



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: March 18, 2015 REPORT NO. HO 15-043
ATTENTION: Hearing Officer
SUBJECT: THE FRONT PORCH - PROJECT NO. 388684
LOCATION: 928 Fort Stockton Drive, Suite 101
APPLICANT: The Patio's Front Porch LLC

SUMMARY

Issue(s): Should the Hearing Officer approve a Conditional Use Permit for the operation of an alcohol beverage outlet within an existing commercial building in the Uptown Community Plan area?

Staff Recommendation: APPROVE Conditional Use Permit No. 1368526.

Community Planning Group Recommendation: On February 3, 2015, the Uptown Planners voted unanimously to recommend the project be approved. There were no additional comments or conditions provided by the planning group.

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301, Existing Facility (Attachment 7). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on February 12, 2015, and the opportunity to appeal that determination ended February 27, 2015.

BACKGROUND

The project's existing 1,184 square-foot commercial suite, a gourmet specialty market, is located within a two-story, 7,100 square-foot commercial building located at 928 Fort Stockton Drive (Attachment 1) in the Mid-City Communities Planned District's (MCCPD) CV-3 Overlay Zone of the Uptown Community Plan. The Uptown Community Plan's Commercial Element designates the site as Neighborhood Commercial (Attachment 2) and more specifically, the Mission Hills Business Area, which provides a variety of convenience goods and services to meet the daily needs of the adjacent residential neighborhood. The Commercial Element's objectives include recommendations to "expand the neighborhood commercial services and

mixed-use development within the commercial node surrounding Washington and Goldfinch Streets, in addition to improving the pedestrian quality of this area."

The commercial building was constructed in 1982 and includes separate tenant spaces with uses to include a Japanese restaurant, a salon, business offices, retail boutique, and the gourmet specialty market. Immediately west, across Hawk Street, is St. Vincent's school and church. Further west is a neighborhood market/liquor store/deli. Immediately east of project site are two story residences that have been converted into businesses. The perimeter of this commercial area includes newer multi-residential development, older bungalows, and stately single-family home areas (Attachment 3).

This project application is seeking to establish a new alcoholic beverage outlet within the existing gourmet specialty market. The proposed project requires a Conditional Use Permit (CUP) pursuant to the San Diego Municipal Code for alcohol sales on any site that does not comply with specific location criteria of the Land Development Code.

DISCUSSION

The project proposes the operation of a alcoholic beverage outlet for the off-sale of beer and wine within the existing 1,184 square-foot gourmet specialty market located on the first floor level of a tenant suite within the two-story, 7,100 square-foot commercial building located at 928 Fort Stockton Drive, Suite 101. The applicant has submitted an application to the California Department of Alcoholic Beverage Control for a new Type 20, off-sale beer and wine license.

Development Regulations and Location Criteria

Alcoholic beverage outlets are permitted by right as a Limited Use pursuant to San Diego Municipal Code [SDMC] section 141.0502(b). However, alcoholic beverage outlets that do not comply with the locational criteria of this section may still be permitted with a CUP pursuant to SDMC section 141.0502(c).

The Limited Use Regulations of the SDMC section 141.0502(b)(1) do not permit alcoholic beverage outlets by right (i.e. would require a CUP) 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 subject property is in Census Tract No. 0002.01 which reported a crime rate 23.4 percent lower than the citywide average 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 alcohol beverage outlets exceeds the standards established by California Business and Professional Code section 23958.4.

The subject property is within Census Tract No. 0002.01, which based on the California Businesses and Professional Code Section 23958.4 permits a total of one (1) off-sale alcoholic beverage outlets. There are currently two (2) existing off-sale alcohol beverage outlets within Census Tract 0002.01 and therefore, the Census Tract would be considered over saturated with the approval of this permit.

3. In an adopted Redevelopment Project Area.

The project site is not within a Redevelopment Project Area.

4. Within 600 feet of a public or private accredited school, a public park, a playground or recreational area, a church except those established in accordance with Section 141.0404(a), a hospital, or a San Diego County welfare district office.

The project site is located within 75 feet of St. Vincent Catholic Church and their private accredited school. Therefore, a CUP is required for the off-sale of alcoholic beverages at this location based on this factor.

5. Within 100 feet of a residentially zoned property.

The project site is within 100 feet of residentially zoned property (MCCPD MR-3000 and MR-1000).

