



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: October 30, 2024 REPORT NO. HO-24-043
HEARING DATE: November 6, 2024
SUBJECT: 6426 Mount Ada Road, Process Three Decision
PROJECT NUMBER: [PRJ-1103984](#)
OWNER/APPLICANT: Buckel Trust Agreement/Alta Dena Market Inc.

SUMMARY

Should the Hearing Officer approve a Conditional Use Permit (CUP) to allow an existing alcoholic beverage outlet that currently sells beer and wine to allow the sale of distilled spirits at an existing 2,475-square-foot convenience market located at 6426 Mount Ada Road within the Clairemont Mesa Community Plan Area?

Proposed Action:

1. **APPROVE** CUP No. PMT-3263882.

Fiscal Considerations: None. All costs associated with the processing of the application are recovered through a deposit account funded by the applicant.

Community Planning Group Recommendation: On March 8, 2024, the Clairemont Mesa Community Planning Group Voted 6-0-0 to recommend approval of the proposed project without conditions (Attachment 7).

Environmental Impact: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the State CEQA Guidelines. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on July 23, 2024, and the opportunity to appeal that determination ended on August 6, 2024 (Attachment 6).

BACKGROUND

The 0.22-acre site is located at 6426 Mount Ada Road in the Commercial-Community (CC-1-3), base zone, Airport Land Use Compatibility, Clairemont Mesa Height Limit, Community Plan Implementation, Transit Priority Area, Airport Land Use Compatibility Plan Airport Influence Area,

Federal Aviation Administration Part 77 Noticing Area Overlay Zone, within the Clairemont Mesa Community Plan Area.

The applicant purchased the market with the type 20 liquor license in 2006 and has continued options to expand its market and beverage offerings.

DISCUSSION

Project Description:

The project is a request for a CUP to allow for the continued operation of an existing convenience store with a State issued Alcohol Beverage Control (ABC) Type 20 Liquor License to allow the sale of a full line of distilled spirits through a State issued Type 21 Liquor License.

Alcoholic beverage outlets are permitted in the Commercial Community (CC-1-3) zone as a Limited Use, subject to San Diego Municipal Code (SDMC) [Section 141.0502\(b\)](#). The following three regulations apply to the proposed use and alcoholic beverage outlets are not permitted as a Limited Use:

- Within a census tract, or within 600 feet of a census tract, where the general crime rate exceeds the citywide average by more than 20 percent;
- Within 600 feet of a public or private accredited school; a public park, playground, or recreational area; a church; hospital; or a San Diego County Welfare District Office; and
- Within 100 feet of a residentially zoned property.

Those facilities that do not comply with the Limited Use Regulations may be permitted with a Conditional Use Permit Process Three subject to the regulations in SDMC Section 141.0502(c) and a recommendation from the San Diego Police Department (SDPD).

Projects that are within 600 feet of an accredited school, public park, playground, recreational area, church, hospital, County Welfare office and/or within 100 feet of a residentially zoned property do not comply with the limited use regulations and would require a CUP. The project location is approximately 60 feet north of residentially (RM-3-7) zoned property and 440 feet west of two schools (Clairemont Canyons Academy and Playhouse Preschool) and 212 feet west of religious assembly uses (Communion Church and Balboa Community Church).

In addition, the SDPD may support alcohol offsite sales uses for sites less than 120 percent of the reported crime rate per census tract. The site is in Census Tract 85.09 and the area has an 84.3 percent crime rate and an alcohol crime rate of 89.9 percent (2022). The San Diego Police Department (SDPD) recommends approval with conditions to include limiting the hours for alcoholic beverages sales; no sales to any person in a motor vehicle, except those with a disabled/handicapped placard or license plate; requiring video surveillance; removal of litter and graffiti; and training for staff regarding sales to underage and/or intoxicated people.

Community Plan Analysis:

The project site is located within the Clairemont Mesa Community Plan (Community Plan) and is designated as Community Center with residential allowed up to 29 dwelling units per acre. The

surrounding development consists of commercial uses to the north and west, residential development across Ada Road to the south, and religious use to the east, across Mount Albertine Avenue. The convenience store with alcohol sales is an allowable use within the land use designation of the community plan. The project site is currently developed with an existing convenience market. The project proposes the continued operation of the convenience market with an existing Type 20 Liquor License to expand to a Type 21 Liquor License, which allows the sale of distilled spirits in addition to beer and wine.

Conclusion:

City Staff have reviewed the proposed project and have determined that the project as conditioned would conform to all applicable sections of the San Diego Municipal Code. Draft findings and conditions to support the project approval are presented to the Hearing Officer for consideration.

ALTERNATIVES

1. Approve Conditional Use Permit No. PMT-3263882, with modifications;
2. Deny Conditional Use Permit No. PMT-3263882 if the findings required to approve the project cannot be affirmed.

