, Dick, Goldyn, Hare, Herrin, Holasek, Krencik, Lohla, Miller, Nystrom, Quinn, Sevrens, Webb

No: None

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Abstain: None  
 Absent: Coons

5. **PCPB Business Cards** – Proposal by R. Goldyn to create “business cards” for Board member use in the community.  
 Approved: 11/0/2 (Chair not voting)
6. Yes: Clark, Dick, Goldyn, Hare, Herrin, Holasek, Krencik, Lohla, Miller, Sevrens, Webb
7. No: None
8. Abstain: Nystrom (Won't need); Quinn (unnecessary expense)
9. Absent: Coons

### **Subcommittees**

1. Airport Authority. P. Webb - presentation regarding various topics including reconstruction plans for Terminal 1 and the demolition of the existing Commuter Terminal, the increase in airport noise complaints from residents of Bird Rock and La Jolla at the most recent ANAC meeting and the return to the 777 for the British Airways non-stop London flight.
2. Traffic and Transportation. P. Nystrom- Presentation about possibility of double left turn pocket at Chatsworth/Catalina intersection to reduce the number of cars cutting through neighborhood down Del Mar Avenue. Alternative could be a traffic circle.
3. Long Range Planning. R. Goldyn- Planning charrettes for future community planning; Planning a presentation from the San Diego Housing Commission on affordable housing issues.
4. Parks and Recreation. D. Sevrens – Report on progress of planning and community input for Avenida de Portugal pocket park. Consultant is KTU+A. Landscape architect is close to being selected. First public workshop might be Spring 2017.
5. Project Review. M. Krencik- Upcoming projects include 405 San Antonio (Bayfront Townhomes); Carleton Mixed-Use and ROW vacations. Next meeting is March 9 at 1:30 PM at the Loma Riviera Clubhouse.
6. Liberty Station. Patricia Clark reported on recent business/restaurant openings and other developments.
7. Midway Community Planning Group (Liaison). J. Hare – Reported on possible future aggregation of community planning groups and issues related to the proposed transportation hub in the Midway District.

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8. Code Compliance Subcommittee. J. Quinn – Still waiting for response from City of San Diego Code Compliance on request for training at a future meeting.

Meeting adjourned at 9:00pm.

Minutes prepared and submitted by David Dick

**PENINSULA COMMUNITY PLANNING BOARD**

***Project Review Committee***

*Draft Minutes*

February 09, 2017

1:30 pm

**Loma Riviera Clubhouse  
3115 Loma Riviera Drive, San Diego**

Meeting called to order by chair, Mark Krencik at 1:35pm.

**Members present:** Paul Webb, Peter Nystrom, Julia Quinn, Shelly Kilbourn, Jarvis Ross, and Mark Krencik. Darrold Davis (late).

**Parliamentary Items:**

- a. **Approval of Minutes:** December 2016 & January 2107.
- b. **Non Agenda Public Comment:**
- c. **Informational Items:**
  
- d. **Action Items:**

- 1. **Sunshine on Voltaire CUP**, Project No. 418838, 4051 Voltaire Street, Zone CC-3-5. Coastal Development Permit for the sales of Alcohol for off-site consumption in an existing 1,874 SF commercial space on a 0.71 acre site. Process 3. Applicant: Jason Greminger. Owner, Fred Jajou provided a brief summary to the committee including 25 year history at the previous location, reason for required store relocation and type of sales and operations proposed at the new location. Several community members (past patrons) that came out and spoke in favor of Sunshine's relocation. The owner of Karen's Consignment store spoke out in opposition and indicated several of the other strip mall tenants are opposed to the proposed location. Several emails from concerned neighbors that opposed the CUP application were read out loud during our review. After a lengthy conversation the PRC recommended approval with the following suggested recommendations: 1) the applicant agrees to the conditions suggested by the SDPD and the SDPD suggested conditions be included in CUP with the exception of hours of sales. 2) The hours of operation for the sales of alcoholic beverages to be allowed between 9:00AM and 10:00PM on week days and between 9:00AM and 11:00PM on Friday and Saturday. 3) Pursue a permanent designated "Loading Zone" on San Clemente St. to be available for all tenants. 4) Replace existing and damaged landscape materials located along Wabaska Dr.

Motion/Second DD/PW to approve with recommendations. Vote 7-0-0.

Meeting Adjourned: 3:15

## ATTACHMENT 8

The next Peninsula Community Planning Board meeting will be at 6:30 pm on February 16th, 2017 at the Point Loma Hervey Library, 3701 Voltaire Street.

Next Project Review Committee meeting will be at 1:30 on Thursday, March 9th, 2017.

