

Report to the Hearing Officer

REPORT NO. HO-17-072

HEARING DATE: November 1, 2017

SUBJECT: Raised by Wolves Holdings CUP. Process Three Decision.

October 25, 2017

PROJECT NUMBER: 538828

OWNER/APPLICANT: University Towne Centre LLC, Owner/William Adams, Applicant

Raised by Wolves Holdings, LLC - Tenant/Permittee

SUMMARY

DATE ISSUED:

<u>Issue</u>: Should the Hearing Officer approve an alcoholic beverage outlet allowing the sale of general liquor for off-site consumption from an existing bar/tasting room space within the University Towne Centre located at 4545 La Jolla Village Drive within the University Community Plan area?

Staff Recommendation: Approve Conditional Use Permit No. 1903437;

<u>Community Planning Group Recommendation</u>: On July 11, 2017, the University Planning Group voted 10-1-3 to approve the project without recommendations or conditions.

<u>Environmental Review</u>: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to 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 September 28, 2017, and the opportunity to appeal that determination ended October 12, 2017.

BACKGROUND

The project proposes a Conditional Use Permit (CUP) to allow a Type 21, Off-Sale General Liquor Alcohol Beverage Control (ABC) license within an existing 3,715-square-foot bar/tasting room located within the University Towne Centre (UTC), Building P, Suite 2030. The UTC comprises a 75.86-acre site located at 4545 La Jolla Village Drive. Building P is located at the northwest corner of Genesee Avenue and La Jolla Village Drive within the UTC. The UTC is in the CR-1-1 Zone and the Community Plan Implementation Overlay Zone A of the University Community Plan (UCP), and designated as a Regional Commercial center (Attachments 1-4).

The UTC, a regional shopping center, opened in 1977 with approximately 1,050,000 square feet of retail space. A multi-phase revitalization was approved by the City Council on July 29, 2008, expanding the UTC an additional 750,000 square feet, and included a transit center and 300-unit residential tower. The project suite is located within the expansion of phase 2, which includes other retail uses within multiple buildings located at the northwest corner of the site (Attachment 4). The construction of the project suite was approved by the City pursuant to Building Permit No. 1857696 (PTS No. 528617) issued on May 25, 2017. The bar/tasting room sells alcoholic beverages, teaches customers how to create cocktails, and sells the ingredients.

DISCUSSION

<u>Development Regulations and Location Criteria</u>

The project proposes a CUP for a Type 21 ABC (general liquor) license. A Type 21 ABC license is defined as "off-sales." The project will add off-site sales to the on-site alcohol consumption. The underlying CR-1-1 Zone is a commercial regional zone that is intended to accommodate development with an auto orientation and include regional serving commercial services and retail uses. Alcoholic beverage outlets are allowed in the CR-1-1 Zone 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 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 certain 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. 83.40 which reported a crime rate of 186.5 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, therefore, a CUP is required for the off-sale of alcoholic beverages based on this location. Although this census tract has "high crime," analysis by the SDPD has determined that a majority of the crime is a attributed to petty theft at the UTC and alcohol related crime is reported at 26.5 percent.
- 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. 83.40, which based on the California Business and Professional Code Section 23958.4 permits a total of five off-sale alcoholic beverage outlets. There is currently one existing off-sale alcoholic beverage outlet within Census Tract 83.40. This project would increase the number of licenses to two and does not exceed the established standard for this 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.

 The Congregation Beth Israel is a church use within 600 feet of the project site, located at the corner of Towne Centre Drive and Golden Haven Drive. Separation distance is measured from property line to property line. Although the congregation is located over 2,000 feet away from the project suite, a CUP is required for the off-sale of alcoholic beverages at this location based on the project's property line location within 600 feet of the Congregation Beth Israel.
- **4. Within 100 feet of residentially zoned property.** The project site is not within 100 feet of a residentially zoned property.

Community Plan Consistency

The UCP designates the site for Regional Commercial uses and recognizes the University Towne Centre as most important major regional commercial center of the community. The UCP encourages the renewal and expansion of regional commercial centers to maintain their viability in meeting community needs (Page 195). The expansion of the UTC approved in 2008 into a community core and regional node was a result of the need for UTC to combine a mixture of high-density uses (housing, retail, office, and recreation). The proposed sale of general liquor within a bar/tasting room is consistent with the underlying Commercial Regional land use designation, and would add to the range of mixed-uses within the UTC, thus serving the community and region.

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). With the approval of this application, the sale of alcohol would be conditioned so that the alcohol sales would not have a negative impact on the community. 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 site, and its location within a regional shopping center serving the San Diego region. 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 and the ABC license (Attachment 6).

Staff is recommending approval of the project as conditioned (Attachment 6). The CUP includes conditions that limit the hours of sales, limit advertising, prohibit machines or video game devices on the premises, and prohibit loitering and graffiti. The CUP also includes recommended conditions for the ABC license that would regulate the type, volume, and alcohol content of the beverages.

Conclusion

Staff has reviewed the application for the CUP for the off-sale of alcohol within the UTC, and has determined that the project complies with all applicable regulations and policy documents. Staff supports a determination that the project is consistent with the recommended land use and the development standards in effect for this site per the adopted UCP and the SDMC. Furthermore, the

permit has been conditioned to ensure the proposed sale of alcohol at this location would not be detrimental to the public health, safety and welfare. Therefore, staff recommends the Hearing Officer approve the CUP as proposed.