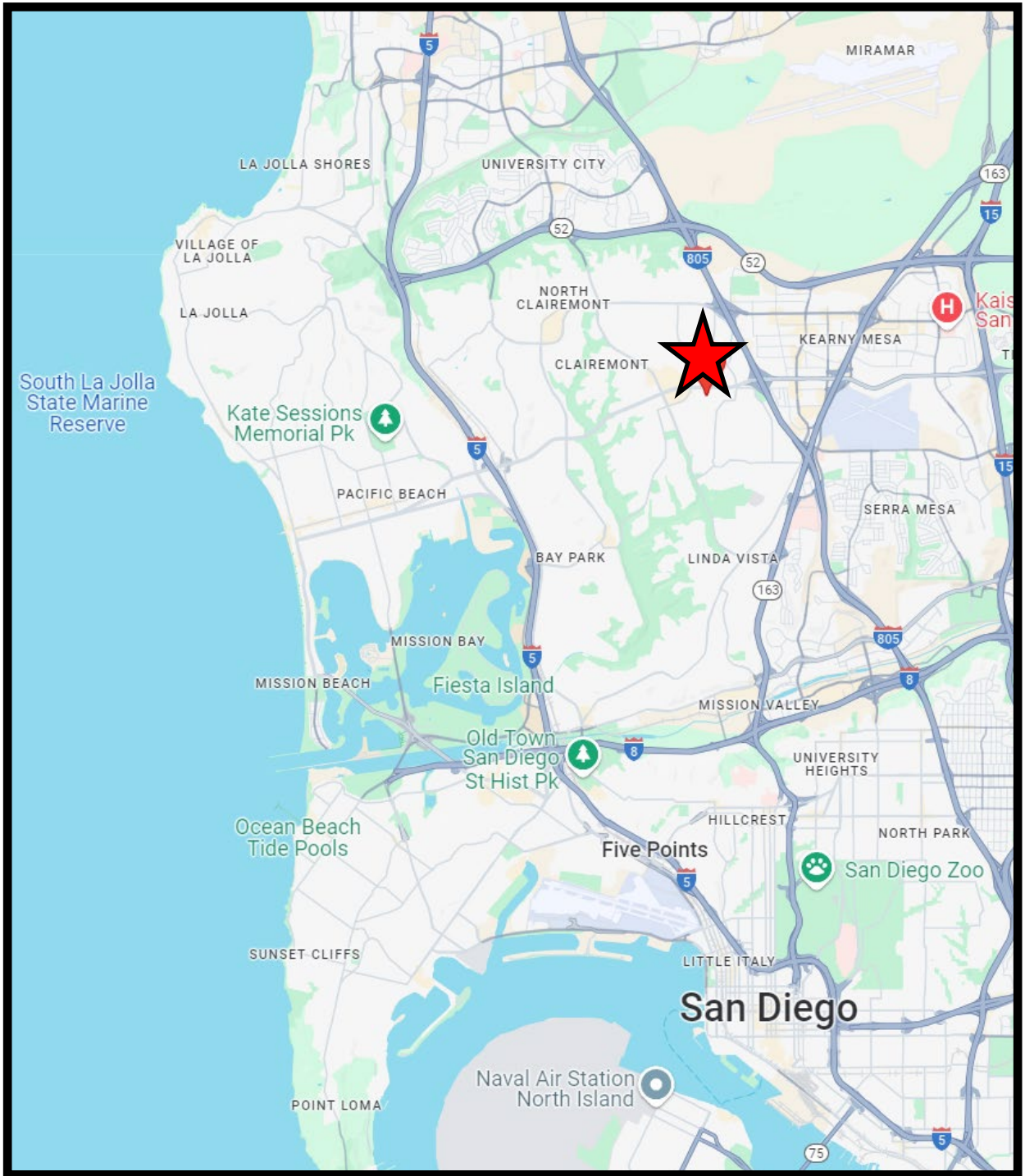
Respectfully submitted,



May Rollin
Development Project Manager
Development Services Department

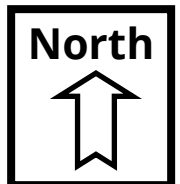
Attachments:

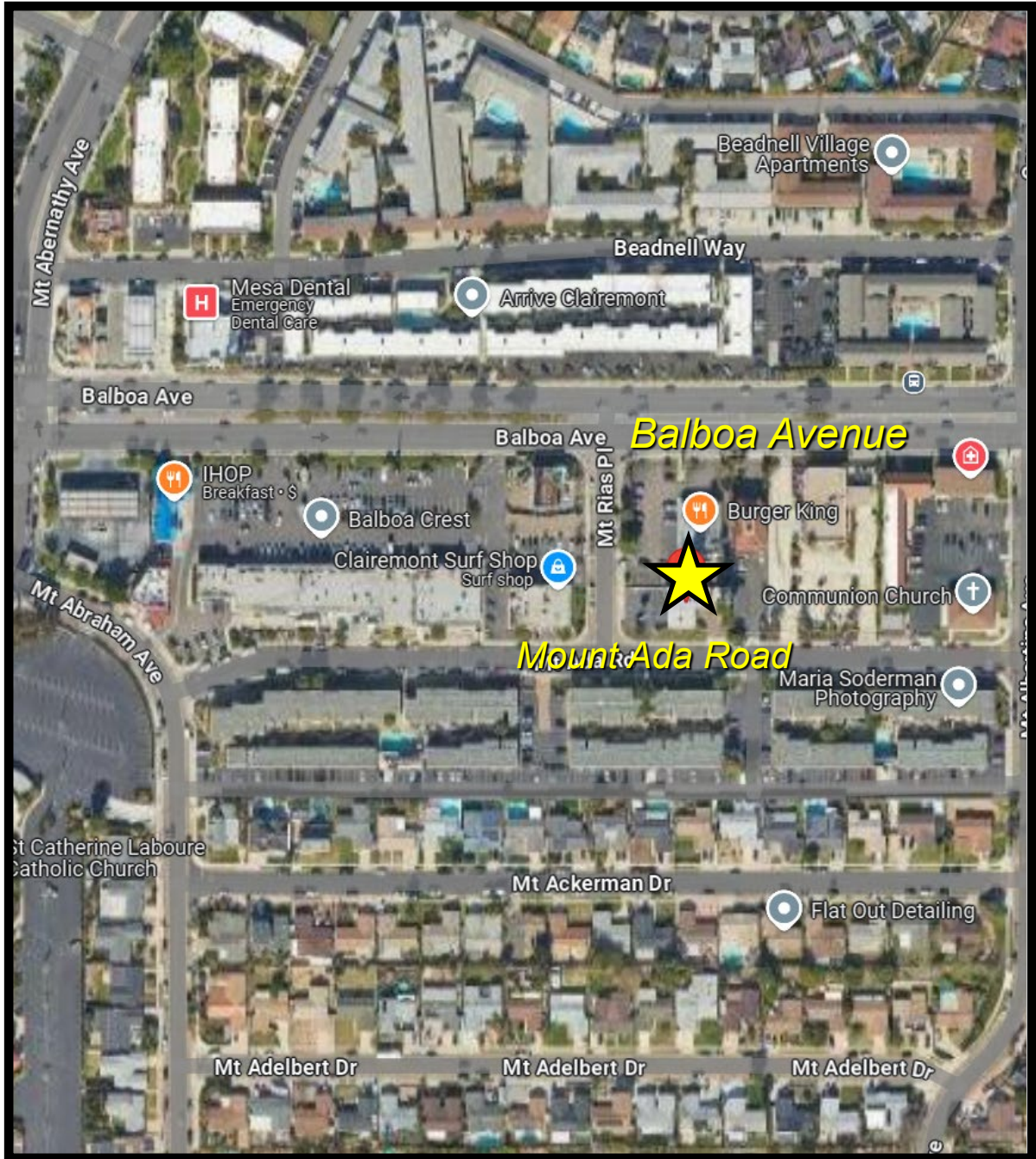
1. Project Location Map
2. Aerial Photograph
3. Land Use Map
4. Draft Resolution
5. Draft Permit
6. Environmental Determination
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Police Department Recommendation
10. Project Plans



Project Location

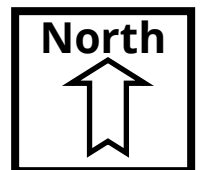
6426 Mount Ada Road
Project No. PRJ-1103984

