



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: December 16, 2015 REPORT NO. HO 15-139
ATTENTION: Hearing Officer
SUBJECT: 3501 NATIONAL AVENUE - PROJECT NO. 438010
LOCATION: 3501 National Avenue, San Diego CA 92113
APPLICANT: Robert Zakar

SUMMARY

Issue(s): Should the Hearing Officer approve a Conditional Use Permit and Site Development Permit for the operation of an alcohol beverage outlet within an existing commercial market store in the Southeastern San Diego Community Plan area?

Staff Recommendation: APPROVE Conditional Use Permit No. 1532387 and Site Development Permit No. 1558705.

Community Planning Group Recommendation: On November. 9, 2015, the Southeast San Diego Planning Group voted 11-0-0 to recommend approval with conditions (Attachment 9).

Environmental Review: The project was determined to be exempt pursuant to the 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 October 1, 2015, and the opportunity to appeal that determination ended October 15, 2015.

BACKGROUND

The existing Neighborhood Farms Market (Market) is located at 3501 National Avenue, on the southeast corner of National Avenue and S. 35th Street intersection. The 0.160-acre site contains the 3,400 square-foot, single-story commercial market and two, two-story single-family residences with a separate garage structure. The project site is in the Southeastern San Diego Planned District (SESDPD) CT-2 Zone of the Southeastern San Diego Community Plan (Plan) area (Attachment 1) and is designated General Commercial in the Plan's Southcrest neighborhood (Attachment 2).

The existing Market, a rectangular shaped brick and glass store front structure, was constructed in 1961. The project sites' surrounding development includes the Otto Plaza commercial center to the north-northeast, a banking facility abutting the eastern property line, Emerson-Bandini Elementary School to the south, and a vacant half-acre lot that was previously a service station to the west. Within a one-mile perimeter of the site, development consists of multi-residential apartment complexes and one story single family residential units (Attachment 3).

This project application is seeking to upgrade the Market's existing California Department of Alcoholic Beverage Control (ABC) Type-20, Off-sale Beer and Wine License for a new ABC Type 21, Off-sale General Liquor License. The existing ABC License was issued prior to the City's Conditional Use Permit requirements. The proposed new ABC License and use 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. Also, a Southeastern San Diego Development Permit (SESD), processed as a Site Development Permit (SDP), is required for uses requiring a CUP within the SESDPD.

DISCUSSION

The project proposes the operation of an alcoholic beverage outlet located at 3501 National Avenue within a 3,400 square-foot, single-story commercial market. The applicant has submitted an application to the ABC to upgrade their existing ABC Type-20, Off-sale Beer and Wine License for a new ABC Type 21, Off-sale General Liquor 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. 0036.01 which reported a crime rate of 79.1 percent of the city-wide 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. 0036.01, which based on the California Businesses and Professional Code Section 23958.4 permits a total of two (2) off-sale alcoholic beverage outlets. There are currently two (2) existing off-sale alcohol beverage outlets within Census Tract 0036.01, including the existing Market. Therefore, the Census Tract would not be considered over saturated with the change of the Markets ABC License type and approval of this permit.

- 3. In an adopted Redevelopment Project Area.**

The project site is within the Southcrest 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 20 feet of the San Diego City School District's Emerson-Bandini Elementary 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 (SESDPD MF-3000 and MF-1500).

Alcohol Sales-Project Analysis:

As demonstrated above, the proposed alcoholic beverage outlet at this site requires a CUP because the project site does not comply with some of the location criteria of the San Diego Municipal Code.

The project has been reviewed by City staff and the San Diego Police Department (SDPD) for conformance to the applicable development regulations and land use polices. The staff recommendation to support the project relies on the fact that the primary use of the site is a commercial development and the operation of an alcoholic beverage outlet within the existing market to provide sale of beer, wine and distilled spirits for consumption off of the premises is consistent with that use. The property is part of a commercial corridor serving the community and would be consistent with the land use designation of the site. Therefore, the continued 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 SDPD (Attachment 8).

Community Group Recommendation and Conditions:

The Southeast San Diego Planning Group voted 11-0-0 to recommend approval with the following conditions:

1. Security cameras on the front and west side of the store;
2. Request for hours to be restricted between 8:00 AM to 10:00 PM for alcohol sales seven days a week;
3. Posting signage on west side of the building in addition to the front side of the building;
and
4. Request for solar panels on the roof of the Market and interior LED lighting installed.

The project applicant has stated to City staff and the SDPD that they do not agree with the Southeast San Diego Planning Group's additional conditions. However, City staff and the SDPD have evaluated the Group's recommended conditions and provide the following conclusions:

1. The applicant has indicated the Market has existing security cameras within and outside the facility. The draft Permit Condition No. 14 has been added to ensure security cameras will continue to be operational during the life of the Permit.
2. The SDPD has evaluated the reduction of their standard condition of sale and service of alcoholic beverages hours of 6:00 AM to 12:00 AM to 8:00 AM to 10:00 PM and does not support the change. The factors of their decision include the project site is within a low crime rate census tract, the applicant is proposing to relocate a existing ABC Type 21 License from Census Tract 35.02 with a high crime rate of 122.9% to the Market location, and the existing ABC Type 20 License at the Market does not include any recommended SDPD conditions of which could now be included on the new ABC License Type 21 License. Therefore, the SDPD believes the sale and service of alcoholic beverages hours of 6:00 AM to 12:00 AM is warranted at this location.
3. City staff supports the posting of signage on west side of the building along S. 35th Street in addition to the front side of the building and draft Permit Condition No. 21 has been added.
4. The project does not include or require any structural changes to the existing Market. The application for a CUP and SDP within the SESDPD are required for the "use" of the alcoholic beverage outlet. There is not any direct correlation to require solar paneling or LED lighting for the "use" of a alcoholic beverage outlet within the existing Market. Therefore, City staff does not support conditions for solar panels on the roof of the Market and interior LED lighting installed.

