



THE CITY OF SAN DIEGO

MEMORANDUM

DATE: February 25, 2025

TO: Hearing Officer

FROM: May Rollin, Development Project Manager, Development Services
Department

SUBJECT: February 25, 2025, Hearing Officer, Item 1: 7340 Miramar Road – Project No. PRJ-1116881

The attached correction is summarized below and submitted to the Hearing Officer meeting on February 26, 2025, Agenda Item 1: 7340 Miramar Road – Project No. PRJ-1116881

Report to the Hearing Officer – Added “Proposed Actions: APPROVE Conditional Use Permit No. PMT-3299562” to the Proposed Actions section on page 1.

Should you have any questions, please contact me at (619) 446-5432 or email me at mmrollin@sanidiego.gov.

Respectfully submitted,

May Rollin
Development Project Manager

Attachment:
Report to the Hearing Officer

cc: Project File
Hearing Officer
City Attorney



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: February 19, 2025 REPORT NO. HO-25-006

HEARING DATE: February 26, 2025

SUBJECT: 7340 Miramar Road, Process Three Decision

PROJECT NUMBER: [PRJ-1116881](#)

OWNER/APPLICANT: Omninet Mountain, LP, a Delaware Limited Partnership/French Grocery Store, LLC, Limited Liability Company

SUMMARY

Should the Hearing Officer approve a Conditional Use Permit (CUP) to allow the sale of wine and beer within an existing grocery store at 7340 Miramar Road, Suite 105 within the Mira Mesa Community Plan?

Proposed Actions: APPROVE Conditional Use Permit No. PMT-3299562

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 September 15, 2024, the Mira Mesa Community Planning Group voted 12-0-0 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 December 2, 2024, and the opportunity to appeal that determination ended on December 16, 2024 (Attachment 6).

BACKGROUND

The project site is located at 7340 Miramar Road, Suite 105 in the Mira Mesa community planning area. The site is zoned Commercial-Community (CC-5-2) with overlay zones including the Airport Land Use Compatibility Overlay Zone (MCAS Miramar), the Airport Influence Area (MCAS Miramar Review Area 1), and the FAA Part 77 Noticing Area. The project suite is currently occupied by the Cuisenery Food Market, an existing grocery store with products imported from Europe.

DISCUSSION

Project Description:

The project is a Conditional Use Permit to allow the Cuisinery Market to operate an alcoholic beverage outlet, which would sell wine and beer for off-site consumption pursuant to the approval of a Type 20 license from the Department of Alcoholic Beverage Control (ABC). Alcohol sales are anticipated to represent no more than five percent of total sales.

Alcoholic beverage outlets are permitted in the CC-5-2 zone as a Limited Use, subject to San Diego Municipal Code (SDMC) [Section 141.0502\(b\)](#). Proposed alcoholic beverage outlets that do not comply with the regulations in Section 141.0502(b) may be permitted with a Conditional Use Permit (CUP) per SDMC Section 141.0502(c), with the Hearing Officer as the decision maker.

The project does not meet the requirements of two of the Limited Use requirements of SDMC Section 141.0502(b), and is therefore requesting a CUP:

SDMC Section	SDMC Requirement	Project Proposes
141.0502(b)(1)(A)	An alcoholic beverage outlet may not be located 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 project's census tract (83.50) exceeds the citywide crime rate by 173 percent.
141.0502(b)(1)(B)	An alcoholic beverage outlet may not be located 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 (BPC) Section 23958.4.	Three off-sale licenses are allowed in Census Tract 83.50 by BPC Section 23958.4. This project would be the 15th license in the area.

Per SDMC Section 141.0502(c)(1), the San Diego Police Department (SDPD) may support the issuance of a CUP for uses that do not meet the Limited Use requirements. SDPD supports the issuance of a CUP at this location with the following permit conditions:

1. In store sales limited to between 6:00 am and midnight.
2. Online sales for delivery only limited to between 6:00 am and 2:00 am.
3. Video surveillance shall be recording and available to law enforcement upon request covering the interior and public access points of the premises.
4. Litter and graffiti shall be removed promptly (per SDMC Section 141.0502(b)(11)).
5. All retail employees shall be trained in ABC regulations (LEAD), theft deterrence and

policies against the sale of alcoholic beverages to those under 21 years of age, and/or intoxicated.

The permit includes all SDPD requirements. The operational requirements of 141.0502(b)(2) through (12) are also included as permit conditions. They include, but are not limited to:

1. A prohibition on exterior pay phones, pool tables, pinball games, video games, and related devices.
2. Sign and advertisement size limits for alcohol.
3. A prohibition on on-site consumption and loitering.
4. Trash receptacles must be provided.
5. Litter and graffiti must be removed within 48 hours.

Community Plan Analysis:

The project site is designated Community Commercial within the Mira Mesa Community Plan. The Community Commercial designation provides for shopping areas with retail, office, and services for the community at large. The designation does not specifically address the sale of alcohol or alcoholic beverage outlets. The surrounding development consists of commercial uses to the north, east, and west, the surrounding developments are shopping areas with retail, and offices. The grocery store is an allowable use within the land use designation of the community plan and the addition of an alcoholic beverage outlet at the subject site would not adversely affect the goals and policies of the Community Plan.

Conclusion:

Staff has reviewed the proposed project and has 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-3299562, with modifications;
2. Deny Conditional Use Permit No. PMT-3299562 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