ALTERNATIVES

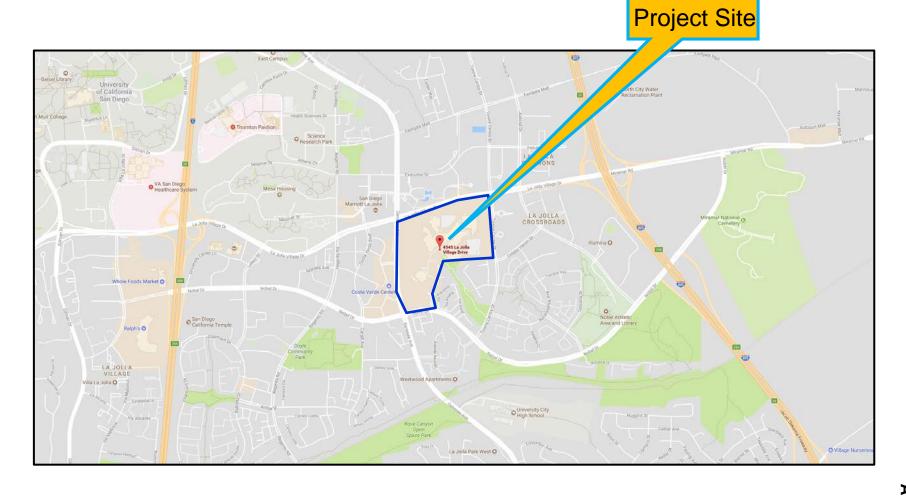
- 1. Approve CUP No. 1903437, with modifications.
- 2. Deny CUP No. 1903437, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Francisco Mendeza, Development Project Manager

Attachments:

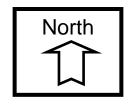
- 1. Project Location Map
- 2. Community Plan Land Use Map
- 3. UTC Location Map
- 4. Aerial Map
- 5. Project Data Sheet
- 6. SDPD Recommendations
- 7. Draft Resolution with Findings
- 8. Draft Permit with Conditions
- 9. Environmental Exemption
- 10. Community Planning Group Recommendation
- 11. Ownership Disclosure
- 12. Project Plans



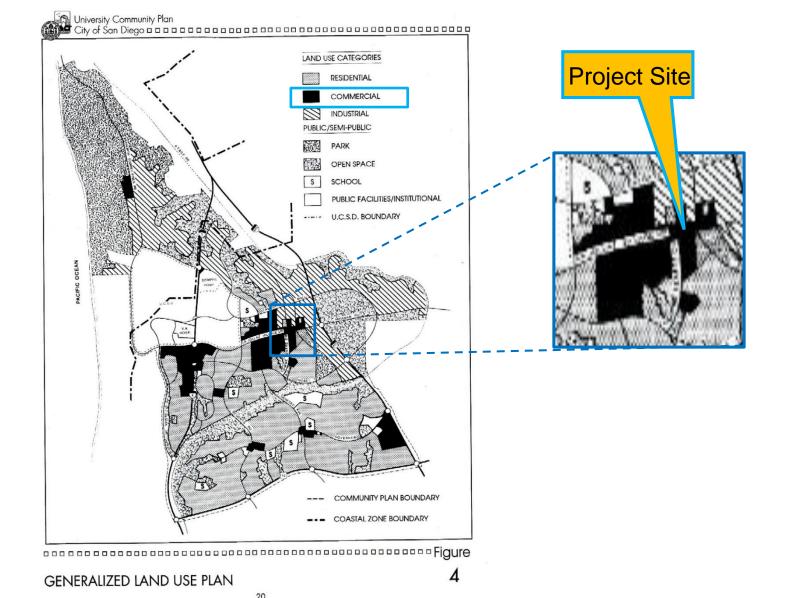


Project Location Map

Raised by Wolves Holdings CUP – 4545 La Jolla Village Drive Project No. 538828



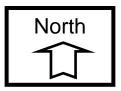






Land Use Map

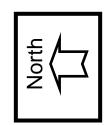
Raised by Wolves Holdings CUP – 4545 La Jolla Village Drive Project No. 538828



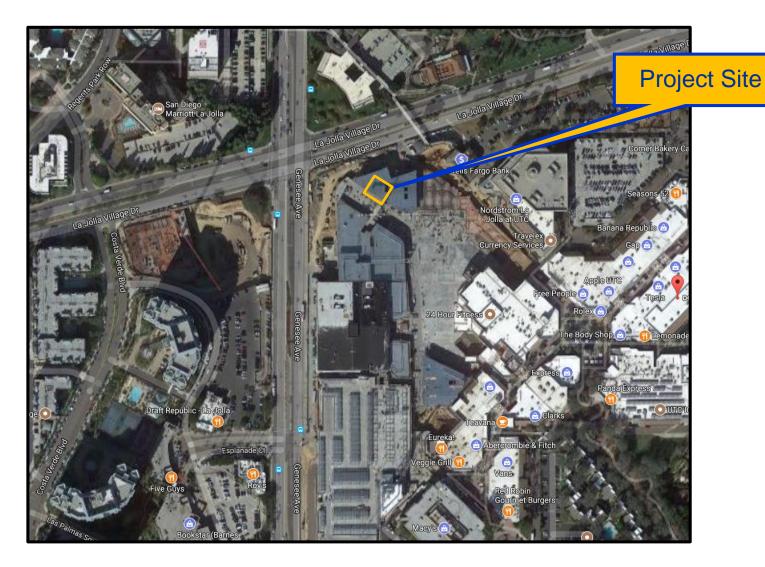


Suite Location Map

Raised by Wolves Holdings CUP – 4545 La Jolla Village Drive Project No. 538828



ATTACHMENT 4





Aerial Photograph

Raised by Wolves Holdings CUP – 4545 La Jolla Village Drive Project No. 538828

PROJECT DATA SHEET			
PROJECT NAME:	Raised by Wolves Holdings CUP		
PROJECT DESCRIPTION:	Type 21 Alcoholic Beverage Outlet		
COMMUNITY PLAN AREA:	University		
DISCRETIONARY ACTIONS:	Conditional Use Permit, Process Three		
COMMUNITY PLAN LAND USE DESIGNATION:	Regional Commercial Center		
ZONING INFORMATION:			
Development Regulations:	CR-1-1 (Commercial regional) NA – Not applicable, No Construction proposed. 141.0502 – Alcoholic Beverage Outlets require CUP in the following instances:		
	141.0502(b)(1)(A): In a census tract where general crime rate exceeds citywide crime rate by more than 20% (Current Rate: 186.5%)		
141.0502(b)(1)(D): Within 600 feet of a church.			
ADJACENT PROPERTIES:	LAND USE DESIGNATION & ZONE	EXISTING LAND USE	
NORTH:	Commercial: CO-1-2	Commercial Office: Office Building	

ADJACENT PROPERTIES:	LAND USE DESIGNATION & ZONE	EXISTING LAND USE	
NORTH:	Commercial; CO-1-2	Commercial Office; Office Building	
SOUTH:	Commercial; CR-1-3 Mixed Use		
EAST:	Commercial; CO-1-2	Commercial Office; Church	
WEST:	Commercial; RS-1-14	Commercial Office and Residential	
DEVIATION REQUESTED:	None		
COMMUNITY PLANNING GROUP RECOMMENDATION:	On July 11, 2017, the University Community Planning voted 10-1-3 to recommend approval of the project without recommendations.		

SAN DIEGO POLICE DEPARTMENT CONDITIONAL USE PERMIT RECOMMENDATION

15151 1 1 1111 D 100001 C D'

PREMISE ADDRESS:	4343 La Jolia V	mage Dr. #2030A, San Diego		
TYPE OF BUSINESS:	Raised by Wolv	ves Ventures Inc.		
FEDERAL CENSUS TRACT:	83.40			
NUMBER OF ALCOHOL LICENSES	S ALLOWED:	5		
NUMBER OF ALCOHOL LICENSES	S EXISTING:	1 (Not over-concentrated)		
CRIME RATE IN THIS CENSUS TRA (Note: Considered High Crime If Exce		186.5% - High Crime vide Average)		
THREE OR MORE REPORTED CRIM	MES AT THIS PRE	MISE WITHIN PAST YEAR	☐ YES	⊠ NO
IS THE PREMISE WITHIN 600 FEET	T OF INCOMPATIE	BLE FACILITY	☐ YES	⊠ NO
IS THE PREMISE WITHIN 100 FEET	Γ OF RESIDENTIA	LLY ZONED PROPERTY	☐ YES	⊠ NO
ABC LICENSE REVOKED AT THIS	PREMISE WITHIN	I PAST YEAR	☐ YES	⊠ NO
HAS APPLICANT BEEN CONVICTE	ED OF ANY FELO	NY	☐ YES	⊠ NO
WILL THIS BUSINESS BE DETRIM AND WELFARE OF THE COMMUN		UBLIC HEALTH, SAFETY,	☐ YES	⊠ NO

COMMENTS/OTHER FACTORS CONSIDERED: The census tract currently has a reported crime rate of 186.5%, and alcohol-related crime is 25.3%. The crime rate can in part be attributed to the premise and surrounding area is the UTC shopping mall. Therefore, the crime rate is influenced by "shoplift/petty theft crimes.

The premise is located in the UTC shopping mall. Their business plan is to offer both on-site alcohol consumption and off-sale. They have presented that their product sales prices would be on the higher end of average. They have applied for the appropriate ABC licenses, however, it is unlikely the ABC (State) will include restrictive the restrictive conditions requested by the SDPD to mitigate police concerns. Therefore, the SDPD respectfully requests those restrictive conditions be placed within the CUP.

SUGGESTED CONDITIONS:

- 1. Sales of alcoholic beverages for off-sale consumption shall be permitted only between the hours of 10:00 AM and 12:00 AM (Midnight) each day of the week.
- 2. Wine shall not be sold in bottles or containers smaller than 750 ml and wine coolers or beer coolers must be sold in multi-unit quantities no less than 4.
- 3. Beer, malt beverages or wine cooler products, in containers of 16 oz. or less, cannot be sold by single containers, but must be sold in multi-unit quantities no less than 4.
- 4. Distilled spirits shall not be sold in bottles or containers smaller than 375ml.

- 5. 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.
- 6. There shall be no amusement machines or video game devices in the premises at any time.
- 7. The sale of keg beer shall be prohibited on the premises.

SAN DIEGO POLICE DEPARTMENT RECOMMENDATION:

APPROVE

Name of SDPD Vice Sergeant (Print)

Signature of SDPD Vice Sergeant

DENY

Telephone Number

Date of Paview

HEARING OFFICER RESOLUTION NO. HO-_____ CONDITIONAL USE PERMIT NO. 1903437 RAISED BY WOLVES HOLDINGS CUP - PROJECT NO. 538828

WHEREAS, UNIVERSITY TOWNE CENTRE LLC, a Delaware limited liability company, Owner, and RAISED BY WOLVES VENTURES, INC., a California corporation, Permittee, filed an application with the City of San Diego for a Conditional Use Permit to operate an alcoholic beverage outlet conditioned upon the issuance of a license from the State Department of Alcoholic Beverage Control (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1903437) on portions of a 75.86-acre site;

WHEREAS, the project site is located at 4545 La Jolla Village Drive, Building P, Suite 2030, in the CR-1-1 Zone and Community Implementation Overlay Zone A of the University Community Plan;

WHEREAS, the project site is legally described as Parcel 4 of Parcel Map No. 6481, in the City of San Diego, County of San Diego, State of California, according to Map thereof on file in the Office of the County Recorder of San Diego County, being a Division of Lot 1 of University Towne Center Unit No. 1, Map No. 8332 on file in the Office of County Recorder of San Diego County;

WHEREAS, on September 28, 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;

WHEREAS, on November 1, 2017, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1903437, 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 November 1, 2017.

A. CONDITIONAL USE PERMIT [SDMC Section 126.0305

1. <u>Findings for all Conditional Use Permits:</u>

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

The application proposes a Conditional Use Permit (CUP) for an alcoholic beverage outlet to allow the sale of general liquor, in accordance with a Type 21 Alcohol and Beverage Control license within an existing bar/tasting room within the University Towne Centre (UTC) regional shopping mall. A Type 21 ABC license is defined as "off-

sales," which does not allow the alcohol sold at the store to be consumed on the premises.

The University Community Plan (UCP) recognizes the University Towne Centre as most important major regional commercial center of the community. The UCP encourages the renewal and expansion of regional commercial centers to maintain their viability in meeting community needs (Page 195). The expansion of the UTC mall as a community core was a result of the need for UTC to combine a mixture of high-density uses (housing, retail, office and recreation).

The proposed sale of general liquor within an existing bar/tasting room would add to the viability of this retail establishment and is consistent with the underlying Commercial Regional land use designation. Therefore, based on the commercial nature of the use and consistency with the UCP, the proposed development 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 regional commercial center, which provides a mixture of high-density uses such as: retail, office, residential, and recreational. The operation of an alcoholic beverage outlet within the bar/tasting room is consistent with the Regional Commercial use designated by the UCP and is a limited use allowed in the CR-1-1 Zone with a CUP at this location. Approval of this application would be conditioned so that the alcohol sales would not have a negative impact on the surrounding neighborhood. 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. The CUP also includes recommended conditions for the ABC license that would regulate the type, volume, and alcohol content of the beverages. Furthermore, the project is subject to all federal, state, and other local codes 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. Therefore, the proposed development will not be detrimental to the public 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 21 license, in a bar/tasting room located within a regional commercial center. A Type 21 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 CR-1-1 Zone, which is intended to accommodate development that provides a range of regional and community commercial services, allows alcoholic beverage outlets as a Limited Use subject to regulations set forth in SDMC Section 141.0502(b). While the proposed alcoholic beverage outlet does not meet the aforementioned Limited Use

regulations, the outlet can be permitted at this location with a CUP approval pursuant to SDMC Section 141.0502(c).). An alcoholic beverage outlet that does not comply with these requirements, including certain location criteria per SDMC Section 141.0502(b)(1), may 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 certain location criteria set forth in SDMC Section 141.0502(b) (1) as follows:

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. 83.40 which reported a crime rate of 186.5 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, therefore, a CUP is required for the off-sale of alcoholic beverages based on this location. Although this census tract has "high crime," analysis by the SDPD has determined that a majority of the crime is a attributed to petty theft at the UTC and alcohol related crime is reported at 26.5 percent.

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.

The Congregation Beth Israel is a church within 600 feet of the project site, located at the corner of Towne Centre Drive and Golden Haven Drive. Separation distance is measured from property line to property line. Although the congregation is located over 2,000 feet away from the project suite, a CUP is required for the off-sale of alcoholic beverages at this location based on the project's property line location within 600 feet of the Congregation Beth Israel.

The project is proposed within an existing structure that is in compliance with all applicable development regulations including floor area ratio, height, and parking. No deviations are requested. Therefore, the proposed development will comply with the regulations of the Land Development Code

d. The proposed use is appropriate at the proposed location.

The project proposes an alcoholic beverage outlet, Type 21, Off-Sale General Liquor Alcohol Beverage Control (ABC) license, within an existing 3,715-square-foot bar/tasting room located within the University Towne Centre, Building P, Suite 2030. The primary use of the site is a regional commercial center, which provides a mixture of high-density uses such as: retail, office, residential, and recreational. The operation of an alcoholic beverage outlet within the bar/tasting room is consistent with the Regional Commercial use designated by the UCP and is a limited use allowed in the CR-1-1 Zone with a CUP at this location. The proposed sale of general liquor within an existing bar/tasting room would add to the viability of this retail

establishment and is consistent with the recommendations of the UCP. Approval of this application would allow the sale of general liquor 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 that limit the hours of sales, limit advertising, prohibit machines or video game devices on the premises, prohibit loitering and graffiti. The CUP also includes recommended conditions for the ABC license that would regulate the type, volume, and alcohol content of the beverages. With these conditions, the proposed use is 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. 1903437, is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1903437, a copy of which is attached hereto and made a part hereof.

Francisco Mendoza Development Project Manager Development Services

Adopted on: November 1, 2017

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: 24007196

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 1903437 **RAISED BY WOLVES CUP - PROJECT NO. 538828**HEARING OFFICER

This Conditional Use Permit No. 1903437 is granted by the Hearing Officer of the City of San Diego to UNIVERSITY TOWNE CENTRE LLC, a Delaware limited liability company, Owner, and RAISED BY WOLVES VENTURES, INC., a California corporation, Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0305 and 141.0502. The 75.86-acre site is located at 4545 La Jolla Village Drive, Building P, Suite No. 2030, in the CR-1-1 Zone and the Community Implementation Overlay Zone A of the University Community Plan area. The project site is legally described as: Parcel 4 of Parcel Map No. 6481, in the City of San Diego, County of San Diego, State of California, according to Map thereof on file in the Office of the County Recorder of San Diego County, being a Division of Lot 1 of University Towne Center Unit No. 1, Map No. 8332 on file in the Office of County Recorder of San Diego County.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner 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 November 1, 2017, on file in the Development Services Department.

The project shall include:

- a. Operation of an alcoholic beverage outlet conditioned upon the issuance of a license from the State Department of Alcoholic Beverage Control within an existing suite No. 2030, Building P, of the University Towne Centre (UTC);
- 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 November 15, 2020.
- 2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on November 27, 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 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" conditions(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.

PLANNING/DESIGN REQUIREMENTS:

- 12. Parking spaces shall comply at all times with Master Planned Development Permit No. 4103 and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.
- 13. 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.
- 14. The sale of alcoholic beverages shall be limited to a maximum of 693 square feet of the floor area of the bar/tasting room as shown on Exhibit "A."
- 15. 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.
- 16. 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 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.
- 17. The Owner/Permittee shall list a business address and telephone number in the Pacific Bell/San Diego telephone directory or other similarly distributed directory.

18. 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:

19. The sales of alcoholic beverage shall be permitted between the hours of 10:00 AM and 12:00 AM each day of the week.

POLICE DEPARTMENT RECOMMENDATIONS FOR ABC LICENSE:

- •Wine shall not be sold in bottles or containers smaller than 750 milliliters and wine coolers or beer coolers must be sold in multi-unit quantities no less than four (4).
- Beer, malt beverages or wine cooler products, in containers of 16 ounces or less, cannot be sold by single containers, but must be sold in multi-unit quantities no less than four (4).
- Distilled spirits shall not be sold in bottles or containers smaller than 375 milliliters.
- •The sale of keg beer shall be prohibited on the premises.

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 November 1, 2017 and [Approved Resolution Number].

Conditional Use Permit No. 1903437 Date of Approval: November 1, 2017

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Francisco Mendoza
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.

a D	IIVERSITY TOWNE CENTRE, LLC relware limited liability company rner
Ву	Name:
	Title:

NOTE: Notary acknowledgments 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.

A California limited liabil Permittee	0 .
By Name:	
Title:	

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



Date of Notice: September 28, 2017

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24007196

PROJECT NAME/NUMBER: Raised by Wolves Holdings Conditional Use Permit/538828

COMMUNITY PLAN AREA: University Community Plan

COUNCIL DISTRICT: 1

LOCATION: 4545 La Jolla Village Drive, San Diego, CA 92122

PROJECT DESCRIPTION: CONDITIONAL USE PERMIT (CUP) for a Type 21 alcohol and beverage outlet, and to allow for the sale of beer, wine, and distilled spirits for off-site consumption within an existing 3,715-square-foot suite located at 4545 La Jolla Village Drive (Suite 2030), in the University Towne Center Mall. The project site is located within the CR-1-1 zone and the Community Plan Implementation Overlay Zone (CPIOZ)-A of the University Community Plan.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Hearing Officer

ENVIRONMENTAL DETERMINATION: CEQA Exemption 15301 (Existing Facilities)

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego Staff

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment. The project meets the criteria set forth in CEQA Section 15301 consisting of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing structures (public or private), involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The CUP to allow for a Type 21 alcohol and beverage outlet and for the sale of alcoholic beverages in an existing commercial facility is a negligible expansion of use. In addition, the exceptions listed in CEQA Section 15300.2 would not apply.

DEVELOPMENT PROJECT MANAGER:

MAILING ADDRESS:

PHONE NUMBER:

Francisco Mendoza

1222 First Avenue, MS 301, San Diego, CA 92101-4153

(619) 446-5433

On September 28, 2017, the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CE QA). 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 (October 12, 2017). 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.

Posted SEP 27 2017 mc
Removed OCT 13 2017
Posted by Myrdel

Mendoza, Francisco

From: Kris Kopensky <kkopensky@irvinecompany.com>

Sent: Tuesday, October 03, 2017 7:27 AM

To: Janay Kruger

Cc: Mendoza, Francisco; Monroe, Daniel

Subject: Re: University CPG Results for July 11 hearing

Got it...apologies, the subject of the email does say July!

Here you go,

 Action Item: Raised by Wolves, LLC CUP, Process 3 for alcohol sales 3715 SF in the Westfield Mall PTS 538828, Tasting Room and sales

Presenter: Bill Adams, Attorney and Arsalun Tafazoli, Owner

- a. IK:What will be your hours? A: Depends on reservations but potentially to 2:00 AM even though we do not intend to normally be open that late
- b. RC:So this is reservation only? A: Yes for the tasting but not for the retail
- c. IK: Will there be food nearby? A:There are about 11 restaurants in the vicinity
- d. RC: Interested in education and whether or not there is a responsible drinking component? A: I believe the clientele will likely understand responsible drinking
- e. Community: What about someone opening a bottle outside the establishment? A: RP: Not a concern for Westfield
- f. AB: Can you explain your name? A: We took a lot of design from Charles Dickens novels and we are "out of our comfort zone" moving into a mall so we felt that it made sense

Motion: Motion to approve by IK and seconded by NG. Vote: 10 in favor, 1 opposed 3 abstentions motion passed.

Kristopher Kopensky, CPM

Senior Director, Portfolio Operations Irvine Company Office Properties

Lic. 01439734

4365 Executive Drive, Suite 100 | San Diego, California | 92121 Phone 858.658.7707 |



On Tue, Oct 3, 2017 at 7:19 AM, Janay Kruger < <u>janay_kruger@msn.com</u>> wrote: Kris. The July meeting minutes please. Raised by Wolves is the project.

Janay

Sent from my iPhone

On Oct 3, 2017, at 7:16 AM, Kris Kopensky < <u>kkopensky@irvinecompany.com</u>> wrote:

Good morning:

I am not clear on which project you are looking for the vote on but below are y draft minutes. Happy to answer any specifics on my notes as well.

UNIVERSITY COMMUNITY PLANNING GROUP

Meeting Minutes

10010 Campus Pointe Dr., 1st floor

6 P.M. September 12, 2017

Directors present: Janay Kruger (JK) (Chair), Meagan Beale (MB) (Vice Chair), Andrew Wiese (AW), Nancy Groves (NG) John Bassler (JB), Caryl Lees Witte (CW), Nan Madden (NM), Alison Barton (AB), Isabelle Kay (IK), Ash Nasseri (AN), Rebecca Robinson (RR), Kristopher Kopensky (KK), Donna Andonian (DA), Roger Cavnaugh (RC), Alice Buck (ABu), Ryan Perry (RP), Ross Caulum (RCu), Jason Moorhead (JM), Kristin Camper (KC), and Anu Delouri (AD), Petr Krysl (PK), Katie Hosch and Dan Monroe (DM). Directors absent:

- 1. Call the Meeting to Order Janay Kruger, Chair
- a. Time: 1806
 - 2. Pledge of Allegiance followed by Moment of Silence
 - 3. Agenda: Call for additions/deletions: Adoption
- . JK would like to add an item to agenda, HCP, Inc. In back of packets, asking for extension to their map **Motion:** Motion to add the HCP request to extend their time of their tentative map to the agenda and approve the map extension by ABu and seconded by NM

Vote: Unanimous

4. Approval of Minutes: July, 2017

a.

Motion: Motion to approve KK and seconded by DA Vote:9 for and two abstentions

- 5. Announcements Chair Letters/meetings
- a. SDPD Update, not present
- b. Future projects,
- i. Pure Water will attend a meeting on October 10, 2017, their EIR is out, they will bring copies to our September meeting
- ii. Alexandria Oct. 10 meeting, <u>9880 Campus Pointe Drive</u>
 - c. Westfield plan to open Nordstrom October 12 with 12 other stores and to have an additional 50 stores open by November 15.
 - 6. UCSD Anu Delouri
 - . Public hearing at Faculty club this month for Nuevo West development
 - a. Review of Community Update, also distributed
 - 7. SANDAG Frank Oswainy, Terry Martin
 - Update on trolley project and road closures
 - a. Gilman Drive bridge is under construction, evening freeway closures for construction
 - b. Genesee, continue to widen the street, street widening complete by December

- c. Community: What area of Genesee will be widened? A: Nobel to Regent's road
- d. Community: Will there continue to be closures through the second phase of the project (building of trolley track)? A: Yes but less closures and reduced impact
- 8. Membership Report John Bassler
- . Review of membership requirements
- 9. Public Comment: Non-Agenda Items 3 minutes per speaker
- . Todd Gloria representative gave updates, Javier Gomez
- 10. Councilperson Barbara Bry Bridger Langfur
- . Newsletter available
- a. Working on consolidation of North and South UC FBA funds
- b. Conversation on FBA fund consolidation
- c. La Jolla Shores Coastal cleanup this Saturday
- 11. Senator Toni Atkins Chevelle Tate
- . Absent
- 12. 52nd Congressman Scott Peters TBD
- . Absent
- 13. MCAS Miramar K. Camper
- . Absent
- 14. Planning Department Dan Monroe
- . Absent
- 15. Information Item: CALTRANS UPDATE TUNNEL ISSUE, I-5 AND GENESEE AVE.

INTERCHANGE, EASEMENTS

Presenter: Allen Kosup I-5 Project Manager, Arturo Jacoba, Project Engineer

- a. Update on I-5 bridge at Genesee, completion March 2018
- b. Northbound on ramp complete
- c. Pedestrian Bridge across Genesee will be last piece of project
- d. North Coast corridor update, express lanes from LJVD to Oceanside, phase I is carpool from Solana beach to the 78
- e. Tunnel under UTC conversation, no plans to place a tunnel at this time, just exploring the alternative through a consultant team
- f. MB: What would the tunnel be for? A: Trains, again there are no plans, just a proposal
- g. AW: How much modeling can be done without considering geography? I assume there are parameters? A: The study would factor in time saving not necessarily time savings.
- h. JK: Requesting UCPG gets a seat at the table should the tunneling project gain traction
- i. JK: To reiterate, your team will accelerate the freeway intersection if possible and provide UCPG a seat at the table when and if the tunnel conversation continues after study. Also requesting that you bring back to your team our concerns with the Pure Water performing work on residential streets through UC, we would prefer an easement on 805 from Caltrans so they can use that area instead
 - 2. Action Item: SCR Process 2, Sanford Prebys Burnham Discovery Inst. Demolition of one building, add one building no increase in net SF

Presenter: Richard King,

Gensler

- a. Project currently under review with planning
- b. Demo of two older buildings replaced by one larger building
- No new net SQFT add
- d. All underground parking, reduces surface lot parking
- e. Removing 5 Torrey Pines to make way for fire lane widening and address root issues, replaced 1:1 within campus
- f. Community: Request to meet on plant palette to review invasive plant lists
- g. Questions on various parking and tree planting options

Motion: Motion to approve as presented by MB and seconded by ABu

Vote: 11 for, 1 abstention, 1 recusal, motion passed.

- 17. Action Item/Information Item: Community Choice Alliance
- a. Presentation by Community Choice Alicia Race
- i. Reviewed sensitivity analysis
- b. Presentation by SDG&E Chris Wahl
 - City would not invest in energy projects until 2026
- i. Utility costs would not decrease until 2026
- ii. SDGE could support a CCA with specific guidelines, however that information will not be available until 2018
- iii. Requesting UCPG sends a letter recommending waiting until 2018 when all data is available
 - 18. QUESTION AND ANSWER SESSION

15 minutes

19. Vote on sending a letter to the City in support of the concept.

Motion: Motion to write a letter in support of the CCA program by ABu and seconded by RC, amended to include a comment about City's climate action plan

- Discussion
 - NG believes we should add a comment about how CCA aligns with City's sustainability guidelines

Vote: 9 in favor, 4 abstentions, motion passed

- 20. Information and Update: Fire Station 50 Status
- a. RFP to go out shortly
- b. Start design in Spring 2018, construction to start in summer 2019
- c. Explanation of issues in obtaining site development permit, plan is to have resolved by end of September
- d. AK: Can you send us a map of the revised MSPC?
- 21. Ad Hoc Committee Reports
- . Fire Station 50 Ash Nasseri
- i. None
- a. Bicycle Safety Peter Krysl, Andy Wiese
- . None
- b. High Speed Rail No Report
- None
- c. Costa Verde
- JK: Trying to get a meeting set up to review traffic concerns
- 22. Adjournment
- . Time: 2029

a.

Thanks,

Kristopher Kopensky, CPM

Senior Director, Portfolio Operations Irvine Company Office Properties

Lic. 01439734

City of San Diego

Development Services



On Mon, Oct 2, 2017 at 2:27 PM, Mendoza, Francisco < FMendoza@sandiego.gov > wrote: Thanks. :)
Sent via Outlook on my iPhone. Please excuse my typos. :)
From: Janay Kruger < Janay Kruger@msn.com > Sent: Monday, October 2, 2017 2:26:48 PM To: Mendoza, Francisco Cc: Monroe, Daniel; kkopensky@irvinecompany.com Subject: Re: University CPG Results for July 11 hearing
The project was approved unanimously with one abstention, Ryan Perry who works for Westfield centers. (I think) I will have Kris Kopensky send you the minutes.
Janay
Sent from my iPhone
On Oct 2, 2017, at 2:21 PM, Mendoza, Francisco < FMendoza@sandiego.gov > wrote:
Hi Janay,
Do you have the CPG results for the July 11 Hearing? It's for Raised by Wolves. An email suffices.
Thanks,
Pancho
Francisco Mendoza (Pancho)
Development Project Manager

T (619) 446-5433		

fmendoza@sandiego.gov

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ATTACHMENT 11

Ownership Statement

Raised by Wolves Holdings CUP – Project No. 538828

Raised by Wolves Holdings, LLC – a California limited liability company President: Arsalun Tafouzi

University Towne Centre, LLC – a Delaware limited liability company

Valley Fair UTC LLC, a Delaware limited liability company

WEA Valley Fair UTC LP, a Delaware limited partnership

Westfield Subsidiary REIT 1, Inc., a Maryland corporation

Assistant Secretary: Rory A. Packer

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GENERAL BUILDING CONTRACTOR,

CALIFORNIA LICENSE #956534

RAISED BY WOLVES - CONDITIONAL USE PERMIT

TENANT IMPROVEMENT PROJECT - UTC TENANT SPACE, BUILDING P - SUITE 2030

4301 LA JOLLA VILLAGE DRIVE; SAN DIEGO, CA 92122

AREA MAP PROJECT SITE -

APPLICABLE CODES

THIS PROJECT SHALL COMPLY WITH THE 2016 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE, TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS (CCR).