Draft Conditions of Approval

The CUP and SDP includes a number of conditions and recommendations to the ABC 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 6:00 AM to 12:00 AM and exterior advertising of alcoholic beverages, or interior

advertising of alcoholic beverages that is visible from the exterior of the premises shall be minimized. Further, both the staff and the SDPD concluded that if the permit were appropriately conditioned, the proposed alcohol sales would not have a negative impact on the surrounding neighborhood.

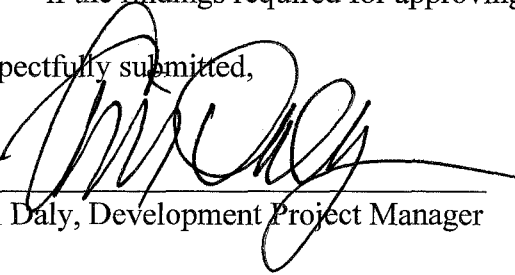
Conclusion

City staff supports the request for a CUP and SDP for the limited and conditional off-sale of beer, wine and distilled spirits. 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 SDPD.

ALTERNATIVES:

1. **Approve** Conditional Use Permit No. 1532387 and Site Development Permit No. 1558705 with modifications; or
2. **Deny** Conditional Use Permit No. 1532387 and Site Development Permit No. 1558705, if the findings required for approving the project cannot be affirmed.

Respectfully submitted,



Tim Daly, Development Project Manager

Attachments:

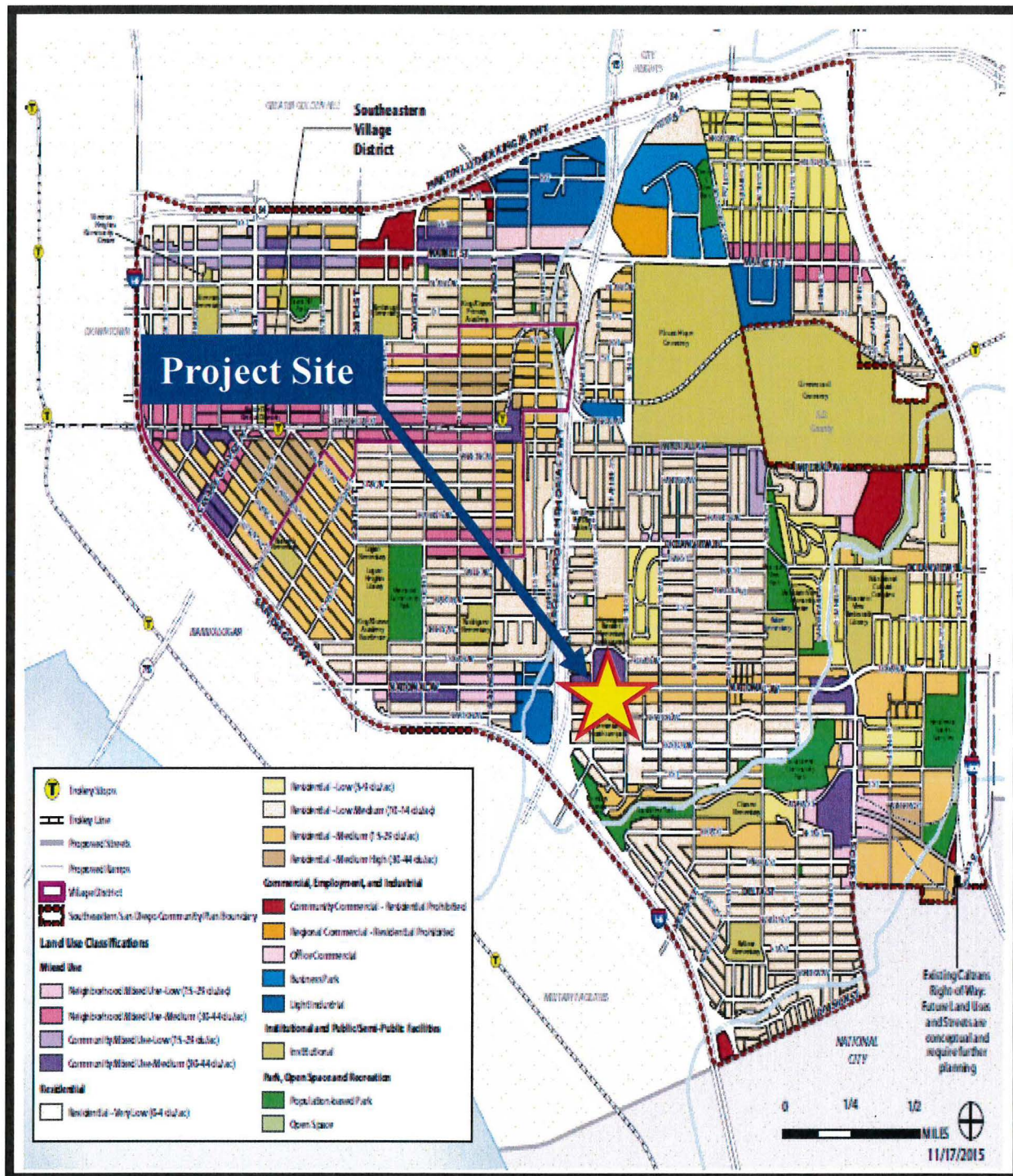
1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Project Data Sheet
5. Draft Permit Resolution with Findings
6. Draft Permit with Conditions
7. Environmental Exemption
8. SDPD CUP Conditions
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement
11.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