Alcohol Sales-Project Analysis:

The proposed alcoholic beverage outlet at this site requires a CUP because the project site does not meet all of the location criteria of the San Diego Municipal Code. As demonstrated above, the project site is within a Census Tract that the ratio of alcohol beverage outlets exceeds the standards established by California Business and Professional Code section 23958.4, the project site is within 600 feet of a church and private accredited school, and the site is within 100 feet of residentially zoned property (MCCPD MR-3000 and MR-1000).

The project has been reviewed by City staff and the San Diego Police Department for conformance to the applicable development regulations and land use polices. The staff recommendation to support the project relies on the fact that the primary use of the site is a neighborhood commercial development and the operation of an alcoholic beverage outlet within an existing gourmet specialty market to provide off-sale beer and wine, is consistent with that use. The property is part of a commercial node serving the community and would be consistent with the land use designation of the site. Therefore, the operation of an alcoholic beverage outlet would not adversely impact the community. Accordingly, staff is recommending approval of the project as conditioned by staff and the San Diego Police Department.

Draft Conditions of Approval

The CUP includes a number of conditions that would limit the hours of sales, advertising, and recommend that no sales of single containers of beer or malt beverages. Specifically, the CUP conditions would limit the hours of alcohol beverage sales from 11:00 a.m. to 8:00 p.m. and exterior advertising of alcoholic beverages, or interior advertising of alcoholic beverages that is visible from the exterior of the premises shall be prohibited. Further, both the 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.

Conclusion

City staff supports the request for a CUP for the limited and conditional off-sale of beer and wine beverages. Permit conditions have been added to this discretionary permit that would assure that the business would be 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 zone and the applicable land use plans and policies in affect for the site. An environmental review 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 by the San Diego Police Department (Attachment 9).

ALTERNATIVES:

1. **Approve** Conditional Use Permit No. 1368526 with modifications; or
2. **Deny** Conditional Use Permit No. 1368526, if the findings required for approving the project cannot be affirmed.