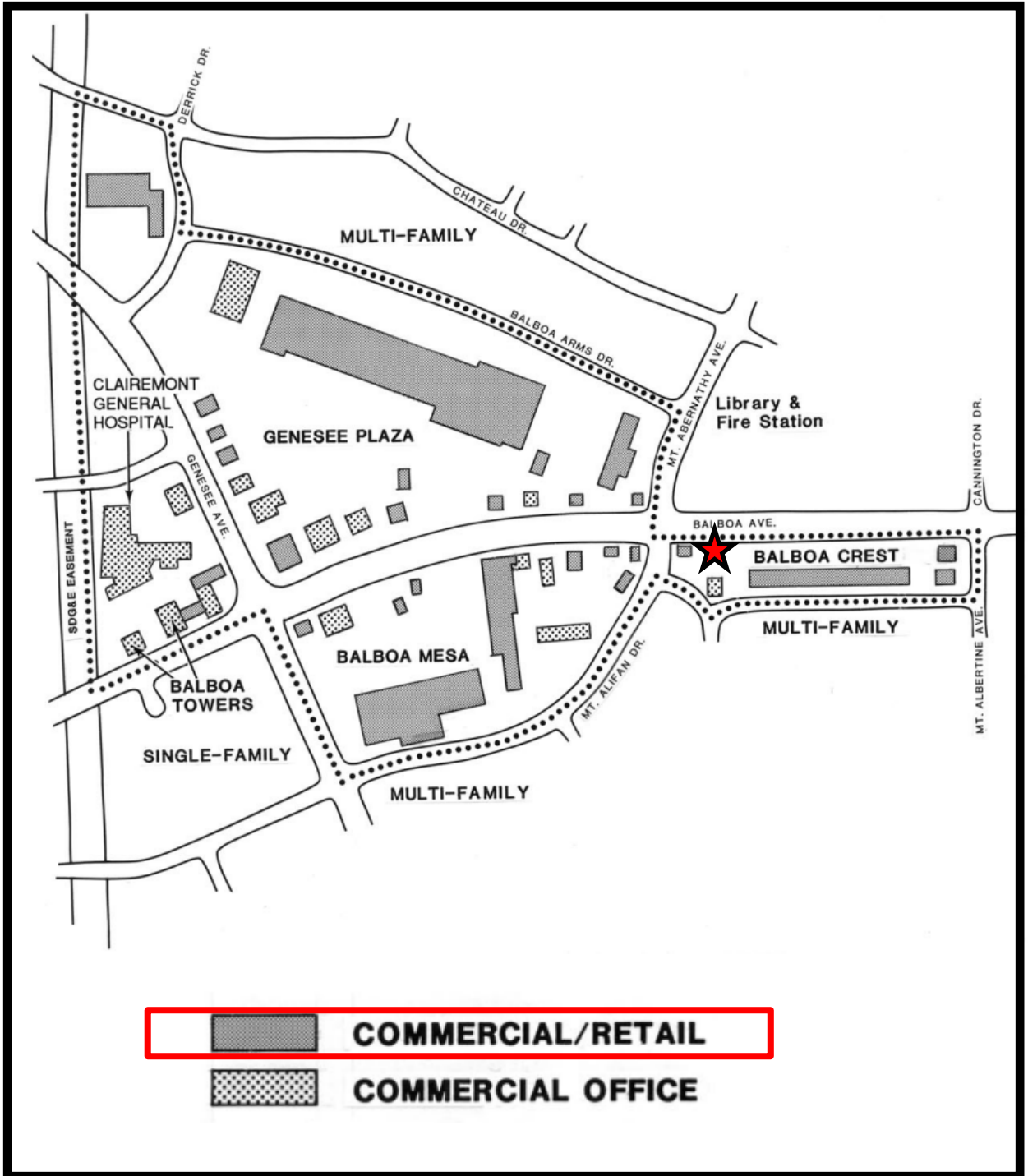




Aerial Photo

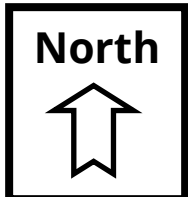
6426 Mount Ada Road
Project No. PRJ-1103984





Land Use Plan

6426 Mount Ada Road
Project No. PRJ-1103984



HEARING OFFICER
RESOLUTION NO. _____
CONDITIONAL USE PERMIT NO. PMT-3263882
6426 MOUNT ADA ROAD -PROJECT NO. PRJ-1103984

WHEREAS, Buckle Trust Agreement dated January 3, 1991, Owner, and Alta Dena Market Inc., a California company Permittee, filed an application with the City of San Diego for a Conditional Use Permit (CUP) to allow for the continued operation of an alcohol beverage outlet subject to a change in the license issued by the State Department of Alcoholic Beverage Control Board (ABC) from the existing Type 20 Liquor License to a Type 21 Liquor License at an existing 2,475-square-foot convenience market known as Alta Dena Market (as described in and by reference to the approved Exhibit 'A' and corresponding conditions of approval for the associated Permit No. PMT-3263882), on portions of a 0.22-acre site;

WHEREAS, the project site is located at 6426 Mount Ada Road in the Commercial-Community (CC-1-3), base zone, Airport Land Use Compatibility Overlay Zone, Clairemont Mesa Height Limit Overlay Zone, Community Plan Implementation Overlay Zone, Transit Priority Area, Airport Land Use Compatibility Plan Airport Influence Area, Federal Aviation Administration Part 77 Noticing Area, within the Clairemont Mesa Community Plan Area;

WHEREAS, the project site is legally described as a portion of Parcel "B" of Parcel Map 227, in the City of San Diego, County of San Diego, State of California, more particularly described within the Grant Deed recorded on January 3, 1991, as Document No. 1991-0011587, of Official Records of the San Diego County Recorder's Office (APN: 419-120-67-00);

WHEREAS, on July 23, 2024, 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 Guidelines 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;

WHEREAS, on November 6, 2024, the Hearing Officer of the City of San Diego considered CUP No. PMT-3263882 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to CUP No. PMT-3263882:

A. CONDITIONAL USE PERMIT SDMC Section 126.0305

1. Findings for all Conditional Use Permits:

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

The project proposes the continued operation of an existing 2,475-square-foot convenience market known as Alta Dena Market with an existing Type 20 Liquor License to add a Type 21 Liquor License which would allow the sale of distilled spirits, in addition to beer and wine.

