



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: August 8, 2018 REPORT NO. HO-18-059

HEARING DATE: August 15, 2018

SUBJECT: JAVIER'S CUP

PROJECT NUMBER: [586434](#)

OWNER/APPLICANT: UTC Venture LLC, Owner, Javier's UTC, LLC, Permittee, Steve Rawlings, Applicant

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 at an existing restaurant, located at 4301 La Jolla Village Drive, in the CR-1-1 Zone, within the University Community Plan area?

Staff Recommendation: Approve Conditional Use Permit No. 2105293.

Community Planning Group Recommendation: On May 8, 2018, the University Community Planning Group voted 13-0-0 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 June 11, 2018 and the opportunity to appeal that determination ended June 25, 2018.

BACKGROUND

The project site is currently developed within the existing 69.76-acre University Town Center, regional shopping center. The regional shopping center has recently completed a substantial remodel of the entire center. The project site is located at 4301 La Jolla Village Drive, Suite 1000, in the CR-1-1 (Commercial – Regional) Zone, within the University Community Plan Area, (Attachments 1, 2 and 3).

The project's applicant is requesting approval of a Conditional Use Permit (CUP) to allow for a Type 21 General Liquor License at an existing restaurant within the regional shopping center, which requires a CUP for an Alcoholic Beverage Outlet, in accordance with Process Three (Hearing Officer as decision-maker).

DISCUSSION

The project proposes a (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 be an additional use to on-going tenant improvements within an existing 11,180-square-foot commercial restaurant tenant space within the existing 69.76-acre regional shopping center (Attachment 3). No physical work beyond the existing footprint of the building is being proposed. Due to the recent remodel of the center, no additional public improvements are required with this proposal. The underlying CR-1-1 Zone is intended to accommodate large-scale, high intensity developments, and provides for a broad mix of business/professional office, commercial service, retail, wholesale and limited manufacturing uses. The CR-1-1 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). The project has been reviewed by City staff and the San Diego Police Department (SDPD) for conformance to the applicable development regulations and land use policies. The proposed project was found to comply with the location criteria, as it is not located within a census tract, where the general crime rate exceeds the citywide average general crime rate by more than 20 percent. It is also not located within 600- feet of a public or private school and is not within 100-feet of a residentially zoned property. This CUP proposal was also reviewed by the SDPD and recommended for approval (Attachment 9).

Both City 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. LDR-Planning has provided conditions which have been included in the CUP (Attachment 5). The conditions would limit signage and require minimum levels of on-site illumination.

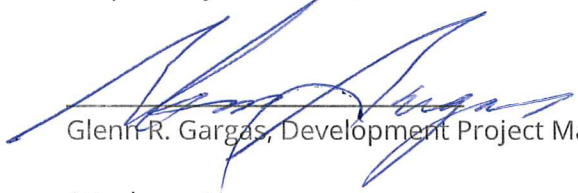
CONCLUSION:

Staff has reviewed the request for a CUP for the proposed alcohol sales for the existing restaurant and found the project to be in conformance with all the applicable sections of the SDMC regulating alcoholic establishments. Staff believes the required findings can be supported and recommends the Hearing Officer approve the project as proposed.

ALTERNATIVES

1. Approve Conditional Use Permit No. 2105293, with modifications.
2. Deny Conditional Use Permit No. 2105293, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Glen R. Gargas", is written over a horizontal line.

Glen R. Gargas, Development Project Manager

Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Draft Resolution with Findings
5. Draft Permit with Conditions
6. Environmental Exemption
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. SDPD CUP Recommendation
10. Project Plans