Project Location

3501 National Avenue, Project No. 438010
3501 National Avenue

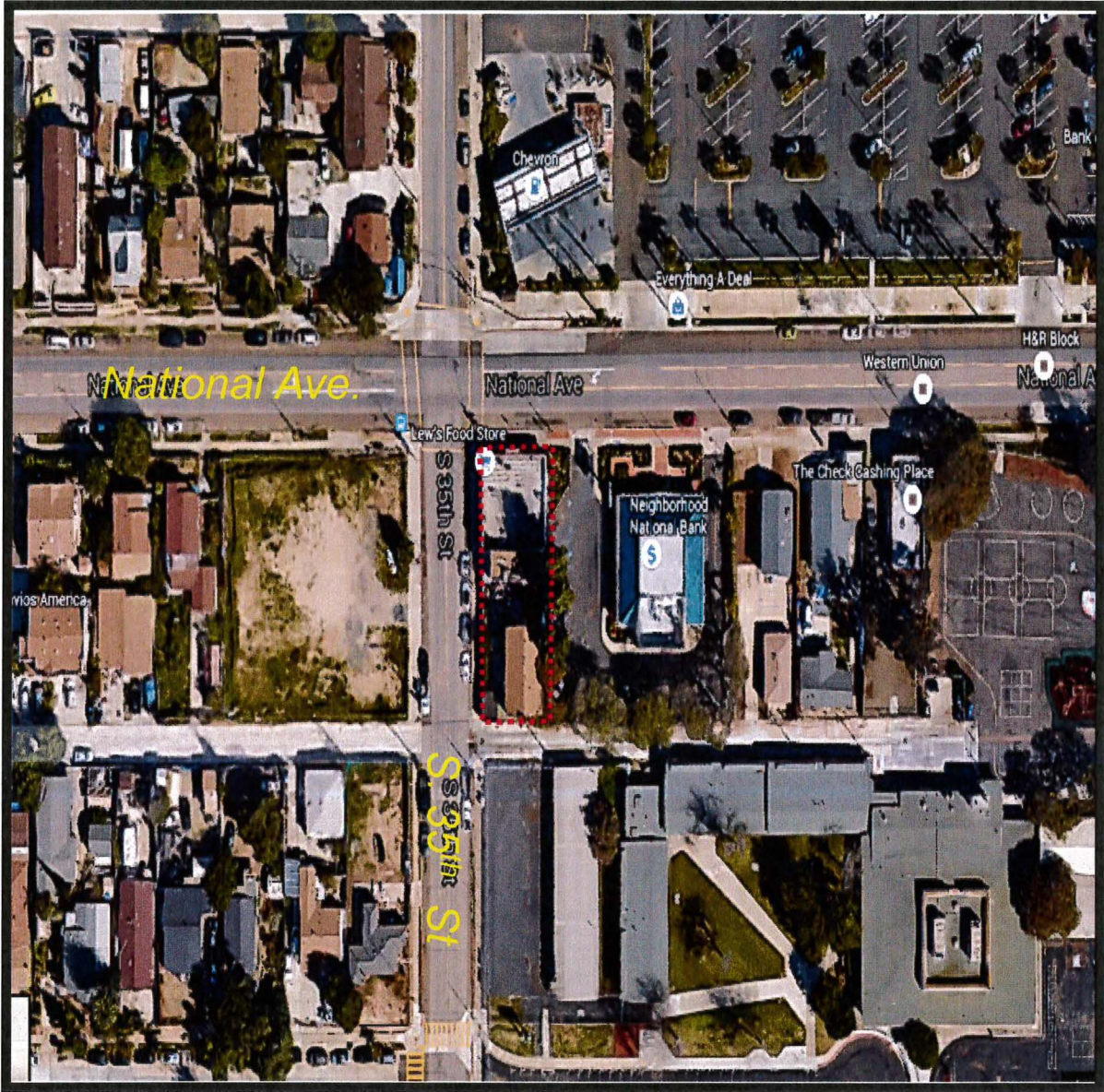




Southeastern San Diego Community Plan Land Use Map

3501 National Avenue, Project No. 438010
3501 National Avenue





Aerial Photo

**3501 National Avenue, Project No. 438010
3501 National Avenue**



PROJECT DATA SHEET

PROJECT NAME:	3501 National Avenue	
PROJECT DESCRIPTION:	New alcohol beverage outlet market	
COMMUNITY PLAN AREA:	Southeastern San Diego	
DISCRETIONARY ACTIONS:	Conditional Use Permit and Site Development Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	General Commercial	
<u>ZONING INFORMATION:</u>		
ZONE: Southeastern San Diego Planned District (SESDPD) CT-2 Zone		
HEIGHT LIMIT: None		
LOT SIZE: Min.10,000 square feet; 7,000 square feet existing		
FLOOR AREA RATIO: Max 1.0.; 0.75 existing		
FRONT SETBACK: 15 feet reqd.; 4 feet existing		
STREET SIDE SETBACK: 9 feet reqd.; 9.6 feet existing		
SIDE SETBACK: 0 feet reqd.; 0 feet existing		
REAR SETBACK: 0 feet reqd.; 0 feet existing		
ALL OTHER SETBACKS: None required		
PARKING: 8 spaces reqd.; 2 existing (Previously Conforming)		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Commercial; SESDPD-CT-2	Commercial/Retail
SOUTH:	Residential; SESDPD-MF-3000	School
EAST:	Commercial; SESDPD-CT-2	Commercial/Retail
WEST:	Commercial; SESDPD-CT-2	Vacant
DEVIATIONS OR VARIANCES REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On November. 9, 2015, the Southeast San Diego Planning Group voted 11-0-0 to recommend approval with conditions.	