The site is located within the Clairemont Mesa Community Plan (Community Plan) and is designated as Community Center with residential allowed up to 29 dwelling units per acre. The surrounding commercial development is separated from multiple dwelling unit residential to the south, Mount Ada Road to the north, and commercial and retail businesses to the east and west. The Community Plan does not specifically address the sale of alcohol or alcoholic beverage outlets; however, the sale of alcohol products is defined as commercial retail use in the San Diego Municipal Code (SDMC) and is permitted under specified circumstances with the approval of a CUP. The site has been a fully developed convenience store since 1971. An alcoholic beverage outlet in the Community Center serves a neighborhood and community need and is therefore consistent with the land use plan designation for the site.

One of the objectives in the Commercial Element of the Community Plan is to "Ensure the availability of adequate commercial facilities within the community core to meet the needs of the existing and projected residential population of Clairemont Mesa." The convenience store as proposed would have the availability of beer, wine, and distilled spirits, ensuring the continued availability of commercial facilities. Therefore, based on the above, the proposed development will not adversely affect the applicable land use plan.

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

Projects that are within 600 feet of an accredited school, public park, playground, recreational area, church, hospital, County Welfare office or within 100 feet of a residentially zoned property do not comply with the SDMC limited use regulations and require a CUP. The project is located within 100 feet of residentially zoned property. The project location is approximately 60 feet north of residentially (RM-3-7) zoned property and 440 feet west of two schools (Clairemont Canyons Academy and Playhouse Preschool) and 212 feet west of religious assembly uses (Communion Church and Balboa Community Church). Per the Limited Use Regulations in SDMC Section 141.0502(b)(1)(D), a CUP Process Three is required. There are no deviations being proposed and no new development is proposed.

In addition, the SDPD may support alcohol offsite sales uses for sites less than 120 percent of the reported crime rate per census tract. The site is in Census Tract 85.09 and the area has an 84.3 percent crime rate and an alcohol crime rate of 89.9 percent (2022). The San Diego Police Department (SDPD) recommends approval with permit conditions to include limiting the hours for alcoholic beverages sales; no sales to any person in a motor vehicle, except those with a disabled/handicapped placard or license plate; requiring video surveillance; removal of litter and graffiti; and training for staff regarding sales to underage and/or intoxicated people.

The proposed Alcoholic Beverage Outlet requires a CUP because the project site does not meet certain location criteria set forth in SDMC [Section 141.0502\(b\)](#). The site will be well-lit and maintained in a litter-free, graffiti-free condition. The site may contain alcohol signage with limitations on the size and placement to ensure view access into the site for safety. The site shall not contain pool-style table games, video games, or public telephones on the premises and include signage to prohibit loitering. Onsite parking shall be maintained. The conditions stipulated as part of the CUP minimize any potential harm to public health, safety, and welfare pursuant to SDMC Section 141.0502(c) and the SDPD recommended approval with conditions as stated above and included in the CUP.

Furthermore, the project is subject to all federal, state, and other local codes related to alcohol beverage sales, which would further ensure that the use would not have an adverse impact on 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 site is within the Commercial-Community (CC-1-3) base zone and allows for offsite sale of alcohol as a limited use. Projects that are within 600 feet of an accredited school, public park, playground, recreational area, church, hospital, County Welfare office or within 100 feet of a residentially zoned property do not

comply with the SDMC limited use regulations and require a CUP. The project location is approximately 60 feet north of residentially (RM-3-7) zoned property and 440 feet west of school's (Clairemont Canyons Academy and Playhouse Preschool) and 212 feet west of religious assembly uses (Communion Church and Balboa Community Church). Per Limited Use Regulations SDMC Section 141.0502(b)(1)(D), a CUP Process Three is required. There are no deviations or additional development being proposed. Therefore, The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

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

The project proposes the continued operation of a convenience market with an existing Type 20 Liquor License to a Type 21 Liquor License, which allows the sale of distilled spirits in addition to beer and wine. The surrounding development consists of commercial uses to the north and west, residential development across Mount Ada Road on the south, and religious uses to the east, across Mount Albertine Avenue.

The site is within the Community Plan Community Center land use designation and the Commercial-Community (CC-1-3) base zone which allows a broad expanse of commercial services. Alcohol sales are a limited use in the base zone to protect certain other land uses such as schools, public parks, playgrounds, or recreational areas, religious assemblies, hospitals or residentially zoned property in the vicinity. The proposed use will protect the nearby land uses by adhering to all of the regulations of the State Department of Alcoholic Beverage Control Board, Separately Regulated Uses Regulations, and permit conditions. Therefore, the proposed use is appropriate for the proposed location in the commercial corridor.

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

BE IT FURTHER RESOLVED that, based on these findings adopted by the Hearing Officer, Conditional Use Permit No. PMT-3263882 hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms, and conditions as set forth in Permit No. PMT-3263882, a copy of which is attached hereto and made a part hereof.

May Rollin
Development Project Manager
Development Services

Adopted on: November 6, 2024

IO#: 24009712

DRAFT

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION

501

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

INTERNAL ORDER NUMBER: 24009712

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. PMT-3263882
6426 MOUNT ADA ROAD -PROJECT NO. PRJ-1103984
HEARING OFFICER

This Conditional Use Permit No. PMT-3263882 is granted by the Hearing Officer of the City of San Diego to the Buckle Trust Agreement dated January 3, 1991, Owner, and Alta Dena Market Inc., a California company Permittee, pursuant to San Diego Municipal Code (SDMC) Section 126.0305. The 0.22-acre site is located at 6426 Mount Ada Road in the Commercial-Community (CC-1-3), base zone, Airport Land Use Compatibility Overlay Zone, Clairemont Mesa Height Limit Overlay Zone, Community Plan Implementation Overlay Zone, Transit Priority Area, Airport Land Use Compatibility Plan Airport Influence Area, Federal Aviation Administration Part 77 Noticing Area, within the Clairemont Mesa Community Plan Area. The project site is legally described as a portion of Parcel "B" of Parcel Map 227, in the City of San Diego, County of San Diego, State of California, more particularly described within the Grant Deed recorded on January 3, 1991, as Document No. 1991-0011587, of Official Records of the San Diego County Recorder's Office [APN: 419-120-67-00].

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 November 6, 2024, on file in the Development Services Department.

The project shall include:

- a. Continued operation of an existing alcoholic beverage outlet with a change from the existing Type 20 Liquor License to a Type 21 Liquor License at an existing 2,475-square-foot full-service convenience market known as Alta Dena Market;
- 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 November 21, 2027.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on November 21, 2034. 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 CUP is contingent upon the approval of a license to sell alcohol at this location by the California Department of Alcoholic Beverage Control (ABC). The issuance of this CUP does not guarantee that the ABC will grant an alcoholic beverage license for this location.
4. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
5. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision-maker.
6. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
7. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
8. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
9. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

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

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

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

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

PLANNING/DESIGN REQUIREMENTS:

13. The automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate City decision maker in accordance with the SDMC.

14. Owner/Permittee shall post a copy of the Conditional Use Permit conditions in the licensed premises in a place where they may be readily viewed by any member of the general public or any member of a government agency.
15. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.
16. Pool or billiard tables, foosball or pinball games, arcade-style video and electronic games, or coin-operated amusement devices are not permitted on the premises.
17. Exterior public pay phones that permit incoming calls are not permitted on the premises, adjacent public sidewalks, or areas under the control of the Owner/Permittee.
18. The Owner/Permittee shall provide illumination, at a minimum level of 0.4-foot candles per square foot, on the exterior of the alcoholic beverage outlet, including adjacent public sidewalks and areas under the control of the Owner/Permittee. The illumination shall be in operation during all hours of darkness while the outlet is open for business so that persons standing on or near the premises at night are identifiable by law enforcement personnel. The required illumination shall be shielded and directed so that it does not shine on adjacent properties.
19. A maximum of 33 percent of the square footage of the windows and doors of the premises may bear advertising or signs of any sort, except for any advertising prohibited by law. All advertising and signs shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the outlet.
20. The Owner/Permittee of the alcoholic beverage outlet shall post a prominent, permanent sign or signs stating, "No loitering, consumption of alcoholic beverages, or open alcoholic beverage containers are allowed inside the premises, in the parking area, or on the public sidewalks adjacent to the premises, violators are subject to arrest." The sign shall be at least two square feet with two-inch block lettering. The sign shall be in English and Spanish.
21. The Owner/Permittee shall list a business address and telephone number in the Pacific Bell/San Diego telephone directory or other similarly distributed directory.
22. The Owner/Permittee shall provide trash receptacles conveniently located for use by patrons inside and outside the alcoholic beverage outlet, including adjacent public sidewalks and areas under the control of the Owner/Permittee. At least one 13-gallon trash receptacle shall be located inside the premises. At least one 32-gallon trash receptacle shall be located outside the alcoholic beverage outlet, and at least one additional 32-gallon trash receptacle shall be located in the parking areas under the control of the Owner/Permittee.
23. The Owner/Permittee shall maintain the premises, adjacent public sidewalks, and areas under the control of the Owner/Permittee, free of litter and graffiti at all times. The Owner/Permittee shall provide for daily removal of trash, litter, and debris. The Owner/Permittee shall eliminate graffiti within 48 hours of application.

ENGINEERING REQUIREMENTS:

24. Prior to the issuance of any construction permit, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement for the landscapes and irrigation located within the City's right-of-way, satisfactory to the City Engineer.
25. Prior to the issuance of any construction permit, the Owner/Permittee shall dedicate and improve additional two feet right-of-way, adjacent to the site on Mount Rias Place and Mount Ada Road, as shown on Exhibit 'A', satisfactory to the City Engineer.
26. Prior to the issuance of any construction permit, the Owner/Permittee shall assure by permit and bond the reconstruction of the existing driveway with 20-foot-wide City Standard driveway adjacent to the site on Mount Ada Road, satisfactory to the City Engineer.
27. Prior to the issuance of any construction permit, the Owner/Permittee shall assure by permit and bond the reconstruction of the existing driveway with a 30-foot-wide City Standard driveway, adjacent to the site on Mount Rias Place, satisfactory to the City Engineer.
28. Prior to the issuance of any construction permit, the Owner/Permittee shall assure by permit and bond the replacement of the existing damaged sidewalk with City Standard sidewalk, adjacent to the site on Mount Rias Place, satisfactory to the City Engineer.
29. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

POLICE DEPARTMENT REQUIREMENTS:

30. The hours for in-store operations shall be from 6:00 am to midnight as it relates to sales, service, or consumption of alcoholic beverages. The hours for the sale of alcoholic products via app/online platform for delivery only shall be 6:00 am to 2:00 am.
31. No alcoholic beverages shall be sold and/or delivered to any person while such person is in a motor vehicle, except for disabled/ handicapped persons displaying a handicapped placard or license plates.
32. Video surveillance shall be recorded and available to law enforcement upon request covering the interior and public access points of the premises. Upon request of law enforcement video surveillance shall not be deleted, voided, or destroyed. Recordings shall be maintained for a minimum of 30 days absent a request of law enforcement.
33. Litter and any unauthorized graffiti will be removed promptly.
34. All retail employees are trained in ABC regulations (LEAD), theft deterrence and policies against the sales of alcoholic beverages to those under 21 years of age, and/or intoxicated.

TRANSPORTATION REQUIREMENTS

35. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond, the reconstruction of an existing driveway along Mount Ada Road as a 20-foot-wide one-way out only driveway per current City standards, as shown on Exhibit 'A', satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy.

36. Prior to the issuance of any building permit, The Owner/Permittee shall assure by permit and bond, the reconstruction of an existing driveway on Mount Rias Place as a 30-foot-wide driveway per current City standards, as shown on Exhibit 'A', satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy.

INFORMATION ONLY:

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

APPROVED by the Hearing Officer of the City of San Diego on November 6, 2024, and Resolution No. HO-xxxx.

Conditional Use Permit Approval No. PMT-3263882
Date of Approval: November 6, 2024

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

May Rollin
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.

Buckle Trust Agreement
Owner

By _____
Harry R. Buckel
Trustee

Buckle Trust Agreement
Owner

By _____
Joan D. Buckel
Trustee

Alta Dena Market, Inc.
Permittee

By _____
Danny Khairo,
Manager/Permittee

Alta Dena Market, Inc.
Permittee

By _____
Nadir Khairo,
Business Owner/Permittee

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

DRAFT

NOTICE OF EXEMPTION

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

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

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

Project Title / Number: 6426 Mount Ada Rd / PRJ-1103984

State Clearinghouse No.: N/A

Project Location-Specific: 6426 Mount Ada Rd, San Diego, CA, 92111

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

Description of nature and purpose of the Project: The project involves a Conditional Use Permit (CUP) to allow the upgrade of an existing Type 20 Off-Sale Beer & Wine license to a Type 21 Off-Sale General Liquor license, at an existing 2,475 square-foot full-service convenience market. The 0.22 acre lot is located in the Commercial-Community (CC-1-3) and Commercial-Office (CO-1-2) base zones and designated Commercial/Retail within the Clairemont Mesa Community Plan. Council District 2. LEGAL DESCRIPTION: Lot 3, Tract 6343, PM 227, APN 419-120-67-00.

Name of Public Agency Approving Project: City of San Diego

Name of Person or Agency Carrying Out Project: BUCKEL TRUST 01-03-91, 10313 Boulder Creek Rd, Descanso, CA, 91916, (619) 672-8604.

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: §15301 Existing Facilities
- Statutory Exemptions:
- Other:

Reasons why project is exempt: The City of San Diego determined that the project would qualify to be categorically exempt from CEQA pursuant to Section 15301, Existing Facilities, which allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use; and where the exceptions listed in Section 15300.2 would not apply. This Conditional Use Permit would allow an upgrade to an existing beer and wine (Type 20) license to include distilled spirits (Type 21) for an existing neighborhood market. Minor improvements to the existing driveway would be constructed to meet City standards. This

project would not propose significant expansion of the existing or former use of the site, and the exceptions listed in Section 15300.2 do not apply. The site is not included on any list compiled pursuant to Government Code Section 65962.5 for hazardous waste sites.

Lead Agency Contact Person: Stephanie Kellogg

Telephone: (619) 533-3190

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 the California Environmental Quality Act.


Caroline Johnson / Senior Planner
Signature/Title

July 23, 2024
Date

Check One:

- Signed by Lead Agency
- Signed by Applicant

Date Received for Filing with County Clerk or OPR:

Page 3	City of San Diego · Information Bulletin 620		August 2018
	City of San Diego Development Services 1222 First Ave., MS-302 San Diego, CA 92101		<h2 style="text-align: center;">Community Planning Committee Distribution Form</h2>
Project Name: 6426 Mt Ada Rd		Project Number: 1103984	
Community: Clairemont Mesa			
<p style="text-align: center;">For project scope and contact information (project manager and applicant), log into OpenDSD at https://aca.accela.com/SANDIEGO.</p> <p style="text-align: center;">Select "Search for Project Status" and input the Project Number to access project information.</p>			
<input checked="" type="radio"/> Vote to Approve <input type="checkbox"/> Vote to Approve with Conditions Listed Below <input type="checkbox"/> Vote to Approve with Non-Binding Recommendations Listed Below <input type="checkbox"/> Vote to Deny		Date of Vote: February 20, 2024	
# of Members Yes 6	# of Members No 0	# of Members Abstain 0	
Conditions or Recommendations: Motion to Approve on condition that business incorporates City engineers Feedback			
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			
NAME: Nicholas Reed			
TITLE: CCPG Chair		DATE: March 08, 2024	

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Upon request, this information is available in alternative formats for persons with disabilities.

DS-5620 (08-18) ONLINE FORM

	City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000	<h1>Ownership Disclosure Statement</h1>	FORM DS-318
			October 2017

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: Alta Dena Market **Project No. For City Use Only:** _____

Project Address: 6426 Mount Ada Rd

San Diego, CA 92111

Specify Form of Ownership/Legal Status (please check):

Corporation Limited Liability -or- General - What State? CA Corporate Identification No. 4076242

Partnership Individual

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter 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), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of **ANY** person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. 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.

Property Owner

Name of Individual: Buckle Family Trust Owner Tenant/Lessee Successor Agency

Street Address: 10313 Boulder Creek Rd

City: Descanso State: CA Zip: 91916

Phone No.: 928-592-7637 Fax No.: _____ Email: _____

Signature: Harry R. Buckle Trustee Date: 8/27/23

Additional pages Attached: Yes No

Applicant

Name of Individual: Danny Khairo - Alta Dena Market Inc. Owner Tenant/Lessee Successor Agency

Street Address: 6426 Mount Ada Rd

City: San Diego State: CA Zip: 92111

Phone No.: 619-672-8604 Fax No.: _____ Email: dannyk815@yahoo.com

Signature: Dante Miller Date: 8/18/23

Additional pages Attached: Yes No

Other Financially Interested Persons

Name of Individual: Danny Khairo - Alta Dena Market Inc. Owner Tenant/Lessee Successor Agency

Street Address: 6426 Mount Ada Rd

City: San Diego State: CA Zip: 92111

Phone No.: 619-672-8604 Fax No.: _____ Email: dannyk815@yahoo.com

Signature: Dante Miller Date: 8/18/23

Additional pages Attached: Yes No

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

PREMISE ADDRESS: 6426 Mount Ada Road, San Diego, CA 92111

TYPE OF BUSINESS: Liquor store/Market (Type 21 Off-Sale General)

FEDERAL CENSUS TRACT: 85.09

NUMBER OF ALCOHOL LICENSES ALLOWED: Off-Sale: 4

NUMBER OF ALCOHOL LICENSES EXISTING: Off-Sale: 6

CRIME RATE IN THIS CENSUS TRACT: 84.3%
(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 premises is located within census tract 85.09. The reported crime rate for 2022 within Census Tract 85.09 was 84.3% and the alcohol crime rate was 89.9%. 6426 Mount Ada Road is within 100 feet of residents. South of the location across the street are apartment buildings, and to the north, east, and west are commercial and retail businesses.

This is currently licensed with a Type 20 (Off-Sale Beer & Wine) license. Alta Dena Market upgrading from a Type 20 license to a Type 21 license will not affect the Number of Alcohol Licenses Existing (Off Sale concentration) because they have to cancel the Type 20 to have a Type 21 license.

There are two Incompatible Facilities located within 600 feet of 6426 Mount Ada Road:

Communion Church is located at 6555 Balboa Avenue and is 314 Feet away per Google Earth.

Clairemont Canyons Academy (Elementary School) is 524 feet away per Google Earth.

SUGGESTED CONDITIONS:

The San Diego Police Department agrees with the issuance of a Conditional Use Permit so long as the following conditions are incorporated:

1. The hours for in-store operations shall be from 6:00am to Midnight as it relates to sales, service, or consumption of alcoholic beverages. The hours for the sale of alcoholic product via app/online platform for delivery only, shall be 6:00am to 2:00am.
2. No alcoholic beverages shall be sold and/or delivered to any person while such person is in a motor vehicle, except for disabled/handicapped persons displaying a handicapped placard or license plates.
3. Video surveillance shall be recording and available to law enforcement upon request covering the interior and public access points of the premises. Upon request of law enforcement video surveillance shall not be deleted, voided or destroyed. Recordings shall be maintained for a minimum of 30 days absent a request of law enforcement.
4. Litter and any unauthorized graffiti will be removed promptly.
5. All retail employees are trained in ABC regulations (LEAD), theft deterrence and policies against the sales of alcoholic beverages to those under 21 years of age, and/or intoxicated.

SAN DIEGO POLICE DEPARTMENT RECOMMENDATION:

APPROVE

DENY

Benjamin McCune
Name of SDPD Vice Sergeant (Print)

619-531-2973
Telephone Number


Signature of SDPD Vice Sergeant

9-3-24
Date of Review

