



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: November 12, 2014                      REPORT NO. HO 14-068

ATTENTION:                      Hearing Officer

SUBJECT:                      HAZARD AUTOMART CUP  
PTS PROJECT NUMBER: 368185

LOCATION:                      7698 Friars Road

APPLICANT:                      Javier Faudoa

Issue(s): Should the Hearing Officer approve a Conditional Use Permit to allow the sales of beer and wine in accordance with a Type 20 liquor license within a convenience store on a site developed with existing service station in the Mission Valley Community Plan area?

Staff Recommendation - APPROVE Conditional Use Permit No. 1305279.

Community Planning Group Recommendation - On August 6, 2014, Mission Valley Planning Group voted 10-5-0 to recommend approval of the project (Attachment 9).

Environmental Review - The proposed activity is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Interior or exterior alterations) of the State CEQA Guidelines in that the proposed project is a Conditional Use Permit for the sales of alcohol. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on September 2, 2014, and the opportunity to appeal that determination ended on September 16, 2014.

### BACKGROUND

The project proposes the off-site sales of beer and wine within a service station (Hazard Center Auto Mart), in an existing 2,404 square-foot structure on a 0.54-acre site located at 7698 Friars Road in the MV-CR zone of the Mission Valley Planned District of the Mission Valley Community Plan Area. The site is surrounded by commercial retail/office uses to the north, east, and south, and I-163 to the west. The associated service station was permitted under 363-PC in 1972 permitting a service station with accessory sales and incidental accessory uses which may be determined and approved by the Planning Director (Attachment 8)

## DISCUSSION

The project proposes the off-site sales of beer and wine within a 2,404 square-foot convenience store/automotive structure. A Conditional Use Permit for the offsite sale of beer and wine is pursuant to Section 141.0502(c) of the Land Development Code. The sales of beer and wine will be required to be limited between the hours of 8:00 a.m. to 12:00 midnight, each day as conditioned from the San Diego Police Department.

Section 141.0502(b) determines when the sale of alcohol is permitted by right or, when a Conditional Use Permit is required in accordance with a Process Three (Hearing Officer) decision. The sale of alcohol requires a Conditional Use Permit in the following instances:

- 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;
- Within a census tract, or within 600 feet of a census tract, where the ratio of alcohol beverage outlets exceeds the standards established by California Business and Professional Code;
- Within an adopted Redevelopment Project Area.
- Within 600 feet of a public or private accredited *school*, a *public park*, a playground or recreational area, a *church*, a hospital, or a San Diego County welfare district office; and
- Within 100 feet of residentially zoned property.

City staff has reviewed the subject project which includes changing an existing alcohol beverage license from a Type 20 (beer and wine sales) to a Type 21 (general liquor). Staff has determined a Conditional Use Permit is required for the following reasons:

1. The project is 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 site is within census tract 87.02. Statistics provided by the San Diego Police Department for Federal Census Tract No. 87.02 show the area to be 160 percent of the citywide average.
2. The project is within a census tract, or within 600 feet of a census tract, where the ratio of alcohol beverage outlets exceeds the standards established by California Business and Professional Code section 23958.4. Census Tract No. 87.02 allows up to 3 alcoholic beverage outlets, and 4 currently exist in the census tract.

The San Diego Police Department (SDPD) reviewed the proposed project and found that the project provides a public convenience and necessity and recommends approval with conditions for the Conditional Use Permit (Attachment 6). Conditions within the draft permit include restriction for types of wine and beer to be sold, container limitation, and that no more than 15-

percent of the floor space shall be allocated for the display of alcohol. All Police Department conditions have been added to the draft permit (Attachment 6). The San Diego Police Department's Vice Unit will work with the applicant and the Department of Alcoholic Beverage Control to place additional conditions on the alcohol license to minimize the law enforcement concerns, if necessary.

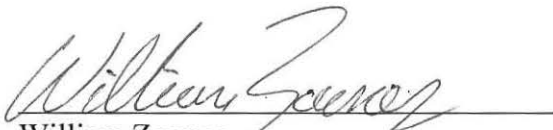
### CONCLUSION

Staff has determined that the project complies with the development regulations of all applicable sections of the Land Development Code. Staff has also considered the alcoholic beverage outlet statistics from the Alcoholic Beverage Control and the recommendation of the San Diego Police Department-Vice Operations. Staff has determined that the required findings can be made as the project meets the applicable San Diego Municipal Code regulations and requirements. Staff recommends approval of the project as proposed.

### ALTERNATIVES

1. Approve Conditional Use Permit No. 1305279, with modifications or;
2. Deny Conditional Use Permit No. 1305279, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

  
William Zounes,  
Development Project Manager

### Attachments:

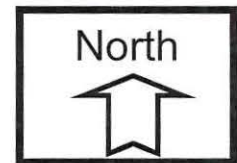
1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft Permit with Conditions
6. Draft Resolution with Findings
7. 363-PC
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement
10. Project Chronology
11. SDPD Conditional Use Permit Recommendation
12. Project Site Plan



## Aerial Photograph (Birds Eye)

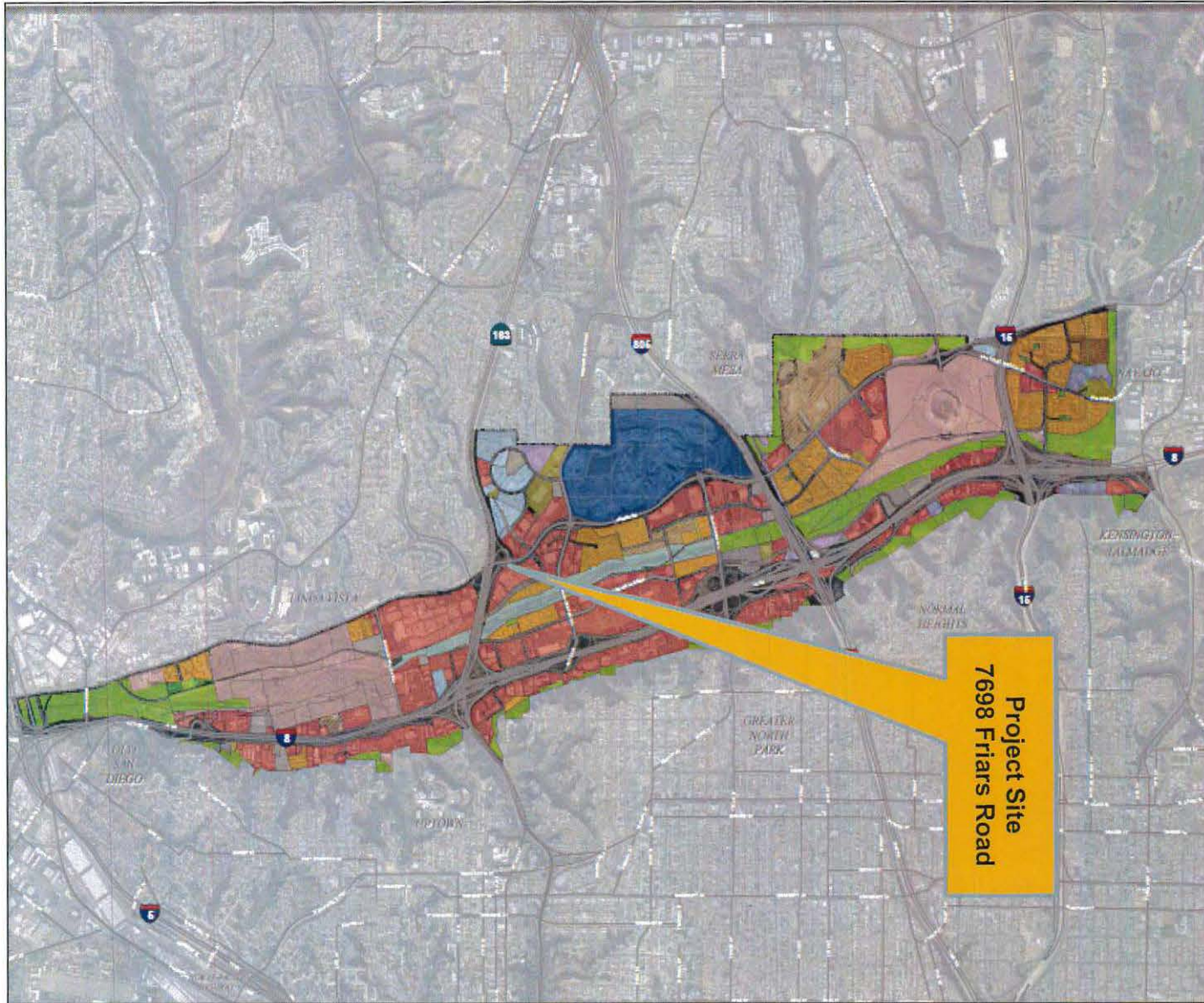
Hazard Automart CUP Project No. 368185

7698 Friars Road



Project Site  
7698 Friars Road

Attachment 1  
Aerial Photograph of Site



# Mission Valley

## Existing Conditions

### Land Use

**Legend**

- Single Family Residential
- Multi-Family Residential
- Multi-Family Residential (under construction)
- Group Quarters
- Commercial
- Commercial (under construction)
- Commercial/Residential
- Industrial, Warehouse/Storage
- Detached (single) Detached
- Communication Utilities, Postings
- Institutional/Religious
- Schools
- Parks, Open Space
- Private Recreation
- Undeveloped
- Water Bodies of Water

**Single Family**—single family detached housing units, on lots smaller than 1 acre.  
**Multi-Family**—Attached housing units, two or more units per structure—includes duplexes, triplexes, condominiums, apartments, and SROs in Core City.  
**Group Quarters**—includes dormitories, convalescent or retirement homes not associated with or within a health care facility, nursing homes, or hotel/motel/inn.  
**Commercial**—includes, convenience, neighborhood, and specialty shopping centers, office buildings, hotels, motels, auto dealerships, wholesale trade, and more than retail, which may include retail use (i.e. residential on top of commercial), or residential uses adjacent to commercial with drive-thrus.  
**Industrial**—heavy industry, light industry, which includes industrial parks, office/industrial uses clustered on a corner. Light industry general—usually along major streets or clustered in certain areas, which includes manufacturing uses such as leather, furniture, paper, rubber, steel, clay, and glass, as well as light industrial uses at auto repair services and recycling centers. Warehousing/public storage—usually large buildings located near freeways.  
**Commercial and Utilities/Parking**—TV and radio broadcasting stations, relay towers, electrical power generating plants, water and sewage treatment facilities and surface parking lots. Transit Centers included.  
**Institutional**—hospitals, churches, libraries, post offices, police and fire stations, and other public services, such as cultural facilities, museums, art galleries, social service agencies, business incubators, and historic sites.  
**Schools**—includes public and private schools, colleges, and universities.  
**Park**—Community parks with recreation areas and centers containing one or more of the following activities: tennis or basketball courts, baseball diamonds, soccer fields, or swings. Smaller neighborhood parks with a high level of use are also included as active parks.  
**Private Recreation**—May include clubhouses, recreation areas, pools, tennis courts, etc. within and associated with residential development if a separate parcel exists. Also includes Golf Courses.  
**Open Space**—includes wildlife and nature preserves, trails and sites for open space, and parks with limited development and access.  
**Undeveloped**—Vacant land that is either graded or not graded.