Please visit and use Facebook page: "**Peninsula Community Planning Board**" or contact **Mark Krencik**, chair, at [mkrencik@mkaarchitect.com](mailto:mkrencik@mkaarchitect.com) or 619-300-5016.



# 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: SUNSHINE LIQUOR Project No. For City Use Only: 51883P

Project Address: 4051 VOLTARE STREET

**Part I - To be completed when property is held by individual(s)**

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached  Yes  No

Name of Individual (type or print): Peter Nabor  
 Owner  Tenant/Lessee  Redevelopment Agency  
 Street Address: 4051 N Voltare St  
 City/State/Zip: San Diego CA 92167  
 Phone No: (619) 86-0866 Fax No:  
 Signature: [Signature] Date: 10/14/16

Name of Individual (type or print): JEFFREY LUBIN  
 Owner  Tenant/Lessee  Redevelopment Agency  
 Street Address: 5703 OVERLW DR #308  
 City/State/Zip: SAN DIEGO CALIF 92121  
 Phone No: 858 337-9599 Fax No:  
 Signature: [Signature] Date: 10/18/16

Name of Individual (type or print):  
 Owner  Tenant/Lessee  Redevelopment Agency  
 Street Address:  
 City/State/Zip:  
 Phone No: Fax No:  
 Signature: Date:

Name of Individual (type or print):  
 Owner  Tenant/Lessee  Redevelopment Agency  
 Street Address:  
 City/State/Zip:  
 Phone No: Fax No:  
 Signature: Date:

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

PREMISE ADDRESS: 4051 Voltaire Street Ste C

TYPE OF BUSINESS: Sunshine Liquor (Type-21 Off Sale Beer, Wine & Distilled Spir)

FEDERAL CENSUS TRACT: 74.00

NUMBER OF ALCOHOL LICENSES ALLOWED: 4

NUMBER OF ALCOHOL LICENSES EXISTING: 2

CRIME RATE IN THIS CENSUS TRACT: 115.3%  
(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:

This license is a premise to premise transfer. Sunshine Liquor held a type 21 (Off-Sale) license at their previous location of 3911 Voltaire Street. This license will not increase the concentration of ABC licenses within this census tract.

The crime rate for census tract 74.00 in 2015 was 115.3%. A crime rate above 120% is considered high. The alcohol crime rate for census tract 74.00 was 60%. There was 1 crime case at the location and 85 crime cases within a 0.2 mile radius from the location from January 1, 2015 to December 31, 2015. The concentration level for off-sale licenses is two in a census tract that allows four.

There were 11 calls for service at this address between January 1, 2015 and and December 31, 2015. This resulted in 3.6 hours of police service time at this address. Three of the calls were burglary alarm calls and four were pocket calls. One of the service calls was a request for an investigation of a petty theft. One of the service calls was a request for the investigation of a report of threatening telephone calls. One of the calls for service was regarding a vehicle parked at the location for more than 72 hours. The pocket service calls and the 72 hour service calls did not count toward out of service time for police services.

There are residences within 100ft to the west of the premises on San Clemente Street and to the south of the premises in the 4000 block of Udall Street. There is a residence located adjacent to the parking lot of the small business center that Sunshine Liquor will occupy. The single detached residence is located at 2163 San Clemente Street. Within the same business center there

is a business called Paper Moon Music Instruction Studio (4051 Voltaire Street Ste D). This music studio provides instruction to people of all ages (including juveniles).

There is a development under construction in the 4100 block of Voltaire Street. The development will consist of a condominium development with 28 residential units above 6 commercial spaces.

On 12-28-16, I went to the business center located at 4051 Voltaire to make contact with some of the surrounding business owners. The surrounding business owners are concerned that a liquor store will bring added crime and issues because most of the businesses are closed during the later evening hours. I attempted to make contact with the resident of 2163 San Clemente Street to obtain their sentiment regarding the proposed liquor store but the residents were unavailable.

The San Diego Police Department does NOT recommend a Conditional Use Permit for 4051 Voltaire Street Suite #C. The transitory traffic associated with a liquor store is a common source of disturbances for the residences that surround the location and therefore generate calls for service for the San Diego Police Department. The majority of the businesses that exist within the business center close during the early evening hours and do not cause a disturbance to the surrounding residences.

SUGGESTED CONDITIONS: If a CUP is granted against the recommendation of the San Diego Police Department, we would request 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 10:00 AM and 9:00 PM 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 of 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 follows: 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. No loitering shall be allowed on the premises. If it is 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 which are clearly visible from the exterior shall constitute a violation of this conditions.

