



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: November 29, 2017 REPORT NO. HO-17-085
HEARING DATE: December 6, 2017
SUBJECT: BEV MO MIRA MESA CUP
PROJECT NUMBER: [548438](#)
OWNER/APPLICANT: Beverages & More Inc. (Bev Mo)

SUMMARY

Issue: Should the Hearing Officer approve a Conditional Use Permit for an ABC Type 21 General Liquor License which would allow the sale of alcoholic beverages for off-site consumption, located at 8140 Mira Mesa Boulevard, in the CC-1-3 Zone, within the Mira Mesa Community Plan Area?

Staff Recommendation:

1. Approve Conditional Use Permit No. 1937882.

Community Planning Group Recommendation: On May 15, 2017, the Mira Mesa Community Planning group voted 15-0-0 to recommend approval of the proposed project without conditions.

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301(Existing Facilities). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on October 20, 2017 and the opportunity to appeal that determination ended November 3, 2017.

BACKGROUND

The project proposes a Conditional Use Permit (CUP) to allow a Type 21 General Liquor License (Off Sale General - Package Store), which authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. In addition, the Owner will be obtaining a Type 86 Instructional Tasting License and a Type 42 (On - Sale) Beer & Wine Public Premise License to be used for beer/wine tasting inside the establishment. Minors are allowed on the premises.

The project would only require tenant improvements within an existing 20,100-square-foot commercial building. No physical work beyond the existing footprint of the building is being proposed, with the exception of the required public improvements. The project will be required to construct of a new current City Standard Commercial Driveway Standard on New Salem Street and the reconstruction of the existing curb ramp at the southeast corner of New Salem Street and Reagan Road, with truncated domes. The 26.12-acre site is located at 8140 Mira Mesa Boulevard, in the CC-1-3 Zone, within the Mira Mesa Community Plan Area, (Attachment 2).

The project site is comprised of an approximate 26-acre shopping center located CC-1-3 (Community-Commercial) Zone. The project requires a CUP for an Alcoholic Beverage Outlet, in accordance with Process Three (Hearing Officer as decision-maker).

The project is within a commercial zone surrounded by commercial and retail uses and commercial uses are permitted by right in the CC-1-3 Zone. Therefore, the tenant improvements proposed for the project will be processed as a ministerial building permit. Construction is expected to begin within a few months.

DISCUSSION

Development Regulations and Location Criteria

A Type 21 General Liquor License (Off Sale General - Package Store) authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. The underlying CC-1-3 Zone is intended 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. The CC-1-3 Zone also allows alcoholic beverage outlets as a conditional use subject to regulations set forth in San Diego Municipal Code (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 still be permitted with a Process Three CUP pursuant to SDMC Section 141.0502(c), and requires a recommendation from the San Diego Police Department (SDPD) (Attachment 11). The proposed Type 21 license for this location requires a CUP because the project site does not meet all of the locational 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. 83.49, which reported a crime rate of 79.1% percent of the city-wide average based on the statistics provided by the SDPD (Attachment 9). The project site is not located within a "high crime" Census Tract. According to SDPD data, the majority of the crime in the area consists of noise and alcohol related crimes. A Census Tract is considered to have "high crime" if the crime rate exceeds 120 percent of the city-wide average; therefore the project meets this locational criteria.

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. 83.49, which based on the California Business and Professional Code Section 23958.4 permits a total of four off-sale alcoholic beverage outlets. If this project were approved it would increase the total number to five. Currently there are four existing off-sale alcoholic beverage outlets within Census Tract 83.49. The new ABC licenses at this project would increase the number of licenses, the project does not meet this locational criteria as it would still exceed the total number of four allowed off-sale alcoholic beverage outlets and a CUP is required.

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.

This business will be moving their current operation from 6755 Mira Mesa Boulevard to 8140 Mira Mesa Boulevard. Also included within the strip mall is a detached building in the most northwest corner operating as Childtime, a daycare center. The playground is surrounded by a six-foot high chain link fence and three-foot hedges. This daycare center is just adjacent to the rear loading dock of the project, therefore the project does not meet this locational criteria and a Conditional Use Permit is required.

4. Within 100 feet of residentially zoned property.

The location is a medium sized strip mall with four large square footage "anchor" sites. The premise address is currently vacant and was previously occupied by Kohl's. There are residences within 100-feet of the premise parking lot, as the strip mall is adjacent to the Mira Mesa residential community, therefore the project does not meet this locational criteria and a Conditional Use Permit is required.