HEARING OFFICER RESOLUTION NO. HO-XXXX
CONDITIONAL USE PERMIT NO. 1532387
SITE DEVELOPMENT PERMIT NO. 1558705
3501 NATIONAL AVENUE PROJECT NO. 438010

WHEREAS, LEW PROPERTY HOLDINGS, LLC, Owner and 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 Conditional Use Permit No. 1532387 and Site Development Permit No. 1558705), on portions of a 0.160-acre site;

WHEREAS, the project site is located at is located at 3501 National Avenue within the Southeastern San Diego Planned District (SES DPD) CT-2 Zone of the Southeastern San Diego Community Plan;

WHEREAS, the project site is legally described as Lots 47 and 48 in Block 6 of San Diego Land and Town Company's South Chollas Addition, in the City of San Diego, County of San Diego, State of California, according to Map 579, filed in the Office of the County Recorder of San Diego County, January 22, 1889;

WHEREAS, on December 16, 2015, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1532387 and Site Development Permit No. 1558705 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on October 1, 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(b)(3), 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 December 16, 2015.

FINDINGS:

Conditional Use Permit Approval – Section 126.0305

- (a) **The proposed development will not adversely affect the applicable land use plan.** The existing Neighborhood Farms Market (Market) is located at 3501 National Avenue. The 0.160-acre site contains the 3,400 square-foot, single-story commercial market and two, two-story single-family residences with a separate garage structure. The project site is in the Southeastern San Diego Planned District (SES DPD) CT-2 Zone of the Southeastern San Diego Community Plan (Plan) area and is designated General Commercial in the Plan's Southcrest neighborhood.

The Plan's Commercial Element states to "limit the establishment of new retail liquor sales outlets in neighborhoods experiencing a high level of crime." However, the Market

is located in Census Tract No. 0036.01 which reported a crime rate of 79.1 percent of the city-wide average based on the statistics provided by the San Diego Police Department and not considered "high crime." A Census Tract is considered to have "high crime" if the crime rate exceeds 120 percent of the city-wide average. In addition, the Market is currently licensed with a California Department of Alcoholic Beverage Control (ABC) Type 20 License for Off-sale Beer and Wine that was issued prior to and not subject to Conditional Use Permit regulations. The new ABC Type 21 License for the proposed addition of the distilled spirits within the Market for consumption off the premises will allow the City to regulate the alcoholic beverage outlet with appropriate conditions. Therefore, based on the commercial retail nature of the Market and the neighborhood draw of the commercial 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 existing Neighborhood Farms Market (Market) is located at 3501 National Avenue. The 0.160-acre site contains the 3,400 square-foot, single-story commercial market and two, two-story single-family residences with a separate garage structure. The project site is in the Southeastern San Diego Planned District (SESDPD) CT-2 Zone of the Southeastern San Diego Community Plan. The project proposes operation of an alcoholic beverage outlet within the existing market and the Owner/Permittee has submitted an application to the California Department of Alcoholic Beverage Control (ABC) for a new Type 21, Off-sale General Liquor License.

The Market proposes a full beverage department for the sale of beer, wine and distilled spirits for consumption off the premises. The Market is located along a major public transit corridor along National Avenue within the Southeastern San Diego Community Plan's Southerest neighborhood. Within the Market's commercial zone along National Avenue, development consists of the Otto Plaza commercial center across the street to the north-northeast, a banking facility abutting the eastern property line, Emerson-Bandini Elementary School to the south, and a vacant half-acre lot that was previously a service station to the west. Within a one-mile perimeter of the site, development consists of multi-residential apartment complexes and one story single family residential units.

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 recommendations to the ABC License for no sales of single containers of beer or malt beverages and minimum container size limits for distilled spirits. The SDPD Vice Unit will work with the Permittee and the ABC 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. In addition, the proposed commercial 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 existing Neighborhood Farms Market (Market) is located at 3501 National Avenue. The 0.160-acre site contains the 3,400 square-foot, single-story commercial market and two, two-story single-family residences with a separate garage structure. The project site is in the Southeastern San Diego Planned District (SESDPD) CT-2 Zone of the Southeastern San Diego Community Plan. The project proposes operation of an alcoholic beverage outlet within the existing market and the Owner/Permittee has submitted an application to the California Department of Alcoholic Beverage Control (ABC) for a new Type 21, Off-sale General Liquor License.

The Municipal Code allows such use if a Conditional Use Permit is approved. There are no building additions proposed to this 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. Required conditions within the Permit include limitations on the hours of operation and recommendations to the ABC License for no sales of single containers of beer or malt beverages and minimum container size limits for distilled spirits. 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 existing Neighborhood Farms Market (Market) is located at 3501 National Avenue. The 0.160-acre site contains the 3,400 square-foot, single-story commercial market and two, two-story single-family residences with a separate garage structure. The project site is in the Southeastern San Diego Planned District (SESDPD) CT-2 Zone of the Southeastern San Diego Community Plan. The Market proposes a full beverage department for the sale of beer, wine and distilled spirits for consumption off the premises.