Respectfully submitted,

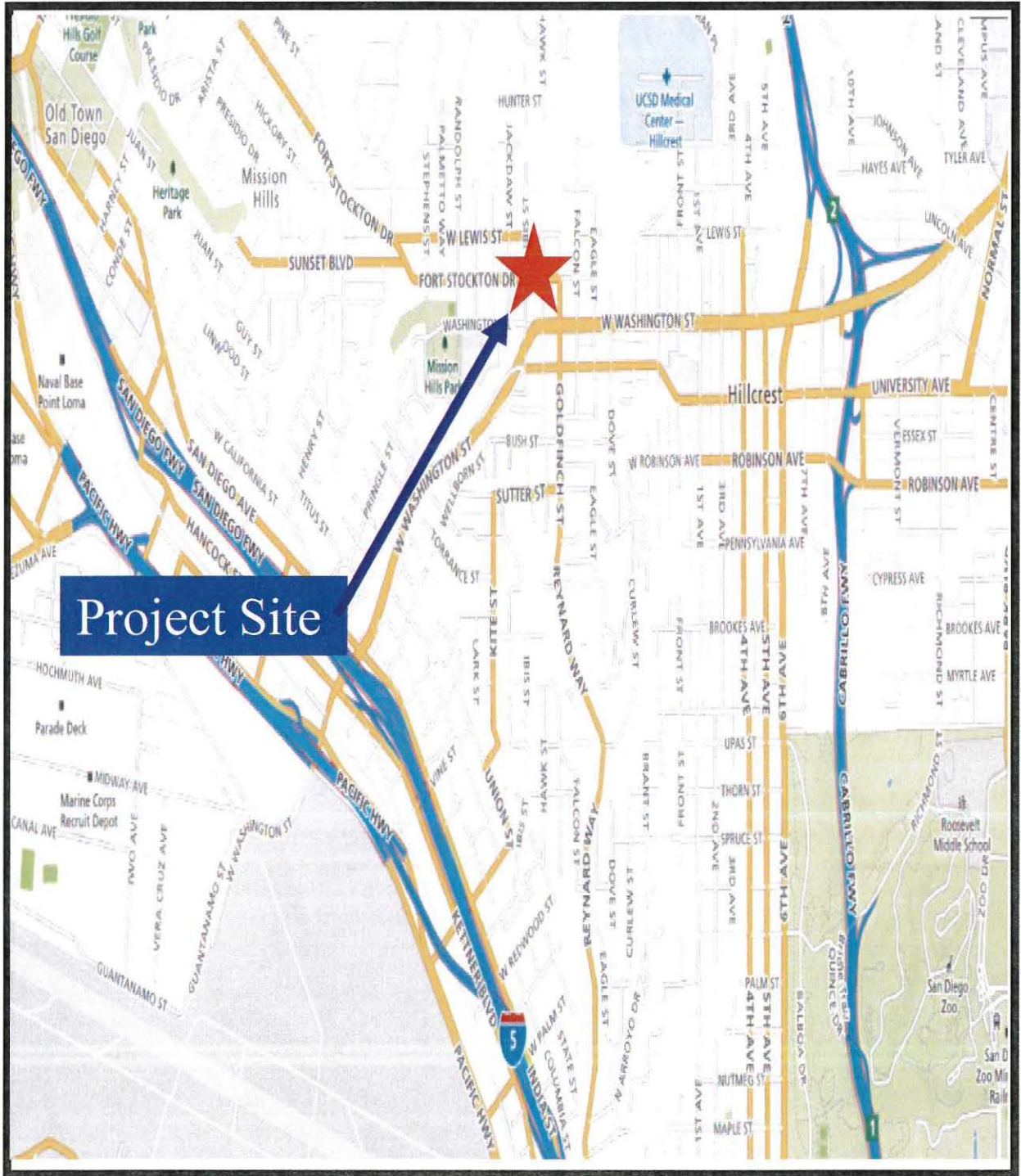


Tim Daly, Development Project Manager

Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Project Data Sheet
5. Draft Permit Resolution with Findings
6. Draft Permit with Conditions
7. Environmental Exemption
8. City of San Diego Public Convenience or Necessity and SDPD CUP Conditions

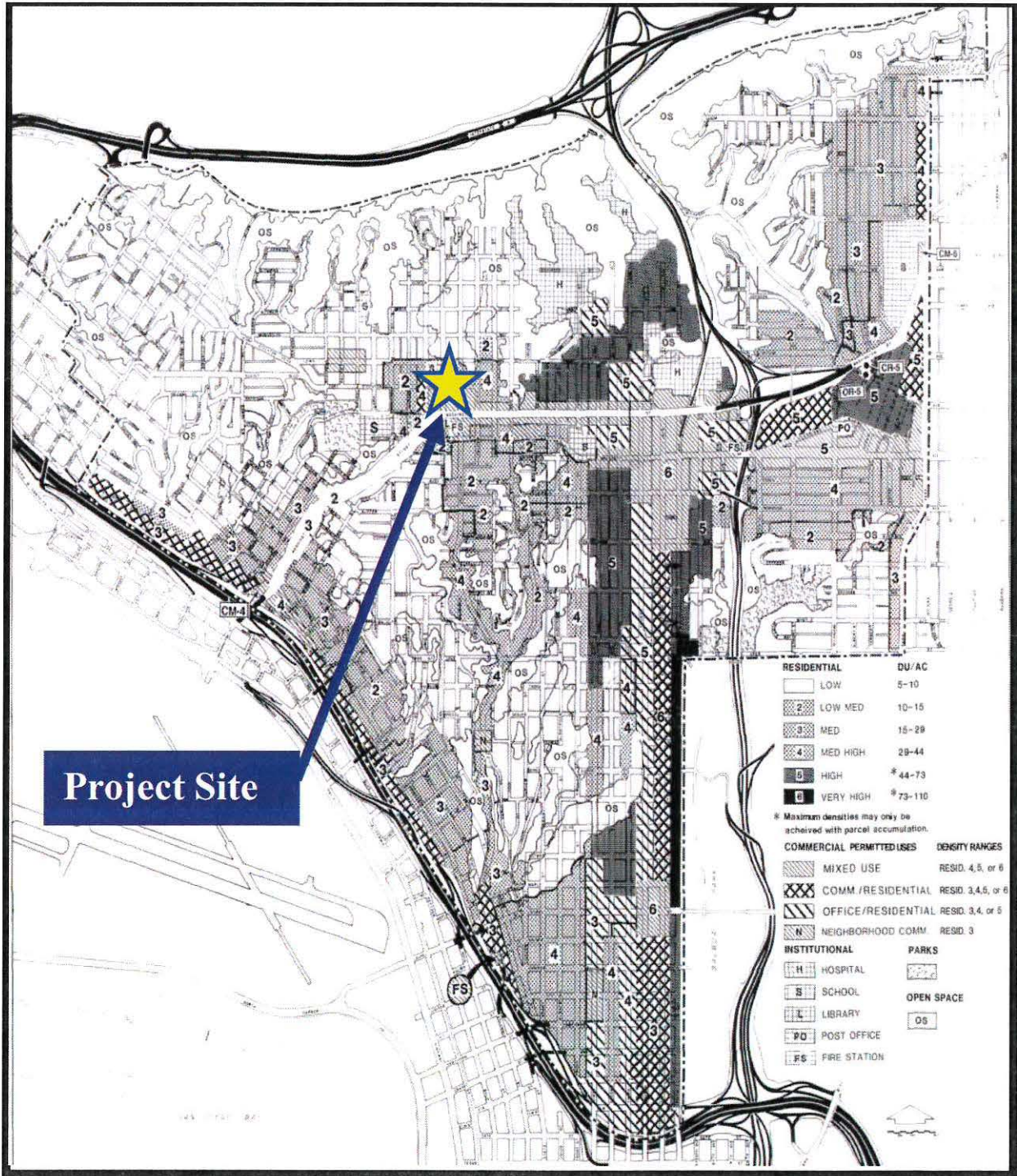
9. Ownership Disclosure Statement
 10. Project Plans (Hearing Officer only)
-