Community Plan Consistency

The site is designated Community Commercial in the Mira Mesa Community Plan. The Community Commercial designation is intended to encourage organized concentration of a wide variety of retail goods and services for the community. Uses found in community shopping centers include, but are not limited to, general apparel and merchandise sales, movie theaters, furniture sales, grocery stores, pharmacies, restaurants, dry cleaners, service stations, specialty apparel shops, beauty parlors, professional office and financial services.

The proposed Alcohol Beverage Outlet is consistent with the development criteria policies and goals of providing conveniently located commercial services that are easily accessible to automobiles, pedestrians and bicyclists. The Mira Mesa Community Plan states the site is designated for commercial development; therefore the CUP to allow the sale of alcohol would not adversely affect the Mira Mesa Community plan.

Alcohol Sales-Project Analysis

The new Type 21 Off-Sale Beer & Wine Alcohol Beverage License will increase the number of licenses within the Community or within census tract 83.49. The Type 21 Off-Sale Beer & Wine Alcohol Beverage License is defined as "off sales" which would require all of the alcohol sold at the store to be consumed off the premises. The proposed alcoholic beverage outlet at this location requires a CUP because the project site does not meet the locational criteria of SDMC Section 141.0502(b)(1). Staff is recommending approval of the project as conditioned by staff and the SDPD in the CUP (Attachment 6).

The CUP includes conditions that limit the hours of sales, and prohibits live entertainment. Additionally, the CUP includes a 10-year expiration date. The permit could be extended through the appropriate review and decision process and may be subject to additional conditions at that time.

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 the existing mall. The operation of a beverage store including the sale of beer and wine for off-premise consumption is consistent with the commercial land use designation of the Mira Mesa Community Plan and is permitted by the underlying CC-1-3 Zone.

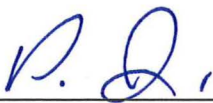
Conclusion:

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 provided conditions which have been included in the CUP (Attachment 6). The conditions would limit the hours of alcohol beverage sales from 8:00 a.m. to 11:00 p.m. each day of the week.

ALTERNATIVES

1. Approve Conditional Use Permit No. 1937882, with modifications.
2. Deny Conditional Use Permit No. 1937882, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