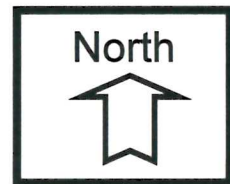
**4301 LA JOLLA VILLAGE
DRIVE**

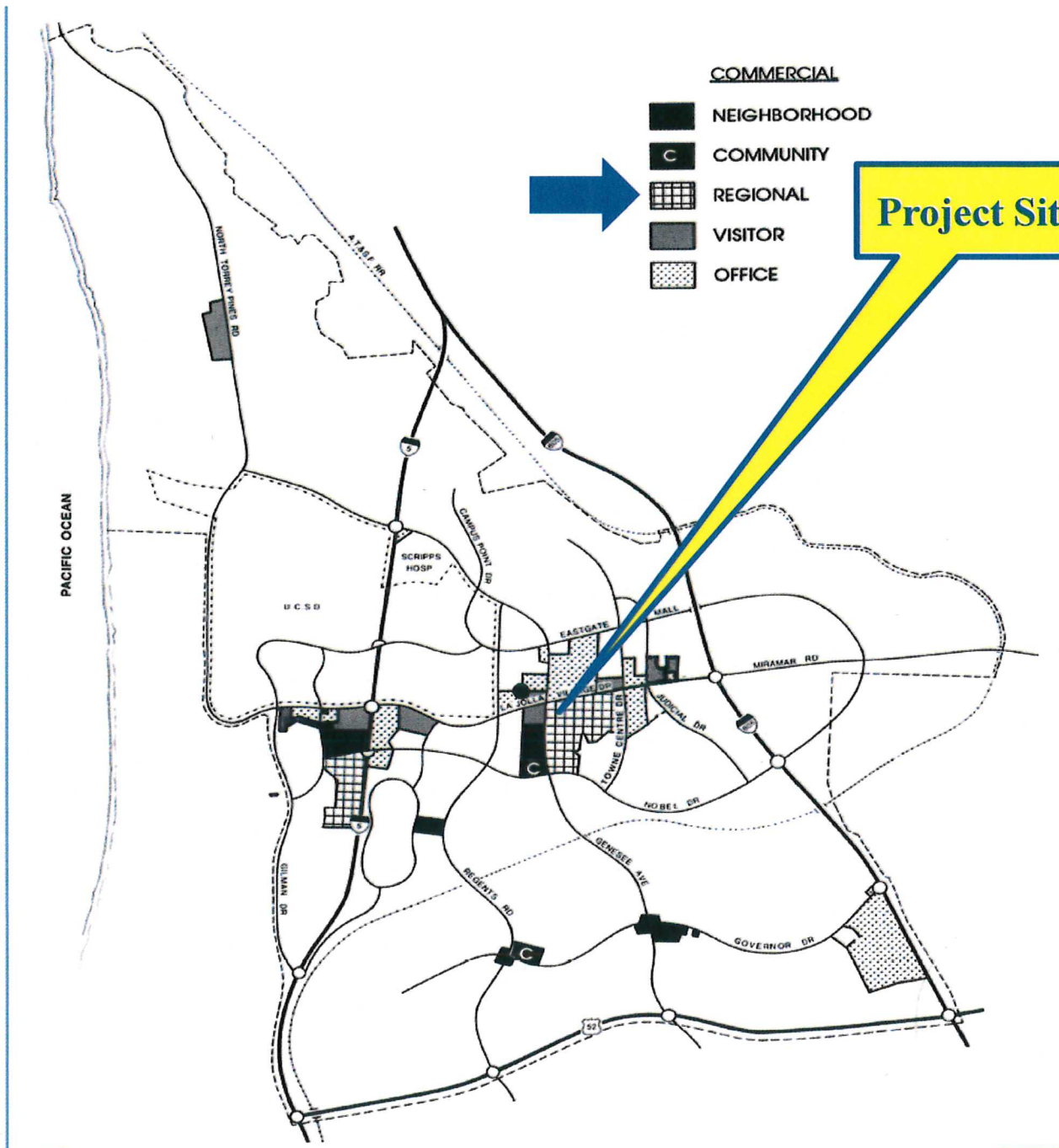
**4301 La Jolla Village
Dr, San Diego, CA 92122**



Project Location Map

**JAVIER'S CUP - 4301 LA JOLLA VILLAGE DRIVE
PROJECT NO. 586434**





Commercial Land Uses **33**
University Community Plan **FIGURE**



Land Use Map

JAVIER'S CUP - 4301 LA JOLLA VILLAGE DRIVE
PROJECT NO. 586434 University





Project Site

4301 La Jolla Village
Dr, San Diego, CA 92122



Aerial Photo

**JAVIER'S CUP - 4301 LA JOLLA VILLAGE DRIVE
PROJECT NO. 586434**



ATTACHMENT 3

HEARING OFFICER RESOLUTION NO. ____
CONDITIONAL USE PERMIT NO. 2105293
JAVIER'S CUP - PROJECT NO. 586434

WHEREAS, UTC Venture LLC, a Delaware Limited Liability Company, Owner, and Javier's UTC LLC, a Delaware Limited Liability Company, Permittee, filed an application with the City of San Diego for a permit to operate an alcoholic beverage outlet conditioned upon the issuance of a license from the State Department of Alcoholic Beverage Control in an existing restaurant within the UTC Shopping Center (as described in and by reference to the approved Exhibit "A" and corresponding conditions of approval for the associated Permit No. 2105293), on a portion of a 69.76-acre property;

WHEREAS, the project site is located at 4301 La Jolla Village Drive, Suite 1000, in the CR-1-1 Zone and within the University Community Plan area;

WHEREAS, the project site is legally described as Parcels 1,2 and 4 of Parcel Map No. 6481, in the City of San Diego, County of San Diego, State of California, according to Map Thereof No. 6481, Filed in the Office of said County Recorder on September 20, 1983;

WHEREAS, on August 15, 2018, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2105293, pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on June 11, 2018, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15301 (Existing Facilities) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520; NOW THEREFORE,

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

That the Hearing Officer adopts the following written Findings, dated August 15, 2018.