Project Location

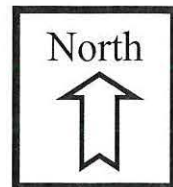
The Front Porch, Project No. 388684
928 Fort Stockton Drive





Uptown Community Land Use Map

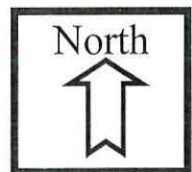
The Front Porch, Project No. 388684
 928 Fort Stockton Drive





Aerial Photo

The Front Porch, Project No. 388684
928 Fort Stockton Drive



PROJECT DATA SHEET

PROJECT NAME:	The Front Porch	
PROJECT DESCRIPTION:	Alcoholic Beverage Outlet, Type-20 Off-Sale Beer and Wine, within portions of a 1,184 s.f. commercial suite.	
COMMUNITY PLAN AREA:	Uptown	
DISCRETIONARY ACTIONS:	Conditional Use Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	Neighborhood Commercial	
<u>ZONING INFORMATION:</u>		
ZONE: MCCPD CV-3 HEIGHT LIMIT: 40 max. height limit LOT SIZE: 5,000 square feet min.; 6,000 square feet existing FLOOR AREA RATIO: 0.5 max. commercial ALL SETBACKS: None required PARKING: 15 spaces required; 15 existing		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Commercial Village; MCCPD CV-3	MF Residential
SOUTH:	Commercial Node; MCCPD CN-2A	Commercial/Office
EAST:	Commercial Village; MCCPD CV-3	Mixed Use
WEST:	Residential; MCCPD MR-3000	Church/Private School
DEVIATIONS OR VARIANCES REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On February 3, 2015, the Uptown Planners voted unanimously to recommend approval of the proposed project with no additional conditions.	

HEARING OFFICER RESOLUTION NO. XXXXXX
CONDITIONAL USE PERMIT NO. 1368526
THE FRONT PORCH PROJECT NO. 388684

WHEREAS, THE PATIO'S FRONT PORCH L.L.C., Permittee, filed an application with the City of San Diego for a permit to operate an alcoholic beverage outlet (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1368526), on portions of a 0.137-acre site;

WHEREAS, the project site is located at 928 Fort Stockton Drive, Suite 101 in the Mid-City Communities Planned District's (MCCPD) CV-3, Airport Influence Area (Review Area 2), and FAA Part 77 Notification Area Overlay Zones of the Uptown Community Plan;

WHEREAS, the project site is legally described as Lots 9 through 12 in Block 46 of Arnold and Choates Addition, Map No. 334, City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, November 29, 1872;

WHEREAS, on March 18, 2015, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1368526 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on February 12, 2015, 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 March 18, 2015.