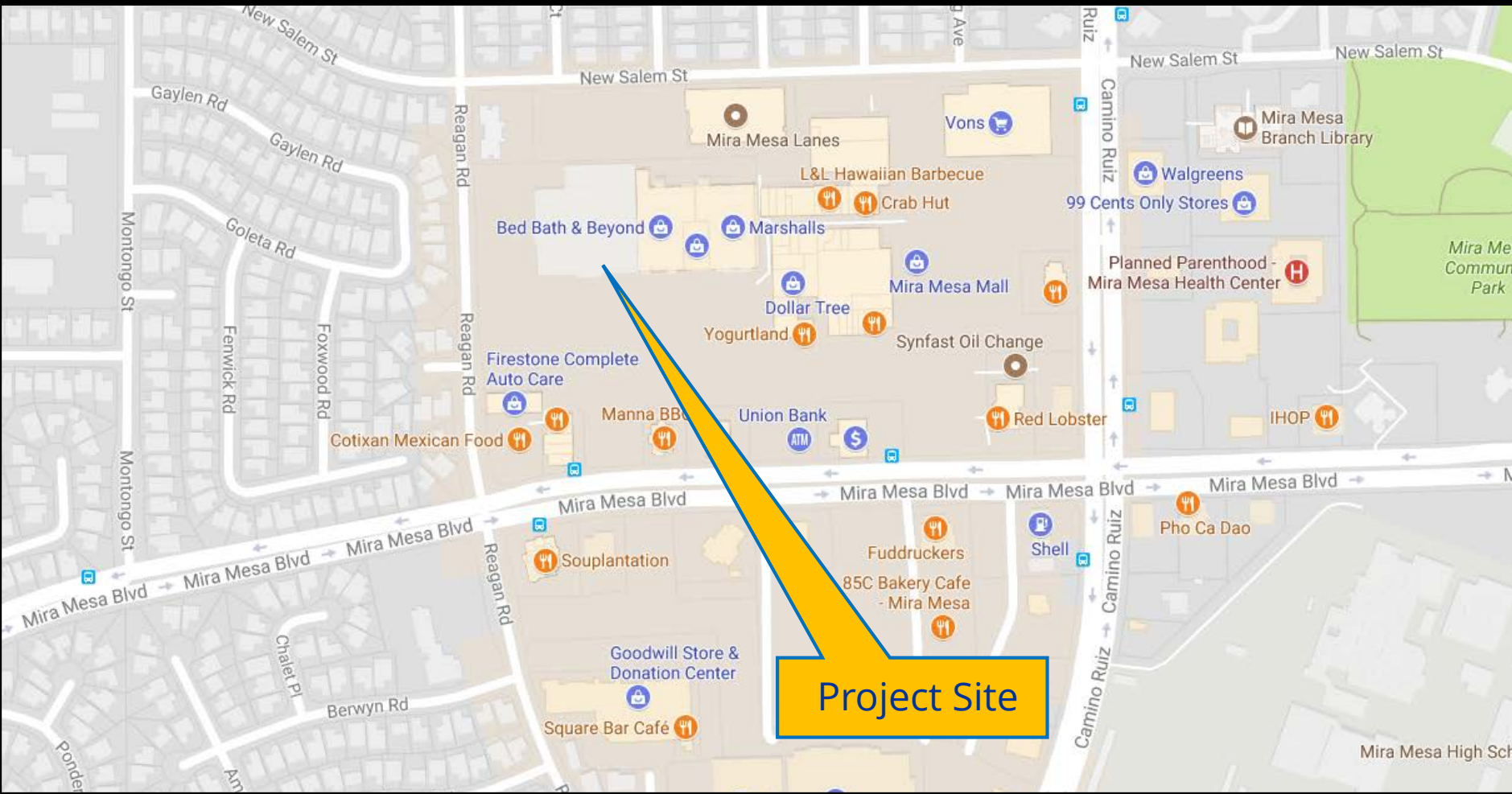


Derrick Johnson (D.J.), Development Project Manager

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. Liquor Licenses within Census Tract 83.49
11. SDPD CUP Recommendation
12. Project Plans