FINDINGS:

Conditional Use Permit Approval – Section §126.0305

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

The proposed alcoholic beverage outlet is to be located within an existing restaurant, which is part of a larger existing regional commercial shopping center. This proposed project does not propose any further physical or structural changes to the property. The project site has a land use designation of Regional Commercial Land Use as identified by the University Community Plan and the existing restaurant use is consistent with this designation. The community plan does not address the proposed use, the sale of beer, wine or alcohol. However, alcoholic beverage outlets may be approved through a Conditional Use Permit and meeting the locational criteria for alcohol sales as a limited use under San Diego Municipal Code Section 141.0502. This proposed Conditional Use Permit was reviewed by the San Diego Police Department (SDPD) division that examines crime statistics in the area and other potential adverse affects of the proposed use. The proposed

ATTACHMENT 4

use was recommended for approval by the SDPD with conditions which have been included in the permit. As the use is consistent with the land use designation of the University Community Plan, the proposed alcoholic beverage outlet will not adversely affect the University Community land use plan.

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

The proposed alcoholic beverage outlet is to be located within an existing restaurant, which is part of a larger existing regional commercial shopping center and was found to comply with all of the applicable development regulations including those of the CR-1-1 Zone and the locational criteria for alcohol sales as a limited use under SDMC Section 141.0502. The CR-1-1 Zone also allows alcoholic beverage outlets as a conditional use subject to regulations set forth in SDMC Section 141.0502(c). The project has been reviewed by City staff and the SDPD for conformance to the applicable development regulations and land use policies. The proposed project was found to comply with the location criteria, as it is not located within a census tract, where the general crime rate exceeds the citywide average general crime rate by more than 20 percent. It is also not located within 600-feet of a public or private school and is not within 100-feet of a residentially zoned property. The SDPD examined crime statistics in the area and other potential public health and safety issues. The proposed use was recommended for approval with conditions which have been included in the permit. These conditions include restrictions on signage and proper illumination of the exterior walk ways/parking lot area in an effort to protect public health, safety and welfare. The Environmental Analysis Section determined that the proposed project was categorically exempt under CEQA, determining that there were no significant environmental impacts, including public health, safety, and welfare. The proposed alcoholic beverage outlet to be added to the existing restaurant will not be detrimental to 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 proposed alcoholic beverage outlet is to be located within an existing restaurant, which is part of a larger existing regional commercial shopping center with surface parking and was found to conform to all of the applicable development regulations including those of the CR-1-1 Zone and the locational criteria for alcohol sales as a limited use under SDMC Section 141.0502. There are no proposed variances or deviations to any of the development regulations or the locational criteria. Therefore, the proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

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

The proposed alcoholic beverage outlet is to be located within an existing restaurant, which is part of a larger existing regional commercial shopping center. All the surrounding uses are also commercial uses or mixed commercial uses. The CR-1-1 Zone also allows alcoholic beverage outlets as a conditional use subject to regulations set forth in SDMC Section 141.0502(c). The project has been reviewed by City staff and the SDPD for conformance to the applicable development regulations and land use policies. The proposed project was found to comply with the location criteria, such as it is not located within a census tract, where the general crime rate exceeds the citywide average general crime rate by more than 20 percent. It is also not located within 600-feet of a public or private school and is not within 100-feet of a residentially zoned property. The Police Department found the proposed use appropriate and recommended approval of the use with

ATTACHMENT 4

conditions which have been included in the Conditional Use Permit. The University Community Plan identifies this site for Regional Commercial land use and the proposed use as an alcoholic beverage outlet was found to be in general conformance with the land use plan, with an approved Conditional Use Permit and an appropriate use at this location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 2105293 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. 2105293, a copy of which is attached hereto and made a part hereof.

Glenn R. Gargas
Development Project Manager
Development Services

Adopted on: August 15, 2018

Job Order No. 24007624

DRAFT

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: 24007624 SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2105293
JAVIER'S CUP - PROJECT NO. 586434
HEARING OFFICER

This Conditional Use Permit No. 2105293 is granted by the Hearing Officer of the City of San Diego to UTC Venture LLC, a Delaware Limited Liability Company, Owner, and Javier's UTC, LLC, a Delaware Limited Liability Company, Permittee, pursuant to San Diego Municipal Code [SDMC] section 141.0502. The 69.76-acre site (shopping center) is located at 4301 La Jolla Village Drive, Suite 1000, in the CR-1-1 Zone, Community Plan Implementation Overlay Zone Type A (CPIOZ A) and within the University Community Plan area. The project site is legally described as: Parcels 1, 2 and 4 of Parcel Map No. 6481, in the City of San Diego, County of San Diego, State of California, according to Map Thereof No. 6481, Filed in the Office of said County Recorder on September 20, 1983.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee for a Type 21 alcohol and beverage outlet to allow the sale of beer, wine, and distilled spirits for off-site consumption at a new restaurant (existing tenant space) within the UTC Shopping Center, 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 August 15, 2018, on file in the Development Services Department.

The project shall include:

- a. A Type 21 alcohol and beverage outlet to allow the sale of beer, wine, and distilled spirits for off-site consumption within an existing 11,180-square-foot restaurant tenant space with the existing University Town Center (UTC) Shopping Center;
- b. Existing Landscaping (planting, irrigation and landscape related improvements);
- c. Existing Off-street parking;
- d. Outdoor patio area, walls and exterior lighting; and

- e. 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 August 29, 2021.
2. 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.
3. No permit for the 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.
4. 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.
5. 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.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. 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.).
8. 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.