FINDINGS:

Conditional Use Permit Approval – Section §126.0305

- (a) **The proposed development will not adversely affect the applicable land use Plan.** The project's existing 1,184 square-foot commercial tenant suite, a eclectic gourmet specialty market, is located within a two-story, 7,100 square-foot commercial building located at 928 Fort Stockton Drive in the Mid-City Communities Planned District's (MCCPD) CV-3 Overlay Zone of the Uptown Community Plan. The adjacent tenant spaces within the commercial development include a Japanese restaurant, a salon, business offices, and retail boutique. Immediately west, across Hawk Street, is St. Vincent's school and church. Further west is a neighborhood market/liquor store/deli. Immediately east of project site are two story residences that have been converted into businesses. The perimeter of this commercial area includes newer multi-residential development, older bungalows, and stately single-family home areas.

The Uptown Community Plan's Commercial Element designates the site as Neighborhood Commercial and more specifically, the Mission Hills Business Area, which provides a variety of convenience goods and services to meet the daily needs of the adjacent residential neighborhood. The Commercial Element's objectives include recommendations to "expand the neighborhood commercial services and mixed-use development within the commercial node surrounding Washington and Goldfinch Streets, in addition to improving the pedestrian quality of this area." The project site is within the vicinity of the proposed recommendations.

The proposed addition of off-sale beer and wine to the existing specialty market within the CV-3 zone is consistent with what the General Plan and Uptown Community Plan desire to achieve for business vitality and small business enterprises. Therefore, based on the commercial retail nature of the existing market and the neighborhood draw of the Mission Hills Business Area, the proposed project will not adversely affect the applicable land use plan.

- (b) **The proposed development will not be detrimental to the public health, safety, and welfare.** The project's existing 1,184 square-foot commercial tenant suite is located within a two-story, 7,100 square-foot commercial building located at 928 Fort Stockton Drive in the Mid-City Communities Planned District's (MCCPD) CV-3 Overlay Zone of the Uptown Community Plan. The project proposes operation of an alcoholic beverage outlet within an existing neighborhood market suite and the Permittee has submitted an application to the California Department of Alcoholic Beverage Control for a new Type 20, off-sale beer and wine license.

The existing eclectic gourmet specialty market proposes a full beverage department featuring craft beers and boutique wines for off-sale consumption. The adjacent tenant spaces within the commercial development include a Japanese restaurant, a salon, business offices, and retail boutique. Immediately west, across Hawk Street, is St. Vincent's school and church. Further west is a neighborhood market/liquor store/deli. Immediately east of project site are two story residences that have been converted into businesses. The perimeter of this commercial area includes newer multi-residential development, older bungalows, and stately single-family home areas.

Alcoholic beverage sales have been determined to serve a public convenience or necessity by the San Diego Police Department (SDPD). Required conditions within the Permit include limitations on the hours of operation and no sales of single containers of beer or malt beverages. The SDPD Vice Unit will work with the Permittee and the Department of Alcoholic Beverage Control to place additional conditions on the license to minimize law enforcement concerns, if necessary.

The Permit prepared for this project includes various conditions and corresponding exhibits of approvals relevant to achieving compliance with the regulations of the Municipal Code. These conditions include limitations on the hours of operation, no sales of single containers of beer or malt beverages, and signage. In addition, the proposed retail establishment must abide by all Federal, State, and Local codes related to alcohol beverage sales. Therefore, the project will not be detrimental to the public health, safety, and welfare.

- (c) **The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.** The project's existing 1,184 square-foot commercial tenant suite is located within a two-story, 7,100 square-foot commercial building located at 928 Fort Stockton Drive in the Mid-City Communities Planned District's (MCCPD) CV-3 Overlay Zone of the Uptown Community Plan. The project proposes operation of an alcoholic beverage outlet within an existing neighborhood market suite and the Permittee has submitted an application to the California Department of Alcoholic Beverage Control for a new Type 20, off-sale beer and wine license.

The Municipal Code allows such use if a Conditional Use Permit is approved and no building additions are proposed to the facility. The Permit prepared for this project includes various conditions and corresponding exhibits of approvals relevant to achieving compliance with the regulations of the Municipal Code. These conditions include limitations on the hours of operation and no sales of single containers of beer or malt beverages. No variance or deviations are requested as a part of this application. Therefore, the proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code.

