

The existing 981-square-foot convenience store was originally built in 1992 and includes a car wash and automobile service station. Currently there has not been any alcohol licenses issued for this address. The existing market is within a fully developed urbanized community that includes small-scale retail and commercial uses north and south along Washington Avenue. The adjacent neighborhoods have been developed over several decades with low to medium density residential development.

The site is zoned MCCPD-CN-4 Zone which allows for commercial development intended to provide for pedestrian oriented commercial and mixed-use districts in selected higher activity areas such as major intersections. The project site is also located within the Middletown neighborhood of the Uptown Community Plan area in a "Specialized Commercial" area. The Specialized Commercial area along India Street is described in the Uptown Community Plan as, "...primarily an automobile-oriented specialized commercial center. Freestanding commercial uses oriented to the freeway provide services community wide."

The sale of alcoholic beverages is not addressed in the Community Plan except for a recommendation..., "to provide appropriately located, attractive retail and office facilities that offer a wide variety of goods and services this plan recommends the consolidation and intensification of commercial activities." The Plan also has the Objective to, "Provide a wide range of commercial goods and services to the Uptown community."

DISCUSSION

Development Regulations and Location Criteria

Alcoholic beverage outlets are permitted by right as a Limited Use pursuant to Section 141.0502(b) of the Land Development Code (LDC). However, alcoholic beverage outlets that are 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 Businesses and Professional Code Section 23958.4 may still be permitted with a Conditional Use Permit pursuant to LDC Section 141.0502(c) of the LDC. Currently the census tract has four alcohol licenses and two are allowed. The public convenience or necessity was approved by the Department on 10/24/2011.

The applicant is proposing a new Type 20 ABC license which allows the general sale of beer and wine. The pending ABC license is defined as "off-sales" which would require all of the alcohol sold at the store to be consumed off of the premises.

The Limited Use Regulations of the Land Development Code, Section 141.0502(b)(1) do not permit alcoholic beverage outlets by right (i.e. would require a Conditional Use Permit) in the following locations:

- 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 property is in Census Tract No. 0002.02 which reported a crime rate 91.2 percent. This is not considered high crime based on the statistics provided by the San Diego Police Department. A Census Tract is considered to have "high crime" if the crime rate exceeds 120 percent of the city-wide average. Therefore, a CUP is not required for the off-sale of alcoholic beverages at this location based on this factor.

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 Businesses and Professional Code Section 23958.4.

The subject property is within Census Tract No. 0002.02, which based on the California Businesses and Professional Code Section 23958.4 permits a total of two (2) off-sale alcoholic beverage outlets. There are currently four (4) existing off-sale alcohol beverage outlets within Census Tract 0002.02 (Attachment 3). This project would increase the number of licenses to five. Therefore a CUP would be required for the off-sale of alcoholic beverages based on this factor.

3. Within a Redevelopment Area.

The project site is not within a Redevelopment Area. Therefore a CUP would not be required for the off-sale of alcoholic beverages based on this factor.

4. Within 600 feet of a public or private accredited school, a public park, playground or recreational area, church, hospital or a San Diego County Welfare District Office.

The project is not within 600 feet of an incompatible facility therefore a CUP would not be required for the off-sale of alcoholic beverages based on this factor.

5. Within 100 feet of residentially zoned property.

The project site is not within 100 feet of residentially zoned property. Therefore a CUP would be not required for the off-sale of alcoholic beverages based on this factor.

6. Within 600 feet of a place of religious assembly.

The project site is not known to be within 600 feet of religious assembly.

The proposed off-sale alcoholic beverage outlet at this site requires a Conditional Use Permit because the project site does not meet all of the location criteria of the Municipal Code. As demonstrated above, the project site is 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 Businesses and Professional Code Section 23958.4. Any one of these factors establishes the need for the Conditional Use Permit.

Alcohol Sales-Project Analysis:

The project has been reviewed by the Development Services staff and the San Diego Police Department (SDPD) for conformance to the applicable development regulations and land use policies. The SDPD recommendation to support the project relies on the fact that the Uptown Planners have approved CUP, the owner has never been convicted of a felony, and the business will not be detrimental to the public health, safety and welfare of the community and the city. The property is within an existing commercial area that serves Interstate 5 and the adjacent residential neighborhood. The existing convenience store is consistent with the commercial use designated by the community plan and Planned District Ordinance and would continue to operate as a convenience store with no additional expansion of the building. The addition of beer and wine sales for off-site consumption would be a commercial retail use and should not adversely impact the community.