The property is zoned and designated for commercial uses. The use of the site as a retail establishment will remain the same. The Market is located in Census Tract No. 0036.01 which reported a crime rate of 79.1 percent of the city-wide average based on the statistics provided by the San Diego Police Department (SDPD) and not considered not "high crime. The Market is also currently licensed with a California Department of Alcoholic Beverage Control (ABC) Type 20 License for Off-sale Beer and Wine, but not subject to Conditional Use Permit regulations. The proposed addition of the distilled spirits within the Market for consumption off the premises will allow the City to regulate the alcoholic beverage outlet with appropriate conditions. The SDPD has concluded that the alcoholic beverage outlet facility would constitute a public need and convenience and has provided recommendations for the sale of alcohol on the site. Therefore, the proposed use would be appropriate at the proposed location.

Site Development Permit Approval – Section 126.0504

(a) Findings for all Site Development Permits**(1) The proposed development will not adversely affect the applicable land use plan.**

The existing Neighborhood Farms Market (Market) is located at 3501 National Avenue. The 0.160-acre site contains the 3,400 square-foot, single-story commercial market and two, two-story single-family residences with a separate garage structure. The project site is in the Southeastern San Diego Planned District (SESDPD) CT-2 Zone of the Southeastern San Diego Community Plan (Plan) area and is designated General Commercial in the Plan's Southcrest neighborhood.

The Plan's Commercial Element states to "limit the establishment of new retail liquor sales outlets in neighborhoods experiencing a high level of crime." However, the Market is located in Census Tract No. 0036.01 which reported a crime rate of 79.1 percent of the city-wide average based on the statistics provided by the San Diego Police Department and not considered "high crime." A Census Tract is considered to have "high crime" if the crime rate exceeds 120 percent of the city-wide average. In addition, the Market is currently licensed with a California Department of Alcoholic Beverage Control (ABC) Type 20 License for Off-sale Beer and Wine that was issued prior to and not subject to Conditional Use Permit regulations. The new ABC Type 21 License for the proposed addition of the distilled spirits within the Market for consumption off the premises will allow the City to regulate the alcoholic beverage outlet with appropriate conditions. Therefore, based on the commercial retail nature of the Market and the neighborhood draw of the commercial area, the proposed project 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 existing Neighborhood Farms Market (Market) is located at 3501 National Avenue. The 0.160-acre site contains the 3,400 square-foot, single-story commercial market and two, two-story single-family residences with a separate garage structure. The project site is in the Southeastern San Diego Planned District (SESDPD) CT-2 Zone of the Southeastern San Diego Community Plan. The project proposes operation of an alcoholic beverage outlet within the existing market and the Owner/Permittee has submitted an application to the California Department of Alcoholic Beverage Control (ABC) for a new Type 21, Off-sale General Liquor License.

The Market proposes a full beverage department for the sale of beer, wine and distilled spirits for consumption off the premises. The Market is located along a major public transit corridor along National Avenue within the Southeastern San Diego Community Plan's Southcrest neighborhood. Within the Market's commercial zone along National Avenue, development consists of the Otto Plaza commercial center across the street to the north-northeast, a banking facility abutting the eastern property line, Emerson-Bandini Elementary School to the south, and a vacant half-acre lot that was previously a service station to the west. Within a one-mile perimeter of the site, development consists of multi-residential apartment complexes and one story single family residential units.

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 recommendations to the ABC License for no sales of single containers of beer or malt beverages and minimum container size limits for distilled spirits. The SDPD Vice Unit will work with the Permittee and the ABC 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. In addition, the proposed commercial 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.

- (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 existing Neighborhood Farms Market (Market) is located at 3501 National Avenue. The 0.160-acre site contains the 3,400 square-foot, single-story commercial market and two, two-story single-family residences with a separate garage structure. The project site is in the Southeastern San Diego Planned District (SESDDP) CT-2 Zone of the Southeastern San Diego Community Plan. The project proposes operation of an alcoholic beverage outlet within the existing market and the Owner/Permittee has submitted an application to the California Department of Alcoholic Beverage Control (ABC) for a new Type 21, Off-sale General Liquor License.

The Municipal Code allows such use if a Conditional Use Permit is approved and there are no building additions 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. Required conditions within the Permit include limitations on the hours of operation and recommendations to the ABC License for no sales of single containers of beer or malt beverages and minimum container size limits for distilled spirits. 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.

Southeastern San Diego Development Permit - Section 1519.0202

- (1) **The proposed use and project design meet the purpose and intent of the Southeastern San Diego Planned District Ordinance, comply with the recommendations of the Southeastern San Diego Community Plan, and will not adversely affect the General Plan or other applicable plans adopted by the City Council.** The existing Neighborhood Farms Market (Market) is located at 3501 National Avenue. The 0.160-acre site contains the 3,400 square-foot, single-story commercial market and two, two-story single-family residences with a separate garage structure. The project site is in the Southeastern San Diego Planned District (SESDDP) CT-2 Zone of the Southeastern San Diego Community Plan (Plan) area and is designated General Commercial in the Plan's Southcrest neighborhood.

The Plan's Commercial Element states to "limit the establishment of new retail liquor sales outlets in neighborhoods experiencing a high level of crime." However, the Market is located in Census Tract No. 0036.01 which reported a crime rate of 79.1 percent of the city-wide average based on the statistics provided by the San Diego Police Department and not considered "high crime." A Census Tract is considered to have "high crime" if the crime rate exceeds 120 percent of the city-wide average. In addition, the Market is currently licensed with a California Department of Alcoholic Beverage Control (ABC) Type 20 License for Off-sale Beer and Wine that was issued prior to and not subject to Conditional Use Permit regulations. The new ABC Type 21 License for the proposed addition of the distilled spirits within the Market for consumption off the premises will allow the City to regulate the alcoholic beverage outlet with appropriate conditions. The City's General Plan does not specifically address alcoholic beverage outlets; however, the existing neighborhood market is consistent with the City's General Plan goals to achieve for business vitality in a commercial zone and for small business enterprises.