10. No Distilled Spirits shall be sold in bottles or containers smaller than 375ml.

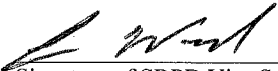
SAN DIEGO POLICE DEPARTMENT RECOMMENDATION:

APPROVE \_\_\_\_\_

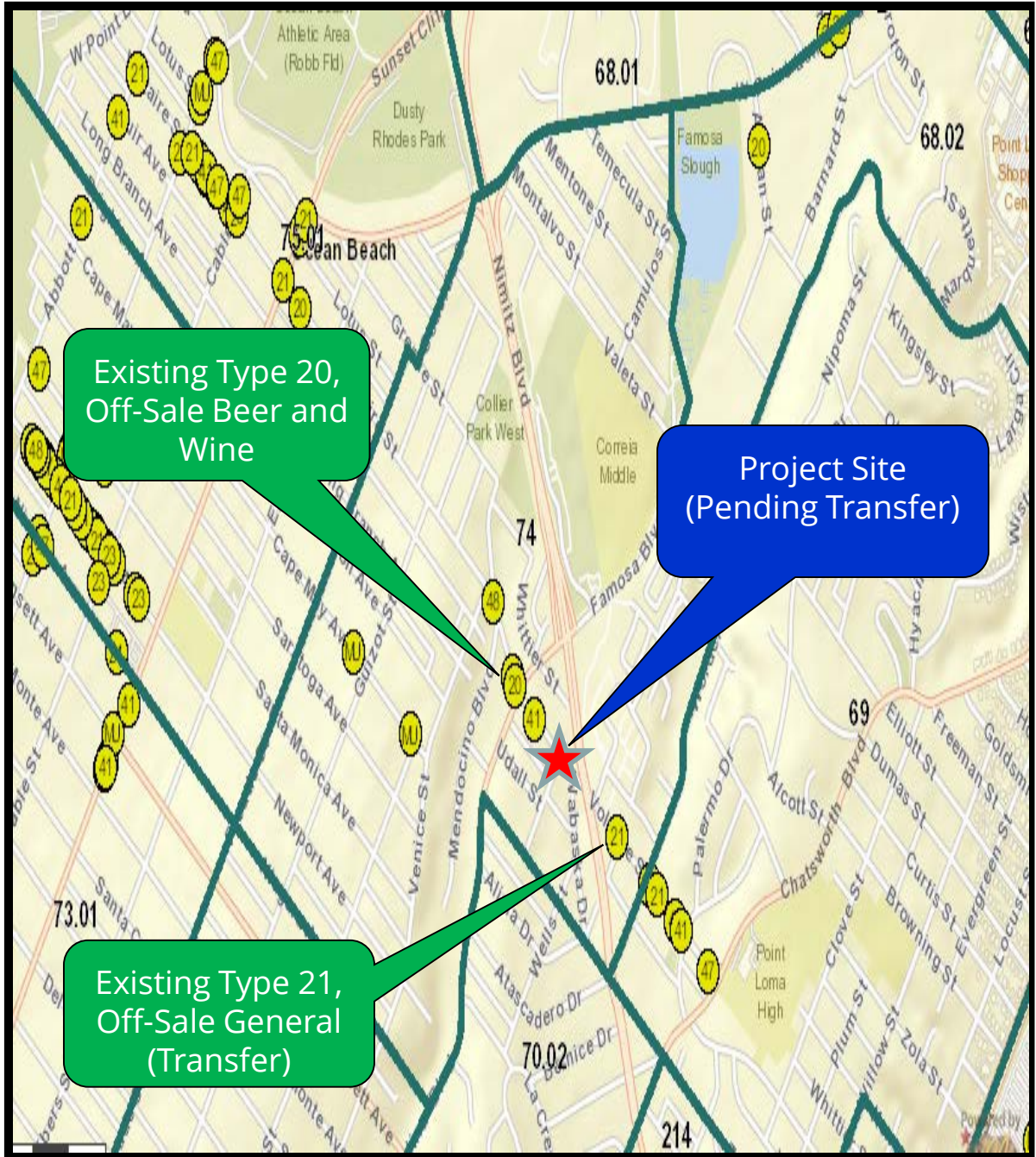
DENY X

DETECTIVE ANDREA WOOD  
Name of SDPD Vice Sergeant (Print)

(619) 531-2551  
Telephone Number

  
Signature of SDPD Vice Sergeant

01/10/17  
Date of Review



## ABC License Map – Census Tract 74.00



Sunshine on Voltaire, Project No. 518838  
4051 Voltaire Street, Ste. C, San Diego CA