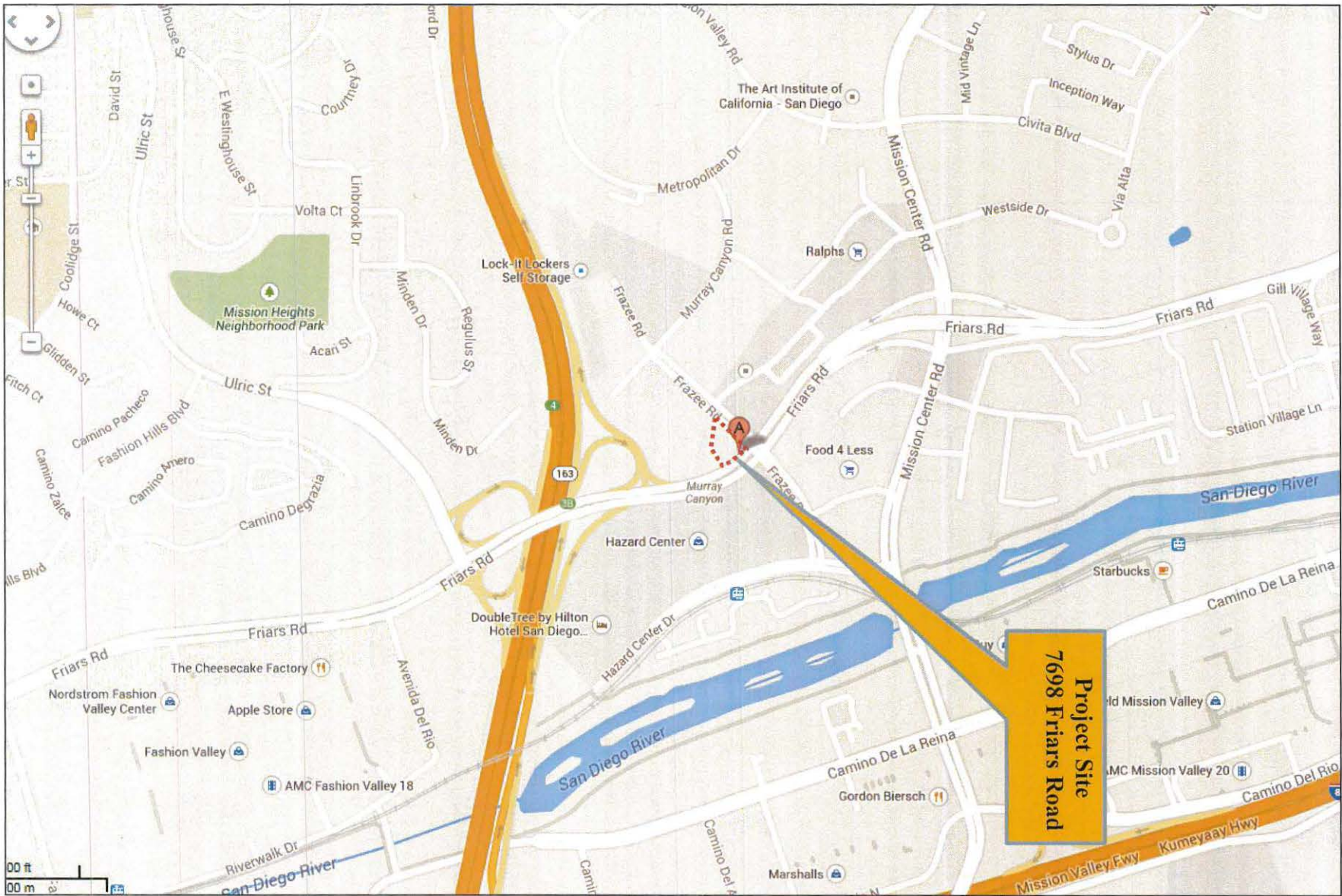
City of San Diego  
 Planning Department  
 September 3, 2003



## Community Land Use Map

Hazard Automart– PROJECT No. 368185  
 7698 Friars





**Project Location Map**  
**Hazard Automart- Project No. 368185**  
**7698 Friars Road**



## PROJECT DATA SHEET

<b>PROJECT NAME:</b>	Hazard Automart CUP	
<b>PROJECT DESCRIPTION:</b>	Conditional Use Permit to allow the sales of beer and wine in accordance with a Type 20 liquor license within a convenience store on a site developed with existing service station	
<b>COMMUNITY PLAN AREA:</b>	Mission Valley	
<b>DISCRETIONARY ACTIONS:</b>	Conditional Use Permit	
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	Commercial Use	
<b><u>ZONING INFORMATION:</u></b>		
ZONE: MV-CR		
HEIGHT LIMIT: None		
LOT SIZE: 0.54-acres.		
FLOOR AREA RATIO: None		
FRONT SETBACK: 15 feet		
SIDE SETBACK: 10 feet		
STREETSIDE SETBACK: 10 feet		
REAR SETBACK: 8 feet		
PARKING: In accordance with Ch. 14, Art. 2, Div. 5		
<b><u>ADJACENT PROPERTIES:</u></b>	<b>LAND USE DESIGNATION &amp; ZONE</b>	<b>EXISTING LAND USE</b>
<b>NORTH:</b>	Commercial/MV-CR	Office
<b>SOUTH:</b>	Commercial/MV-SP	Retail businesses
<b>EAST:</b>	Commercial/MV-CR	Restaurant/offices/Retail
<b>WEST:</b>	I-163	I-163
<b>DEVIATIONS OR VARIANCES REQUESTED:</b>	None	
<b>COMMUNITY PLANNING GROUP RECOMMENDATION:</b>	On August 6, 2014, the Mission Valley Community Planning Group recommend approval of the project by a vote of 10-5-0 with no conditions.	

**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**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24004673

**CONDITIONAL USE PERMIT NO. 1305279**  
**HAZARD AUTOMART CUP PROJECT NO. 368185**  
**HEARING OFFICER**

This Conditional Use Permit No. 1305279 is granted by the Hearing Officer of the City of San Diego to R.D. RANDAL, Owner, and TRAVIS GILLEY, Permittee, pursuant to San Diego Municipal Code [SDMC] section section 141.0502 and 126.0303. The 0.54-acre site is located at 7698 Friars Road in the MV-CR zone of the Mission Valley Planned District within the Mission Valley Community Plan Area. The project site is legally described as: An undivided one-half (1/2) interest in Lot 1 of Hazard's corner, according to map thereof No. 7312 filed in the office of the San Diego County Recorder on June 16, 1972;

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to operate an alcoholic beverage outlet to sell beer and wine within a service station convenience store conditioned upon the issuance of a Type 20 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" of Conditional Use Permit No. 1305279 ] dated November 12, 2014, on file in the Development Services Department.

The project shall include:

- a. Operation of an alcoholic beverage outlet within a service station market conditioned upon the issuance of a Type 20 license from the State Department of Alcoholic Beverage Control;
- b. Sales of alcoholic beverage shall be permitted between the hours of 8:00 a.m. and 12:00 midnight each day of the week.



**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by November 26, 2017.

2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on November 26, 2034. Upon expiration of this Permit, the facilities and improvements described herein shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.

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" of Conditional Use Permit No. 1305279. 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/DESIGN REQUIREMENTS:**

13. The Conditional Use Permit shall conform to the provisions of Conditional Use Permit 363-PC.

14. All signs associated with this development shall be consistent with sign criteria established by the City-wide sign regulations.
15. 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.
16. Off-street parking shall be provided in accordance with the requirements for retail sales uses in Table 142.05E.
17. The owner or operator 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.

**POLICE DEPARTMENT REQUIREMENTS:**

18. Beer, malt beverages or wine cooler products, regardless of container size, must be sold in manufacturer's pre-packaged, multi-unit quantities of three or greater (no single items).
19. Wine shall not be sold in bottles or containers smaller than 750 ml and shall not have an alcoholic content greater than 15% by volume, except for "Dinner Wines" which have been aged two years or more.
20. The permittee shall post and maintain a professional quality sign facing the premises parking lot that reads as the following: NO LOITERING, NO LITERING, 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.
21. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the permittee shall be removed or painted over within 48 hours of being applied.
22. There shall be no amusement machines or video game devices on the premises at any time.
23. No pay telephone will be maintained on the interior or exterior of the premises.
24. Proper illumination will be maintained in the parking lot.
25. Video surveillance system that monitors, records, and stores for a minimum of 15 days, the interior, exterior and parking lot area in control of the permittee and shall be readily accessible to law enforcement.
26. No more than 15percent of the square footage of the premises will be used for the display of alcoholic beverages.

**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 November 12, 2014.

**Attachment 5  
Draft Permit with Conditions**

Permit Type/PTS Approval No.: CUP No. 1305279  
Date of Approval: November 12, 2014

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES  
DEPARTMENT

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William Zounes  
Development Project Manager

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

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**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.

Owner

By \_\_\_\_\_  
R.D. RANDAL

Permittee

By \_\_\_\_\_  
TRAVIS GILLEY

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

HEARING OFFICER  
RESOLUTION NO. XXXXXX  
**CONDITIONAL USE PERMIT NO. 1305279  
HAZARD AUTOMART CUP PROJECT NO. 368185**

WHEREAS, R.D. RANDAL, Owner and TRAVIS GILLEY Permittee, filed an application with the City of San Diego for a permit to operate an alcoholic beverage outlet to sell beer and wine within a service station convenience store conditioned upon the issuance of a Type 20 license from the State Department of Alcoholic Beverage Control and subject to the City's land use regulations (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 363-PC), on portions of a 0.54-acre site;

WHEREAS, the project site is located at 7698 Friars Road in the MV-CR zone of the Mission Valley Planned District of the Mission Valley Community Plan Area, Council District 6;

WHEREAS, the project site is legally described as An undivided one-half (1/2) interest in Lot 1 of Hazard's corner, according to map thereof No. 7312 filed in the office of the San Diego County Recorder on June 16, 1972;

WHEREAS, on September 2, 2014 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 and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

WHEREAS, on November 12, 2014, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1305279 pursuant to the Land Development Code of the City of San Diego;

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

That the Hearing Officer adopts the following written Findings, dated November 12, 2014.

FINDINGS:

**Conditional Use Permit - Section 126.0305**

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

The project proposes a Conditional Use Permit for a Type 20 liquor license to allow the off-site sales of beer and wine within a convenience store associated with a service station. The site is located at 7698 Friars Road in the MV-CR zone of the Mission Valley Planned District of the Mission Valley Community Plan Area.

The proposed use is to allow the sale of off-site beer and wine within a convenience store. A goal of the Mission Valley Community Plan is to provide neighborhood/convenience commercial facilities near, or as part of, residential developments.

The proposed use in connection with its retail establishment is located in a Multiple-Use designation within the Mission Valley Community Plan. The plan states that there is a need for necessity goods for convenience of adjacent residential neighborhoods. Currently there are multi-family residences to the south of the site. Therefore, the proposed use, the limited sales of alcoholic beverages within a convenience store, implements a recommendation of the Community Plan. Therefore, the proposed development will not adversely affect the applicable land use plan

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

The project proposes a Conditional Use Permit for a Type 20 liquor license to allow the off-site sales of beer and wine within a convenience store associated with a service station. The site is located at 7698 Friars Road in the MV-CR zone of the Mission Valley Planned District of the Mission Valley Community Plan Area.

City staff has reviewed the subject project and determined a Conditional Use Permit is required for the following reasons:

1. The project is 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 site is within census tract 87.02. Statistics provided by the San Diego Police Department for Federal Census Tract No. 87.02 show the area to be 160 percent of the citywide average.
2. The project is within a census tract, or within 600 feet of a census tract, where the ratio of alcohol beverage outlets exceeds the standards established by California Business and Professional Code section 23958.4. Census Tract No. 87.02 allows up to 3 alcoholic beverage outlets, and 4 currently exist in the census tract.