The proposed alcoholic beverage outlet is consistent with the use allowed within the Southeastern San Diego Planned District Ordinance and complies with SDMC Section 151.0401 and Land Development Code Section 141.0502 by processing a Conditional Use Permit and including various conditions and corresponding exhibits of approvals relevant to achieving compliance with the regulations of the Municipal Code.

Therefore, based on the commercial retail nature of the Market and the neighborhood draw of the commercial area, the proposed use and project design will meet the purpose and intent of the Southeastern San Diego Planned District Ordinance, comply with the recommendations of the Southeastern San Diego Community Plan, and will not adversely affect the General Plan or other applicable plans adopted by the City Council.

- (2) **The proposed development shall be compatible with existing and planned land use on adjoining properties and shall not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community shall be achieved as far as practicable.** The existing Neighborhood Farms Market (Market) is located at 3501 National Avenue. The 0.160-acre site contains the 3,400 square-foot, single-story commercial market and two, two-story single-family residences with a separate garage structure. The project site is in the Southeastern San Diego Planned District (SESDPD) CT-2 Zone of the Southeastern San Diego Community Plan. The project proposes operation of an alcoholic beverage outlet within the existing market and the Owner/Permittee has submitted an application to the California Department of Alcoholic Beverage Control (ABC) for a new Type 21, Off-sale General Liquor License. No physical building improvements or additions are requested for the use.

The Market proposes a full beverage department for the sale of beer, wine and distilled spirits for consumption off the premises. The Market is located along a major public transit corridor along National Avenue within the Southeastern San Diego Community Plan's Southcrest neighborhood. Within the Market's commercial zone along National Avenue, development consists of the Otto Plaza commercial center across the street to the north-northeast, a banking facility abutting the eastern property line, Emerson-Bandini Elementary School to the south, and a vacant half-acre lot that was previously a service

station to the west. Within a one-mile perimeter of the site, development consists of multi-residential apartment complexes and one story single family residential units.

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 recommendations to the ABC License for no sales of single containers of beer or malt beverages and minimum container size limits for distilled spirits. The SDPD Vice Unit will work with the Permittee and the ABC 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. In addition, the proposed commercial establishment must abide by all Federal, State, and Local codes related to alcohol beverage sales. Therefore, the proposed use shall be compatible with existing and planned land use on adjoining properties and shall not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community shall be achieved as far as practicable.

- (3) **The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity.** The existing Neighborhood Farms Market (Market) is located at 3501 National Avenue. The 0.160-acre site contains the 3,400 square-foot, single-story commercial market and two, two-story single-family residences with a separate garage structure. The project site is in the Southeastern San Diego Planned District (SESDDP) CT-2 Zone of the Southeastern San Diego Community Plan. The project proposes operation of an alcoholic beverage outlet within the existing market and the Owner/Permittee has submitted an application to the California Department of Alcoholic Beverage Control (ABC) for a new Type 21, Off-sale General Liquor License.

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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. In addition, the proposed commercial establishment must abide by all Federal, State, and Local codes related to alcohol beverage sales. Therefore, the proposed use with the conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity.

- (4) **The proposed use will comply with the relevant regulations of the Municipal Code.** The existing Neighborhood Farms Market (Market) is located at 3501 National Avenue. The 0.160-acre site contains the 3,400 square-foot, single-story commercial market and two, two-story single-family residences with a separate garage structure. The project site is in the Southeastern San Diego Planned District (SESDPD) CT-2 Zone of the Southeastern San Diego Community Plan. The project proposes operation of an alcoholic beverage outlet within the existing market and the Owner/Permittee has submitted an application to the California Department of Alcoholic Beverage Control (ABC) for a new Type 21, Off-sale General Liquor License.

The Municipal Code and specifically the Southeastern San Diego Planned District Ordinance allows such use if a Conditional Use Permit is approved. The project does not propose any building additions 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. Required conditions within the Permit include limitations on the hours of operation and recommendations to the ABC License for no sales of single containers of beer or malt beverages and minimum container size limits for distilled spirits. Therefore, the proposed use will comply with the relevant regulations of the Municipal Code.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 1532387 and Site Development Permit No. 1558705 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. 1532387 and Site Development Permit No. 1558705, a copy of which is attached hereto and made a part hereof.

Tim Daly
Development Project Manager
Development Services

Adopted on: December 16, 2015

Internal Order No. 24006106

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: 24006106

CONDITIONAL USE PERMIT NO. 1532387
SITE DEVELOPMENT PERMIT NO. 1558705
3501 NATIONAL AVENUE PROJECT NO. 438010

Hearing Officer

This Conditional Use Permit No. 1532387 and Site Development Permit No. 1558705 is granted by the Hearing Officer of the City of San Diego to Lew Property Holdings, LLC, a California Limited Liability Company, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0301, 1519.0202, and 126.0504. The 0.160-acre project site is located at 3501 National Avenue within the Southeastern San Diego Planned District (SESDDP) CT-2 Zone of the Southeastern San Diego Community Plan. The project site is legally described as Lots 47 and 48 in Block 6 of San Diego Land and Town Company's South Chollas Addition, in the City of San Diego, County of San Diego, State of California, according to Map 579, filed in the Office of the County Recorder of San Diego County, January 22, 1889.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate an alcoholic beverage outlet conditioned upon the issuance of a license from the State Department of Alcoholic Beverage Control and subject to the City's land use regulations described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated December 16, 2015, on file in the Development Services Department.