Draft Conditions of Approval

Approval of this application would allow the sale of alcohol (limited to beer and wine) to be conditioned so that the alcohol sales would not have a negative impact on the surrounding neighborhood (Attachment 5). The Conditional Use Permit includes a number of conditions that would limit the hours of sales, regulate advertising, provide for a well-lighted, cleaner site and prohibit specific on-site activities with the objective of reducing the likelihood of loitering and other criminal activity on the property. Additionally, the CUP provides an opportunity for the San Diego Police Department to petition the State Department of Alcohol Beverage Control (ABC) to include enforceable conditions regulating the type, size, quantities and alcoholic content (proof by volume) of the beverages. Further, both staff and the Police Department concluded that if the permit were appropriately conditioned, the proposed alcohol sales would not have a negative impact on the surrounding neighborhood.

Specifically, the CUP conditions would limit the hours of alcohol beverage sales from 8:00 AM to 11:00 pm. The CUP would prohibit pinball games, arcade-style video and electronic games, or coin-operated amusement machines on the premises. Exterior and interior public pay phones would not be permitted on the premises, on adjacent public sidewalks, or areas under the control of the owner or operator. Advertising would be limited and "No Loitering" signs would be required to be prominently displayed on the premises. Finally, the Conditional Use Permit would include a 20-year expiration date from the date the CUP was approved. The permit could be extended through the appropriate review and decision process and may be subject to additional conditions at that time.

Conclusion

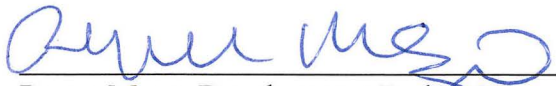
City staff and San Diego Police Department supports the request for a Conditional Use Permit for the sale of alcohol. The staff support is predicated primarily on the fact that the owner has never been convicted of a felony, and the business will not be detrimental to the public health, safety and welfare of the community and the city. While approval of the license to permit alcohol sales (limited to beer and wine), it would also provide an opportunity for the City to place

restrictions on the premises that would help ensure the outlet is a cohesive element of the neighborhood and would not be detrimental to the public health, safety and welfare of the community. The project is consistent with the underlying commercial zone and the applicable land use plans and policies in affect for the site. An environmental initial study performed by the Development Services Department determined that the proposed project was exempt from further CEQA review as an existing facility and is supported with proposed conditions and ABC license recommendations by the San Diego Police Department.

ALTERNATIVES:

1. Approve Conditional Use Permit No. 587983, with modifications; or
2. Deny Conditional Use Permit No. 587983, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Renee Mezo, Development Project Manager

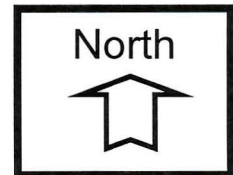
Attachments:

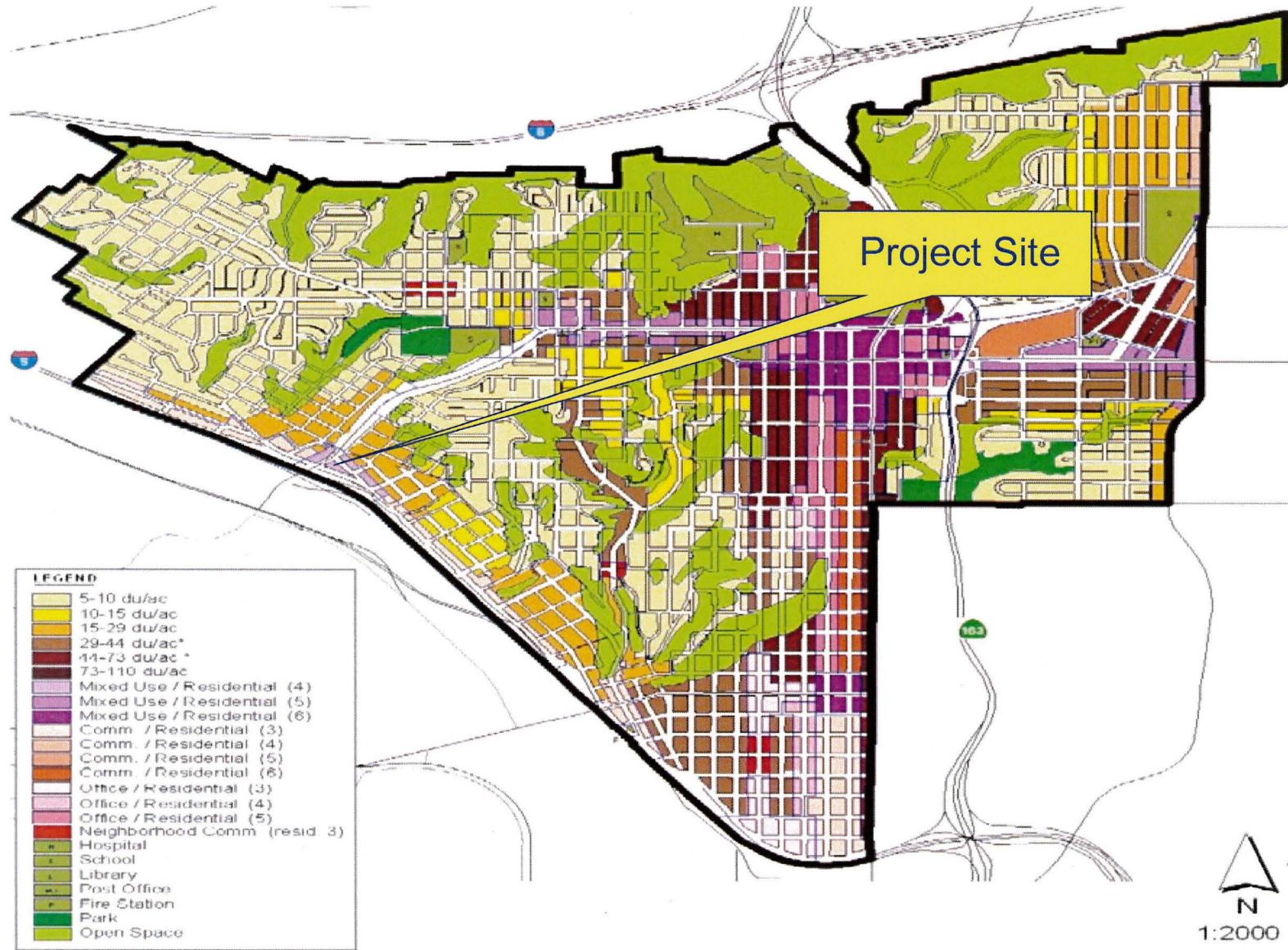
1. Aerial Photograph
2. Community Plan Land Use Map
3. List of surrounding Alcohol Beverage Outlets
4. Draft Permit with Conditions
5. Draft Permit Resolution with Findings
6. Environmental Exemption
7. Project Plans (Hearing Officer only)
8. San Diego Police Department Recommendation
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement
11. Public Hearing Notice



Aerial Photo

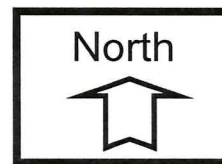
WASHINGTON MOBIL CUP – 1809 WASHINGTON AVENUE
PROJECT NO. 293789





Land Use Map

WASHINGTON MOBIL CUP – 1809 WASHINGTON AVENUE
PROJECT NO. 293789



ABC Query System
Existing off-sale licenses in the 0002.02 census tract

| | |
|--|---------|
| SAFFRON 3731 INDIA ST B SAN DIEGO, CA 92103 Census Tract: 0002.02 | SAFFRON |
|--|---------|

| | |
|---|----------------|
| MAMMO, SELWAN I 1802 W WASHINGTON ST SAN DIEGO, CA 92103 Census Tract: 0002.02 | PALOMAR MARKET |
|---|----------------|

| | |
|---|---------------|
| ZETOUNA, DURAIM MASOUD 805 W WASHINGTON ST SAN DIEGO, CA 92103 Census Tract: 0002.02 | FALCON LIQUOR |
|---|---------------|

| | |
|---|------------------------|
| HILLARI INC 3981 EAGLE ST SAN DIEGO, CA 92103-2941 Census Tract: 0002.02 | FIORIS PIZZA & SPIRITS |
|---|------------------------|

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: 24003195 SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 587983
WASHINGTON MOBIL - PROJECT NO. 293789
HEARING OFFICER
DRAFT