- (d) **The proposed use is appropriate at the proposed location.** The project's existing 1,184 square-foot commercial tenant suite, a eclectic gourmet specialty market, is located within a two-story, 7,100 square-foot commercial building located at 928 Fort Stockton Drive in the Mid-City Communities Planned District's (MCCPD) CV-3 Overlay Zone of the Uptown Community Plan. The adjacent tenant spaces within the commercial development include a Japanese restaurant, a salon, business offices, and retail boutique. Immediately west, across Hawk Street, is St. Vincent's church and school. Further west is a neighborhood market/liquor store/deli. Immediately east of project site are two story residences that have been converted into businesses. The perimeter of this commercial area includes newer multi-residential development, older bungalows, and stately single-family home areas.

The Uptown Community Plan's Commercial Element designates the site as Neighborhood Commercial and more specifically, the Mission Hills Business Area, which provides a variety of convenience goods and services to meet the daily needs of the adjacent residential neighborhood. The Commercial Element's objectives include recommendations to "expand the neighborhood commercial services and mixed-use development within the commercial node surrounding Washington and Goldfinch Streets, in addition to improving the pedestrian quality of this area." The project site is within the vicinity of the proposed recommendations.

The proposed addition of off-sale beer and wine to the existing specialty market within the CV-3 zone is consistent with what the General Plan and Uptown Community Plan desire to achieve for business vitality and small business enterprises. Therefore, based on the commercial retail nature of the existing market and the neighborhood draw of the Mission Hills Business Area, the proposed project 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. 1368526 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Conditional Use Permit No. 1368526, a copy of which is attached hereto and made a part hereof.

Tim Daly
Development Project Manager
Development Services

Adopted on: March 18, 2015

Internal Order No. 24005108

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: 24005108

CONDITIONAL USE PERMIT NO. 1368526
THE FRONT PORCH PROJECT NO. 388684
Hearing Officer

This Conditional Use Permit No. 1368526 is granted by the Hearing Officer of the City of San Diego to Ms. Janine Ann Jadallah, a single woman as her sole and separate property, Owner, and The Patio's Front Porch L.L.C., Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 0.137-acre site is located at 928 Fort Stockton Drive, Suite 101 in the Mid-City Communities Planned District's (MCCPD) CV-3, Airport Influence Area (Review Area 2), and FAA Part 77 Notification Area Overlay Zones of the Uptown Community Plan. The project site is legally described as Lots 9 through 12 in Block 46 of Arnold and Choates Addition, Map No. 334, City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, November 29, 1872.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to operate an alcoholic beverage outlet [conditioned upon the issuance of a license from the State Department of Alcoholic Beverage Control and subject to the City's land use regulations] described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated March 18, 2015, on file in the Development Services Department.

The project shall include:

- a. A leased retail/market suite with 1,184 square feet within a existing two-story commercial building to operate an alcoholic beverage outlet conditioned upon the issuance of a license from the State Department of Alcoholic Beverage Control;

- b. Off-street parking; and
- c. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by April 2, 2018.
2. The utilization of this CUP is contingent upon the approval of a license to sell alcohol at this location by the California Department of Alcoholic Beverage Control [ABC]. The issuance of this CUP does not guarantee that the ABC will grant an alcoholic beverage license for this location.
3. No permit for the 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.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies

including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

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

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

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

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

ENGINEERING REQUIREMENTS:

12. Prior to the recordation of this Conditional Use Permit, the Owner/Permittee shall assure by permit and bond the replacement of the existing driveway, with City standard driveway adjacent to the site on Hawk Street, per Standard Drawings SDG-162, satisfactory to the City Engineer.

PLANNING/DESIGN REQUIREMENTS:

13. Owner/Permittee shall maintain a minimum of fourteen (14) off-street and one (1) accessible parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

14. The operation of the alcoholic beverage outlet shall comply with the Conditional Use Permit regulations specified in SDMC section 141.0502(c)(1) through (7).

15. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

16. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

17. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

POLICE DEPARTMENT REQUIREMENTS:

18. The sales of alcoholic beverage shall be permitted between the hours 11:00 A.M. to 8:00 P.M. every day of the week.

19. Exterior advertising of alcoholic beverages, or interior advertising of alcoholic beverages that is visible from the exterior of the premises shall be prohibited.