CONSTRUCTION SHALL COMPLY WITH THE FOLLOWING PARTS OF TITLE 24:

2016 BUILDING STANDARDS ADMINISTRATIVE CODE PART 1, TITLE 24 CCR

2016 CALIFORNIA BUILDING CODE (CBC) PART 2, TITLE 24 CCR

2016 CALIFORNIA ELECTRICAL CODE (CEC) PART 3, TITLE 24 CCR

2016 CALIFORNIA MECHANICAL CODE (CMC) PART 4, TITLE 24 CCR

2016 CALIFORNIA PLUMBING CODE (CPC) PART 5, TITLE 24 CCR

2016 CALIFORNIA ENERGY CODE PART 6, TITLE 24 CCR

2016 CALIFORNIA FIRE CODE (CFC) PART 9, TITLE 24 CCR

2016 CALIFORNIA GREEN BUILDING STANDARDS CODE (CALGreen) PART 11, TITLE 24 CCR

2016 CALIFORNIA REFERENCED STANDARDS CODE PART 12, TITLE 24 CCR

STATE FIRE MARSHAL REGULATIONS TITLE 19, CCR - PUBLIC SAFETY

ASSOCIATED AMENDMENTS IN THE SAN DIEGO MUNICIPAL CODE (SDMC)

PROJECT DESCRIPTION

ASSESSORS PARCEL NO: 345-090-22-00

LEGAL DESCRIPTION: PAR 1*43.25AC M/L IN POR\

MAP NO.: PM12903

MASTER PLAN DEVELOPMENT PERMIT NO. 4103

SITE DEVELOPMENT PERMIT NO. 293783 SCR NO. 375032 (PTS #342776)

ZONING:

YEAR BUILT:

2017 (SHELL UNDER CONSTRUCTION) PER PTS #424661

CC-1-3

PROJECT AREA

FLOOR AREA:

3,205 SF (GROSS, MAIN LEVEL T.I. AREA) 510 SF (GROSS, LOWER LEVEL STORAGE)

PROJECT ANALYSIS

NUMBER OF STORIES: ALLOWABLE STORIES: (CBC TABLE 503)

(T.I. PROJECT ON 2 FLOORS) UL

BUILDING HEIGHT: ALLOWABLE HEIGHT: (CBC TABLE 503)

CONSTRUCTION TYPE: I-A, SPRINKLERED

UL

OCCUPANCY:

A-2 = RESTAURANTM = MERCANTILE

(NON SEPARATED OCCUPANCIES)

PROJECT TEAM

BUILDING (DESIGN) WESTFIELD 2049 CENTURY PARK EAST, 41ST FLOOR CENTURY CITY, CA 90067 **BUILDING (CONSTRUCTION)**

WESTFIELD 225 BROADWAY, SUITE 1700 SAN DIEGO, CA 92101 TEL: (619) 544-8119 RYAN MCANDREW

mcandrew@westfield.com TENANT/LESEE

CONSORTIUM HOLDINGS 631 9TH AVENUE SAN DIEGO, CA 92101 TEL: (619) 955-5130 ARSALUN TAFAZOLI arsalun@ch-projects.com

APPLICANT NORTON, MOORE, & ADAMS LLP 525 B STREET, SUITE 1500 SAN DIEGO, CA 92101 (619) 233-8200 WILLIAM ADAMS, APC wadams@nmalawfirm.com

DESIGNER BASILE STUDIO 840 ELEVENTH AVENUE SAN DIEGO, CA 92101 TEL: (619) 234-2400 FAX: (169) 234-2404 PAUL BASILE, PRINCIPAL paul@basilestudio.com KIMBERLY TSENG, PROJECT MANAGER kim@basilestudio.com

SHEET INDEX

TITLE SHEET **ENLARGED SITE PLAN** REDUCED SITE PLAN A-1.1 FLOOR PLAN

VICINITY PLAN



SCOPE OF WORK

1. CONDITIONAL USE PERMIT APPLICATION FOR OFF-SITE SALES OF GENERAL LIQUOR, TYPE 21, WITHIN AN EXISTING 3,200 SF RETAIL SPACE (SUITE 2030),

TSENG ME Z

16.04

24 AUGUST 2017

Revisions

BASILE Job No.

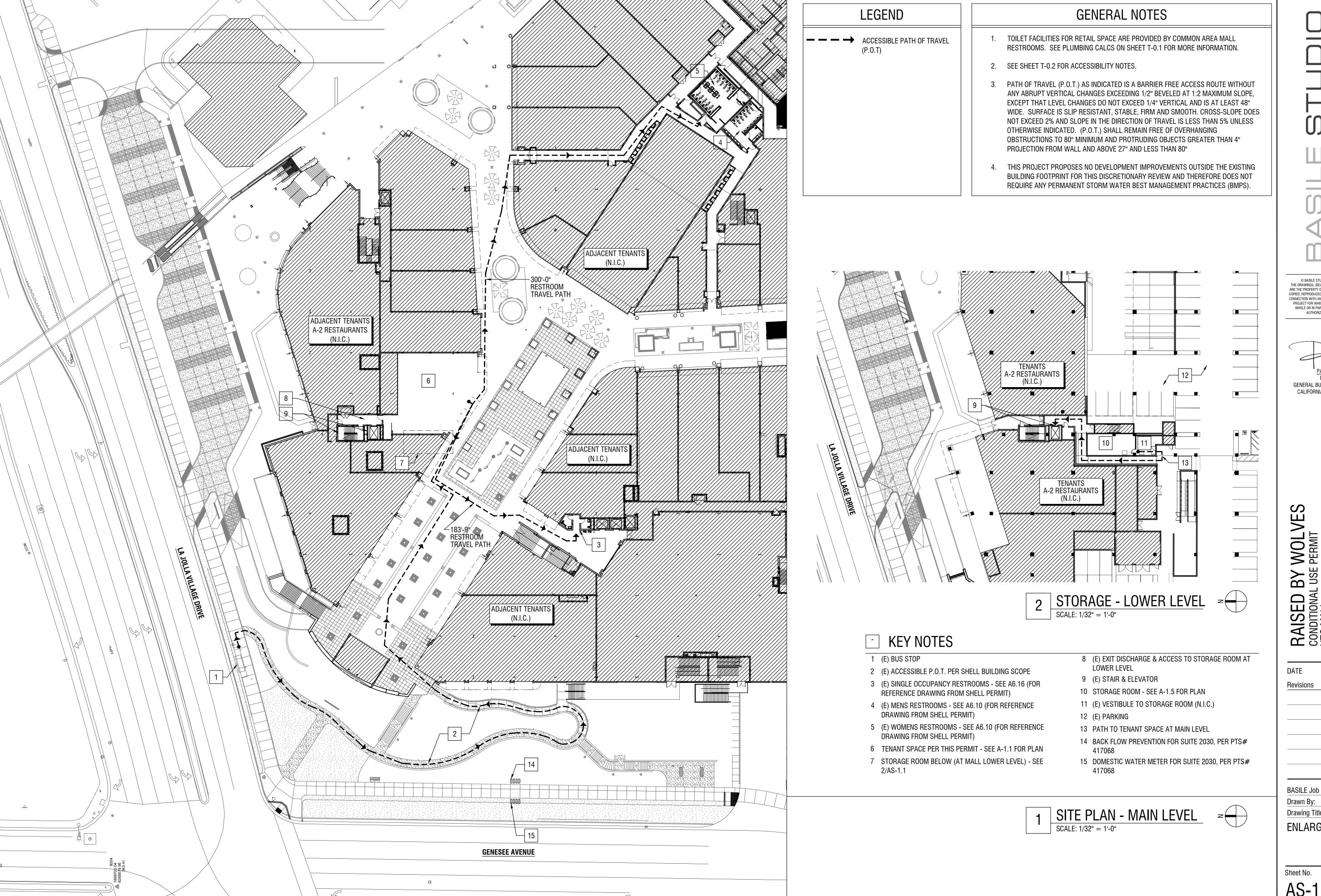
TITLE SHEET

Drawn By: Drawing Title:

Sheet No.

T-0.0

ATTACHMENT 12



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GENERAL BUILDING CONTRACTOR,

CALIFORNIA LICENSE #956534

WOLVI RAISED E
CONDITIONAL
UTC MALL
4301 LA JOLLA VI

24 AUGUST 2017 Revisions

16.04 BASILE Job No.

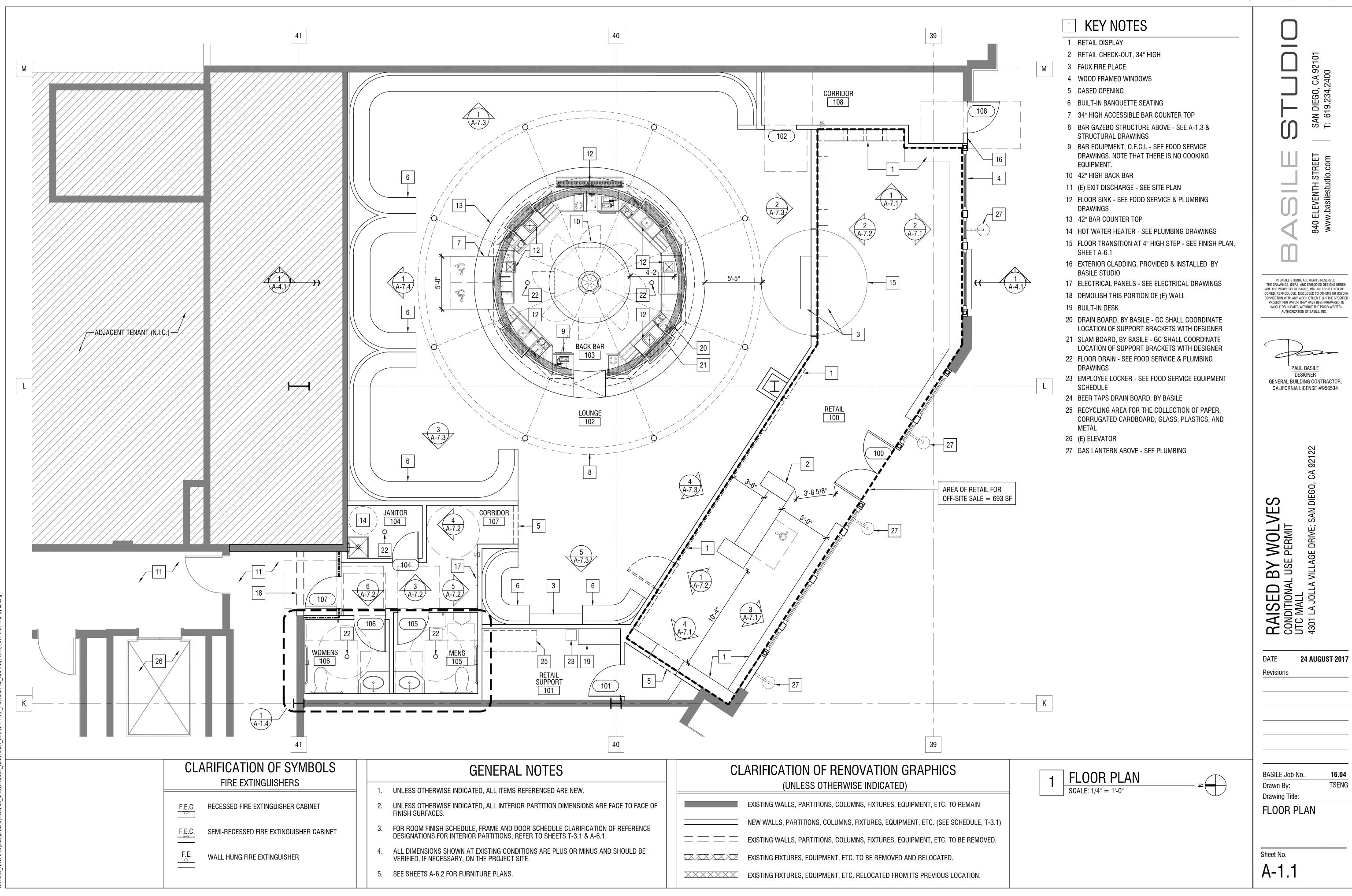
TSENG Drawing Title:

ENLARGED SITE PLAN

Sheet No.

AS-1.1

ATTACHMENT 12



ATTACHMENT 12