9. 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.

10. 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.

11. 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.

CLIMATE ACTION PLAN REQUIREMENTS:

12. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

PLANNING/DESIGN REQUIREMENTS:

13. 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.
14. The 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.
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. 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 or operator.
17. The Owner/Permittee shall provide illumination, at a minimum level of 0.4-foot candles per square foot, on the exterior of the alcoholic beverage outlet, including adjacent public sidewalks and areas under the control of the owner or operator. The illumination shall be in operation during all hours of darkness while the outlet is open for business so that persons standing on or near the premises at night are identifiable by law enforcement personnel. The required illumination shall be shielded and directed so that it does not shine on adjacent properties.
18. The sign area pertaining to or referencing alcoholic sales or beverages shall not exceed 630-square inches.
19. 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, and 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.
20. The Owner/Permittee shall list a business address and telephone number in the Pacific Bell/San Diego telephone directory or other similarly distributed directory.
21. The Owner/Permittee shall maintain the premises, adjacent public sidewalks, and areas under the control of the owner or operator, 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.
22. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

23. 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.

POLICE DEPARTMENT RECOMMENDATIONS FOR ABC LICENSE:

- Wine shall not be sold in containers of less than 750 milliliters, with the exception of wine coolers sold in four-pack containers or more per sale.
- Distilled spirits shall not be sold in bottles or containers smaller than 375 milliliters
- No wine shall be sold in bottles or containers smaller than 750 milliliters
- Malt beverages shall not be sold in less than six-pack containers per sale.
- Wine shall not be sold with an alcoholic content greater than 15 percent by volume.

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 August 15, 2018, by Resolution No.

Permit Type/PTS Approval No.: CUP No. 2105293
Date of Approval: August 15, 2018

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Glenn R. Gargas
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.

UTC Venture LLC, a Delaware Limited Liability
Company
Owner

By _____
Mark Post
Manager

Javier's UTC, LLC, a Delaware Limited Liability
Company
Permittee

By _____
Mark Post
Manager

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

NOTICE OF EXEMPTION

ATTACHMENT 6

(Check one or both)

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

FROM: City of San Diego
Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101

_____ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Project Name: Javier’s CUP

Project No. / SCH No.: 586434 / N.A.

Project Location-Specific: 4301 La Jolla Village Drive, Suite 1000, San Diego CA, 92122

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

Description of nature and purpose of the Project: The project is requesting a Conditional Use Permit for a Type 21 alcohol and beverage outlet to allow the sale of beer, wine, and distilled spirits for off-site consumption within an existing 11,180 square foot restaurant located within University Towne Center Mall in the CR-1-1 base zone and Community Plan Implementation Overlay Zone (CPIOZ-A) of the University Community Plan area.

Name of Public Agency Approving Project: City of San Diego

Name of Person or Agency Carrying Out Project: Steve Rawlings, Alcoholic Beverage Specialists
26023 Jefferson Avenue
Murrieta CA, 92652
(951) 667-5152

Exempt Status: (CHECK ONE)

- () Ministerial (Sec. 21080(b)(1); 15268);
- () Declared Emergency (Sec. 21080(b)(3); 15269(a));
- () Emergency Project (Sec. 21080(b)(4); 15269 (b)(c))
- (X) Categorical Exemption: CEQA State Guidelines, Section 15301, Existing Facilities
- () Statutory Exemptions:

Reasons why project is exempt: The City conducted an environmental review which determined that the proposed project is exempt from CEQA pursuant to CEQA Guidelines Section 15301, which allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing facilities (public or private), involving negligible or no expansion of use beyond that existing at the time of the determination. The proposed project, as included in the Project Description of this notice, is not an expansion of use. No environmental impacts were identified for the proposed project. Additionally, none of the exceptions described in CEQA Guidelines Section 15300.2 apply.

Lead Agency Contact Person: Rachael Lindquist

Telephone: (619) 446-5129

ATTACHMENT 6

If filed by applicant:

- 1. Attach certified document of exemption finding.
- 2. Has a notice of exemption been filed by the public agency approving the project? () Yes () No

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


CHRIS TRACY, AICP

 Signature/Title SENIOR PLANNER

6/26/18

 Date

Check One:

- Signed By Lead Agency
- Signed by Applicant

Date Received for Filing with County Clerk or OPR:

UNIVERSITY COMMUNITY PLANNING GROUP

Notice of Executive Committee Decision

May 8, 2018

At the meeting held on 8 May, a decision was made to approve the following project:

Javier's Restaurant, UTC, 4545 La Jolla Village Drive, Suite 1000, PTS 586434 (12,300 sq. ft.). Conditional Use Permit for Tequila to take away.

The vote was 13 to 0, with 0 abstentions. There were no recusals.

The Minutes for this meeting will reflect this decision when posted; this Notice is provided in advance of posting so that actions dependent on approval of this Project may be made in a timely manner.

Chris Nielsen



Chair, UCPG



City of San Diego
Development Services
 1222 First Ave., MS-302
 San Diego, CA 92101
 (619) 446-5000

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

Javier's - UTC

Project No. For City Use Only

586434

Project Address:

4545 La Jolla Village Drive, Suite 1000, San Diego, CA

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):

Owner Tenant/Lessee Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

Owner Tenant/Lessee Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

Owner Tenant/Lessee Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

Owner Tenant/Lessee Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Project Title: Javier's - UTC	Project No. (For City Use Only)
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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? DEL Corporate Identification No. 200524910029
 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):
UTC Venture LLC

Owner Tenant/Lessee

Street Address:
2049 Century Park East, 41st Floor

City/State/Zip:
Los Angeles, CA 90067

Phone No: 310-478-4456 Fax No:

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

Title (type or print):

Signature :  Date:

Corporate/Partnership Name (type or print):
Javier's-UTC, LLC

Owner Tenant/Lessee


Street Address:
30012 Ivy Glenn Drive, Suite 135

City/State/Zip:
Laguna Niguel, CA 92677

Phone No: 949-531-3004 Fax No:

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

Title (type or print):
Manager

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:

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

PREMISE ADDRESS: 4301 La Jolla Village Drive, Suite #1000
(ABC license address: 4545 La Jolla Village Drive, Suite #1000)

TYPE OF BUSINESS: Javier's UTC

FEDERAL CENSUS TRACT: 83.40

NUMBER OF ALCOHOL LICENSES ALLOWED: 5

NUMBER OF ALCOHOL LICENSES EXISTING: 1 (not over-concentrated)

CRIME RATE IN THIS CENSUS TRACT: 187.7% - (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

IS THE PREMISE WITHIN 600 FEET OF INCOMPATIBLE FACILITY YES NO

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

ABC LICENSE REVOKED AT THIS PREMISE WITHIN PAST YEAR YES NO

HAS APPLICANT BEEN CONVICTED OF ANY FELONY YES NO

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

COMMENTS/OTHER FACTORS CONSIDERED: Javier's is an upscale restaurant within the newly redesigned University Towne Center shopping mall. The crime rate in census tract 83.40 is considered high crime, however the alcohol crime rate is low at 17%.

SUGGESTED CONDITIONS: The San Diego Police Department is requesting the following restrictive condition(s) be placed with the properties Conditional Use Permit to maintain consistency with the planned operation of a restaurant and prevent the potential of increasing the alcohol crime rate in the area.

1. Distilled spirits shall not be sold in bottles or containers smaller than 375ml.
2. No wine shall be sold in bottles or containers smaller than 750ml.

SAN DIEGO POLICE DEPARTMENT RECOMMENDATION:

APPROVE X

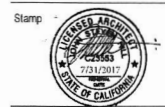
DENY _____

Linna Griffinal SGT.
Name of SDPD Vice Sergeant (Print)

5312563
Telephone Number

[Signature]
Signature of SDPD Vice Sergeant

2.26.18
Date of Review



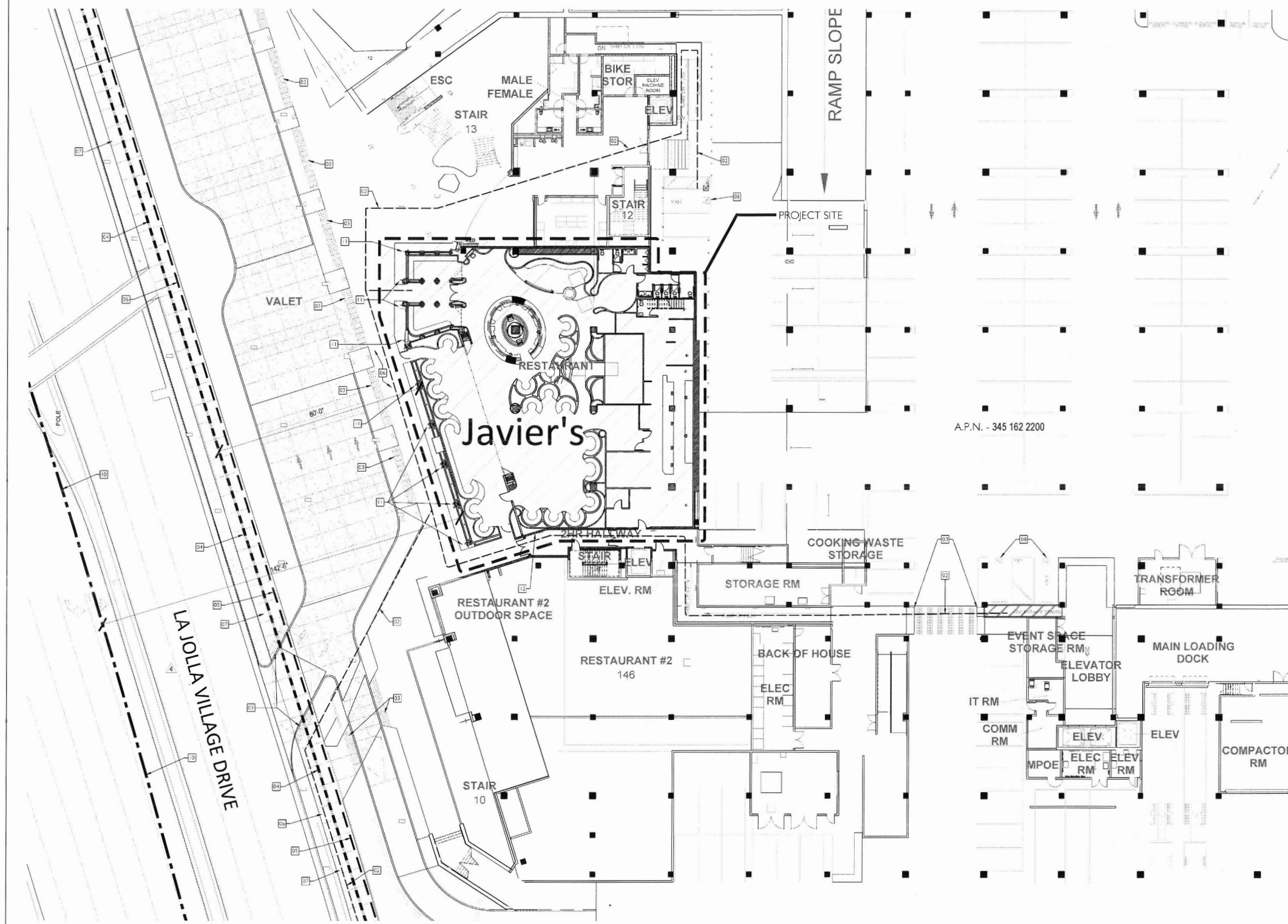
Stamp

Submittal Dates	PC Submittal	12/09/16
PC Resubmittal	05/08/17	
PC Resubmittal	08/21/17	

Rev.	Description	Date
1	PC Corrections	05/08/17
2	PC Corrections	08/21/17
3	ID Coordination	08/21/17
4	PC Corrections	10/24/17

Project Type

Javier's UTC
4301 LA JOLLA VILLAGE DRIVE, SUITE # 1000
SAN DIEGO, CA 92122
APN: 345-090-56-00



Legal Description

PARCEL 1A:
PARCEL 1 OF PARCEL MAP NO. 12903, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SEPTEMBER 16, 1983, AS FILE NO. 83-331411 OF OFFICIAL RECORDS.

EXCEPT THEREFROM ALL OF THE BUILDINGS AND IMPROVEMENTS SITUATED THEREON AS RESERVED BY UNIVERSITY TOWN CENTER ASSOCIATES, A CALIFORNIA LIMITED PARTNERSHIP, IN GRANT DEED RECORDED FEBRUARY 28, 1978 AS FILE NO. 78-077539 OF OFFICIAL RECORDS.

EXCEPT THEREFROM, THE INTEREST OF UNIVERSITY TOWN CENTER ASSOCIATES, A CALIFORNIA LIMITED PARTNERSHIP IN AND TO THE ESTATE OF LIMITATION TO ALL OF THE BUILDINGS AND OTHER IMPROVEMENTS SITUATED THEREON RESERVED IN THE DEED DATED FEBRUARY 28, 1978 AND RECORDED FEBRUARY 28, 1978 RECORDED'S FILE NO. 78-077539 OF OFFICIAL RECORDS UNTIL THE EXPIRATION OR SOONER TERMINATION OF THAT CERTAIN LEASEHOLD ESTATE HEREIN DESCRIBED IN THE ESTATE HEREIN.

PARCEL 1B:
ALL BUILDINGS AND IMPROVEMENTS SITUATED ON THE FOLLOWING DESCRIBED PROPERTY:

PARCEL 1 OF PARCEL MAP NO. 12903, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SEPTEMBER 16, 1983, AS FILE NO. 83-331411 OF OFFICIAL RECORDS.

PARCEL 1C:
ALL RECIPROCAL EXCLUSIVE AND NON-EXCLUSIVE RIGHTS, EASEMENTS, PRIVILEGES OF USE, INGRESS AND EGRESS, PARKING AND FOR UTILITY AND OTHER PURPOSES CREATED AND GRANTED AS AN APPURTENANCE TO THE PROPERTY DESCRIBED IN PARCEL A AND THE BUILDINGS AND IMPROVEMENTS THEREON IN AND BY THAT CERTAIN CONSTRUCTION, OPERATION AND RECIPROCAL EASEMENT AGREEMENT DATED AS OF JUNE 30, 1977, EXECUTED BY AND BETWEEN UNIVERSITY TOWN CENTER ASSOCIATES, CARTER HAWLEY HALE STORES, INC., SEARS ROEBUCK AND CO., ADCOR REALTY CORPORATION, AND CONVENANT OF ASSOCIATED DRY GOODS CORPORATIONS, RECORDED JUNE 30, 1977 IN THE OFFICE OF THE RECORDER, SAN DIEGO COUNTY, RECORDER'S FILE NO. 77-263404 AND RE-RECORDED AUGUST 24, 1977 IN THE OFFICE OF SAID RECORDER IN FILE NO. 77-347538 AND AS AMENDED BY AMENDMENT NO. 1 TO CONSTRUCTION, OPERATION AND RECIPROCAL EASEMENT AGREEMENT RECORDED SEPTEMBER 20, 1983 AS FILE NO. 83-335870 IN, ON, OVER, UPON AND UNDER PARCELS 1, 3 AND 4 OF PARCEL MAP NO. 6481, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, BEING A DIVISION OF LOT 1 OF UNIVERSITY TOWN CENTER UNIT NO. 1, ACCORDING TO MAP THEREOF NO. 8352 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, TOGETHER WITH ALL OF THE RIGHTS, AND PRIVILEGES AND BENEFITS UNDER SAID CONSTRUCTION, OPERATION AND RECIPROCAL EASEMENT AGREEMENT ACCRUING TO UNIVERSITY TOWN CENTER ASSOCIATES, ITS SUCCESSORS, LEGAL REPRESENTATIVES AND ASSIGNS.

PARCEL 1 D:
ALL RIGHTS, EASEMENT AND PRIVILEGES OF USE FOR INGRESS AND EGRESS, PARKING, PEDESTRIAN AND VEHICULAR TRAFFIC ACCESS AND OTHER PURPOSES AN APPURTENANCE TO THE PROPERTY DESCRIBED IN PARCELS A AND C AND BY THAT CERTAIN EASEMENT AGREEMENT DATED JUNE 16, 1983, EXECUTED BY SEARS, ROEBUCK AND LAND CO., A NEW YORK CORPORATION AND UNIVERSITY TOWN CENTER ASSOCIATES, A CALIFORNIA LIMITED PARTNERSHIP, RECORDED JUNE 13, 1983 AS FILE NO. 83-238380 OF OFFICIAL RECORDS, IN, ON, OVER, UPON AND ACCESS THAT PORTION OF PARCEL 1 OF PARCEL MAP NO. 6481, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS MORE PARTICULARLY DESCRIBED IN SAID DOCUMENT.

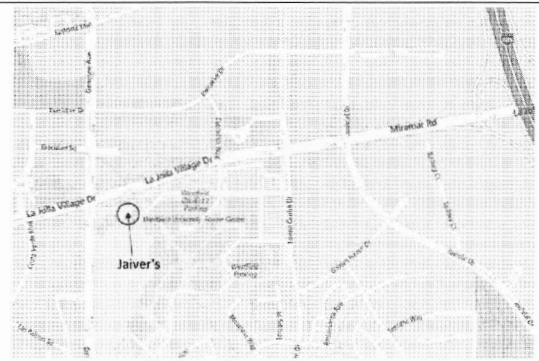
APPROVED PARKING GARAGE (PHASE 2)
FOR REFERENCE ONLY
PERMIT # 390317, 390327, 417631
FOR THIS PROJECT: REFERENCE GRADING
AND IMPROVEMENT PLAN 38361-1-D

PROJECT DESCRIPTION

PERMIT TO SELL ALCOHOLIC BEVERAGES FOR OFF-SITE CONSUMPTION (ABC TYPE 21 LICENSE) AT A NEW RESTAURANT.

NO NEW CONSTRUCTION PROPOSED

VICINITY MAP



LEGEND

- (A) ACCESSIBLE PATH OF TRAVEL: - - - - -
- (B) ACCESSIBLE PATH OF TRAVEL, FROM ACCESSIBLE PARKING SPACE: - - - - -
- (C) PEDESTRIAN PUBLIC ACCESS EASEMENT: - - - - -
- (D) BUILDING PROPERTY LINE: - - - - -

SCALE: 1/32" = 1'-0" 01

Sheet Title

ENLARGED SITE PLAN

Job Number:
(SR)-A677.C1
Date:
7.09.16
Sheet No.:



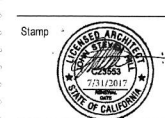
robinson hill architecture, inc.
A California Corporation
3155-B Airport Loop Dr.
Costa Mesa, CA 92626
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web: www.rhainc.net

Michael David Robinson C-20731
John Steven Hill C-23553

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Owner:
UTC Venture LLC
2049 Century Park East, 41st Floor
Los Angeles, CA 90067

Consultant:
Alcoholic Beverage Specialists
Attn: Steve Rawlings
25023 Jefferson Ave., Suite B
Murrieta, CA 92562



Submital Dates:
PC Submittal 12/09/16
PC Resubmittal 06/08/17
PC Resubmittal 08/21/17

Rev.	Description	Date
1	PC Corrections	06/08/17
2	PC Corrections	08/21/17
3	ID Coordination	08/21/17
4	PC Corrections	10/24/17

Project Type

Project Type

Project Type

Project Type

Project Type

Project Type

Project Type

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Project Type

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Project Type

Project Type

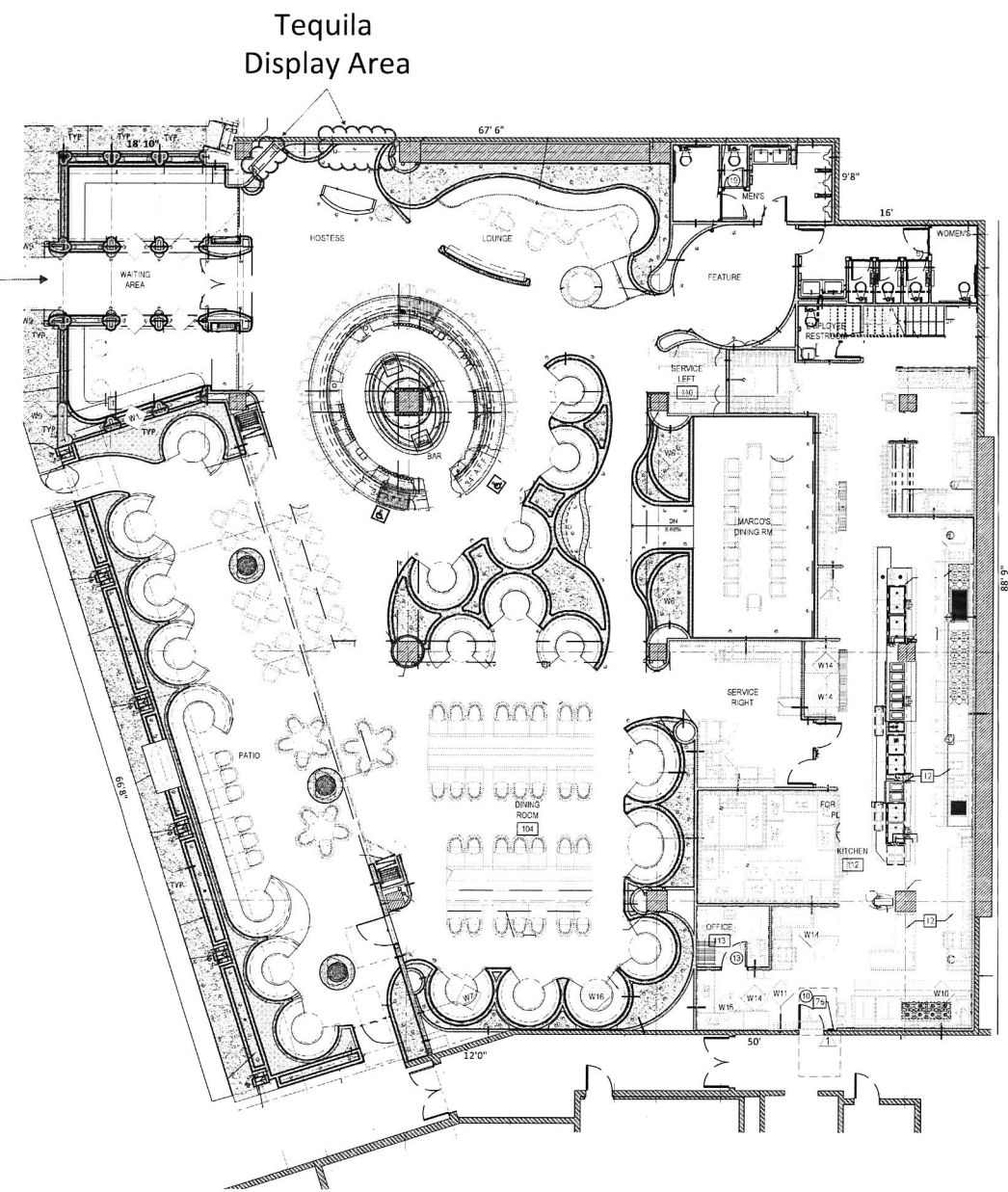
Project Type

Project Type

Project Type

Project Type

Project Type



PROJECT DESCRIPTION

PROPOSED FLOOR PLAN

SCALE: 1/8" = 1'-0"

01

02

PERMIT TO SELL TEQUILA AND OTHER ALCOHOLIC BEVERAGES FOR OFF-SITE CONSUMPTION (ABC TYPE 21 LICENSE) FROM AT A NEW RESTAURANT THAT WILL ALSO HAVE AN ABC TYPE 47 LICENSE.

NO NEW CONSTRUCTION PROPOSED.

Sheet Title

PROPOSED FLOOR PLANS

Job Number: 16RH-1A677.C1
Date: 12.09.16
Sheet No.:

Javier's UTC
4301 LA JOLLA VILLAGE DRIVE, SUITE # 1000
SAN DIEGO, CA 92122
APN: 345-090-56-00