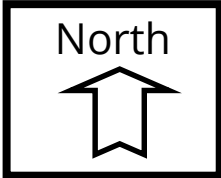


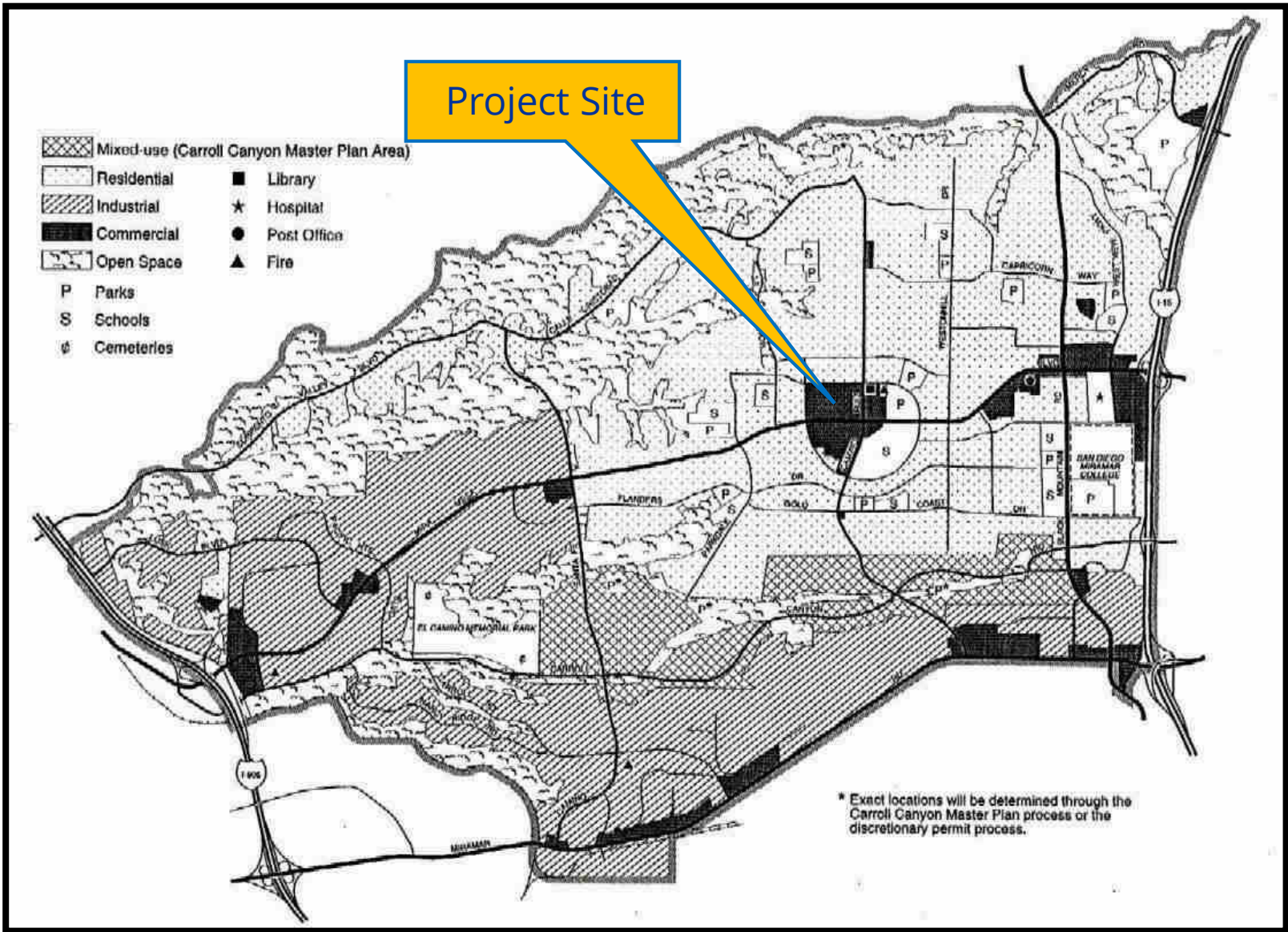
Project Site



Project Location Map

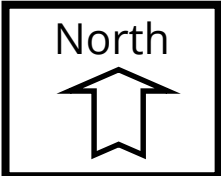
Bev Mo Mira Mesa Conditional Use Permit / 8140 Mira Mesa Boulevard
PROJECT NO. 548438





Land Use Map

Bev Mo Mira Mesa Conditional Use Permit / 8140 Mira Mesa Boulevard
 PROJECT NO. 548438



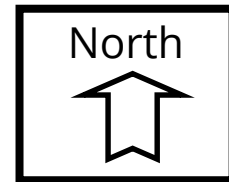


Project Site



Aerial Photo

Bev Mo Mira Mesa Conditional Use Permit / 8140 Mira Mesa Boulevard
PROJECT NO. 548438



PROJECT DATA SHEET

Project Name:	548438 Bev Mo Mira Mesa	
Project Description:	Conditional Use Permit (CUP), , decision Process 3, for an for an Alcoholic Beverage Outlet - ABC Type 21 General Liquor License to allow sales of alcohol beverages for off-site consumption from an existing 20,773 sq ft retail sales outlet at 8140 Mira Mesa Blvd. The existing, developed site is comprised of an approximate 26-acre shopping center located in the CC-1-3 Zone, and Community-Commercial land use designation within the Mira Mesa Community Plan Area, Council District 8.	
Community Plan Area:	Mira Mesa Community Plan	
Discretionary Actions:	Process 3 – Conditional Use Permit (CUP)	
Community Plan Land Use Designation:	Community Commercial	
ZONING INFORMATION:		
	Zone: CC-1-3	
	Height Limit: 45 feet	
	Lot Size: 26-acre	
	Floor Area Ratio: 0.75	
	Front Setback: N/A	
	Side Setback: N/A	
	Rear Setback: N/A	
	Parking: Off-street parking for retail sales uses complies with Table 142.05E.	
Adjacent Properties:	Land Use Designation & Zone	Existing Land Use
North:	Community Commercial & CC-1-3	Residential
South:	Community Commercial & CC-1-3	Commercial
East:	Community Commercial & CC-1-3	Commercial
West:	Community Commercial & CC-1-3	Residential
Deviation Requested:	None.	
Community Planning Group Recommendation:	On May 15, 2017, the Mira Mesa Community Planning group voted 15-0-0 to recommend approval of the proposed project without conditions.	

HEARING OFFICER
RESOLUTION NO. _____
CONDITIONAL USE PERMIT No. 1937882
BEV MO MIRA MESA CUP -PROJECT No. 548438

WHEREAS, California Property Owner, LLC., a Delaware Limited Liability Company, Owner/Permittee, filed an application with the City of San Diego for a permit to allow a Type 21 General Liquor License (Off Sale General - Package Store), which authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold, (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Conditional Use Permit No. 1937882, on portions of a 26.12-acre site;

WHEREAS, the project site is located at located at 8140 Mira Mesa Boulevard, in the CC-1-3 Zone, within the Mira Mesa Community Plan Area;

WHEREAS, the project site is legally described as Parcel 1 and 2 of Parcel Map No. 19151, County of San Diego, Recorded February 4, 2003;

WHEREAS, on October 20, 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 December 6, 2017, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1937882, 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 December 6, 2017.

CONDITIONAL USE PERMIT (CUP) FINDINGS - SECTION 126.0305:

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

The project proposes a Conditional Use Permit (CUP) to allow a Type 21 General Liquor License (Off Sale General - Package Store), which authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. The project would require tenant improvements within an existing 20,100-square-foot commercial building. The project site is designated for Neighborhood Commercial uses in the Mira Mesa Community Plan and is located within the Loma Palisades Commercial District. The proposed beverage store would not adversely affect any applicable land use policies in the Mira Mesa Community Plan and the proposed commercial land use is consistent with the permitted uses allowed in the underlying CC-1-3 Zone, and does not conflict with applicable policies in the Plan.

The sale of alcoholic beverages is not addressed in the Community Plan. The Mira Mesa Community Plan does not specifically address alcoholic beverage outlets; however 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 Mira Mesa Community Plan states the site is designated for commercial development; therefore the CUP to allow the sale of alcohol would not adversely affect the Mira Mesa Community plan.

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

The project proposes a Conditional Use Permit (CUP) to allow a Type 21 General Liquor License (Off Sale General - Package Store), which authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. The project would require tenant improvements within an existing 20,100-square-foot commercial building. No physical work beyond the existing footprint of the building is being proposed, with the exception of the required public improvements. The project will be required to construct of a new current City Standard Commercial Driveway Standard on New Salem Street and reconstruct the existing curb ramp at the southeast corner of New Salem Street and Reagan Road, with truncated domes.

Separate from the Alcoholic Beverage Control (ABC), this CUP places restrictions on the store which relate to the sale of alcohol. Approval of this application would condition the sale of alcohol so that the alcohol sales would not have a negative impact on the surrounding neighborhood. The CUP will have to comply with all the regulations listed in SDMC 141.0502(b) and includes conditions that limit the hours of sales, and prohibits live entertainment. The conditions would also limit the hours of alcohol beverage sales from 8:00 a.m. to 11:00 p.m. each day of the week. Additionally, the CUP includes a 10-year expiration date. The permit could be extended through the appropriate review and decision process and may be subject to additional conditions at that time.

The new beverage store will be consistent with the recommended commercial land use, therefore there will be no conflict with the current development pattern in the neighborhood. The project was determined to be exempt pursuant to California Environmental Quality Act CEQA Guidelines 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.

Both staff and the San Diego Police Department have concluded that the CUP as conditioned would not have a negative impact on the surrounding neighborhood. Therefore, with the proposed conditions regulating the sale and on site consumption of alcoholic beverages, the proposed development will not be detrimental to the public's health, safety or welfare.

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 underlying CC-1-3 Zone is intended 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.

Alcohol sales are an allowed use with a Conditional Use Permit pursuant to San Diego Municipal Code Section 141.0502 and the project complies with the applicable regulations of the Land Development Code including parking, floor area ratio and no deviations are requested as a part of this application.

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

The project proposes a Conditional Use Permit (CUP) to allow a Type 21 General Liquor License (Off Sale General - Package Store), which authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. The project would require tenant improvements within an existing 20,100-square-foot commercial building. No physical work beyond the existing footprint of the building is being proposed, with the exception of the required public improvements. The project will be required to construct of a new current City Standard Commercial Driveway Standard on New Salem Street and reconstruct the existing curb ramp at the southeast corner of New Salem Street and Reagan Road, with truncated domes.

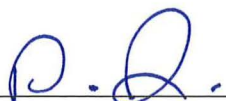
Separate from the Alcoholic Beverage Control (ABC), this CUP places restrictions on the beverage store which relate to the sale of alcohol. Approval of the CUP as conditioned would not have a negative impact on the surrounding neighborhood. The CUP includes conditions that limit the hours of sales, and prohibits live entertainment. Additionally, the CUP includes a 10-year expiration date. The permit could be extended through the appropriate review and decision process and may be subject to additional conditions at that time.

The project will have to comply with all the regulations listed in SDMC 141.0502(b), and the sales will be limited to the hours of 8:00 a.m. to 11:00 p.m.

Both staff and the San Diego Police Department have concluded that the CUP as conditioned not have a negative impact on the surrounding neighborhood. Therefore, with the proposed use is appropriate at the proposed 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. 1937882, is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Conditional Use Permit No. 1937882, a copy of which is attached hereto and made a part hereof.



Derrick Johnson (D.J.)
Development Project Manager
Development Services

Adopted on: December 6, 2017

IO#: 24007274

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: 24007274

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITONAL USE PERMIT No. 1937822
BEV MO MIRA MESA CUP - PROJECT NO. 548438
HEARING OFFICER

This Conditional Use Permit No. 1937822 is granted by the Hearing Officer of the City of San Diego to California Property Owner, LLC., a Delaware Limited Liability Company, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 141.0502 and 126.0305. The 26.12-acre site is located at located at 8140 Mira Mesa Boulevard, in the CC-1-3 Zone, within the Mira Mesa Community Plan Area. The project site is legally described as: Parcel 1 and 2 of Parcel Map No. 19151, County of San Diego, Recorded February 4, 2003;

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 December 6, 2017, on file in the Development Services Department.

The project shall include:

- a. The operation an 20,773-square-foot retail alcoholic beverage outlet, conditioned upon the issuance of a license from the State 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 December 20, 2020.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on December 20, 2028. The Owner/Permittee may request that the expiration date be extended in accordance with SDMC section 141.0502(c) (7).
3. The utilization of this CUP is contingent upon the approval of a license to sell alcohol at this location by the California Department of Alcoholic Beverage Control [ABC]. The issuance of this CUP does not guarantee that the ABC will grant an alcoholic beverage license for this location.
4. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
5. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
6. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
7. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
8. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).=
9. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

10. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

11. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

12. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

ENGINEERING REQUIREMENTS:

13. Prior to construction, the Owner/Permittee shall assure, by permit and bond, the construction of a new current City Standard Commercial Driveway Standard Drawing SDG-159 on New Salem Street.

14. Prior to construction, the Owner/Permittee shall assure, by permit and bond, to reconstruct the existing curb ramp at the southeast corner of New Salem Street and Reagan Road, with current City Standard Curb Ramp Standard Drawing SDG-130 with truncated domes.

PLANNING/DESIGN REQUIREMENTS:

15. The automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing 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. 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. The Owner/Permittee shall list a business address and telephone number in the Pacific Bell/San Diego telephone directory or other similarly distributed directory.
23. 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:

24. The sales of alcoholic beverage shall only be permitted between the hours of 8:00 am to 11:00 pm.
25. There shall be no live entertainment of any type.

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 December 6, 2017 and Resolution No.

ATTACHMENT 6

Conditional Use Permit No. 1937822
December 6, 2017

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Derrick Johnson (D.J.)
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.

**California Property Owner, LLC., a
Delaware Limited Liability Company**
Owner/Permittee

By _____
Douglas Christman
General Counsel/Corporate Secretary

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



THE CITY OF SAN DIEGO

Date of Notice: October 20, 2017

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24007274

PROJECT NAME/NUMBER: Bev Mo Mira Mesa CUP/548438

COMMUNITY PLAN AREA: Mira Mesa Community Planning Area

COUNCIL DISTRICTS: 6

LOCATION: The project is located at 8140 Mira Mesa Boulevard, San Diego CA.

PROJECT DESCRIPTION: Conditional Use Permit (CUP) for an ABC Type 21 General Liquor License which would allow the sale of alcoholic beverages for off-site consumption. The project would require tenant improvements within an existing 20,100 square foot commercial building. No physical work beyond the existing footprint of the building is being proposed. The proposed project complies with all height and bulk regulations and is located on a site that is currently developed with public utilities in place to serve the facility. The 26.124 acre site is located in the CC-1-3 zone within the Mira Mesa Community Plan Area and Council District 6.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego, Hearing Officer

ENVIRONMENTAL DETERMINATION: Categorical Exemption Section 15301 (Existing Facilities)

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego, Development Services Department

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: The City of San Diego determined that the project would qualify to be categorically exempt from CEQA pursuant to Section 15301 (Existing Facilities) which allows for the interior or exterior alterations of existing structures consisting of interior partitions, plumbing and electrical conveyances. Since the project would only modify the interior of the building it was determined that the exemption is appropriate and the exceptions listed in CEQA Section 15300.2 would not apply.

DEVELOPMENT PROJECT MANAGER: Derrick Johnson
MAILING ADDRESS: 1222 First Avenue, MS 501, San Diego, CA 92101-4153
PHONE NUMBER: (619) 446-5477

On October 20, 2017 the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk within 10 business days from the date of the posting of this Notice and therefore the appeal would end on November 3, 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.



**Mira Mesa Community
Planning Group**


10606-8 Camino Ruiz #230
San Diego, CA 92126

Greg Endom
BevMo!
1401 Willow Pass Rd.
Concord, CA 94520

Mr. Endom,

This letter is to confirm that on May 15, 2017, the Mira Mesa Community Planning Group voted 15-0-0 to approve the relocation of BevMo! to the former Kohl's location in the Mira Mesa Mall.

Sincerely,


Jeffrey L. Stevens
Chair
Mira Mesa Community Planning Group



Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit
 Variance Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment • Other _____

Project Title **Project No. For City Use Only**
548438
 BevMo! Mira Mesa

Project Address:
 8140 Mira Mesa Blvd. (suite # TBD), San Diego, CA 92126

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

Project Title: <u>Bev Mo - Mira Mesa</u>	Project No. (For City Use Only) <u>548438</u>
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Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

Corporation Limited Liability -or- General) What State? DL Corporate Identification No. _____
 Partnership

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

Corporate/Partnership Name (type or print):
California Property Owner 1, LLC

Owner Tenant/Lessee

Street Address: 3636 Nobel Drive #300, San Diego, CA 92122

City/State/Zip: BSB-202-1104

Phone No: _____ Fax No: _____

Name of Corporate Officer/Partner (type or print):
Gregory T Finley

Title (type or print): _____

Signature: _____ Date: 3/17/17

Corporate/Partnership Name (type or print): _____

Owner Tenant/Lessee

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

Name of Corporate Officer/Partner (type or print): _____

Title (type or print): _____

Signature: _____ Date: _____

Corporate/Partnership Name (type or print): _____

Owner Tenant/Lessee

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

Name of Corporate Officer/Partner (type or print): _____

Title (type or print): _____

Signature: _____ Date: _____

Corporate/Partnership Name (type or print): _____

Owner Tenant/Lessee

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

Name of Corporate Officer/Partner (type or print): _____

Title (type or print): _____

Signature: _____ Date: _____

Corporate/Partnership Name (type or print): _____

Owner Tenant/Lessee

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

Name of Corporate Officer/Partner (type or print): _____

Title (type or print): _____

Signature: _____ Date: _____

Corporate/Partnership Name (type or print): _____

Owner Tenant/Lessee

Street Address: _____

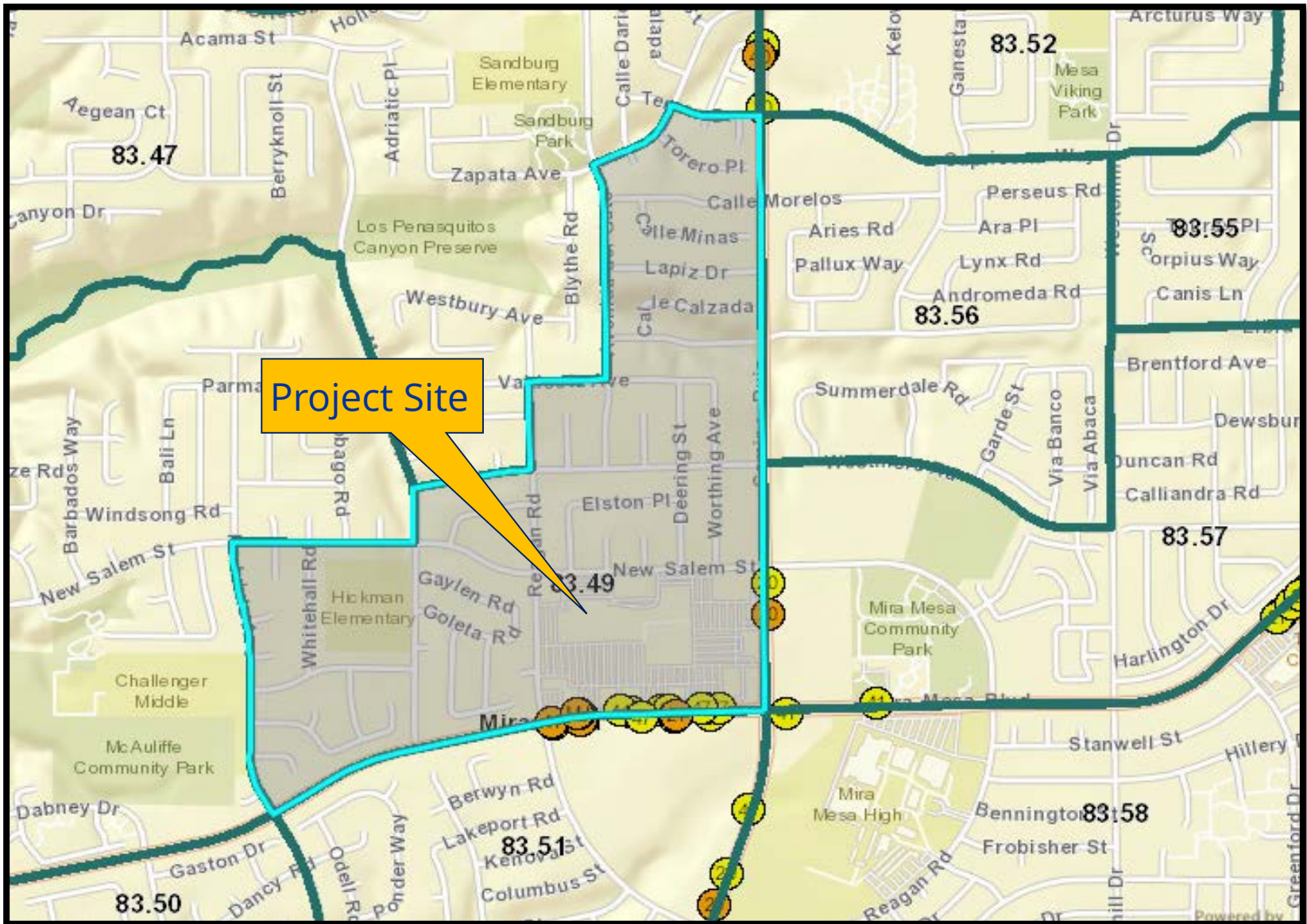
City/State/Zip: _____

Phone No: _____ Fax No: _____

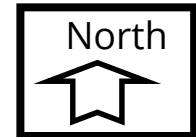
Name of Corporate Officer/Partner (type or print): _____

Title (type or print): _____

Signature: _____ Date: _____



Liquor Licenses within Census Tract 83.49
 BEV MO MIRA MESA CONDITIONAL USE PERMIT - PROJECT NO 548438
 8140 MIRA MESA BOULEVARD



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

PREMISE ADDRESS: 8140 Mira Mesa

TYPE OF BUSINESS: Beer/Wine Public Premise (tasting) BevMo

FEDERAL CENSUS TRACT: 83.49

NUMBER OF ALCOHOL LICENSES ALLOWED: 4

NUMBER OF ALCOHOL LICENSES EXISTING: 4 (addition will cause area to be over-concentrated)

CRIME RATE IN THIS CENSUS TRACT: 79.1% - Not High Crime
(Note: Considered High Crime If Exceeds 120% of City-wide Average)

THREE OR MORE REPORTED CRIMES AT THIS PREMISE WITHIN PAST YEAR YES NO [8J]

IS THE PREMISE WITHIN 600 FEET OF INCOMPATIBLE FACILITY YES NO [8J]

IS THE PREMISE WITHIN 100 FEET OF RESIDENTIALLY ZONED PROPERTY YES NO [8J]

ABC LICENSE REVOKED AT THIS PREMISE WITHIN PAST YEAR YES NO [8J]

HAS APPLICANT BEEN CONVICTED OF ANY FELONY YES NO [8J]

WILL THIS BUSINESS BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY AND CITY YES NO [8J]

COMMENTS/OTHER FACTORS CONSIDERED: The census tract currently has a reported crime rate of 79.1%, and an alcohol-related crime of 54.2%. Both of these figures are well below what is considered to be "high crime". The applicant will be obtaining a Type 21 Off-Sale General License, and Type 86 Instructional Tasting License at the location in addition to this Type 42 On-Sale Beer & Wine Public Premise License to be used for beer/wine tasting inside the establishment.

This business will be moving their current operation from 6755 Mira Mesa Blvd. to this location. The location is a medium sized "strip mall" with four large square footage "anchor" sites. The premise address is currently vacant and was previously occupied by Kohls. There are residences within 100' feet of the premise parking lot, as the strip mall is adjacent to the Mira Mesa residential community. Also included within the strip mall is a detached building in the most northwest corner, operating as Childtime, a daycare center. The playground is surrounded by a 6' chain link fence and 3' hedges. This daycare center is just adjacent to the rear loading dock for the aforementioned premise.

SUGGESTED CONDITIONS: The San Diego Police Department agrees to the issuance of this CUP as long as the following conditions are included in the Alcoholic Beverage Control License:

1. Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 8:00 AM and 11:00 PM each day of the week.

2. There shall be no live entertainment of any type.
3. Sample portions shall not exceed two (2) ounces per glass or container. Patron sampling of more than one glass and/or container of alcoholic beverage for the purpose of comparative tasting(s) shall not constitute a violation of this condition.

SAN DIEGO POLICE DEPARTMENT RECOMMENDATION:

APPROVE

DENY

C1 Jc,n. lt<'Fflj

5317563

Name of SDPD Vice Sergeant (print)

Telephone Number



08/17/09

Signature of SDPD Vice Sergeant

Date of Review