The project shall include:

- a. Operation of a alcoholic beverage outlet within a 3,400 square-foot commercial market, conditioned upon the issuance of a Type 21 License from the State Department of Alcoholic Beverage Control for off-site consumption; and
- b. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in

accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by December 31, 2018.
2. This Conditional Use Permit (CUP) and corresponding use of this site shall expire on December 31, 2030. The Owner/Permittee may request that the expiration date be extended in accordance with SDMC section 141.0502(c)(7).
3. The utilization of this Conditional Use Permit (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 operation of a alcoholic beverage outlet for Off-sale General Liquor 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 construction permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

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

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

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

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

ENGINEERING REQUIREMENTS:

13. Prior to recordation of this Permit, the Owner/Permittee shall remove damaged portions of the sidewalk along National Avenue and replace pursuant to City Standard Drawing SDG-155. The new sidewalk shall match the existing sidewalk pattern.

PLANNING/DESIGN REQUIREMENTS:

14. The Owner/Permittee shall install and maintain at all times an electronic surveillance system inside and outside the alcoholic beverage outlet facility.

15. The Owner/Permittee shall post a copy of the Conditional Use Permit conditions in the licensed premises in a place where they may be readily viewed by any member of the general public or any member of a government agency.

16. 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.

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

18. 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:

19. Sales and service of alcoholic beverages shall be permitted only between the hours of 6:00 AM and 12:00 AM each day of the week.

20. The Owner/Permittee shall not exceed a total of 162 square feet of the three existing exterior signs' copy area (two 7' x8' signs and one 2'x25' sign) of advertising and promoting or indicating availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall be included as part of this condition's total exterior allowance.

21. The Owner/Permittee shall post and maintain a professional quality sign facing the premises along National Avenue and S. 35th Street that reads as the following: "NO LOITERING, NO LITTERING, NO DRINKING OF ALCOHOLIC BEVERAGES. VIOLATORS ARE SUBJECT TO ARREST." The sign area shall be at least two square feet with two-inch block lettering. The sign shall be in English and Spanish.

22. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the Owner/Permittee shall be removed or painted over within 48 hours of being applied.

23. The Owner/Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control, as depicted on the ABC-257 and ABC 253 forms.

24. There shall be no amusement machines or video game devices on the premises at any time.

POLICE DEPARTMENT RECOMMENDATIONS FOR ABC LICENSE:

- Wine or distilled spirits shall not be sold in bottles or containers smaller than 750 ml.
- Beer, malt beverages or wine cooler products, regardless of container size, must be sold in manufacturer pre-packaged multi-unit quantities.
- The sales of beer or malt beverages in quantities of quarts or 40 oz., or similar size containers are prohibited.
- No wine shall be sold with an alcoholic content greater than 15% by volume except for "dinner wines" which have been aged two years or more.
- No person under the age of 21 years shall sell or deliver 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 December 16, 2015 and Resolution No. HO-XXXX.

Permit Type/PTS Approval No.: CUP No. 1532387 and
SDP No. 1558705

Date of Approval: December 16, 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.

Lew Property Holdings, LLC
Owner/Permittee

By _____

NAME:

TITLE:

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

NOTICE OF EXEMPTION

TO: 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.: **438010**

Project Title: **3501 National Avenue CUP**

Project Location-Specific: 3501 National Avenue, San Diego, California 92113

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

Description of nature and purpose of the Project: **SITE DEVELOPMENT PERMIT (SDP) and CONDITIONAL USE PERMIT (CUP)** to allow for a Type 21 General Liquor License for the sale of alcoholic beverages for off-site consumption from an existing 3,244 square-foot market on a 0.160 acre site.

Name of Public Agency Approving Project: City of San Diego

Name of Person or Agency Carrying Out Project: Robert Zakar (Applicant),
 10451 Harvest View Way, San Diego,
 California 92128,
 (619) 654-7532

Exempt Status: (CHECK ONE)

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

Reasons why project is exempt: The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment. The project meets the criteria set forth in CEQA 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. A SDP and CUP to allow for a Type 21 general liquor license for the sale of alcoholic beverages from an existing commercial building is a negligible expansion of use. In addition; the exceptions listed in CEQA Section 15300.2 would not apply.

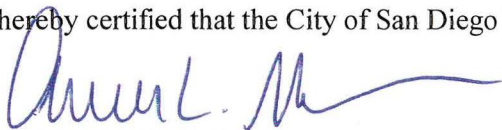
Lead Agency Contact Person: Rhonda Benally

Telephone: (619) 446-5468

If filed by applicant:

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

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



Signature/Title

October 1, 2015

Date

Check One:

- Signed By Lead Agency
 Signed by Applicant

Date Received for Filing with County Clerk or OPR:

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

PREMISE ADDRESS: 3501 National Ave

TYPE OF BUSINESS: National Liquor House

FEDERAL CENSUS TRACT: 36.01

NUMBER OF ALCOHOL LICENSES ALLOWED: 2

NUMBER OF ALCOHOL LICENSES EXISTING: 2 (at concentration)

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

THREE OR MORE REPORTED CRIMES AT THIS PREMISE WITHIN PAST YEAR YES NO

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 census tract allows two off-sale license and currently has two other active off-sale licenses. Although the South side of the street, census tract 36.01 has a low crime rate, the north side of the street, census tract 35.02, has a 122.9% crime rate. This is considered high crime. Emerson Bandini Elementary school is within 200 feet of the business. Narcotic users frequent the 3500 to 3600 block of National Ave to use and buy narcotics in the area during evening and nighttime hours.