This Conditional Use Permit No. 587983 is granted by the Hearing Officer of the City of San Diego EXXON MOBIL OIL CORPORATION, Owner and NEWKIRKS SANTE FE SERVICE, Permittee, pursuant to San Diego Municipal Code (SDMC) section 126.0305. The 0.52-acre site is located at 1809 West Washington Street in the Mid-City Communities Planned District CN-4 Zone, the Airport Approach Overlay Zone, the Transit Area Overlay Zone, and the Federal Aviation Authority Part 77 Overlay Zone within the Uptown Community Plan. The project site is legally described as: Parcel A in the City of San Diego according to Parcel Map No. 387, filed in the Office of the County Recorder of San Diego County.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate an alcoholic beverage outlet (Type 20) conditioned upon the issuance of a license from the State Department of Alcoholic Beverage Control (ABC) 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 April 24, 2013, on file in the Development Services Department.

The project shall include:

- a. The continued operation and maintenance of the existing gas station and carwash;
- b. The continued operation and maintenance of the existing 912-square-foot market that will include the sale of beer and wine within the existing cooler, Type 20 State Department of Alcoholic Beverage Control license allowing the operation of an alcoholic beverage outlet to sell beer and wine conditioned upon the issuance of such license from the ABC;

- c. Maintenance of existing off-street parking;
- d. 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 May 8, 2016.
2. This Conditional Use Permit will expire and become void 20 years from the approval date of the Conditional Use Permit. The applicant may request that the expiration date be extended in accordance with the provisions of Municipal Code 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.

PLANNING REQUIREMENTS:

13. The sales of alcoholic beverage shall be permitted only between the hours of 8:00 a.m. and 11:00pm.
14. The parking, the exterior of the premises, the adjacent public sidewalks, and all other adjacent areas under the licensee's control shall be illuminated to a level of 0.4 foot candles. The illumination shall be maintained during all hours of darkness that the premises are open for business, so that persons standing on or near the premises at night are identifiable to law enforcement personnel. Illumination shall be directed and shielded so that it does not shine onto other properties.
15. The premises shall conform to the transparency requirement for the zone in which it is located, and the licensee shall not post signage, or position displays or any other object that interferes with the transparency requirement.
16. The total area of advertising signage that indicates alcoholic beverages or alcohol sales shall not exceed 630 square inches total for the premises and shall not be placed so as to interfere with transparency.
17. Any graffiti applied to or any litter deposited on the premises or adjacent public sidewalks or adjacent area(s) under the licensee control shall be removed or painted over, as appropriate, within 48 hours of its application or deposit.
18. No amusement machines or video game, no pool or billiard table, no foosball or pinball machine, no arcade style video or electronic game, and no coin operated amusement device may be allowed 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 or operator.
20. The licensee shall place trash receptacles convenient for use by patrons inside and outside the premises and in the parking area and near adjacent sidewalks and in any other adjacent area under the control of the licensee. At least one 13-gallon receptacle shall be located inside the premises. At least one 32-gallon receptacle shall be located outside the premises, and at least one additional 32-gallon receptacle shall be located in each parking area.
21. The licensee shall conspicuously post a copy of these Conditions at the premises and maintain them visible so they may be viewed by the public or any government official.
22. No loitering may be allowed on the premises or on any adjacent area under the control of the licensee. If necessary, the licensee shall hire and post security guards to enforce this condition.

23. The licensee shall post and maintain a professional quality sign facing each parking lot that reads as follows: NO LOITERING, NO LITTERING, NO OPEN CONTAINERS, NO DRINKING OF ALCOHOLIC BEVERAGES ON THE PREMISES, PARKING AREAS, OR ADJACENT SIDEWALKS. VIOLATORS ARE SUBJECT TO ARREST. The signs shall be in English and Spanish. The printing shall be two-inch or taller block lettering, and the signs shall be large enough to contain all the lettering.
24. Security cameras which cover all of the premises and parking shall be installed and maintained. Recordings shall be available to any law enforcement agent or agency on request.
25. No alcoholic beverages shall be consumed on the premises under the control of the business owner or the property owner.
26. No more than ten percent (10%) of the sales area will be dedicated to the display and sale of alcohol.