Alcoholic beverage sales for off-site consumption has been determined to serve a public convenience or necessity by the San Diego Police Department (SDPD). The SDPD staff has determined that the proposed off-site sales of beer and wine is a small component of the convenience store and is not the principal sales product. The products sold at the convenience store vary in diversity and will serve mostly residential and pedestrian traffic. The San Diego Police Department supports the limited sale of alcoholic beverages as conditioned by the Conditional Use Permit to ensure that the sale of alcoholic beverages is maintained as an incidental part of the convenience store. Conditions within the permit include restriction to types of wine and beer to be sold, container limitation, no more than 15-percent of the square footage of the premises will be used for the display of alcoholic beverages, and restrictions for adequate illumination, signs to restrict loitering, and provisions to maintain the property in a neat and orderly fashion. The project was determined to be exempt from the California Environmental Quality Act (CEQA) 15301 (Existing facilities).

All Police Department requirements have been added to the draft permit as conditions. The San Diego Police Department's Vice Unit will work with the applicant and the Department of Alcoholic Beverage

Control to place additional conditions on the alcohol license to minimize the law enforcement concerns, if necessary. Therefore, the proposed development would not be detrimental to the public health, safety and welfare. The SDPD has determined that the proposed off-site sales of beer and wine at the proposed site would not be detrimental to the public health, safety, and 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 project proposes a Conditional Use Permit for a Type 20 liquor license to allow the off-site sales of beer and wine within a convenience store associated with a service station. The site is located at 7698 Friars Road in the MV-CR zone of the Mission Valley Planned District of the Mission Valley Community Plan Area.

The site is designated for Multiple-Use within the Mission Valley Community Plan which in general recommends retail sales of convenient items. The proposed sales of alcoholic beverages within a convenience store will be in accordance with the California Building Code and Municipal Code and is contingent upon the issuance of a license by the State of California Alcohol Beverage Control Board [ABC]. The SDPD has reviewed the project and concluded the proposed use will provide a public convenience or necessity.

The addition of a 140 square-foot walk-in cooler is the only tenant improvement for the project and will be constructed within the existing foot print of the building. Given all the information set forth above, the proposed development will comply with the regulations of the Land Development Code.

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

The project proposes a Conditional Use Permit for a Type 20 liquor license to allow the off-site sales of beer and wine within a convenience store associated with a service station. The site is located at 7698 Friars Road in the MV-CR zone of the Mission Valley Planned District of the Mission Valley Community Plan Area.

The proposed use (off-site sale of beer and wine as an accessory use to a convenience store) is consistent with the existing commercial use of the property and implements the Multiple-Use land use designation of the Community Plan. The convenience store is not located near a park, church, or school. The San Diego Police Department (SDPD) made the public need or convenience determination to recommend approval of the project. The SDPD staff has determined that the proposed off-site sales of beer and wine is a component of the grocery store and is not the principal sales product. The SDPD has determined that the proposed off-site sales of alcohol at the proposed site would not be detrimental to the public health, safety, and welfare. The permit prepared for this project includes various conditions which include restriction to types of wine and beer to be sold, container limitation, and that no more than 15 percent of the square footage of the premises will be used for the display of alcoholic beverages.

The proposed use is located within an existing service station approved under 363-PC allowing incidental accessory uses to be determined and approved by the Planning Director. The SDPD has determined the proposed use is appropriate at this location due to the proximity to other alcohol beverage outlets and the



fact the site is not located near schools or public parks in the area. Therefore the proposed use is appropriate at the proposed location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 1305279 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. 1305279, a copy of which is attached hereto and made a part hereof.



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William Zounes  
Development Project Manager  
Development Services

Adopted on: November 12, 2014

Job Order No. 24004673

CONDITIONAL USE PERMIT NO. 363-PC/AMENDM  
CITY COUNCIL

This amendment to conditional use permit is granted by the Council of The City of San Diego to BRUCE HAZARD, Owner, and CHEVRON USA, both hereafter referred to as "Permittee," for the purposes and under the terms and on the conditions as set out herein, pursuant to the authority contained in Section 101.0506 of the San Diego Municipal Code.

Conditional Use Permit 363-PC is hereby amended to include:

- 14. A double-faced 150 square foot interior illuminated sign 50 feet in height shall be permitted on the subject property as shown on Exhibit "A," dated December 1, 1977.

Adopted by the Council of The City of San Diego on February 21, 1978.

DOCUMENT NO. 763548  
FILED MAY 31 1978  
OFFICE OF THE CITY CLERK  
SAN DIEGO, CALIFORNIA

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GENERAL CONDITIONS FOR CONDITIONAL USE PERMITS

1. Prior to the issuance of any building permits, complete building plans (including signs) shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit A, dated December 1, 1977, on file in the office of the Planning Department. The property shall be developed in accordance with the approved building plans except where regulations of this or other governmental agencies require deviation therefrom. Prior to and subsequent to the completion of the project, no changes, modifications or alterations shall be made unless and until appropriate applications for amendment of this permit shall have been approved and granted.

2. Prior to the issuance of any building permits, a complete landscaping plan, including a permanent watering system, shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit A, dated December 1, 1977, on file in the office of the Planning Department. Approved planting shall be installed prior to the issuance of an occupancy permit on any building. Such planting shall not be modified or altered unless and until this permit shall have been amended to permit such modification or alteration.

3. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.

4. Substantial construction of the project shall have commenced and shall be proceeding within 18 months from the effective date of this conditional use permit or any extension of time as may be granted herein by The City of San Diego pursuant to the terms set forth in Section 101.0507 and Section 101.0508 of the San Diego Municipal Code.

5. Construction and operation of the approved use shall comply at all times with the regulations of this or other governmental agencies.

6. The effectiveness of this conditional use permit is expressly conditioned upon, and the same shall not become effective for any purpose unless and until the following events shall have occurred:

a. Permittee shall have agreed to each and every condition hereof by having this conditional use permit signed within 90 days of the Council's decision. In no event shall this condition be construed to extend the time limitation set forth in 4 above; i.e., the time commences to run on the date that the City Council granted this conditional use permit.

b. This conditional use permit executed as indicated shall have been recorded in the office of the County Recorder.

7. After the establishment of the project as provided herein, the subject property shall not be used for any other purposes unless specifically authorized by the Planning Commission, or

City Council, or both unless the proposed use meets every requirement of zone existing for the subject property at the time of conversion.

8. The property included within this conditional use permit shall be used only for the purposes and under the terms and conditions as set forth in this permit unless the permit shall have been revoked by The City of San Diego.

9. In addition to any other remedy provided by law, any breach in any of the terms or conditions of this permit or any default on the part of Permittee or its successors in interest, shall be deemed a material breach hereof and this conditional use permit may be cancelled or revoked. Cancellation or revocation of this conditional use permit may be instituted by City or Permittee. The Planning Director shall set this matter for public hearing before the Planning Commission giving the same notice as provided in Section 101.0506. An appeal from the decision of the Planning Commission may be taken to the City Council within ten days after the decision is filed with the City Clerk. The Clerk shall set the matter for public hearing before the City Council giving the same notice as provided in Section 101.0506.

10. This conditional use permit shall inure to the benefit of and shall constitute a covenant running with the lands, and the terms, conditions and provisions hereof shall be binding upon Permittee, and any successor or successors thereto, and the interests of any successor shall be subject to each and every condition herein set out.



Acknowledgment

STATE OF CALIFORNIA) ss  
COUNTY OF SAN DIEGO)

On this 20th day of April, 1978, before me the undersigned, a Notary Public in and for said County and State, personally appeared BRUCE HARPER known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that HE executed the within instrument.

WITNESS my hand and official seal.  
(Notary Stamp)



Olie O. Zablotny  
Notary Public in and for the County  
of San Diego, State of California  
OLIE O. ZABLOTNY  
My Commission Expires April 18, 1980

Acknowledgment

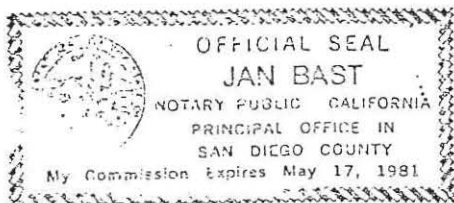
STATE OF CALIFORNIA) ss  
COUNTY OF SAN DIEGO)

On this 2nd day of May, 1978, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Don Smith known to me to be the \_\_\_\_\_ and

\_\_\_\_\_ known to me to be the  
representative of Chevron, USA

the corporation that executed the within instrument and known to me to be the persons who executed the same on behalf of said corporation and acknowledged to me that said corporation executed the same, pursuant to its bylaws or a resolution of its Board of Directors.

WITNESS my hand and official seal.  
(Notary Stamp)



Jan Bast  
Notary Public in and for the County  
of San Diego, State of California

220320

RESOLUTION NO. \_\_\_\_\_

R

Conditional Use Permit No. 363-PC/AMENDMENT NO. 1

FEB 21 1978

WHEREAS, BRUCE HAZARD, Owner, and CHEVRON USA, both hereafter referred to as "Permittee," filed an application under Conditional Use Permit No. 363-PC/Amendment No. 1, to allow installation of a freeway-oriented ground sign for a previously approved service station on a 1.2 acre parcel in the CA Zone, located on the northwest corner of Friars Road and Frazee Road, more particularly described as Lot 1, Hazards Corner; and

WHEREAS, on December 1, 1977, the Planning Commission of The City of San Diego made its finding of facts, denied the amendment to the permit and filed the decision in the office of the City Clerk on December 12, 1977; and

WHEREAS, pursuant to Section 101.0506 of the San Diego Municipal Code, LON WALLACE, for California Neon Products, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on February 21, 1978; and

WHEREAS, the Council of The City of San Diego received for its consideration documentary, written and oral testimony and heard from all interested parties present at the public hearings;  
NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

All of the following facts exist with respect to Conditional Use Permit No. 363-PC/Amendment No. 1:



1. The proposed use at the particular location is necessary to provide a service which will constitute to the general well-being of the community.

2. Such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

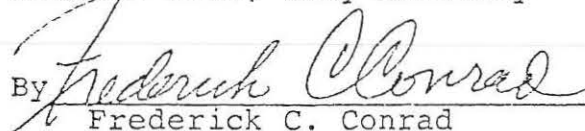
3. The proposed use will comply with the regulations and conditions specified in the Municipal Code for such use.

4. The granting of this Conditional Use Permit Amendment will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.

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

BE IT FURTHER RESOLVED, that this Council does hereby grant to BRUCE HAZARD and CHEVRON USA, Conditional Use Permit No. 363-PC/Amendment No. 1, in the form and with the terms and conditions as set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By   
Frederick C. Conrad  
Chief Deputy City Attorney

CC:clh  
/3/78  
r.Dept.:Clerk

Passed and adopted by the Council of The City of San Diego  
on February 21, 1978, by the following vote:

YEAS: Mitchell, O'Connor, Lowery, Williams, Schnaubelt, Gade,  
Stirling, Wilson.

NAYS: None.

ABSENT: Haro.