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

1. Sales and service of alcoholic beverages shall be permitted only between the hours of 8:00 AM and 12:00 AM each day of the week.
2. Wine or distilled spirits shall not be sold in bottles or containers smaller than 750 ml.
3. Beer, malt beverages or wine cooler products, regardless of container size, must be sold in manufacturer pre-packaged multi-unit quantities.
4. The sales of beer or malt beverages in quantities of quarts or 40 oz., or similar size containers are prohibited.
5. No wine shall be sold with an alcohol content of greater than 15% by volume except for "Dinner Wines".

6. The petitioner(s) shall post and maintain a professional quality sign facing on the front of the premises that reads as the following: NO LOITERING, NO LITTERING, NO DRINKING OF ALCOHOLIC BEVERAGES. VIOLATORS ARE SUBJECT TO ARREST. The sign shall be at least two feet square with two inch block lettering. The sign shall be in English and Spanish.

7. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the licensee(s) shall be removed or painted over within 48 hours of being applied.

8. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior constitute a violation of this condition.

9. There shall be no amusement machines or video game devices on the premises at any time.

10. No person under the age of 21 years shall sell or deliver alcoholic beverages.

11. The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control, as depicted on the ABC-257 and ABC 253 forms.

SAN DIEGO POLICE DEPARTMENT RECOMMENDATION:

APPROVE X

DENY _____

ROBERT STANSON
Name of SDPD Vice Sergeant (Print)

619-534 2282
Telephone Number


Signature of SDPD Vice Sergeant

9/22/15
Date of Review

Daly, Tim

From: Stinson, Robert [rstinson@pd.sandiego.gov]
Sent: Thursday, October 08, 2015 3:17 PM
To: Daly, Tim
Subject: CUP for 3501 National Ave

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Tim,

How it going in the development world? I met with Robert Zakar over recommended conditions for the business. He was specifically concerned with #1 and #8. On #1 he wanted to open up at 6AM. I do not see a problem with that change. On #8 he wanted to keep the existing signs on the property that do advertise beer and wine. I believe that is also an acceptable compromise on the condition. Do you need me to modify the recommendation and send it back to you?

Sergeant Robert Stinson
San Diego Police Department
Vice Administration - Permits and Licensing
1401 Broadway, San Diego, CA. 92101 (MS #735)
(619) 531-2282
rstinson@pd.SanDiego.gov

CONFIDENTIALITY NOTICE: This email communication may contain private, confidential, law enforcement sensitive or legally privileged information intended for the sole use of the designated and/or duly authorized recipient(s). If you are not the intended recipient or have received this email in error, please notify the sender immediately by email and permanently delete all copies of this email including all attachments without reading them. If you are the intended recipient, secure the contents in a manner that conforms to all applicable state and/or federal requirements related to privacy and confidentiality of such information.

DISCLOSURE NOTICE: Notwithstanding any expressed or implied confidentiality referenced above, this email including all listed email addresses and attachments are subject to disclosure in accordance with the California Public Records Act (Government Code Section 6250, et. seq.)

Project Title: NEIGHBORHOOD FARMS CUP Project No. (For City Use Only) 438010

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

Legal Status (please check):

Corporation Limited Liability ^{Company} -or- General) What State? CA Corporate Identification No. 33-0738411
 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): LEW PROPERTY HOLDINGS LLC
 Owner Tenant/Lessee
 Street Address: 4550 KEARNY VILLA RD. STE 212
 City/State/Zip: SAN DIEGO, CA 92123
 Phone No: 858 268-8701 Fax No:
 Name of Corporate Officer/Partner (type or print): JOHNNY LEW
 Title (type or print): MANAGING MEMBER
 Signature: [Signature] Date: 7-9-15

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:

Daly, Tim

From: Tom Fuller [tomfuller@live.com]
Sent: Wednesday, November 11, 2015 9:22 PM
To: Daly, Tim
Subject: 3501 National

Follow Up Flag: Follow up
Flag Status: Completed

Hello Mr. Daly,

I wanted to let you know that the committee passed 3501 National with recommendations. I have added the recommendations for your perusal below. I am waiting to receive the vote count back from the secretary. I believe we were 11-0 but I just want to make sure. Once I do I will send you the confirmed vote count Let me know if you have any questions.

Recommendations:

1. Security cameras on the front and west side of the store.
2. Request for hours to be restricted between **8 A.M. to 10 P.M.** for alcohol sales seven days a week.
3. Posting sign on west side of the building in addition to the front side of the building
4. Request for solar panels and led lighting to be placed on the facility. (Hours of operation, types of product, quantity issues).

Summary

Consensus to the committee for conditional support with recommendations as stated. For types of products, size and quantities. San Diego Vice recommends items 4-14 be conditional. Committee request change to items #4 and # 9. **Item #4, Board recommends hours of operation for the sale of alcoholic beverages from 8A.M to 10P.M., which is sensitive to the single family home neighborhood. Item #9 Committee recommends additional signage at the West side of the market reference to item #9.** Committee recommends installation of Solar Panels on the roof and Led lighting in the interior. If any of the above recommendations is not implemented by the hearing officer (City Manager) or planning commissioner, the SSDPG reserves the right to appeal to the planning commission.

1. Back up documents revise plans two sheets Dated: 20 August 2015 includes site plan and floor plan of the 3244 SF store.
2. Project assessment letter and project tracking system report (PTS) which includes SDPD Vice recommendations (Page7) dated 24th September 2015.
3. Environmental Documents Exempt from CEQA per CEQA guidelines page 4 of Project system tracking report (PTS).

Regards,

Tom Fuller, Chair
Southeastern San Diego Planning Group
619-888-3242