POLICE DEPARTMENT RECOMMENDATIONS FOR ABC LICENSE:

- No sales of single containers of beer or malt 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 March 18, 2015 and Resolution No. HO-XXXXXXXX.

Permit Type/PTS Approval No.: CUP No. 1368526
Date of Approval: March 18, 2015

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Tim Daly
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.**

Ms. Janine Ann Jadallah
Owner

By _____
NAME:
TITLE:

The Patio's Front Porch L.L.C.
Permittee

By _____
NAME:
TITLE:

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

NOTICE OF EXEMPTION

ATTACHMENT 7

(Check one or both)

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

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.: 388864 PROJECT TITLE: THE FRONT PORCH

PROJECT LOCATION-SPECIFIC: 928 Fort Stockton Avenue, San Diego, California 92103

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

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: The project is a Conditional Use Permit (CUP) for the off-site sale of alcoholic beverages in a 1,184 square-foot-retail space within an existing 7,100 square-foot-commercial/retail building within the CV-3 zone of the Mid-City Communities Planned District (MCCPD). The 0.137-acre-project site is located in the Uptown Community Plan area. The project site is also subject to the Airport Influence Area (Review Area 2), and FAA Part 77 Notification Area overlay zones. The project also proposes a modification of the existing retail space to include: the removal of the fixed storefront glass and replacement with new roll up doors, addition of a wood porch at each opening, and repainting of existing, exposed roof joints.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Sherri Olson (Agent)
6795 Mira Mesa Boulevard
San Diego, CA 92121
(909) 519-1816

EXEMPT STATUS: (CHECK ONE)

- () MINISTERIAL (SEC. 21080(b)(1); 15268);
() DECLARED EMERGENCY (SEC. 21080(b)(3); 15269(a));
() EMERGENCY PROJECT (SEC. 21080(b)(4); 15269 (b)(c))
(X) CATEGORICAL EXEMPTION: CEQA EXEMPTION 15301 (EXISTING FACILITIES)
() STATUTORY EXEMPTIONS:

REASONS WHY PROJECT IS EXEMPT: The proposed project is exempt from CEQA pursuant to Section 15301 which allows for the operation, repair maintenance, permitting, leasing, licensing, or minor alteration of existing facilities (public or private) involving negligible or no expansion of use beyond that existing at the time of the determination. The proposed project, a Conditional Use Permit for the off-site sale of alcoholic beverages in an existing retail building, and accompanying minor building modifications as specified in the Description of Nature and Purpose of the Project section of this notice, is a negligible expansion of use. No environmental impacts were identified for the proposed project. Additionally, none of the exceptions described in CEQA Guidelines Section 15300.2 apply.

LEAD AGENCY CONTACT PERSON: Anna L. McPherson AICP

TELEPHONE: (619) 446-5276

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

CITY OF SAN DIEGO
PUBLIC CONVENIENCE or NECESSITY
For Off Sale, On Sale Beer, and Public Premises Licenses
(FORM per Section 23958.4 B & P)

APPLICANT(S) NAME: The Patio's Front Porch LLC

MAILING ADDRESS: 4445 Lamont Street, San Diego, California 92109

TELEPHONE #: 858-270-9900 EMAIL: Gina@americannationalinvestments.com

DRIVER'S LICENSE/ID#: A4242622 DOB: February 15, 1965

Under the penalty of perjury, I declare the information in this affidavit is true to the best of my knowledge. I acknowledge that any false or misleading information will constitute grounds for denial of the application for the license or if the license is issued in reliance on information in this affidavit which is false or misleading, then such information will constitute grounds for revocation of the license issued.

APPLICANT(S) SIGNATURE: 

BUSINESS NAME / DBA: The Front Porch

PREMISES ADDRESS: 928 Fort Stockton Drive, Suites 101, 103 & 105, San Diego, CA 92103

TYPE OF LICENSE: Type 20 TYPE OF BUSINESS: Gourmet Specialty Market

PREMISES IS LOCATED IN CENSUS TRACT # 2.01

NUMBER OF LICENSES ALLOWED: 1 NUMBER EXISTING: 2

DISTRICT AVERAGE: _____ X 120% = _____ = **HIGH CRIME**

CRIMES IN THIS REPORTING DISTRICT 52 or 23.4 % OF THE AVERAGE.