POLICE DEPARTMENT RECOMMENDATIONS FOR ABC LICENSE:

The following recommendations from the San Diego Police Department are requested to be included on the State of California Department of Alcohol Beverage Control license:

- The sales of alcoholic beverage shall be permitted only between the hours of 8:00 a.m. and 11:00pm.
- Any graffiti applied to or any litter deposited on the premises or adjacent public sidewalks or adjacent area(s) under the licensee control shall be removed or painted over, as appropriate, within 48 hours of its application or deposit.
- Wine shall not be sold in containers of less than 750 milliliters.
- There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
- Beer, Malt beverages and wine cooler products, regardless of container size, must be sold in manufacturer pre-packaged multi-unit quantities.
- Wine shall not be sold with an alcoholic content greater than 15 percent by volume with the exception of “dinner wines” aged two or more years.

INFORMATION ONLY:

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

APPROVED by the Hearing Officer of the City of San Diego on April 24, 2013 pursuant to Hearing Officer Resolution No. XXXX.

Permit Type/PTS Approval No.:
Date of Approval:

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

NAME
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.**

[NAME OF COMPANY]
Owner/Permittee

By _____
NAME
TITLE

[NAME OF COMPANY]
Owner/Permittee

By _____
NAME
TITLE

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

HEARING OFFICER RESOLUTION NO. (DRAFT)
CONDITIONAL USE PERMIT NO. 587983
WASHINGTON MOBIL - PROJECT NO. 293789

WHEREAS, EXXON MOBIL OIL CORPORATION, Owner, and NEWKIRKS SANTE FE SERVICE, Permittee, filed an application with the City of San Diego for a permit for a Type 20 State of California Alcohol Beverage Control (ABC) license limited to beer and wine (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval) for the associated Conditional Use Permit No. 587983, on portions of a 0.52-acre site; and

WHEREAS, the project site is located at 1809 West Washington Street in the Mid-City Communities Planned District CN-4 Zone, the Airport Approach Overlay Zone, the Transit Area Overlay Zone, and the Federal Aviation Authority Part 77 Overlay Zone within the Uptown Community Plan Area; and

WHEREAS, the project site is legally described as Parcel A in the City of San Diego according to Parcel Map No. 387, filed in the Office of the County Recorder of San Diego County; and

WHEREAS, on April 24, 2013, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 587983, pursuant to the Land Development Code of the City of San Diego; and

WHEREAS, on December 12, 2012 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 April 24, 2013:

CONDITIONAL USE PERMIT FINDINGS - SECTION 126.0305:

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

The proposed development is requesting a Conditional Use Permit to allow the sale of alcoholic beverages, limited to beer and wine, within an existing gas station convenience store. The proposed development is located at 1809 West Washington Street within the Middletown neighborhood of the Uptown Community Plan Area. The Plan designates the 0.52-acre site as a "Specialized Commercial" area. The Specialized Commercial area along India Street is described in the Uptown Community Plan as, "...primarily an automobile-oriented specialized commercial center. Freestanding commercial uses oriented to the freeway provide services community wide."

The sale of alcoholic beverages is not addressed in the Community Plan except for the recommendation, "to provide appropriately located, attractive retail and office facilities that offer a wide variety of goods and services this plan recommends the consolidation and intensification of commercial activities." The Plan also has the Objective to "Provide a wide range of commercial goods and services to the Uptown

community." The 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 as a Limited Use sometimes requiring a Conditional Use Permit. The Plan recommends the site be used for commercial development therefore the Type 20 ABC license would not adversely affect the applicable land use plan.

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

The proposed development is requesting a Conditional Use Permit to allow the sale of alcoholic beverages, limited to beer and wine, within an existing gas station convenience store. The proposed development is located at 1809 West Washington Street within the Middletown neighborhood of the Uptown Community Plan Area. The 0.52-acre site is zoned MCCPD-CN-4 Zone which allows for commercial development intended to provide for pedestrian oriented commercial and mixed-use districts in selected higher activity areas such as major intersections. The existing convenience store would continue to be consistent with the recommended commercial land use, therefore there would be no conflict with the current development pattern in the neighborhood. An environmental review was conducted by the Development Services Department and concluded there would be no environmental impacts associated with the proposed development. Permit conditions related to the sale of alcohol, limiting the type, quantity and proof and limiting the hours permitted to sell the beverages would be petitioned to be included on the ABC license. Conditions regulating signage, lighting and other land use issues would help ensure a safe and well maintained operation. Therefore, the proposed development would 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 proposed development is requesting a Conditional Use Permit to allow the sale of alcoholic beverages, limited to beer and wine, within an existing gas station convenience store. The proposed development is located at 1809 West Washington Street within the Middletown neighborhood of the Uptown Community Plan Area.

The site is zoned MCCPD-CN-4 Zone which allows for commercial development intended to provide for pedestrian oriented commercial and mixed-use districts in selected higher activity areas such as major intersections. The use of the site as an alcoholic beverage outlet is permitted with a Conditional Use Permit due to the oversaturation of licenses within Census Tract No. 0002.02. The project complies with the applicable regulations of the Land Development Code and no deviation or variance is requested as a part of this application.

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

The proposed development is requesting a Conditional Use Permit to allow the sale of alcoholic beverages, limited to beer and wine, within an existing gas station convenience store. The proposed development is located at 1809 West Washington Street within the Middletown neighborhood of the Uptown Community Plan Area.

The Plan designates the 0.52-acre site as a "Specialized Commercial" area. The Specialized Commercial area along India Street is described in the Uptown Community Plan as, "...primarily an automobile-oriented specialized commercial center. Freestanding commercial uses oriented to the freeway provide services community wide."

The site is zoned MCCPD-CN-4 Zone which allows for commercial development intended to provide for pedestrian oriented commercial and mixed-use districts in selected higher activity areas such as major intersections. The existing convenience store would continue to be consistent with the recommended commercial land use; therefore there would be no conflict with the current development pattern in the neighborhood. The Type 20 ABC license permits the sale of beer and wine and alcohol products are generally defined as a retail use therefore the addition of beer and wine would be considered an expansion of the existing retail merchandise therefore, the proposed development would be appropriate at the proposed location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 587983 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permitted, in the form, exhibits, terms and conditions as set forth in Conditional Use Permit No. 587983, a copy of which is attached hereto and made a part hereof.

Renee Mezo
Development Project Manager
Development Services

Adopted on: April 24, 2013

Job Order No. 24003195

NOTICE OF EXEMPTION

(Check one or both)

TO: RECORDER/COUNTY CLERKP.O. BOX 1750, MS A-33
1600 PACIFIC HWY, ROOM 260
SAN DIEGO, CA 92101-2422

FROM: CITY OF SAN DIEGO

DEVELOPMENT SERVICES DEPARTMENT
1222 FIRST AVENUE, MS 501
SAN DIEGO, CA 92101 OFFICE OF PLANNING AND RESEARCH
1400 TENTH STREET, ROOM 121
SACRAMENTO, CA 95814

PROJECT NO.: 293789

PROJECT TITLE: **Washington Mobil**

PROJECT LOCATION-SPECIFIC: 1809 West Washington Street, San Diego, CA 92103 (Portions of Lots 7, 8 and 9 of Block No. 179 of Middletown and a Portion of Lot 107 Map 400)

PROJECT LOCATION-CITY/COUNTY: San Diego/San Diego

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: Conditional Use Permit (CUP) to allow for minor interior alterations to create display cabinets and for alcohol sales at an existing Mobil gas station. The project is located at 1809 West Washington Street in the Mid Cities Community Plan District-Commercial Neighborhood (MCCPD-CN-4) Zone, Airport Approach Overlay Zone, Transit Area Overlay Zone, Federal Aviation Administration (FAA) Part 77 noticing areas within the Mid-Cities Community Plan Area of Council District 3 of the City of San Diego.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Dave Longmore

P.O. Box 503943
San Diego, CA, 92150
858-603-9478

EXEMPT STATUS: (CHECK ONE)

- MINISTERIAL (SEC. 21080(b)(1); 15268);
- DECLARED EMERGENCY (SEC. 21080(b)(3); 15269(a));
- EMERGENCY PROJECT (SEC. 21080(b)(4); 15269 (b)(c))
- CATEGORICAL EXEMPTION: This project is exempt pursuant to the California Environmental Quality Act Section 15301(a) – existing facilities – interior or exterior alterations
- STATUTORY EXEMPTIONS:

REASONS WHY PROJECT IS EXEMPT: This project is exempt because minimal interior alterations for display cabinets are proposed and this project would not cause any health or human safety impacts. In addition the project is exempt because it meets the criteria set forth in CEQA section 15301(a) – existing facilities – interior or exterior alterations - and where the exceptions listed in CEQA section 15300.2 would not apply. Therefore, no adverse impacts would occur.

LEAD AGENCY CONTACT PERSON: Lizzi

TELEPHONE: (619) 446-5159

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

SIGNATURE/TITLE

DATE

CHECK ONE:

- SIGNED BY LEAD AGENCY
- SIGNED BY APPLICANT

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:

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

PREMISE ADDRESS: 1809 West Washington Ave.

TYPE OF BUSINESS: Gas Station

FEDERAL CENSUS TRACT: 2.0

NUMBER OF ALCOHOL LICENSES ALLOWED: 2

NUMBER OF ALCOHOL LICENSES EXISTING: 4

CRIME RATE IN THIS CENSUS TRACT: 91.2% (2012)
(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:

Census Tract 2.0 has (4) alcohol license existing and (2) allowed. The Public Convenience or Necessity was approved by the Department on 10/24/2011. ABC posted the premises and sent out notifications (every resident within 500 feet) in January of 2012 and received (15) protest against the issuance of the license. On March 5th, 2013, the Uptown Planners approved the issuance of a CUP for the Off-sales beer and wine license.

The Department recommends approving the CUP.

SUGGESTED CONDITIONS: If the CUP is approved, the Department would respectfully request the below conditions.

1. Sales of alcoholic beverages shall be permitted only between the hours of 8:00 AM and 11:00pm each day of the week.
2. Wine shall not be sold in bottles or containers smaller than 750 ml.
3. No wine shall be sold with an alcoholic content greater than 15% by volume except for "Dinner Wines" which have been aged two years or more.

4. Beer, malt beverages or wine cooler products, regardless of container size, must be sold in manufacturer pre-packaged multi-unit quantities.
5. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this conditions.
6. The petitioner(s) shall post and maintain a professional quality sign facing the premises parking lot(s) that reads as the following: NO LOITERING, NO LITTERING, NO DRINKING OF ALCOHOLIC BEVERAGES. VIOLATORS ARE SUBJECT TO ARREST. The sign shall be at least two feet square with two inch block lettering. The sign shall be in English and Spanish.
7. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the licensee(s) shall be removed or painted over within 48 hours of being applied.
8. There shall be no amusement machines or video game devices on the premises at any time.
9. No loitering on the premises and if necessary a security guard to control enforcement of this provision.
10. Illumination in the parking lot. Security camera covering both interior and exterior premises.
11. No more than 10-percent of the square footage of the premises will be used for the display of alcoholic beverages.

SAN DIEGO POLICE DEPARTMENT RECOMMENDATION:

APPROVE

DENY

JOHN SZAKANO
Name of SDPD Vice Sergeant (Print)

619-531-2349
Telephone Number

[Signature]
Signature of SDPD Vice Sergeant

3/19/13
Date of Review

Mezo, Renee

From: chair uptownplanners [chairuptownplanners@gmail.com]
Sent: Thursday, February 14, 2013 9:53 AM
To: Brian Longmore
Cc: Mezo, Renee
Subject: Re: Washington Mobil CUP 293789

Hi Brian:

I am happy to share with Renee the decision by the Uptown Planners at it's regular meeting on February 5, 2013 to **approve** your Conditional Use Permit for alcohol sales at the Mobil station as it was presented below:

1809 WEST WASHINGTON STREET ("WASHINGTON MOBIL CUP") – Five Points/Middletown – Conditional Use Permit to allow alcohol sales (beer and wine) at an existing Mobil gas station at 1809 W. Washington Street in the MCCPD-NN-4 Zone; MidCity Communities Planned District, AAOZ, Transit Area Overlay Zone; FAA Part 77

Our official meeting minutes have not yet been prepared. Once they are prepared and approved by the board, we post them on our website. This will not happen until after our March meeting at the earliest.

If you have any further questions, please feel free to contact me at 619 296-3699.

Sincerely,

Beth Jaworski
 Chair, Uptown Planners
 619 296-3699

On Tue, Feb 12, 2013 at 6:27 AM, Brian Longmore <permitsolutions@hotmail.com> wrote:
 Beth, could you please forward to our City Project Manager, Rene Mezo, a note indicting the outcome of our presentation to your group. Her e-mail is rmezo@sandiego.gov. Thank you.

For those of you who continue to offer support for our son through his health issues we once again say thank you for your prayers and well wishes. He is still recovering well, his new Marrow is working and the ongoing prognosis is excellent. Thank you again and please if you have not registered for "Be the Match" please do so, you may save a life.

PERMIT SOLUTIONS LTD
BRIAN LONGMORE

PHONE [858 603 9478](tel:8586039478)

FAX [858 391 1674](tel:8583911674)

Visit our website @ Permitsolutions.org



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**
 request for Beer and wine license 293789

Project Address:
 1809 W. Washington St, San Diego 92103

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):
 ELAINE NEWKIRK
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 1809 W. Washington
 City/State/Zip:
 San Diego, CA 92103
 Phone No: 858. 204. 6760 Fax No:
 Signature: Elaine J. Newkirk Date: 5/24/2012

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:

WASHINGTON MOBIL CUP

Project No. (For City Use Only)

293789

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

Legal Status (please check):

Corporation [X] Limited Liability or [] General What State? Corporate Identification No. Partnership []

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

Corporate/Partnership Name (type or print): EXXON MOBIL OIL CORPORATION
Owner [X] Tenant/Lessee []
Street Address: 3275 GULLAWAY RD, Rm 400239
City/State/Zip: FIREFAX VA 22037
Phone No: 703 346-1587 Fax No: 703 346-1716
Name of Corporate Officer/Partner (type or print): LOREN L. LAZEAR
Title (type or print): AGENT - ATTORNEY-IN-FACT
Signature: [Signature] Date: 10/10/12

Corporate/Partnership Name (type or print): NEWKIRK'S SANTA FE SERVICE, INC.
Owner [] Tenant/Lessee [X]
Street Address: 1309 WEST WASHINGTON ST
City/State/Zip: San Diego, CA 92103
Phone No: Fax No:
Name of Corporate Officer/Partner (type or print): NGUYEN'S SANTA FE SERVICE INC
Title (type or print):
Signature: [Signature] Date: 10.10.12

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:



THE CITY OF SAN DIEGO

DATE OF NOTICE: April 10, 2013

NOTICE OF PUBLIC HEARING HEARING OFFICER

DEVELOPMENT SERVICES DEPARTMENT

| | |
|------------------------------|--|
| DATE OF HEARING: | April 24, 2013 |
| TIME OF HEARING: | 8:30 A.M. |
| LOCATION OF HEARING: | Council Chambers, 12th Floor, City Administration Building, 202 C Street, San Diego, California 92101 |
| PROJECT TYPE: | CONDITIONAL USE PERMIT, EXEMPT FROM CEQA |
| PROJECT NO: | <u>293789</u> |
| PROJECT NAME: | <u>WASHINGTON MOBILE</u> |
| APPLICANT: | BRIAN LONGMORE |
| COMMUNITY PLAN AREA: | UPTOWN |
| COUNCIL DISTRICT: | District 3 |
| CITY PROJECT MANAGER: | RENEE MEZO, Development Project Manager |
| PHONE NUMBER/E-MAIL: | (619) 446-5001, rmezo@sandiego.gov |

As a property owner, tenant, or person who has requested notice, please be advised that the Hearing Officer will hold a public hearing to approve, conditionally approve, or deny an application for a Conditional Use Permit to allow alcohol sales at an existing Mobil gas station located at 1809 W. Washington Street in the MCCPD-CN-4 Zone of the Mid-City Communities Planned District, the Airport Approach Overlay Zone, the Transit Area Overlay Zone, and the FAA Part 77 Overlay Zones within the Uptown community Plan.

The decision of the Hearing Officer is final unless appealed to the Planning Commission. In order to appeal the decision you must be present at the public hearing and file a speaker slip concerning the application or have expressed interest by writing to the Hearing Officer before the close of the public hearing. The appeal must be made within 10 working days of the Hearing Officer's decision. Please do not e-mail appeals as they will not be accepted. See Information Bulletin 505 "Appeal Procedure", available at www.sandiego.gov/development-services or in person at the Development Services Department, located at 1222 First Avenue, 3rd Floor, San Diego, CA 92101

The decision made by the Planning Commission is the final decision by the City.

This project was determined to be categorically exempt from the California Environmental Quality Act on December 12, 2012 and the opportunity to appeal that determination ended January 7, 2013.

If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing. If you have any questions after reviewing this notice, you can call the City Project Manager listed above.

This information will be made available in alternative formats upon request. To request an agenda in alternative format or to request a sign language or oral interpreter for the meeting, call Support Services at (619) 321-3208 at least five working days prior to the meeting to insure availability. Assistive Listening Devices (ALD's) are also available for the meeting upon request.

Internal Order Number: 24003195

Revised 04/08/10 HRD