AUTHENTICATED BY:

PETE WILSON,  
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

(SEAL)

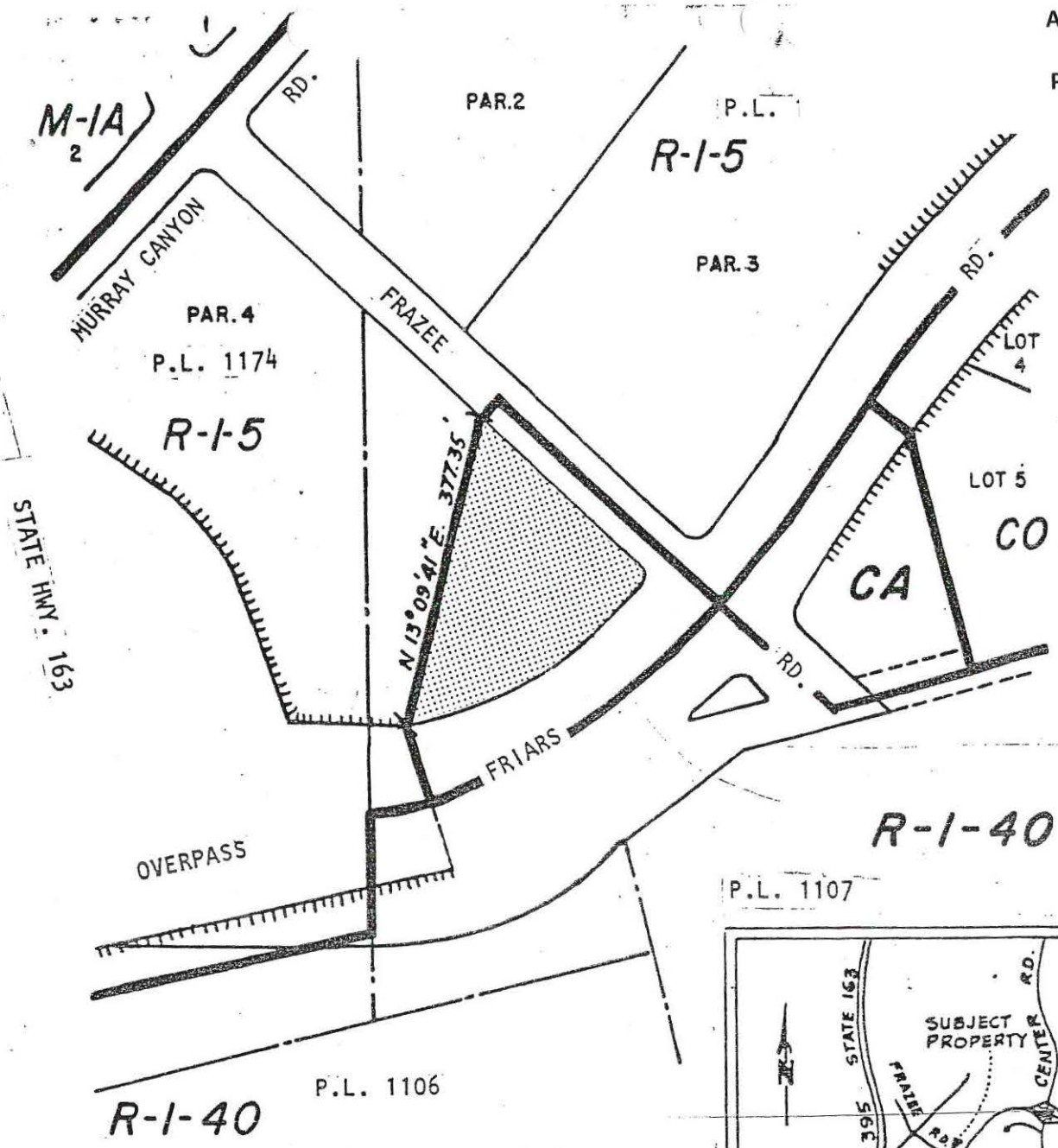
By KATHLEEN MARTINEZ, Deputy.

I HEREBY CERTIFY that the above and foregoing is a full,  
true and correct copy of RESOLUTION NO. 220320  
passed and adopted by the Council of The City of San Diego,  
California, on February 21, 1978.

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

(SEAL)

By *Kathleen Martinez*, Deputy.

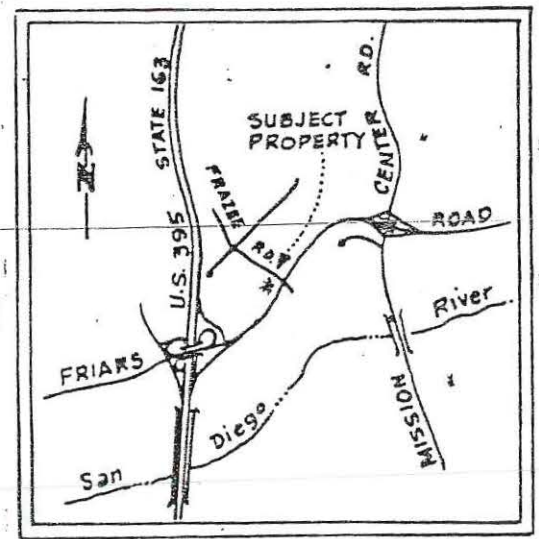


R-1-40 P.L. 1106

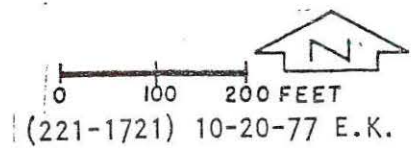
R-1-40

P.L. 1107

A CUP TO ALLOW INSATLLATION OF A 150 SQ.FT. FREEWAY ORIENTED GROUND SIGN FOR A SERVICE STATION ON A 1.2 ACRE PARCEL IN THE CA ZONE.



LOCATION MAP NO SCALE



CUP 363 PC/AM I  
 AREA 150 SQ. FT.

RECEIVED  
1972 AUG 23 PM 9:29  
SAN DIEGO, CALIF

FINDINGS OF FACT  
RESOLUTION NO. 363-PC

DOCUMENT NO. 741096  
FILED AUG 28 1972  
OFFICE OF THE CITY CLERK  
SAN DIEGO, CALIFORNIA

WHEREAS, BRUCE R. and MABEL G. HAZARD, individuals, "Owner", and STANDARD OIL COMPANY OF CALIFORNIA, a Delaware corporation, "Permittee", filed an application for a Conditional Use Permit to construct and operate a service station with accessory sales located on the north side of Friars Road between Frazee Road and State Highway 163, described as portion of Lot 1, Hazard's Corner, Map No. 7312, on file in the Office of the County Recorder, in the CA zone, more particularly described in Appendix "A" hereto attached and made a part hereof.

WHEREAS, the Planning Commission of The City of San Diego considered Case No. 363-PC pursuant to Section 101.0506 et sequitur of the Municipal Code of The City of San Diego and granted a Conditional Use Permit under date of July 19, 1972, and filed the same in the Office of the City Clerk on July 28, 1972, to "Owner/Permittee" to construct and operate a service station subject to terms and conditions as set out in said Conditional Use Permit; NOW, THEREFORE,

BE IT RESOLVED, by the Planning Commission of The City of San Diego, as follows:

That all of the following facts exist with respect to the issuance of a Conditional Use Permit in favor of "Owner/Permittee":

1. That the proposed use at the particular location is necessary to provide a service which will contribute to the general well-being of the community.
2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
3. That the proposed use will comply with the regulations and conditons specified in the Code for such use.
4. That the granting of this Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.

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

BE IT FURTHER RESOLVED, that the Planning Commission does hereby grant to "Owner/Permittee" a Conditional Use Permit in the form and with the terms and conditions as set forth in Conditional Use Permit No. 363-PC attached hereto and made a part hereof.

City Planning Dept.  
AUG 29 1972  
RECEIVED

270-1719  
*Mary M. Bagaloff*  
Mary M. Bagaloff, Secretary of the  
Planning Commission

page 2 of 8

CONDITIONAL USE PERMIT - PLANNING COMMISSION  
CASE NO. 363-PC

This Conditional Use Permit is granted by the City Planning Commission of The City of San Diego to BRUCE R. and MABEL G. HAZARD, individuals, "Owner", and STANDARD OIL COMPANY OF CALIFORNIA, a Delaware corporation, "Permittee", for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Section 101.0506 et sequitur of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to "Owner/Permittee" to construct and operate a service station with accessory sales located on the north side of Friars Road between Frazee Road and State Highway 163, described as portion of Lot 1, Hazard's Corner, Map No. 7312, on file in the office of the County Recorder in the CA zone, more particularly described in Appendix "A" hereto attached and made a part hereof.
2. The service station shall include, and the term "Project" as used in this Conditional Use Permit shall mean, the total of the following facilities:
  - a. Automobile service station.
  - b. Accessory sales.
  - c. Offstreet parking.
  - d. Incidental accessory uses as may be determined and approved by the Planning Director.
3. Not less than six offstreet parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A" dated July 19, 1972, on file in the office of the Planning Department. Each parking space shall be a minimum of 8-1/2 feet by 20 feet in size and shall not be converted for any other use. Areas and driveways shall be surfaced with not less than 2" A.C. or its equivalent and each parking space shall be marked. Parking spaces and aisles shall conform to Planning Department standards. No charge shall be made at any time for the use of these offstreet parking spaces.
4. Pennants or banners shall not be permitted on the premises.
5. Signaling devices to alert station attendants to entering vehicles shall be located and adjusted as to minimize noise disturbances to adjoining properties.
6. All underground petroleum product storage tanks shall be so designed as to prevent hydrocarbon vapor or gas loss to the atmosphere in accordance with the requirements of the Air Pollution Control Officer of San Diego County.
7. All vehicles shall be repaired and serviced entirely within service bays, except gasoline or motor oil may be dispensed outdoors. No merchandise or supplies shall be stored or displayed outdoors except that motor oils may be stored on suitable racks on pump islands.
8. All trash shall be stored in suitable containers and the containers shall be placed within the building or within enclosed solid walls or fences.
9. All outdoor lighting fixtures shall be ground lights not to exceed 18 inches in height or attached to the building or walls and in no case shall be carried on freestanding signs.

CUP 363-PC

10. One six-foot-high by 11-foot, 9-inch long, double-faced monument sign shall be permitted on the subject property, as shown on Exhibit "A" dated July 19, 1972.
11. A letter from the lessee stating that he has read and understands the conditions imposed on the service station shall be written, signed and sent to the parent oil company and a copy sent to the City of San Diego Planning Department.
12. A copy of this Conditional Use Permit shall be posted on the premises of the service station at all times and be available for viewing by any person or persons who may desire to see the document.
13. The Permittee shall comply with the General Conditions for Conditional Use Permits attached hereto and made a part hereof.

Passed and adopted by the Planning Commission of the City of San Diego on  
July 19, 1972.

ACKNOWLEDGED:

The undersigned Permittee by execution hereof agrees to each and every condition of this conditional use permit and promises to perform each and every obligation of Permittee hereunder.

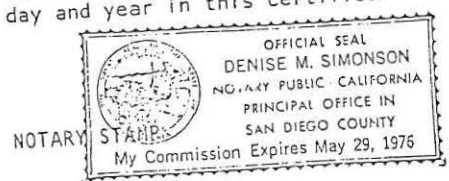
STANDARD OIL COMPANY OF CALIFORNIA, a Delaware corporation, "Permittee"

By A. E. Lagerson  
Authorized Signator  
Bruce R. Hazard  
BRUCE R. HAZARD, "Owner"  
Mabel G. Hazard  
MABEL G. HAZARD, "Owner"

STATE OF CALIFORNIA)  
COUNTY OF SAN DIEGO) ss.

On this 2nd day of August, 1972, before me, the undersigned, a Notary Public in and for said County and State, personally appeared A. E. Lagerson of STANDARD OIL COMPANY OF CALIFORNIA, a Delaware corporation, the corporation that executed the within instrument and known to me to be the person who executed the same on behalf of said corporation and acknowledged to me that said corporation executed the same, pursuant to its bylaws or a resolution of its Board of Directors.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal, the day and year in this certificate first above written.

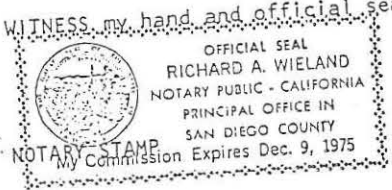


Denise M. Simonson  
Notary Public in and for said County and State

STATE OF CALIFORNIA)  
COUNTY OF SAN DIEGO) ss.

On 14 October 1972, before me, the undersigned, a Notary Public in and for said County and State, personally appeared BRUCE R. and MABEL G. HAZARD, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same.

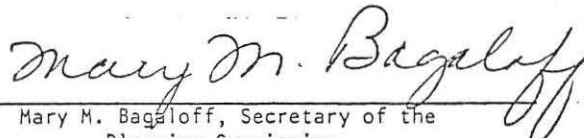
WITNESS my hand and official seal.



Richard A. Wieland  
Notary Public in and for said County and State  
RICHARD A. WIELAND  
My Commission Expires Dec. 9, 1975

AUTHENTICATED BY:

  
F. R. Knostman, Acting Senior Planner  
Planning Department

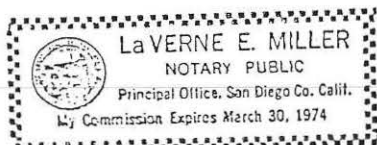
  
Mary M. Bagaloff, Secretary of the  
Planning Commission

STATE OF CALIFORNIA)  
COUNTY OF SAN DIEGO)ss.


On this 28th day of August, 19 72, before me, the undersigned,  
a Notary Public in and for said County and State, personally appeared

F. R. KNOSTMAN, known to me to be Senior Planner of The  
City of San Diego Planning Department, and MARY M. BAGALOFF, known to me to  
be the Secretary of the Planning Commission of The City of San Diego and known  
to me to be the persons whose names are subscribed to the within instrument  
and acknowledged that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, in the County  
of San Diego, State of California, the day and year in this certificate first  
above written.



NOTARY STAMP

  
Notary Public in and for the County of  
San Diego, State of California



## GENERAL CONDITIONS FOR CONDITIONAL USE PERMITS

1. Prior to the issuance of any building permits, complete building plans (including signs) shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit "A" (dated July 19, 1972), on file in the office of the Planning Department. The property shall be developed in accordance with the approved building plans except where regulations of this or other governmental agencies require deviation therefrom. Prior to and subsequent to the completion of the project, no changes, modifications or alterations shall be made unless and until appropriate applications for amendment of this permit shall have been approved and granted.
2. Prior to the issuance of any building permits, a complete landscaping plan, including a permanent watering system, shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit "A" (dated July 19, 1972), on file in the office of the Planning Department. Approved planting shall be installed prior to the issuance of an occupancy permit on any building. Such planting shall not be modified or altered unless and until this permit shall have been amended to permit such modification or alteration.
3. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.
4. This conditional use permit granted by the City shall be utilized within 18 months after the effective date thereof. Failure to utilize the conditional use permit within an 18-month period will automatically void the same. This conditional use permit shall be subject to all of the terms and conditions granted herein and pursuant to the terms set forth in Section 101.0506 or 101.0507 and 101.0508 of the Municipal Code. See the latter referenced sections as those terms and conditions apply hereto.
5. Construction and operation of the approved use shall comply at all times with the regulations of this or other governmental agencies.
6. This conditional use permit shall not be final until the eleventh day following its filing in the office of the City Clerk and is subject to appeal to the City Council as provided for in Section 101.0506 of the Municipal Code of The City of San Diego.
7. The effectiveness of this conditional use permit is expressly conditioned upon, and the same shall not become effective for any purpose unless and until the following events shall have occurred:
  - a. Permittee shall have agreed to each and every condition hereof by having this conditional use permit signed within 90 days of the Commission's decision. In no event shall this condition be construed to extend the time limitation set forth in 4 above; i.e., the time commences to run on the date that the Planning Commission granted this conditional use permit.
  - b. This conditional use permit executed as indicated shall have been recorded in the office of the County Recorder.
8. After the establishment of the project as provided herein, the subject property shall not be used for any other purposes unless specifically authorized by the Planning Commission, unless the proposed use meets every requirement of zone existing for the subject property at the time of conversion.

9. The project included within this conditional use permit shall be used only for the purposes and under the terms and conditions as set forth in this permit unless the permit shall have been revoked by The City of San Diego.

10. In addition to any other remedy provided by law, any breach in any of the terms or conditions of this permit or any default on the part of the Permittee or its successors in interest, shall be deemed a material breach hereof and this conditional use permit may be cancelled or revoked. Cancellation or revocation of this conditional use permit may be instituted by the City or permittee. The Planning Director shall set this matter for public hearing before the Planning Commission giving the same notice as provided in Section 101.0506. An appeal from the decision of the Planning Commission may be taken to the City Council within 10 days after the decision is filed with the City Clerk. The Clerk shall set the matter for public hearing before the City Council giving the same notice as provided in Section 101.0506.

11. This conditional use permit shall inure to the benefit of and shall constitute a covenant running with the lands, and the terms, conditions and provisions hereof shall be binding upon Permittee, and any successor or successors thereto, and the interests of any successor shall be subject to each and every condition herein set out.

City Planning Dept.  
AUG 29 1972  
RECEIVED

CUP #363-PC

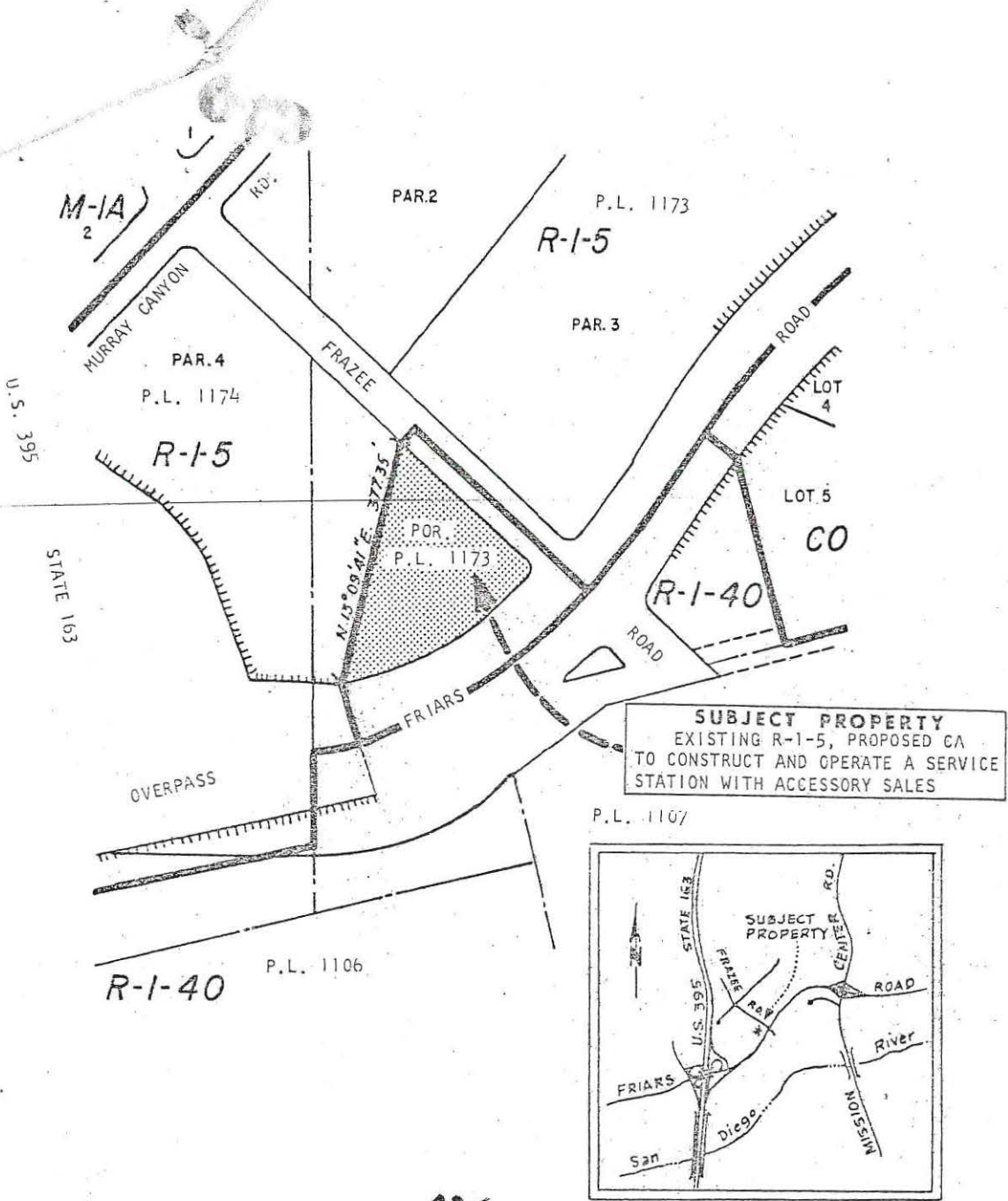
APPENDIX "A"

Beginning at the point of intersection of the Southwesterly line of Frazee Road, 60.00 feet wide, with a line that is parallel with and distant Easterly 65.00 feet, measured at right angles, from the Westerly line of said Lot 3, thence South 47° 34' 18" East along said Southwesterly line of Frazee Road a distance of 184.27 feet to the Beginning of a tangent curve concave Westerly having a radius of 20.00 feet, said curve being tangent at its Southwesterly terminus to the Northwesterly line of Friars Road; thence Southeasterly, Southerly and Southwesterly along said curve through a central angle of 91° 39' 13" an arc distance of 31.99 feet to said Northwesterly line; thence South 44° 04' 55" West along said Northwesterly line 96.62 feet to the Beginning of a curve therein concave Northwesterly having a radius of 736.00 feet, a radial line through said point bears South 33° 17' 22" East; thence Southwesterly along said curve through a central angle of 3° 29' 12" an arc distance of 44.79 feet; thence leaving said Northwesterly line of Friars Road North 30° 11' 10" West 126.25 feet to a point in said line that is parallel with and distant Easterly 65.00 feet, measured at right angles, from the Westerly line of Lot 3; thence North 13° 09' 41" East along said parallel line 140.00 feet to the POINT OF BEGINNING.

Beginning at the most Westerly corner of Parcel 1 above described; thence North 30° 11' 10" West along the boundary line of said Parcel 1, a distance of 104.25 feet; thence South 76° 50' 19" East 20.63 feet thence South 30° 11' 10" East 90.03 feet to a point in the Southerly line of said parcel 1; thence Westerly along said Southerly line through a central angle of 1° 10' 03" an arc distance of 15.00 feet to the point of beginning.

Beginning at the most Westerly corner of Parcel 1 above described; thence North 30° 11' 10" West along the boundary line of said Parcel 1 a distance of 126.25 feet; thence South 13° 09' 41" West 21.85 feet; thence South 30° 11' 10" East 110.10 feet to a point said Northwesterly line of Friars Road; thence Easterly along said Northwesterly line through a central angle of 1° 10' 05" an arc distance of 15.00 feet to the point of beginning.

City Planning Dept.  
AUG 29 1972  
RECEIVED



*PC-7-19-72*

POR. P.L. 1173

**CUP - 363 - PC**

**AREA 1.2 ACRES NET**

221-1721 R.E.W. 6-14-72



From: jnugent50@aol.com  
To: dottie.surdi@svn.com, GaryengCA@aol.com  
Sent: 8/13/2014 4:26:15 P.M. Pacific Daylight Time  
Subj: Re: Hazard Center - PTS #368185

**Bob,**

**Thanks for your presentation at the August MVPG meeting. Following is the section of the MVPG DRAFT minutes that covers your project.**

**1. Hazard Center Auto Mart, 7698 Friars Road in San Diego- CUP-type 20 Beer & Wine license-**  
Robert Faudoa reviewed the conditional use permit (CUP) application for a type 20 – Alcoholic Beverage Control (ABC) Off Sale Beer and Wine license which authorizes the sale of beer and wine for consumption off of the premises. The existing footprint of the building would remain the same with the interior reconfigured to add approximately 174 s.f. of a new walk-in/reach in cooler. Phase 2 of the project would modernize and upgrade the exterior and grounds of the property.

There was discussion regarding:

- <!--[if !supportLists]-->• <!--[endif]-->The Homeless Problem around Hazard Center
- <!--[if !supportLists]-->• <!--[endif]-->Adding an additional facility to purchase beer and wine in Mission Valley
- <!--[if !supportLists]-->• <!--[endif]-->Proximity of business to entrance to HWY 163
- <!--[if !supportLists]-->• <!--[endif]-->Congestion at corner of Frazee Road and Friars Road
- <!--[if !supportLists]-->• <!--[endif]-->The project being divided into two phases, with the type 20 beer and wine license being separate from the modernization of the property.

**Karen Ruggels moved to approve the conditional use permit for a new beer and wine ABC license at Hazard Center Auto Mart, 7698 Friars Road in San Diego with the conditions that the project return to update the MVPG on the substantial conformance review of the modernization phase of the project and that the project does not conflict with the revisions to HWY 163 and Friars Road. Josh Weiselberg seconded the motion. Motion was approved 10 – 5 – 0,**

John W. Nugent  
5765 Friars Rd #150  
San Diego, CA 92110  
(619) 772-8855

-----Original Message-----

From: Dottie Surdi <dottie.surdi@svn.com>  
To: John Nugent <jnugent50@aol.com>  
Sent: Wed, Aug 13, 2014 3:46 pm  
Subject: Re: Hazard Center - PTS #368185

John,  
Bob Surdi here. Dottie is out.  
Do we have something we can send him? See below

Regards,

**Dottie Surdi | Advisor**  
Sperry Van Ness Finest City Commercial  
Sales | Leasing | Management  
4849 Ronson Ct., Suite #216 | San Diego, CA 92111  
BRE#01771294 | Cell 858 349-2007 Fax 619 342-3189



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** Hazard Center Auto Mart **Project No. For City Use Only** 368185

**Project Address:**  
7698 Friars Road, San Diego, CA 92108

**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):  
Travis Gilley  
 Owner  Tenant/Lessee  Redevelopment Agency  
 Street Address:  
7698 Friars Road  
 City/State/Zip:  
San Diego, CA 92108  
 Phone No: 619-296-2566 Fax No:  
 Signature: *Travis Gilley* Date: 04/29/14

Name of Individual (type or print):  
R.D. Randal  
 Owner  Tenant/Lessee  Redevelopment Agency  
 Street Address:  
P.O. Box 229000  
 City/State/Zip:  
SAN DIEGO, CA 92192  
 Phone No: Fax No:  
 Signature: *R.D. Randal* Date: 04/26/14

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 Chronology  
Hazard Automart CUP Map Waiver  
PROJECT NO. 368185**

<b>Date</b>	<b>Action</b>	<b>Description</b>	<b>City Review Time</b>	<b>Applicant Response</b>
7/18/14	First Submittal	Project Deemed Complete and distributed		
8/29/14	First Submittal Assessment Letter out		42 days	
9/3/14	Second submittal In	Normal Submittal		5 days from First Assessment Letter
9/25/14	Second Submittal Assessment Letter out		22 days	
9/30/14	Third submittal In	Normal Submittal		5 days from First Assessment Letter
10/14/14	Third Submittal Assessment Letter out		14 days	
11/12/14	Hearing Officer Hearing		29 days	
<b>TOTAL STAFF TIME**</b>			<b>3 month 17 days</b>	
<b>TOTAL APPLICANT TIME**</b>				<b>months 10 days</b>
<b>TOTAL PROJECT RUNNING TIME**</b>		From Deemed Complete to HO Hearing	<b>3 months 27 days</b>	

\*\*Based on 30 days equals to one month.

## SAN DIEGO POLICE DEPARTMENT CONDITIONAL USE PERMIT RECOMMENDATION

PREMISE ADDRESS: 7698 Friars Road

TYPE OF BUSINESS: Gas Station/Food Mart

FEDERAL CENSUS TRACT: 87.02

NUMBER OF ALCOHOL LICENSES ALLOWED: 3

NUMBER OF ALCOHOL LICENSES EXISTING: 4 (Over-Concentrated)

CRIME RATE IN THIS CENSUS TRACT: 160.4%  
(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:

The applicant is applying for a Conditional Use Permit for a Convenience Store with a Type 20 Beer & Wine license at 7698 Friars Road.

Between 01/01/2012 to 12/31//2013, there were twelve (12) calls for service at the location which resulted in a total police out of service time (OST) of 12.5 hours. There were no arrests and one (1) crime case at the location, but there were 121 arrests and 96 crime cases within a 0.2-mile radius of the location. The major police issue in the area is the homeless population. The intersection of Friars Road and Frazee Road are directly in front of the requesting business. At any given time during the day there are homeless people with signs asking for money.

The Police Department's resources are already stretched thin dealing with the existing issues of transient's abusing alcohol. There is the issue of intoxicated persons crossing the street and standing in the center divide asking for money. They will walk into traffic lanes to obtain any money given to them. The speed limit is 45 MPH along Friars Road, so the risk to pedestrians being hit by a passing vehicle is a problem.

The license will add to the number of licenses in the area. There are currently four (4) alcohol license existing in this census tract and three (3) are allowed. There is a Ralphs and a Bevmo's selling alcohol in the strip mall just east of this location.

The San Diego Police Department will support the issuance of this Type-20 license with the following conditions.



1. Sales of alcoholic beverages shall be permitted only between the hours of 8:00 AM and 12:00 Midnight each day of the week.
2. Beer, malt beverages or wine cooler products, regardless of container size, must be sold in manufacturers, pre-packaged, multi-unit quantities of 3 or greater (No single items).
3. Wine shall not be sold in bottles or containers smaller than 750 ml and shall not have an alcoholic content greater than 15% by volume, except for "Dinner Wines" which have been aged two years or more.
4. 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 in Spanish.
5. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the licensee(s) shall be removed or painted over within 48 hours of being applied.
6. There shall be no amusement machines or video game devices on the premises at any time.
7. No pay telephone will be maintained on the interior or exterior of the premises.
8. Proper illumination will be maintained in the parking lot.
9. Video surveillance system that monitors, records and stores for a minimum of 15 days, the interior, exterior and parking lot area in control of Hazard Automart and is readily accessible to law enforcement.
10. No more than 15% of floor space shall be allocated for the display of alcohol.

SAN DIEGO POLICE DEPARTMENT RECOMMENDATION:

APPROVE X

DENY \_\_\_\_\_

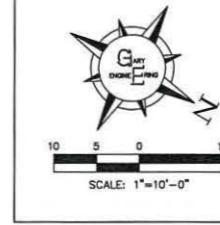
ROBERTO A. CASILLAS  
Name of SDPD Vice Sergeant (Print)

619-531-2349  
Telephone Number

CASILLAS, R  
Signature of SDPD Vice Sergeant

10-2-14  
Date of Review

# HAZARD CENTER AUTO MART BEER AND WINE CUP 06/13/14



DRAWING LIST				
DWG. NO.	SHT. NO.	CONSULT.	TITLE	ISSUED REVISION
01	G-1	GARY ENG.	SITE PLAN	07/24/13 09/25/14
02	A-1	GARY ENG.	BUILDING ELEVATIONS	08/21/14 09/25/14
03	A-2	GARY ENG.	FLOOR PLAN	08/08/14 09/25/14

**PROJECT INFORMATION**

**OWNER / APPLICANT**  
WILLIAM G. GILLEY, INC. OBA HAZARD CENTER AUTO MART  
MR. TRAVIS A. GILLEY, OWNER  
7698 FRIARS ROAD  
SAN DIEGO, CA 92108  
PH. (619) 296-2566

**PROJECT ARCHITECT / ENGINEER**  
GARY ENGINEERING, INC.  
4901 MORENO BOULEVARD, SUITE 304  
SAN DIEGO, CA. 92117  
ROBERT G. FAUDDA JR., PROJ. MANAGER  
PH. (858) 483-0620 FAX (858) 483-2943

**PROJECT SUMMARY**

**PROJECT NAME / ADDRESS**  
HAZARD CENTER AUTO MART  
7698 FRIARS ROAD  
SAN DIEGO, CA. 92108  
PH. (619) 296-2566

**PROJECT SITE DATA**

LAND	.54 ACRES +/-23,806 SF
EXISTING FOODMART AREA	768 SF
EXISTING OFFICE AREA	408 SF
EXISTING (3) LUBE BAYS	1,228 SF
* TOTAL BUILDING AREA	2,404 SF
* LAND/BUILDING RATIO	10.2 S.F./1 S.F.
AUTO CANOPY (EXISTING)	1,728 SF
TOTAL CANOPY AREA	1,728 SF
TOTAL FUELING SPACES	8

\* = DOES NOT INCLUDE CANOPY

**PARKING DATA PER S.D.M.C. TABLE 142-05E**

THE PARKING REQUIREMENT FOR THIS SITE IS 8 PARKING SPACES (INCLUDING 1 ACCESSIBLE SPACE) BASED ON THE REQUIREMENT OF 85% OF (FOR PROJECTS WITHIN TRANSIT AREA) THE MINIMUM PARKING REQUIREMENT OF 2 PARKING SPACES FOR THE GAS STATION, AND 3 PARKING SPACES PER 1,000 SQ. FT. OF RETAIL SPACE (EXISTING 1,176 SQ. FT. CONVENIENCE STORE) PER TABLE 142-05E OF S.D.M.C. PROJECT IS PROPOSING 11 ON-SITE PARKING SPACES INCLUDING 1 ACCESSIBLE SPACE.

1,176 S.F. OF BUILDING AREA / 3.1 PARKING SPACES PER 1,000 S.F.	
1,176 / 1,000 X 3.1 = 3.33 PARKING SPACES + 1 ADA	
TOTAL PARKING SPACES REQUIRED:	11
TOTAL PARKING SPACES PROVIDED:	11

**BUILDING OCCUPANCY**  
CALIFORNIA BUILDING CODE - 2013 EDITION  
CALIFORNIA MECHANICAL CODE - 2013 EDITION  
CALIFORNIA ELECTRICAL CODE - 2013 EDITION  
CALIFORNIA GREEN BUILDING CODE - 2013 EDITION  
CALIFORNIA FIRE CODE - 2013 EDITION  
CALIFORNIA PLUMBING CODE - 2013 EDITION

**FOOD MART/LUBE BAYS** M  
**AUTO CANOPY** M

**TYPE OF CONSTRUCTION**  
**FOOD MART/LUBE BAYS** V-B  
**AUTO CANOPY** II-B

**LEGAL DESCRIPTION**

AN UNDIVIDED ONE-HALF (1/2) INTEREST IN LOT 1 OF HAZARD'S CORNER, ACCORDING TO MAP THEREOF NO. 7312 FILED IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDER ON JUNE 16, 1972, WHICH PROPERTY IS COMMONLY KNOWN AS 7676 AND 7678 FRIARS ROAD, SAN DIEGO, CALIFORNIA.

**APPLICATION SUMMARY**

AN UNDIVIDED ONE-HALF (1/2) INTEREST IN LOT 1 OF HAZARD'S CORNER, ACCORDING TO MAP THEREOF NO. 7312 FILED IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDER ON JUNE 16, 1972, WHICH PROPERTY IS COMMONLY KNOWN AS 7676 AND 7678 FRIARS ROAD, SAN DIEGO, CALIFORNIA.

**DEVELOPMENT SUMMARY**

NO ADDITIONAL SQUARE FOOTAGE ADDED.  
NO ORIGINAL C.U.P. FOR SITE PROJECT EXISTS. A C.U.P. TO ALLOW FOR THE INSTALLATION OF A 150 FT. FREEWAY SIGN WAS APPROVED ON AUGUST 29, 1972. RESOLUTION NO. 363-PC, DOCUMENT NO. 741096

NO.	DATE	REVISION DESCRIPTION
1	06/06/13	REV. PER SITE SURVEY
2	06/06/13	ISSUED TO CLIENT
3	06/20/13	SUBMITTED FOR PRELIM REVIEW
4	06/28/14	REV. PER CITY'S COMMENTS
5	06/25/14	REV. PER CITY'S COMMENTS

**ASSESSORS MAP NO.** 438-01-01  
**PROJECT NO.** 368185  
**DESIGN REVIEW COMMITTEE NO.** \*  
**ZONING** MISSION VALLEY PLANNED DISTRICT MV-CR  
**TRANSIT AREA** YES  
**OVERLAY ZONE** MISSION VALLEY PLANNED DISTRICT MV-CR  
**AIRPORT INFLUENCE AREA** MONTGOMERY FIELD  
**CONDITION OF SOIL** COMPACTED FILL/UNDISTURBED  
**GEOLOGIC HAZARD** S3  
**BUILDING HEIGHT** 18'-0"  
**NUMBER OF STORIES** ONE STORY  
**YEAR CONSTRUCTED** 01/05/72  
**EASEMENTS** PER ZONING  
**EXISTING USE** MINI-MART/LUBE BAYS W/FUELING FACILITY  
**PROPOSED USE** MINI-MART/LUBE BAYS W/FUELING FACILITY

**ENGINEERING NOTES:**

- THIS PROJECT PROPOSES NO DEVELOPMENT IMPROVEMENTS OUTSIDE THE EXISTING BUILDING FOOTPRINT FOR THIS DISCRETIONARY REVIEW AND THEREFORE DOES NOT REQUIRE ANY PERMANENT STORM WATER BEST MANAGEMENT PRACTICES.
- THE ADA COMPLIANCE FOR THE SUBJECT PROPERTY SHALL BE ACHIEVED THROUGH THE REMOVAL AND REPLACEMENT OF THE EXISTING DRIVEWAYS ALONG FRIARS RD AND FRAZEE RD, WHICH SHALL BE CONSTRUCTED BY THE SR-163/FRIARS ROAD INTERCHANGE PROJECT.

**GE Gary Engineering, Inc.**  
4901 Moreno Boulevard, Suite 304  
San Diego, California 92117  
Telephone (858) 483-0620  
Fax (858) 483-2943  
Email: GaryEngCo@aol.com

**SITE PLAN**  
**HAZARD CENTER AUTO MART**  
**7698 FRIARS ROAD**  
**SAN DIEGO, CA 92108**



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**APPROVAL RECORD**

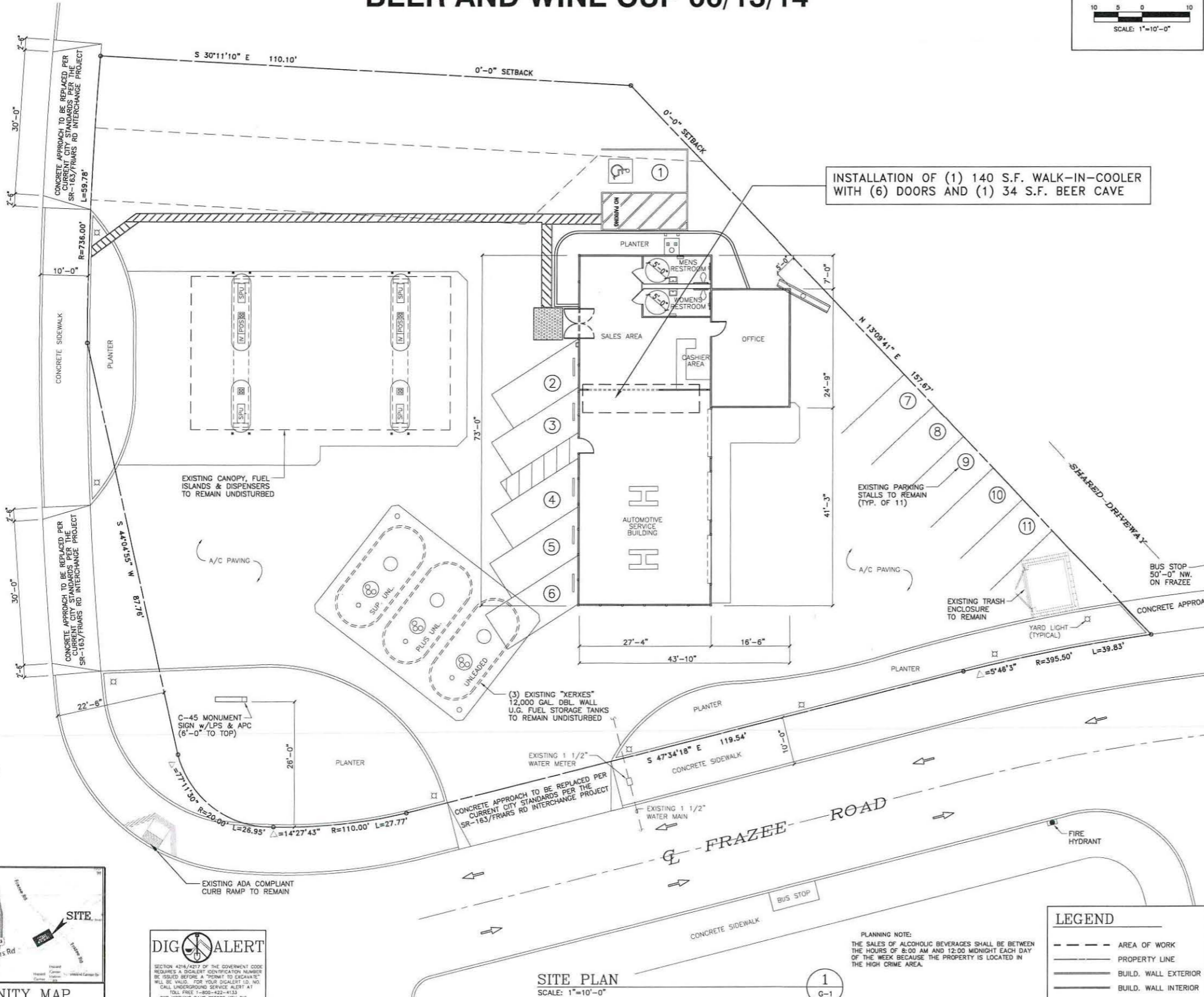
DATE	BY	REVISION
06/06/13	TRV	ISSUED FOR C.U.P.
06/06/13	TRV	ISSUED FOR PLAN CHECK
06/06/13	TRV	ISSUED FOR GEN. BLD
06/06/13	TRV	ISSUED FOR CONTRACT

**ENGINEERING NOTES:**

1. THIS PROJECT PROPOSES NO DEVELOPMENT IMPROVEMENTS OUTSIDE THE EXISTING BUILDING FOOTPRINT FOR THIS DISCRETIONARY REVIEW AND THEREFORE DOES NOT REQUIRE ANY PERMANENT STORM WATER BEST MANAGEMENT PRACTICES.

2. THE ADA COMPLIANCE FOR THE SUBJECT PROPERTY SHALL BE ACHIEVED THROUGH THE REMOVAL AND REPLACEMENT OF THE EXISTING DRIVEWAYS ALONG FRIARS RD AND FRAZEE RD, WHICH SHALL BE CONSTRUCTED BY THE SR-163/FRIARS ROAD INTERCHANGE PROJECT.

**SHEET NO. G-1**



INSTALLATION OF (1) 140 S.F. WALK-IN-COOLER WITH (6) DOORS AND (1) 34 S.F. BEER CAVE

**PLANNING NOTE:**  
THE SALES OF ALCOHOLIC BEVERAGES SHALL BE BETWEEN THE HOURS OF 8:00 AM AND 12:00 MIDNIGHT EACH DAY OF THE WEEK BECAUSE THE PROPERTY IS LOCATED IN THE HIGH CRIME AREA.

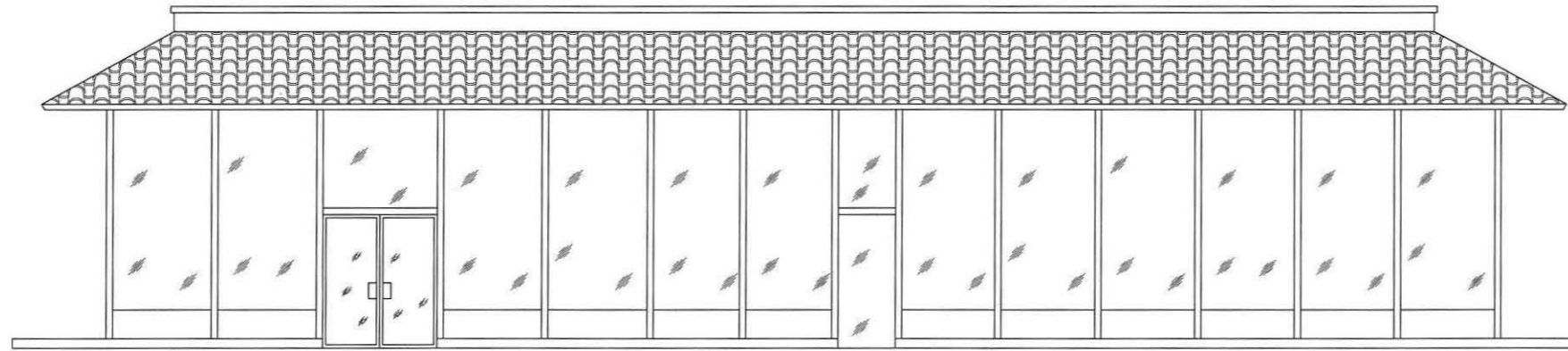
**LEGEND**

- AREA OF WORK
- - - - - PROPERTY LINE
- ===== BUILD. WALL EXTERIOR
- ===== BUILD. WALL INTERIOR



**SITE PLAN**  
SCALE: 1"=10'-0"

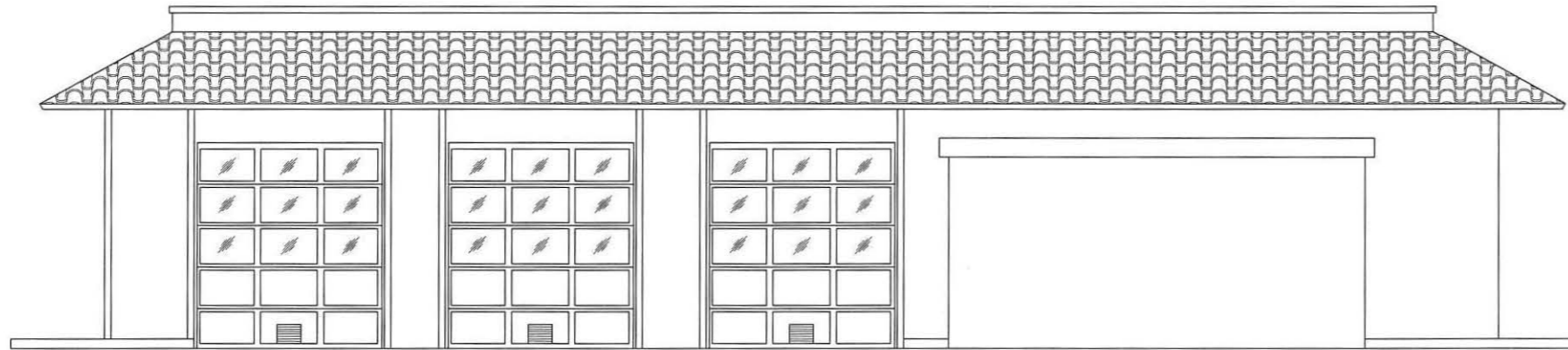
HAZARD CENTER AUTO MART  
**BEER AND WINE CUP 06/13/14**  
EXISTING BUILDING CONDITIONS - NO CHANGES PROPOSED



18'-0"  
T.O. ROOF  
16'-6"  
BOT. OF FASCIA  
12'-6"  
BOT. OF ROOF  
7'-0"  
T.O. DOOR  
2'-0"  
TOP OF BRICK  
0'-0"  
T.O. GRADE

FRONT/SOUTH ELEVATION  
SCALE: 1/4"=1'-0"

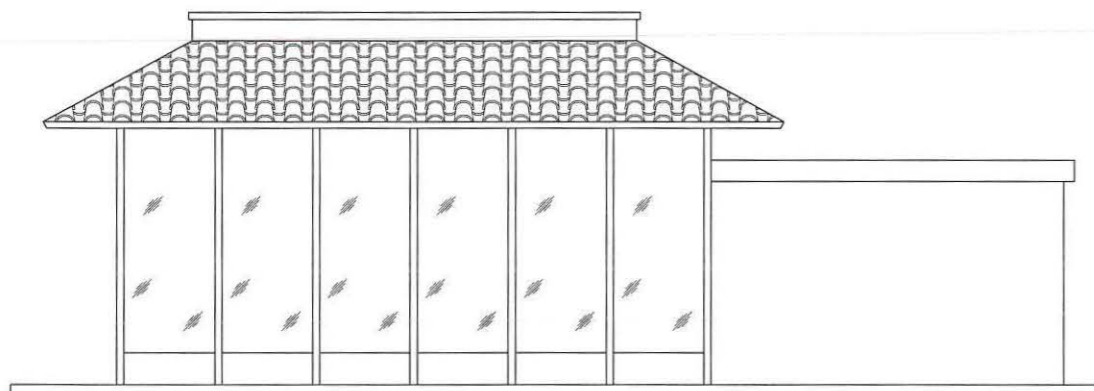
1  
A-1



18'-0"  
T.O. ROOF  
16'-6"  
BOT. OF FASCIA  
12'-6"  
BOT. OF ROOF  
10'-0"  
T.O. OFFICE  
0'-0"  
T.O. GRADE

REAR/NORTH ELEVATION  
SCALE: 1/4"=1'-0"

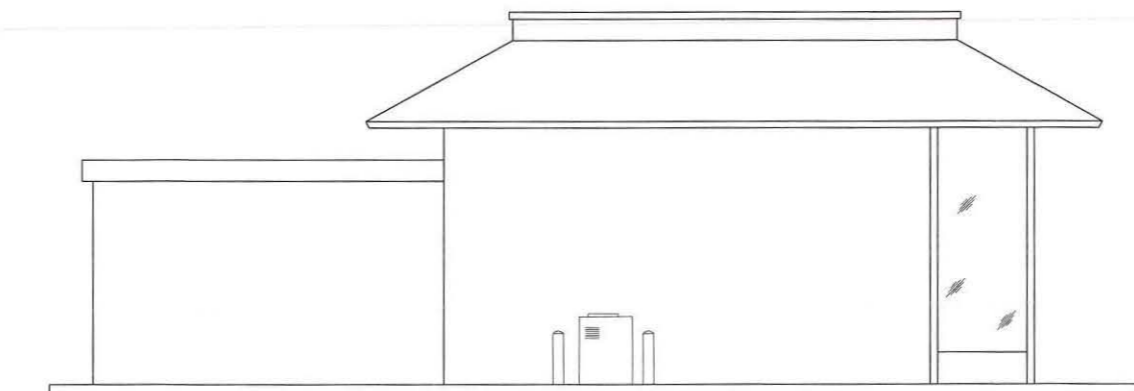
2  
A-1



18'-0"  
T.O. ROOF  
16'-6"  
BOT. OF FASCIA  
12'-6"  
BOT. OF ROOF  
11'-0"  
T.O. OFFICE  
0'-0"  
T.O. GRADE

RIGHT SIDE/WEST ELEVATION  
SCALE: 1/4"=1'-0"

3  
A-1



18'-0"  
T.O. ROOF  
16'-6"  
BOT. OF FASCIA  
12'-6"  
BOT. OF ROOF  
0'-0"  
T.O. GRADE

LEFT SIDE/EAST ELEVATION  
SCALE: 1/4"=1'-0"

4  
A-1

**GE GARY ENGINEERING, INC.**  
4901 Morena Boulevard, Suite 304  
San Diego, California 92117  
Telephone (858) 483-0620  
Fax (858) 483-2943  
Email: GaryEngCo@AOL.com

**BUILDING ELEVATIONS**  
HAZARD CENTER AUTO MART  
7698 FRIARS RD.  
SAN DIEGO, CALIFORNIA 92108



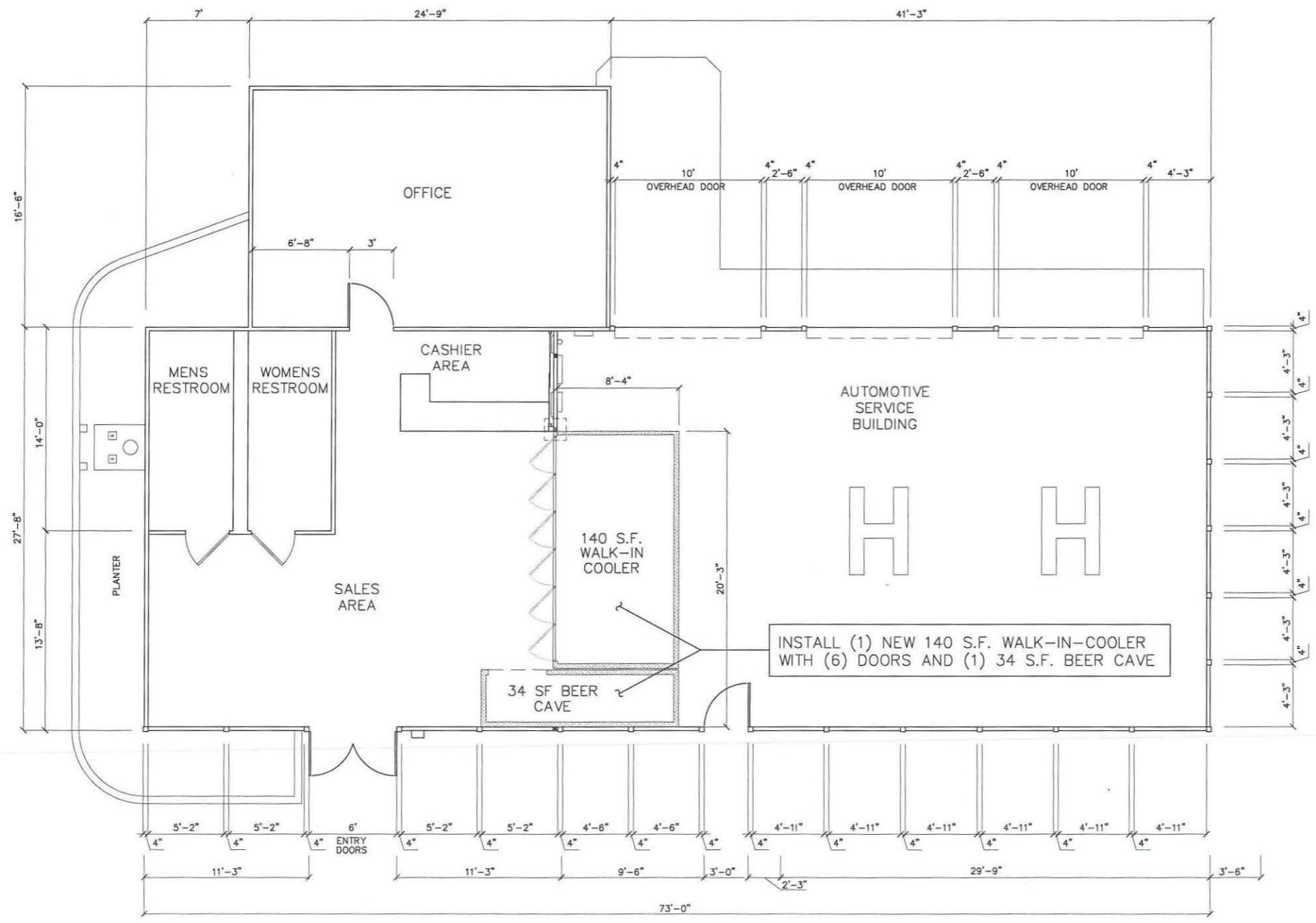
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APPROVAL RECORD		
REVISION	DATE	
ISSUED FOR C.L.P.		
ISSUED FOR PLAN CHECK		
ISSUED FOR GEN. BID		
ISSUED FOR CONSTRUCTION		
RECORD DRAWING		
NO.	DATE	REVISION DESCRIPTION
1	07/21/14	REVISED PER CLIENT COMMENTS
2	08/28/14	REV. PER CITY COMMENTS
3	09/25/14	REV. PER CITY COMMENTS

DESIGNED BY: GARY ENG.  
CHECKED BY: GARY ENG.  
DRAWN BY: GARY ENG.  
DATE: 07/21/14  
PLOT DATE: 09/25/14  
PROJECT: HAZARD CENTER AUTO MART

SHEET NO. **A-1**

# HAZARD CENTER AUTO MART BEER AND WINE CUP 06/13/14



**LEGEND:**

NEW WALK-IN COOLER WALLS AND BEER CAVE

**FLOOR PLAN**  
SCALE: 1/4"=1'-0"

1  
A-2

**GE GARY ENGINEERING, INC.**  
4901 Morena Boulevard, Suite 304  
San Diego, California 92117  
Telephone (858) 483-0620  
Fax (858) 483-2943  
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**FLOOR PLAN**  
**HAZARD CENTER AUTO MART**  
**7698 FRIARS RD.**  
**SAN DIEGO, CALIFORNIA 92108**



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APPROVAL RECORD		
ISSUED FOR	DATE	
ISSUED FOR C.L.P.		
ISSUED FOR PLAN CHECK	06/24/14	
ISSUED FOR GEN. BID		
ISSUED FOR CONTRACT		
RECORD DRAWING		
NO.	DATE	REVISION DESCRIPTION
1	07/21/14	REVISED PER CLIENT COMMENTS
2	08/26/14	REV. PER CITY COMMENTS
3	08/26/14	REV. PER CITY COMMENTS

DESIGNED BY: GARY ENG.  
CHECKED BY: GARY ENG.  
DRAWN BY: GARY ENG.  
DATE: 07/21/14  
PROJECT: HAZARD CENTER AUTO MART

**A-2**  
SHEET 3 OF 3