If Section 23958.4 applies, then the above premises is located in an area which has an **over-concentration** of alcoholic beverage licenses and/or a **higher than average crime rate** as defined in Section 23958.4 of the Business and Professions Code:

***** The section below to be completed by SDPD Vice Administration *****

Will public convenience or necessity be served by issuance of this alcoholic beverage license? 04 0912714 15:27 N000026 PLU
422031PCM \$228.00
P

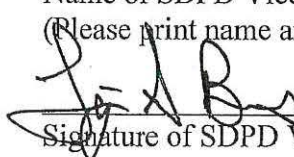
YES (X) NO ()

OFFICER TIMOTHY BURNS
Name of SDPD Vice Officer
(Please print name and title)

(619) 531-2988

Phone Number

04 0912714 15:27 N000026 TND
CHECK \$228.00
T


Signature of SDPD Vice Officer

11-13-14
Date

Daly, Tim

From: Burns, Timothy [tburns@pd.sandiego.gov]
Sent: Wednesday, December 10, 2014 8:46 AM
To: Daly, Tim
Cc: Casillas, Roberto
Subject: RE: PCN for Patio Front Porch, 928 Ft Stockton Dr. Ste 101, 103, 105, SD CA 92103
Attachments: Patio's Front Porch.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Tim,

I had talked to the owner and they are looking to sell wine with their own name on the label. There hours are from 11:00 AM to 8:00 PM. The conditions we would recommend would be;

1. Sales of alcohol from 11:00 AM to 8:00 PM every day of the week.
2. No sales of single containers of beer or malt beverages.

I think that would be good from us.

Thanks
 Officer Timothy Burns
 SDPD Vice Admin

From: Daly, Tim [<mailto:TPDaly@sandiego.gov>]
Sent: Monday, December 08, 2014 7:50 AM
To: Casillas, Roberto
Subject: RE: PCN for Patio Front Porch, 928 Ft Stockton Dr. Ste 101, 103, 105, SD CA 92103
Importance: High

Hello Sgt Casillas,
 The applicant for the CUP informed me that your office has signed off on the PCN. If so, can you provide me a signed copy from your office. Also, does your office have any conditions for the CUP?

Thx, Tim

Tim Daly
 Development Project Manager
 City of San Diego Development Services Dept., MS-501
 1222 First Ave., San Diego, CA 92101
 W# (619) 446-5356
tpdaly@sandiego.gov

Correspondents should assume that all communication to or from this address is monitored and recorded, may be reviewed by third parties, and is subject to review under a public records act request.



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 **Project No. For City Use Only**
 The Patio's Front Porch LLC 388684
Project Address:
 928 Fort Stockton Drive, Suites 101, 103 & 105, San Diego, California 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):
 Janine Jadallah
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 3848 5th Avenue, Suite E
 City/State/Zip:
 San Diego, CA 92103
 Phone No: _____ Fax No: _____
 Signature: Date: 08/07/14

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: _____

Name of Individual (type or print):

 Owner Tenant/Lessee Redevelopment Agency
 Street Address:

 City/State/Zip:

 Phone No: _____ Fax No: _____
 Signature : _____ Date: _____

Project Title:
The Patio's Front Porch LLC

Project No. (For City Use Only)

399684

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

Legal Status (please check):

Corporation Limited Liability -or- General) What State? CA 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):
The Patio's Front Porch LLC
 Owner Tenant/Lessee
Street Address:
4445 Lamont Street
City/State/Zip:
San Diego, CA 92109
Phone No: (858) 270-9900 Fax No: (858) 270-9903
Name of Corporate Officer/Partner (type or print):
Gina Champion-Cain
Title (type or print):
LLC Managing Member
Signature :  Date: 7/28/14

Corporate/Partnership Name (type or print):

 Owner Tenant/Lessee
Street Address:

City/State/Zip:

Phone No: Fax No:

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

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

 Owner Tenant/Lessee
Street Address:

City/State/Zip:

Phone No: Fax No:

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

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

 Owner Tenant/Lessee
Street Address:

City/State/Zip:

Phone No: Fax No:

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

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

 Owner Tenant/Lessee
Street Address:

City/State/Zip:

Phone No: Fax No:

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

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

 Owner Tenant/Lessee
Street Address:

City/State/Zip:

Phone No: Fax No:

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

Title (type or print):

Signature : Date: