



THE CITY OF SAN DIEGO
PLANNING COMMISSION REPORT

DATE ISSUED: December 2, 2010 **REPORT NO. PC-10-108**

ATTENTION: **Planning Commission, Agenda of December 9, 2010**

SUBJECT: KEARNY MESA MARKET - PROJECT NO. 214348.
PROCESS THREE

**OWNER/
APPLICANT:** GTF Properties/
Robert Zakar

SUMMARY

Issue(s): Should the Planning Commission approve or deny an appeal of the Hearing Officer's decision approving Conditional Use Permit No. 785550 to upgrade an existing Type 20 license (beer and wine) to a Type 21 license (general liquor) within a market located at 7631 Linda Vista Road, within the Linda Vista Community Planning area?

Staff Recommendation: Deny the appeal and Approve Conditional Use Permit No. 785550.

Community Planning Group Recommendation: On August 23, 2010, the Linda Vista Community Planning Group voted to recommended denial of the project by a vote of 11-3-0. The applicant was not advised of the meeting and was not present.

On October 25, 2010, the group placed the item back on the agenda at the request of the applicant. A motion was passed by a vote of 8-5-3 to not re-consider the August 23, 2010 vote. Reference the Discussion section of the report for additional information (Attachment 7).

San Diego Police Department Recommendation: On March 30, 2010, the San Diego Police Department recommended approval of the request (Attachment 5).

Environmental Review: The project was determined to be exempt from environmental review pursuant to the California Environmental Quality Act Section 15301 (Existing Facilities). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on August 6, 2010, and



the opportunity to appeal that determination ended August 20, 2010.

Fiscal Impact Statement: There are no fiscal impacts with this application. All cost associated with processing this application are from a deposit account paid for and maintained by the applicant.

Code Enforcement Impact: None.

Housing Impact Statement: Not applicable.

BACKGROUND

The item is an appeal of the September 29, 2010 Hearing Officer's decision to approve a Conditional Use Permit to upgrade an alcohol beverage license from a Type 20 license (beer and wine) to a Type 21 license (general liquor) within an existing 2,400-square-foot convenience store located at 7631 Linda Vista Road, two lots north of the intersection of Linda Vista Road and Mesa College Drive.

The property is zoned CC-1-1 and designated as Neighborhood Commercial within the Linda Vista Community Plan. The market was constructed in 1972. The existing Type 20 license was issued in 1972. The site is developed with two additional commercial buildings constructed in 2009 containing a "Starbucks", a "Subway" and a restaurant. The property is surrounded by a shopping center and single family homes to the west, multi-family development to the north, Highway 163 to the east and a vehicle service station to the south.

The Hearing Officer approved the project as recommended by staff on the consent agenda. There was no one present in opposition at the hearing.

DISCUSSION

Project Description:

No new development or tenant improvements are proposed with this application. Hours of operation for the market and for the alcohol sales are Monday through Sunday from 6:00 a.m. to 2:00 a.m. The proposed display area for the distilled spirits would be located behind the cashier counter. The Conditional Use Permit includes a 20-year expiration date from the date of approval.

The property currently maintains previously conforming rights for the sales of beer and wine for off-site consumption as the original license was issued prior to 1993, the year when Conditional Use Permits were initially required. The outlet requires a Conditional Use Permit pursuant to 141.0502 (4) (b) as the market is located within 100 feet of residentially zoned property, within 600 feet of a school, Kearny Mesa Public High School, and adjacent to a census tract with a high crime rate (87.02).

The pending Alcohol Beverage Control (ABC) license is defined as “off-sales” which would require all of the alcohol sold at the store to be consumed off of the premises. Alcoholic beverage outlets are permitted by right as a “Limited Use” pursuant to Section 141.0502(b) of the Land Development Code (LDC). A Limited Use may be permitted by right in the zone if the alcohol beverage outlet meets all of the development regulations and location criteria for a separately regulated use. Alcoholic beverage outlets that do not comply with the location criteria of this section may still be permitted with a Conditional Use Permit pursuant to LDC Section 141.0502(c).

The Limited Use Regulations of the LDC Section 141.0502 (b) (1) do not permit alcoholic beverage outlets by right in any of the following locations. Please also reference Attachment 6:

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 within Census Tract 87.01 and adjacent to Census Tracts 87.02 and 85.1. A census tract is considered to have high crime if the crime rate exceeds 120 percent of the city-wide average.

Census Tract 87.01 has a general crime rate of 54.8 percent and Census Tract 85.1 has a crime rate of 98.7 percent. Both percentages are below the citywide average and as such are not considered high crime.

A Conditional Use Permit is required based on this factor as the adjacent Census Tract 87.02 has a reported crime rate of 134.4 percent which is higher than the citywide average.

2. Within a census tract, or within 600 feet of a census tract, where the ratio of alcoholic beverage outlets exceeds the standards established by the California Businesses and Professional Code Section 23958.4.

Census Tract 87.01 for the subject site and the adjacent Census Tracts 87.02 and 85.1, do not exceed the allowable standards for alcoholic beverage outlets.

3. Within a Redevelopment Area.

The project site is not within a Redevelopment Project Area.

4. Within 600 feet of a public or private accredited school, a public park, playground or recreational area, church, hospital or a San Diego County Welfare District Office.

A Conditional Use Permit is required based on this factor as Kearny Mesa Public High School is within 600 feet of the subject property. The site is not located within 600 feet of the other facilities.

5. Within 100 feet of residentially zoned property.

A Conditional Use Permit is required based on this factor as residentially zoned properties are located within 100 feet of the site, across Linda Vista Road to the west and adjacent to the north.

6. Within 600 feet of a place of religious assembly.

The project site is not within 600 feet of a place of religious assembly.

Community Plan Analysis:

The site is designated as Neighborhood Commercial within the Linda Vista Community Plan and zoned CC-1-1 (Commercial – Community) which allows for a mix of community-serving commercial uses and residential uses. The existing market is permitted by right in the zone. The commercial element of the plan states that sites designated as neighborhood commercial should permit convenience goods and services for surrounding residential neighborhoods. The project would retain the existing market and provide a broader range of retail products. The site complies with the development regulations, standards and policies in effect for the project site per the Linda Vista Community Plan, and all other City regulations, and adopted land use plans applicable to this site.

Project Issue- Alcohol Sales-Project Analysis (Reference Attachments 5 and 6):

The project requires a Conditional Use Permit because the project site does not meet all of the location criteria of the Municipal Code; specifically it is: 1) adjacent to a census tract with a high crime rate; 2) within 100 feet of residentially zoned property; and, 3) within 600 feet of a public school. Any one of these factors establishes the need for the Conditional Use Permit.

The San Diego Police Department (SDPD) is in support of the project in that it is a request to upgrade an existing license that has existed at the site for almost 40 years. There will be no increase in the number of licenses within the 87.01 Census Tract as a result of the application. There is not an overconcentration of licenses within this census tract or the adjacent census tract. Census Tract 87.01 for the subject property is permitted to have three licenses where one currently exists. The existing license is located at the subject site. The adjacent 87.02 Census Tract is allowed four licenses where four currently exist. The adjacent 85.10 Census Tract is allowed 5 licenses where currently 2 exist.

Regarding the crime rate, the SDPD in evaluation of this request have concluded that the crime rate for Census Tract 87.01 where the subject site resides was determined to be below the threshold to be considered high crime. The 87.01 Census Tract has a crime rate of 54.8 percent where a crime rate of 120 percent of the city wide average would exceed the threshold. The SDPD has also determined that although the adjacent 87.02 Census Tract is considered high crime having a crime rate of 134.4 percent, alcohol-related crime rate is 77.4 percent which is not considered high crime.

Other factors considered by the SDPD in evaluation of this request are calls for police services and inquiries submitted. There have been no significant crimes and limited calls for police services at this location within the previous year. The SDPD has also noted that there have been no complaints filed with the SDPD or with the Alcohol Beverage Control for this site and for this proprietor.

Lastly, the SDPD had indicated that given the date of the existing license, the license is considered "uncontrolled" with very limited restrictions. The request for a Conditional Use Permit and a new license will provide the opportunity for additional enforceable conditions as deemed appropriate by the Police Department and the ABC. These conditions may include limitations on container size, alcohol content and quantities.

Concerning the proximity to residential/school uses, the residentially zoned, single-family developed properties are separated from the subject site by Linda Vista Road, a four lane roadway with a raised median and, a frontage road adjacent to these homes. The multi-family development to the north is located at a higher elevation and therefore, separated topographically from the subject site, providing an additional buffer to these residential units. The market is located within the interior of the site with parking areas within the front of the property. This site design provides a further buffer from these residentially developed properties.

A portion of Kearny Mesa High School is within the 600-foot radius. However, the school is separated from the subject property by a major intersection in the community, Linda Vista Road and Mesa College Drive, at the south-west corner of this intersection. Finally, approval of the request will place the retail establishment under the encumbrance of a Conditional Use Permit where currently, none exists.

Community Planning Group Recommendation (Reference Attachment 7):

On August 23, 2010, the community group voted to recommend denial of the project by a vote of 11-3-0. The applicant was not advised of this meeting and was not present. Correspondence received from the group states the following:

11 Votes to Deny

1. Too many existing liquor licenses in Linda Vista.
2. Too close to high school and elementary schools.

3 Votes to Approve

1. Store should have the right to conduct their business.
2. Appropriate behavior is the responsibility of the community and not the store owner.

At the request of the applicant, the item was placed back on the community group's agenda on October 24, 2010. After a presentation by the applicant, a motion to reconsider the group's August 23, 2010 recommendation failed. The motion failed by a vote of 5-8-1 (with 5 voting in favor of reconsideration, 8 in opposition to reconsider and 1 abstained).

Appeal of the Hearing Officer Decision to Approve CUP (Reference Attachments 8 and 9):

The Linda Vista Community Planning group filed an appeal of the project on October 13, 2010. Three issues were cited in the appeal as summarized below along with staff response:

Appellant Concern: From the 6900 block of Linda Vista Road to 7361 Linda Vista Road (Kearny Mesa Market) there are six businesses that sell hard liquor.

Staff Response: The San Diego Municipal Code requires analysis of other establishments which are within or adjacent to census tracts that exceed the allowable number of licenses. As outlined above in the Project Issue- Alcohol Sales-Project Analysis section, the site is located within a census tract and adjacent to census tracts that are not considered over-concentrated pursuant to the California Businesses and Professional Code Section 23958.4.

Staff notes that there are two existing Type 21 alcohol beverage outlets (selling beer, wine and distilled spirits) from the 6900 hundred block to the subject site which is addressed as 7631 Linda Vista Road. Both of these businesses are within Census Tract 86 which is not an adjacent census tract. These business are located south of Genesee Avenue.

Appellant Concern: In the nearby vicinity of the market, there are three elementary schools (Chesterton, San Diego Charter, Ross Elementary) and Kearny High School (with 2000 students directly across the street).

Staff Response: The Land Development Code identifies proximity requirements for alcohol beverage outlets that require a Conditional Use Permits. As analyzed above in the Background section of this report, sites located within 600 feet of a school must obtain a Conditional Use Permit. Kearny Mesa High School's parking lot is located within this area. The three elementary schools identified in the appeal are not within 600 feet of the subject property.


CONCLUSION:

The project is consistent with the underlying commercial zone and the applicable land use plan's goals, recommendations and policies in affect for the site. An environmental initial study performed by the Development Services Department determined that the proposed project was exempt from further environmental review pursuant to Californian Environmental Quality Act. The alcohol sales of beer and wine have existed at this location since the 1970s. The addition of distilled spirits was deemed to be appropriate as outlined in this report and further detailed within the draft findings of fact submitted for consideration in Attachment 4. Therefore, staff recommends the Planning Commission deny the appeal of the Hearing Officer decision and approve the project.

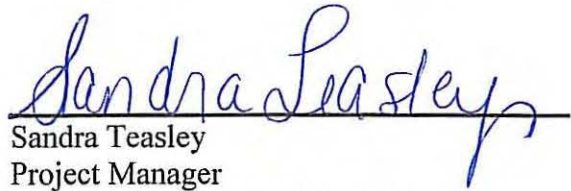
ALTERNATIVES:

1. Deny the appeal and Approve Conditional Use Permit No. 785550, **with modifications.**
2. Uphold the appeal and Deny Conditional Use Permit No. 6785550, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



Sandra Teasley
Project Manager
Development Services Department

WESTLAKE/SMT

Attachments:

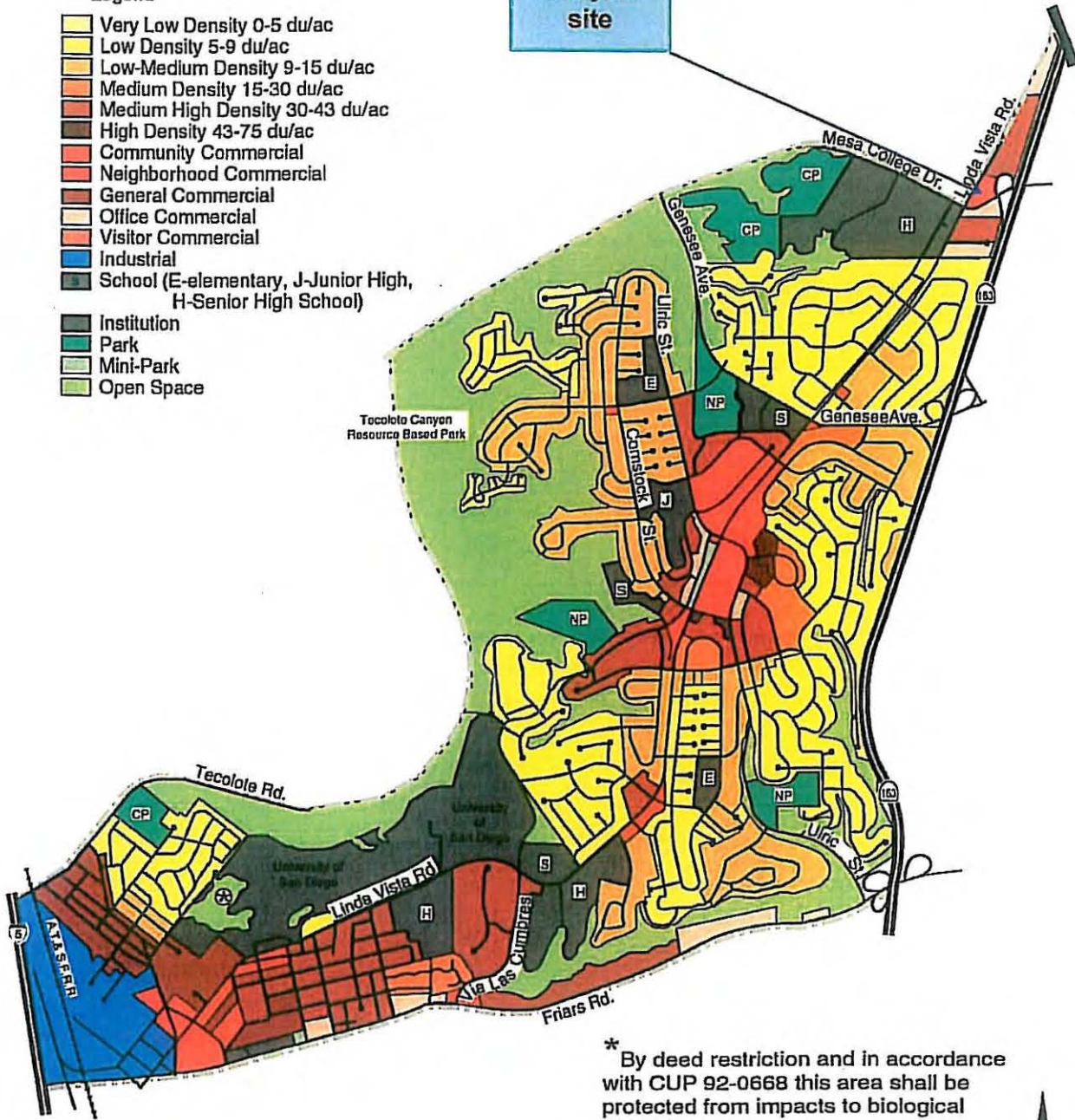
1. Location Map
2. Community Plan Land Use Map
3. Draft Permit with Conditions
4. Draft Resolution
5. Police Department Recommendation/Census Tract Maps/ABC License Data
6. 600-Foot Radius Map/Zone Map
7. Community Group Recommendation (August 23, 2010 Meeting)
8. Appeal Application
9. Alcohol Beverage Outlets/Schools in the Immediate Area (Aerial)
10. Environmental Determination
11. Ownership Disclosure Statement
12. Project Plans

Attachment 1
Aerial Photograph of Site



- Legend**
- Very Low Density 0-5 du/ac
 - Low Density 5-9 du/ac
 - Low-Medium Density 9-15 du/ac
 - Medium Density 15-30 du/ac
 - Medium High Density 30-43 du/ac
 - High Density 43-75 du/ac
 - Community Commercial
 - Neighborhood Commercial
 - General Commercial
 - Office Commercial
 - Visitor Commercial
 - Industrial
 - School (E-elementary, J-Junior High, H-Senior High School)
 - Institution
 - Park
 - Mini-Park
 - Open Space

Subject site



* By deed restriction and in accordance with CUP 92-0668 this area shall be protected from impacts to biological or hillside resources



Land Use Map

KEARNY MESA MARKET – PROJECT NUMBER 214348

7631 Linda Vista Road



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: 24000993

CONDITIONAL USE PERMIT NO. 755588
KEARNY MESA MARKET -PROJECT NO. 214348
HEARING OFFICER

This Conditional Use Permit No. 755588 is granted by the Hearing Officer of the City of San Diego to GTF PROPERTIES, Owner and KEVIN ATTIQ, Permittee, pursuant to San Diego Municipal Code [SDMC] section 141.0502 and 126.0113. The 0.62-acre site is located at 7631 Linda Vista Road in the CC-1-1 zone of the Linda Vista Community Planning area. The project site is legally described as Lot 3 of Artillery Square Unit No. 2, Map No. 6266.

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 September 29, 2010, on file in the Development Services Department.

The project shall include:

- a. Operation of an existing alcoholic beverage outlet, requesting an upgrade in license type from a Type 20 (beer and wine) to a Type 21 (general liquor) license within an existing market on a lot developed with two additional commercial establishments. Operation of the alcoholic beverage outlet is conditioned upon the issuance of a license from the State Department of Alcoholic Beverage Control.
- b. Hours of operation for the alcohol sales is limited to between 6:00 AM to 2:00 AM.
- c. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. The specific portion of this Conditional Use Permit [CUP] which permits the sale of alcoholic beverages and corresponding use of this site for the sale of alcoholic beverages shall expire 20 years after the date of final approval (September 29, 2030). Upon expiration of this Permit, the facilities and improvements described herein which relate solely to the sale of alcohol shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit. An applicant may request that an expiration date be extended pursuant to the Land Development Code. An application for an extension shall be filed before the expiration of the approved Conditional Use Permit.
2. The utilization of this CUP is contingent upon the approval of a license to sell alcohol at this location by the California Department of Alcoholic Beverage Control [ABC]. The issuance of this CUP does not guarantee that the ABC will grant an alcoholic beverage license for this location.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. 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

ATTACHMENT 3

may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

8. 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.

9. 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.

10. 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.

TRANSPORTATION REQUIREMENTS:

11. A minimum of 12 automobile spaces (including 1 van accessible space), are required by the Land Development Code. 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 Development Services Director.

PLANNING/DESIGN REQUIREMENTS:

12. All signs associated with this development shall be consistent with sign criteria established by the City-wide sign regulations.

POLICE DEPARTMENT RECOMMENDATIONS FOR ABC LICENSE:

13. The Petitioners shall post and maintain a professional quality sign facing the premises parking lot that reads as follows: NO LOITERING, NO LITERING OR DRINKING OF ALCOHOLIC BEVERAGES. VIOLATORS ARE SUBJECT TO ARREST. The sign shall be at least 2 feet square with 2 inch block lettering. The sign shall be in English and Spanish.

INFORMATION ONLY:

- 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 on September 29, 2010 and by Resolution No. HO -----

ATTACHMENT 3

Permit Type/PTS Approval No.: CUP No. 755588
Date of Approval: September 20,
2010

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

SANDRA TEASLEY
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.**

[NAME OF COMPANY]
Owner/Permittee

By _____
NAME
TITLE

[NAME OF COMPANY]
Owner/Permittee

By _____
NAME
TITLE

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

**HEARING OFFICER RESOLUTION NO. _____
CONDITIONAL USE PERMIT NO. 785550
KEARNY MESA MARKET – PROJECT NO. 214348**

WHEREAS, GTF PROPERTIES, Owner and KEVIN ATTIQ, Permittee, filed an application with the City of San Diego for a permit to operate an alcoholic beverage outlet to upgrade the existing license from a Type 20 license (beer and wine) to a Type 21 license (general liquor) within an existing 2,400-square-foot convenience store (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 785550), on portions of an 0.63-acre site; and

WHEREAS, the project site is located at 7631 Linda Vista Road in the CC-1-1 zone, Airport Influence Area, FAA Part 77, within the Linda Vista Community Plan area; and

WHEREAS, the project site is legally described as Lot 3 of Artillery Square Unit No. 2 Map No. 6266; and

WHEREAS, on August 6, 2010, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15301 (Existing Facilities) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520; and,

WHEREAS, on September 29, 2010, the Hearing Officer of the City of San Diego APPROVED Conditional Use Permit No. 785550 pursuant to the Land Development Code of the City of San Diego; and

WHEREAS, on October 13, 2010, the decision of the Hearing Officer was appealed to the Planning Commission; and

WHEREAS, on December 9, 2010, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 788948 and Site Development Permit No. 788954 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 as follows:

That the Hearing Officer adopts the following written Findings, dated September 29, 2010:

CONDITIONAL USE PERMIT FINDINGS:

- 1. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT THE APPLICABLE LAND USE PLAN.**

The project proposes to upgrade the license from a Type 20 license (beer and wine) to a Type 21 license (general liquor) within an existing 2,400-square-foot convenience store located at 7631 Linda Vista Road

within the Linda Vista Community Planning area. The market has been at this location since 1972. The existing Type 20 license was issued in 1972. The property currently maintains previously conforming rights for alcohol sales as the existing license was prior to the requirement for a discretionary permit (1993). The site is developed with two additional commercial buildings. Surrounding developments include single-family developments and a shopping center across Linda Vista Road to the west, multi-family development to the north, a vehicle service station to the south, and Interstate 163 abutting to the east.

The property is zoned CC-1-1, a community-serving commercial zone that allows for a mix of commercial and retail uses to accommodate developments with strip commercial characteristics. The site is designated as Neighborhood Commercial within the community plan. The commercial element of the plan states that sites designated as neighborhood commercial should permit convenience goods and services for surrounding residential neighborhoods. The project would retain the existing market and provide a broader range of retail products. Therefore the proposed development would not adversely impact the applicable land use plan.

2. THE PROPOSED DEVELOPMENT WILL NOT BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, AND WELFARE.

The project proposes to maintain operation of an existing alcoholic beverage outlet and to upgrade the license from a Type 20 license (beer and wine) to a Type 21 license (general liquor) within an existing 2,400-square-foot convenience store located at 7631 Linda Vista Road within the Linda Vista Community Planning area. The market has been at this location since 1972. The existing Type 20 license was issued in 1972. The property currently maintains previously conforming rights for alcohol sales as the existing license was prior to the requirement for a discretionary permit (1993). The site is developed with two additional commercial buildings. Surrounding developments include single-family developments and a shopping center across Linda Vista Road to the west, multi-family development to the north, a vehicle service station to the south, and Interstate 163 abutting to the east.

The San Diego Police Department (SDPD) has determined that the request is an upgrade of the existing license to allow the business to sell distilled spirits. There will be no change in the number of licenses existing within the 00087.01 census tract as a result of the application. The census tract allows for three licenses where one currently exists. There is not an overconcentration of licenses within this census tract or the adjacent census tracts. Other factors considered by the SDPD in evaluation of this request are that the crime rate was determined to be below the threshold to be considered a high crime area. The crime rate for the census tract is 54.8 percent where section 23958.4 of the Business and Professions Code defines a high crime rate as 120 percent over the district average. The district average is crime rate is 246.3, therefore, 295.56 crimes in this reporting district would be considered high crime. The number of crimes in this reporting district is 135 or 54.8 percent of the district average. The site within 600 feet of census tract 87.02 which has a crime rate of 134.4 percent however, alcohol-related crime rate is 77.4 percent which is not considered high crime. Additionally, the SDPD has determined that there have been no significant crimes and there have limited calls for police services at this location within the previous year.

The San Diego Police Department's Vice Unit will work with the applicant and the Department of Alcoholic Beverage Control to place additional conditions on the alcohol license to minimize the law enforcement concerns, if necessary.

The project was determined to be exempt from the California Environmental Quality Act (CEQA) 15301 (Existing facilities). Staff has analyzed the site for the applicable separately regulated use regulations and determined the project to be in compliance. These regulations include parking requirements, signage allowances, and requirements for litter and graffiti control. Approval of the Conditional Use Permit will encumber the site with a discretionary permit where currently, none exists, allowing for conditions of approval. The permit prepared for this project includes various conditions and corresponding exhibits of approvals relevant to achieving compliance with the regulations of the Municipal Code. These conditions include limitations on the hours of operation and signage, and a time limit on the alcohol beverage outlet with an expiration date of 20 years. In addition, the existing retail establishment must abide to all Federal, State and Local codes administering service stations. Therefore, the project will not be detrimental to the public health, safety, and welfare.

3. THE PROPOSED DEVELOPMENT WILL COMPLY TO THE MAXIMUM EXTENT FEASIBLE WITH THE REGULATIONS OF THE LAND DEVELOPMENT CODE.

The project proposes to maintain operation of an existing alcoholic beverage outlet and to upgrade the license from a Type 20 license (beer and wine) to a Type 21 license (general liquor) within an existing 2,400-square-foot convenience store located at 7631 Linda Vista Road within the Linda Vista Community Planning area. The market has been at this location since 1972. The existing Type 20 license was issued in 1972. The property currently maintains previously conforming rights for alcohol sales as the existing license was prior to the requirement for a discretionary permit (1993). The site is developed with two additional commercial buildings. Surrounding developments include single-family developments and a shopping center across Linda Vista Road to the west, multi-family development to the north, a vehicle service station to the south, and Interstate 163 abutting to the east.

There are no additions proposed to the facility as a result of this application. The Conditional Use Permit for the limited sale of alcohol within an existing market is permitted within the zone with an approved discretionary permit. Staff has analyzed the site for the applicable separately regulated use regulations and determined the project to be in compliance. These regulations include parking requirements, signage allowances, and requirements for litter and graffiti control. No variance or deviation is requested as a part of this application. Therefore, the proposed development would comply with the regulations of the Land Development Code.

4. THE PROPOSED USE IS APPROPRIATE AT THE PROPOSED LOCATION.

The project proposes to maintain operation of an existing alcoholic beverage outlet and to upgrade the license from a Type 20 license (beer and wine) to a Type 21 license (general liquor) within an existing 2,400-square-foot convenience store located at 7631 Linda Vista Road within the Linda Vista Community Planning area. The site is developed with two additional commercial buildings. The market has been at this location since 1972. The existing Type 20 license was issued in 1972. The property currently maintains previously conforming rights for alcohol sales as the existing license was prior to the requirement for a discretionary permit (1993). The site is developed with two additional commercial buildings. Surrounding developments include single-family developments and a shopping center across Linda Vista Road to the west, multi-family development to the north, a vehicle service station to the south, and Interstate 163 abutting to the east.

The property is zoned and designated for commercial uses. The use of the site as a retail establishment will remain the same. The property is zoned CC-1-1, a community-serving commercial zone that allows

for a mix of commercial and retail uses to accommodate developments with strip commercial characteristics. The Conditional Use Permit for the limited sale of alcohol within an existing market is permitted within the zone with an approved discretionary permit. The site is designated as Neighborhood Commercial within the community plan. The commercial element of the plan states that sites designated as neighborhood commercial sites should permit convenience goods and services for surrounding residential neighborhoods. The project would retain the existing retail establishment and provide a broader range of retail products.

The outlet requires a Conditional Use Permit pursuant to 141.0502 (4) (b) as the facility is located within 100 feet of residentially zoned property and within 600 feet of a public high school. The residentially zoned, single-family developed properties are separated from the subject site by Linda Vista Road, a four lane roadway with a raised median and a frontage road adjacent to these homes. The multi-family development to the north is located at a higher elevation and therefore, separated topographically from the subject site, which provides an additional buffer to these units. The market is within the interior of the site with parking areas within the front of the property. The existing site design provides a further buffer from these residentially developed properties. A portion of Kearny Mesa High School is within the 600-foot radius. However, the school is separated from the subject property by a major intersection in the community, Linda Vista Road and Mesa College Drive, and located at the south-west corner of this intersection.

The San Diego Police Department (SDPD) has determined that the existing facility with the change in license type to allow general liquor sales where currently only beer and wine sales can be supported due to several factors. These factors include the low crime rate and under concentration of licenses within the applicable census tracts, the lack of significant crimes reported in the area and the low number of service calls. Therefore the proposed use is appropriate at the proposed location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 785550, is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 785550, a copy of which is attached hereto and made a part hereof.

SANDRA TEASLEY
Development Project Manager
Development Services

Adopted on: September 29, 2010

Job Order No. 24000943

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

PREMISE ADDRESS: 7631 Linda Vista Road

TYPE OF BUSINESS: Convenience Store

FEDERAL CENSUS TRACT: 87.01

NUMBER OF ALCOHOL LICENSES ALLOWED: 3

NUMBER OF ALCOHOL LICENSES EXISTING: 1

CRIME RATE IN THIS CENSUS TRACT: 54.8
(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:

This location is currently licensed with a Type-20 ABC license. This application will only allow an upgrade of that license (Type-21) to allow the business to sell distilled spirits. There will be no change in the number of licenses existing within the census tract as a result of this application. The crime rate is below the threshold to be considered a high crime area. There have been no significant crimes and very few calls for police service at his location in the past one year.

SAN DIEGO POLICE DEPARTMENT RECOMMENDATION:

APPROVE

DENY

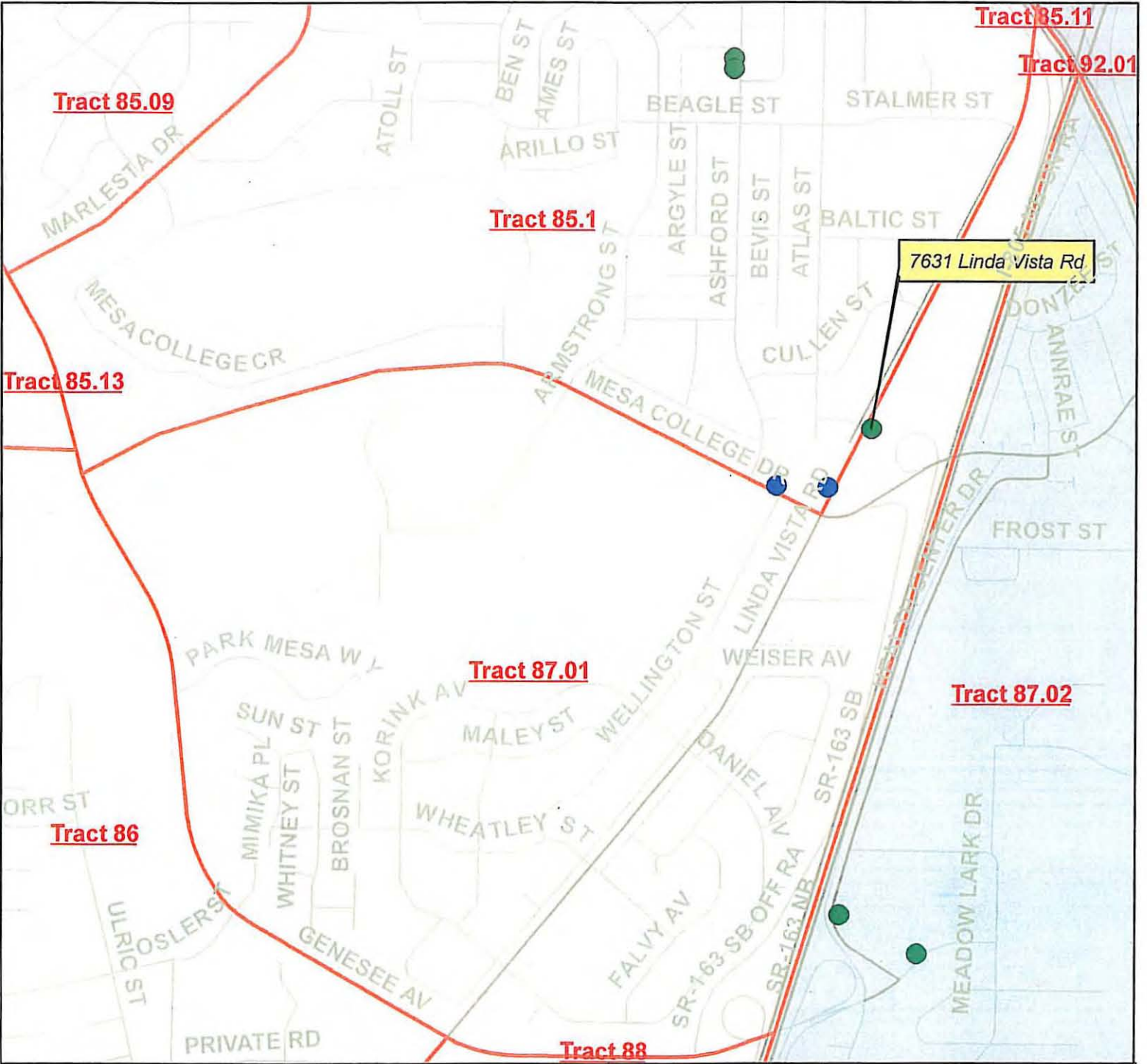
LINDA GRAFFIN
Name of SDPD Vice Sergeant (Print)

619 531 2349
Telephone Number

[Signature]
Signature of SDPD Vice Sergeant

03-30-10
Date of Review

Alcohol And Beverage Control Licenses (San Diego) 7631 Linda Vista Rd.



SanGIS San Diego Police Department
Crime Analysis Unit
February 2010

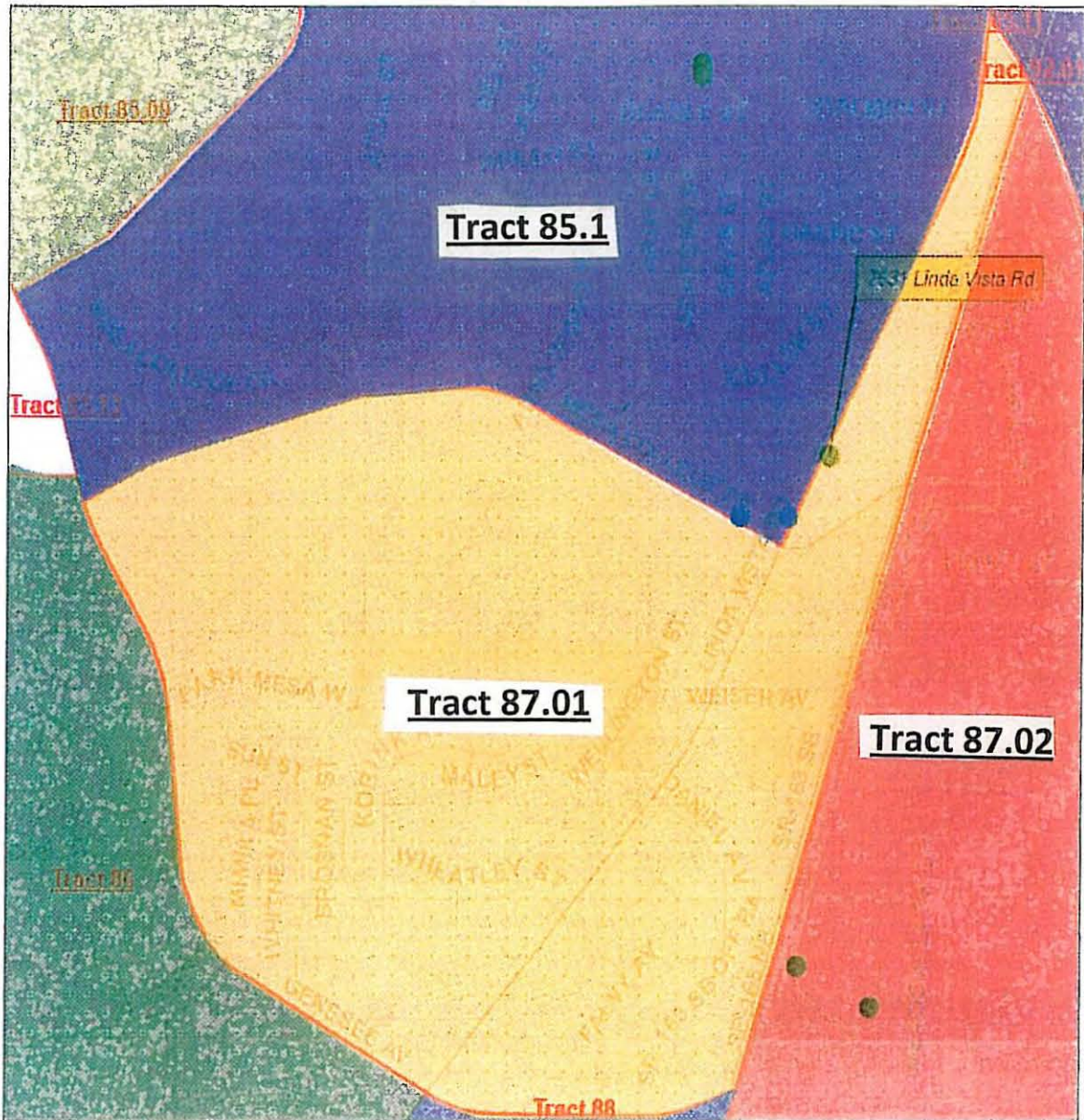
THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. Copyright SanGIS. All Rights Reserved.
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This product may contain information that has been reproduced with permission granted by Thomas Brothers Maps.

Note: Hot spot layer is extremely geographically limited in order to show only the very worst overconcentrations of liquor licenses. The intent is to indicate areas where the City Plan permits high concentration, and areas where concentrations have occurred independent of planning action.



- | | |
|---|----------------------------------|
| ■ Winegrower 2 | ▲ On Sale General Plane 46 |
| ● Off Sale Beer & Wine 20 | ▲ On Sale Large Boat 56 |
| ● Off Sale General 21 | ● On Sale Special 57 |
| ● On Sale Beer 40 | ○ Caterer 58 |
| ● On Sale Beer & Wine Eating Place 41 | ▲ On Sale General Dockside 62 |
| ● On Sale Beer & Wine Public Premise 42 | ● On Sale Theater 64 |
| ▲ On Sale Beer Boat 44 | ● Controlled Cabinete 66 |
| ▲ On Sale Beer & Wine Boat 45 | ● Bed & Breakfast 67 |
| ● On Sale General Eating Place 41 | ● Portable Bar 68 |
| ● On Sale General Public Premise 42 | ● On Sale General Restrictive 70 |
| ▲ On Sale General Club 50 | ● On Sale General Brew Pub 75 |
| ▲ Club 51 | ▲ On Sale General Museum 76 |
| ▲ Vets Club 52 | ● Event Permit 77 |
| ▲ On Sale General Boat 45 | |

*Alcohol And Beverage Control Licenses (San Diego)
7631 Linda Vista Rd.*



COLOR GRAPHIC TO CLARIFY CENSUS TRACT BOUNDARIES



**California Department of Alcoholic Beverage
Control
For the County of SAN DIEGO - (Off-Sale Licenses)**

and Census Tract = 87.01

Report as of 11/16/2010

License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1) 430351	ACTIVE	20	11/22/2005	10/31/2011	J N C ENTERPRISES INC 7631 LINDA VISTA RD SAN DIEGO, CA 92111 Census Tract: 0087.01	KEARNY MESA MARKET	1242 PIONEER WY EL CAJON, CA 92020	3710

--- End of Report ---

For a definition of codes, view our [glossary](#).

SUBJECT PROPERTY CENSUS TRACT 87.01

ADJACENT CENSUS TRACT STATISTICS
KEARNY MESA MARKET PROJECT 214348
Dated September 2010

ADJACENT CENSUS TRACT	LICENCES ALLOWED	LICENSES EXISTING	CRIME RATE (120 % = High Crime	ALCOHOL - RELATED CRIME RATE PERCENTAGE
87.02	4	4	134.4 % (HIGH)	77.4 % (NOT HIGH)
85.10	5	2	98.7 % (NOT HIGH)	37.1 % (NOT HIGH)



**California Department of Alcoholic Beverage
Control
For the County of SAN DIEGO - (Off-Sale Licenses)**

and Census Tract = 87.02

Report as of 11/16/2010

	License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1)	365073	ACTIVE	20	5/18/2000	6/30/2011	7 ELEVEN INC 7750 STARLING DR SAN DIEGO, CA 92123 Census Tract: 0087.02	7 ELEVEN 2121 13648	PO BOX 2245 BREA, CA 92822- 2245	3710
2)	407369	ACTIVE	21	12/31/2003	6/30/2011	RALPHS GROCERY COMPANY 5680 MISSION CENTER RD SAN DIEGO, CA 92108 Census Tract: 0087.02	RALPHS 77	PO BOX 54143 LOS ANGELES, CA 90054-0143	3710
3)	460920	ACTIVE	20	1/25/2008	12/31/2010	GENESEE VALERO INC 2777 HEALTH CENTER DR SAN DIEGO, CA 92123-2708 Census Tract: 0087.02	GENESEE VALERO INC		3710
4)	477539	ACTIVE	21	6/22/2009	5/31/2011	GARFIELD BEACH CVS LLC 5644 MISSION CENTER RD, STE 202 SAN DIEGO, CA 92108-4328 Census Tract: 0087.02	CVS PHARMACY STORE 9963	1 CVS DR, MAIL DROP 23062A WOONSOCKET, RI 02895-6146	3710

--- End of Report ---

For a definition of codes, view our [glossary](#).

ADJACENT CENSUS TRACT 87.02



**California Department of Alcoholic Beverage
Control
For the County of SAN DIEGO - (Off-Sale Licenses)**

and Census Tract = 85.1

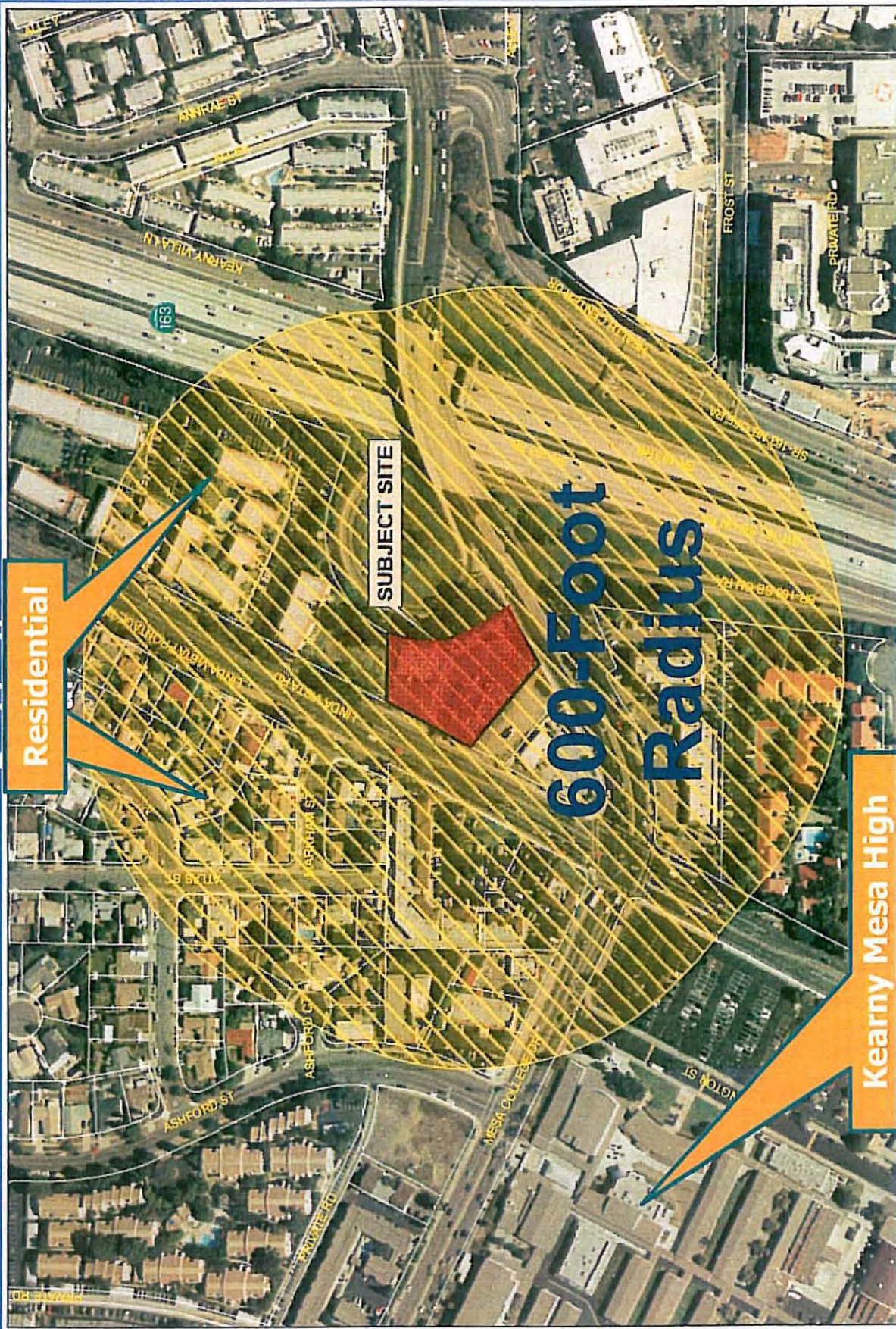
Report as of 11/16/2010

	License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1)	411362	ACTIVE	21	4/30/2004	3/31/2011	ASHFORD INC 3560 ASHFORD ST SAN DIEGO, CA 92111 Census Tract: 0085.10	CARNIVAL MARKET		3710
2)	452227	ACTIVE	21	6/6/2007	5/31/2011	HOME BAR LIQUOR INC 3550 ASHFORD ST SAN DIEGO, CA 92111-4311 Census Tract: 0085.10	HOME BAR LIQUOR		3710

--- End of Report ---

For a definition of codes, view our [glossary](#).

ADJACENT CENSUS TRACT 85.1



Residential

SUBJECT SITE

600-Foot
Radius

Kearny Mesa High



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101

Community Planning Committee Distribution Form Part 2

Project Name: Kearny Mesa Market		Project Number: 214348	Distribution Date: 7/7/10
Project Scope/Location: PROCESS 3 CONDITIONAL USE PERMIT TO UPGRADE EXISTING TYPE 20 LICENSE TO A TYPE 21 FOR ALCOHOLIC BEVERAGE SALES IN AN EXISTING MARKET AT 7631 LINDA VISTA ROAD IN THE CN-1-2 ZONE.			
Applicant Name: Kevin Attiq		Applicant Phone Number: (619) 559-1656	
Project Manager: Sandra Teasley	Phone Number: (619) 446-5271	Fax Number: (619) 446-5245	E-mail Address: STeasley@sandiego.gov
Committee Recommendations (To be completed for Initial Review): <i>Vote to Deny to Close to Schools.</i>			
<input type="checkbox"/> Vote to Approve	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Approve With Conditions Listed Below	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below	Members Yes	Members No	Members Abstain
<input checked="" type="checkbox"/> Vote to Deny	Members Yes 11	Members No 3	Members Abstain
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			<input type="checkbox"/> Continued
CONDITIONS:			
NAME: <i>Dixie L. Wilson</i>		TITLE: <i>CHAIR</i>	
SIGNATURE: <i>Dixie L. Wilson</i>		DATE: <i>8-23-10</i>	
<i>Attach Additional Pages If Necessary.</i>		Please Return Within 30 Days of Distribution of Project Plans To: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101	
Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services . Upon request, this information is available in alternative formats for persons with disabilities.			



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101

THE CITY OF SAN DIEGO

Community Planning Committee Distribution Form Part 1

Project Name: Kearny Mesa Market	Project Number: 214348	Distribution Date: 7/7/10
Project Scope/Location: PROCESS 3 CONDITIONAL USE PERMIT TO UPGRADE EXISTING TYPE 20 LICENSE TO A TYPE 21 FOR ALCOHOLIC BEVERAGE SALES IN AN EXISTING MARKET AT 7631 LINDA VISTA ROAD IN THE CN-1-2 ZONE.		
Applicant Name: Kevin Attiq		Applicant Phone Number: (619) 559-1656
Project Manager: Sandra Teasley	Phone Number: (619) 446-5271	Fax Number: (619) 446-5245
E-mail Address: STeasley@sandiego.gov		
Project Issues (To be completed by Community Planning Committee for initial review):		
<p><u>11 Votes to Deny</u></p> <ol style="list-style-type: none"> 1. Too many existing liquor licences in Linda Vista. 2. Too close to high school and elementary schools. <p><u>3 Votes to Approve</u></p> <ol style="list-style-type: none"> 1. Store should have the right to conduct their business. 2. Appropriate behavior is the responsibility of the community and not the store owner. 		
<i>Attach Additional Pages If Necessary.</i>		<p>Please Return Within 30 Days of Distribution of Project Plans To: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101</p>
<p>Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services. Upon request, this information is available in alternative formats for persons with disabilities.</p>		

 City of San Diego Development Services 1222 First Ave. 3rd Floor San Diego, CA 92101 (619) 446-5210	RECEIVED Development Permit/ Environmental Determination Appeal Application	FORM DS-3031 MAY 2010
	OCT 13 2010 BGC	

Development Services

See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

- Process Two Decision - Appeal to Planning Commission
 Process Three Decision - Appeal to Planning Commission
 Process Four Decision - Appeal to City Council
- Environmental Determination - Appeal to City Council
 Appeal of a Hearing Officer Decision to revoke a permit

2. Appellant Please check one Applicant Officially recognized Planning Committee "Interested Person" (Per M.C. Sec. 113.9103)

Name: Jeff Perwin (LINDA VISTA PLANNING GROUP) E-mail Address: jeff@lindavista.org
 Address: 2012 Coolidge St #94 City: San Diego State: CA Zip Code: 92111 Telephone: (619) 806-9559

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

ROBERT ZAKAR

4. Project Information

Permit/Environmental Determination & Permit/Document No.: PRJ # 214348 - COND USE PERMIT	Date of Decision/Determination: 9/29/10	City Project Manager: Sandra Teasley
---	--	---

Decision (describe the permit/approval decision):

APPROVED CONDITIONAL USE PERMIT

5. Grounds for Appeal (Please check all that apply)

- Factual Error (Process Three and Four decisions only) New Information (Process Three and Four decisions only)
 Conflict with other matters (Process Three and Four decisions only) City-wide Significance (Process Four decisions only)
 Findings Not Supported (Process Three and Four decisions only)

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

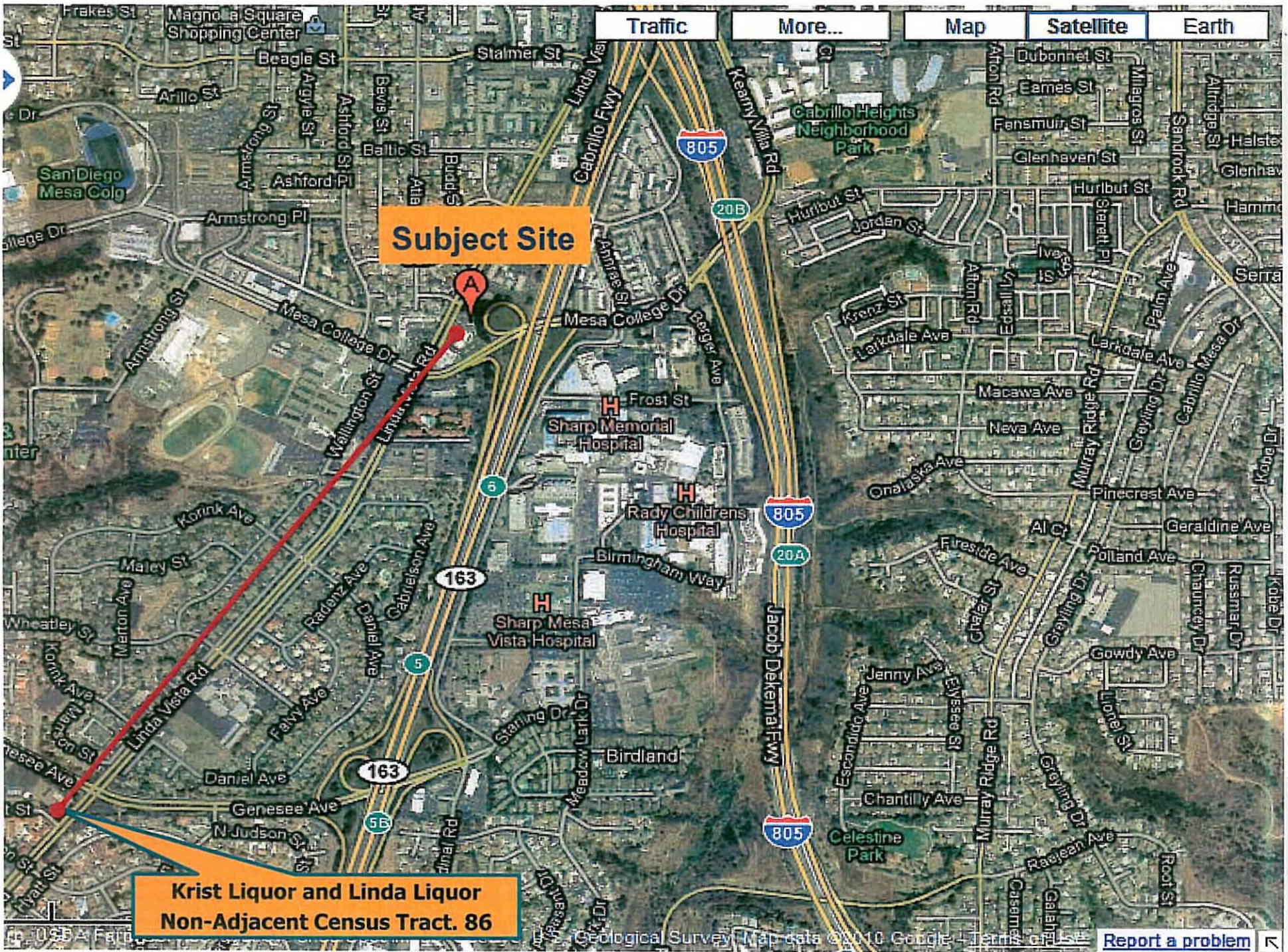
- FROM THE 6900 BLOCK OF LINDA VISTA RD TO 7361 LINDA VISTA RD (KEARNY MESA MARKET), THERE ARE SIX BUSINESSES THAT SELL HARD LIQUOR
- IN THE NEARBY VICINITY OF THE MARKET, THERE ARE THREE ELEMENTARY SCHOOLS (CHESTERION, SAN DIEGO CHARTER, ROSS ELEMENTARY) AND KEARNY HIGH SCHOOL (WITH 2000 STUDENTS DIRECTLY ACROSS THE STREET).
- THE LINDA VISTA PLANNING GROUP VOTED 11-3 AGAINST APPROVING THE CONDITIONAL USE PERMIT TO SELL HARD ALCOHOL

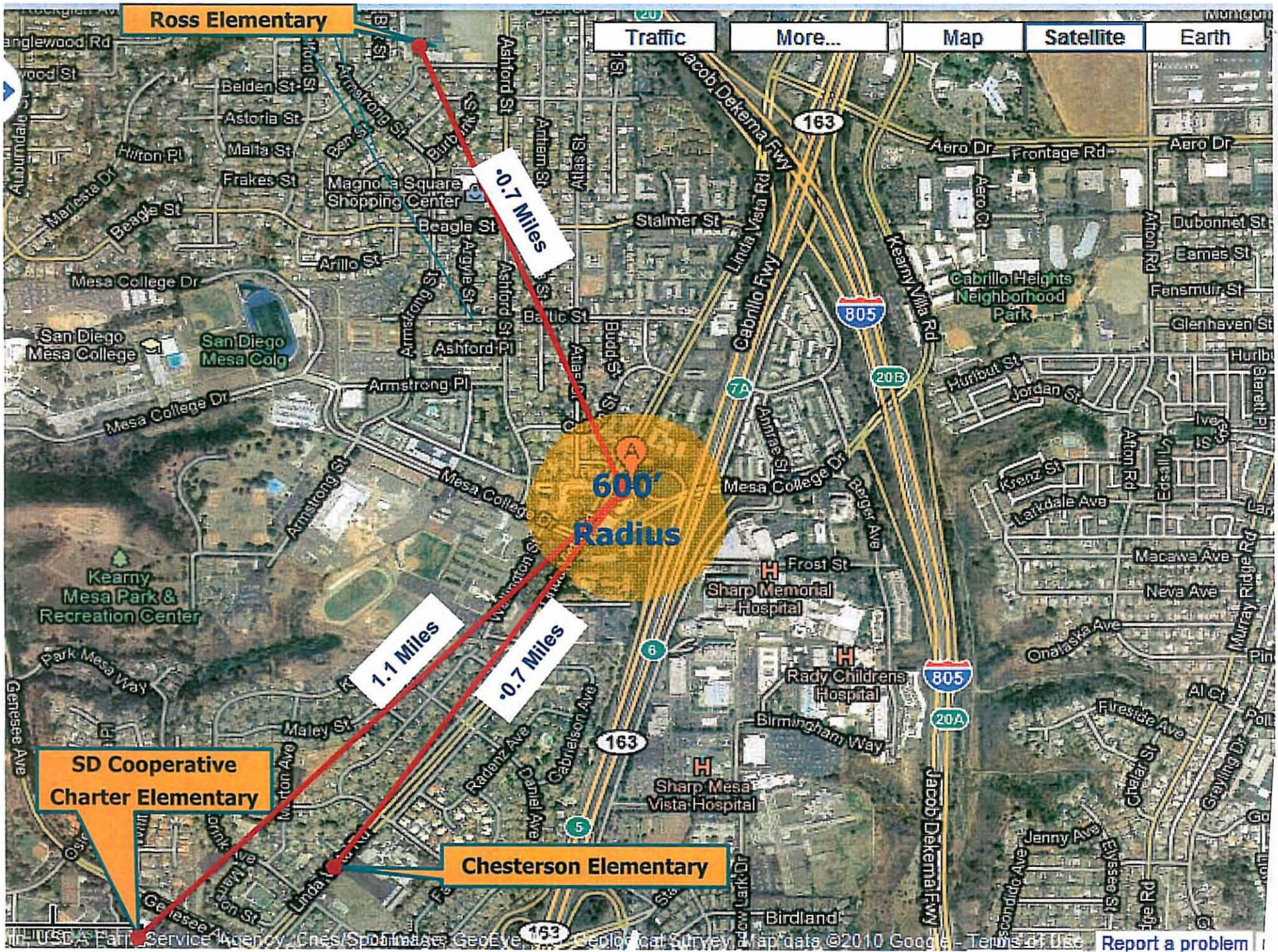
6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature: Jeff Perwin

Date: 10/13/2010

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.





NOTICE OF EXEMPTION

(Check one or both)

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.: 214348

PROJECT TITLE: KEARNY MESA MARKET

PROJECT LOCATION-SPECIFIC: 7631 Linda Vista Road, San Diego, CA 92111 Legal: Lots 2 and 3, Map No 9811.

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

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT: Conditional Use Permit to upgrade existing Type 20 license (beer and wine) to a Type 21 (general alcohol) for alcoholic beverage sales in an existing market located at 7631 Linda Vista Road in the CN-1-2 Zone within the Linda Vista Community Plan Area.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Kevin Attiq
 7631 Linda Vista Road
 San Diego, CA, 92111
 619-559-1656

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:

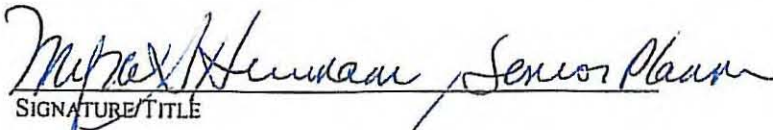
REASONS WHY PROJECT IS EXEMPT: This project is not proposing any development but is a change in licensing allowing for additional types of alcoholic sales. In addition the project meets the criteria set forth in CEQA section 15301 which allows for existing facilities which would involve negligible expansion of use and the exceptions listed in CEQA section 15300.2 would not apply. Therefore, no adverse impacts would occur.

LEAD AGENCY CONTACT PERSON: Lizzi

TELEPHONE: (619) 446-5159

IF FILED BY APPLICANT:

- ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.
- HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBLIC AGENCY APPROVING THE PROJECT?
 YES NO

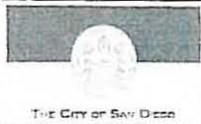

 SIGNATURE/TITLE

8/6/10
 DATE

CHECK ONE:

- SIGNED BY LEAD AGENCY
 SIGNED BY APPLICANT

DATE RECEIVED FOR FILING AT OPR:



City of San Diego
 Development Services
 1222 First Ave., MS-302
 San Diego, CA 92101
 (619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit
 Variance Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment Other _____

Project Title Project No. For City Use Only

UPGRADE IN THE LIQUOR LICENSE STATUS FROM A TYPE 20 TO A TYPE 21

Project Address:

7631 LINDA VISTA RD.

Part I - To be completed when property is held by Individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached Yes No

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature : _____ Date: _____

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature : _____ Date: _____

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature : _____ Date: _____

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature : _____ Date: _____

Project Title: Kearny Mesa Market Project No. (For City Use Only) 214 398

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

Legal Status (please check):

Corporation Limited Liability -or- General) What State? _____ Corporate Identification No. _____
 Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. Additional pages attached Yes No

Corporate/Partnership Name (type or print):
GTF PROPERTIES
 Owner Tenant/Lessee
 Street Address:
6565 Miramar Road
 City/State/Zip:
San Diego CA 92121
 Phone No: _____ Fax No: _____
858-455-0948
 Name of Corporate Officer/Partner (type or print):
Gordon T. Frost, Jr.
 Title (type or print):
General Partner
 Signature: [Signature] Date: 6-15-10

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: _____

OWNERSHIP DISCLOSURE SUPPLEMENTAL INFORMATION
PROJECT NO. 214348
KEARNY MESA MARKET

OWNER: GTF Properties, a California Limited Liability Partnership.

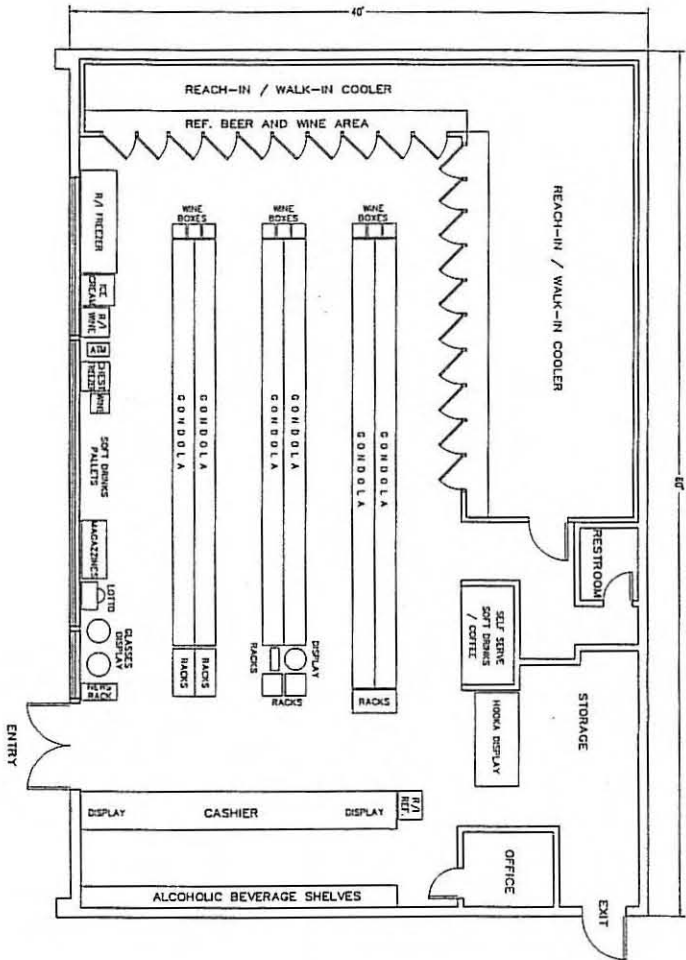
General Partner: Gordon T. Frost, Jr.

The Limited Partners are:

Jeanne L. Frost

Alison Frost Gildred

Susan Frost Ahlering



FLOOR PLAN	
SCALE 1/4" = 1'-0"	
SITUS:	
KEARNY MESA MARKET	
7631 LINDA VISTA ROAD	
SAN DIEGO, CA 92111	
REPRESENTATIVE:	
ROBERT ZAKAR	
12849 RANCHO PENASQUITOS BLVD.	
SAN DIEGO, CA 92129	
619-654-7532	
PREPARATION DATE: JUNE 3, 2010	
REVISION DATE: JUNE 30, 2010	
SHEET 2 OF 2	

PARKING CALCULATION

PARKING REQUIRED

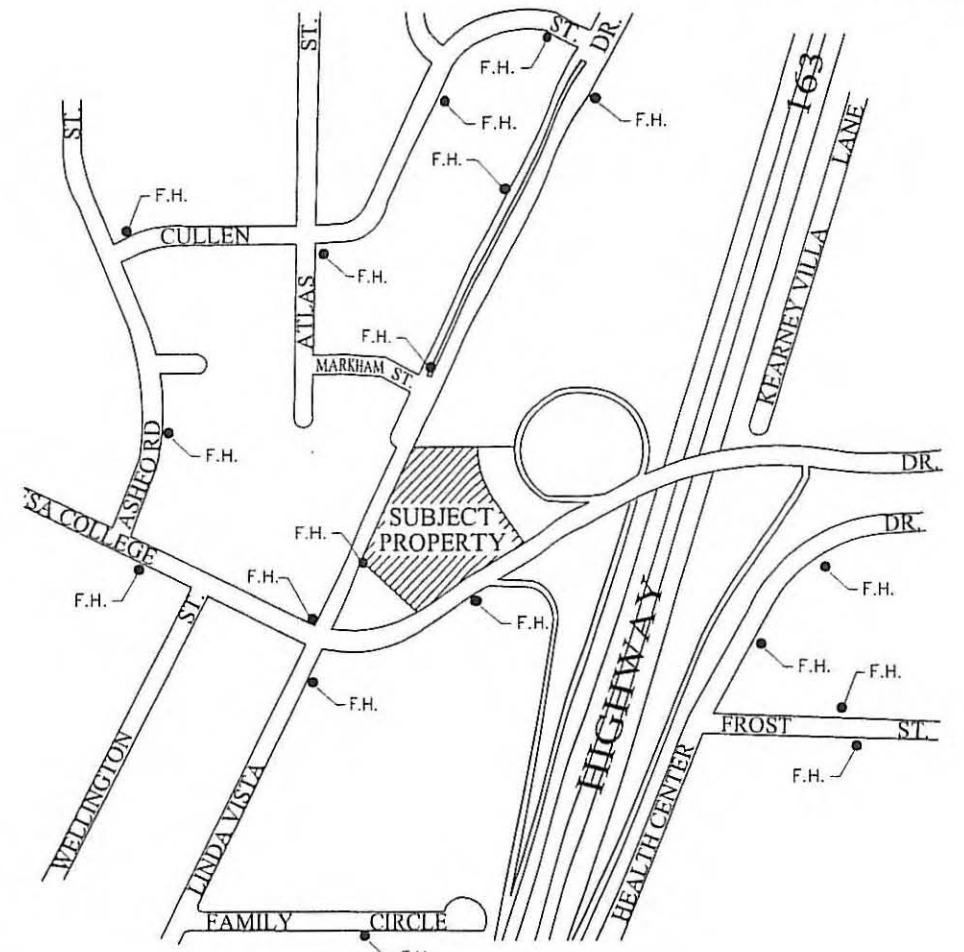
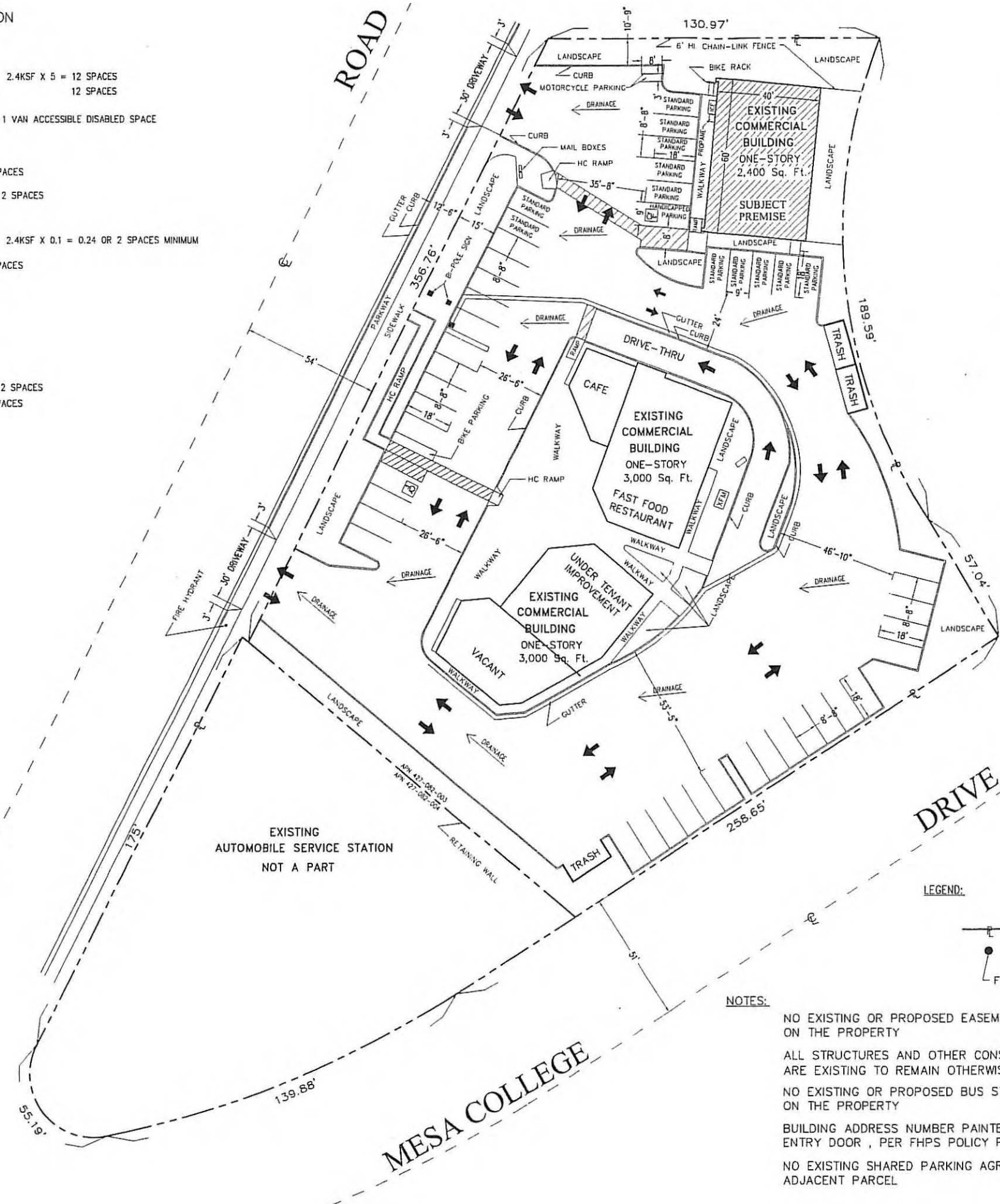
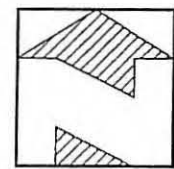
AUTOMOBILE
 2,400 Sq.Ft. CONVENIENCE MARKET 2.4KSF X 5 = 12 SPACES
 TOTAL PARKING REQUIRED = 12 SPACES
per SDMC Table 142-05D
 LESS THAN 25 PARKING SPACES = 1 VAN ACCESSIBLE DISABLED SPACE
per CBC Chapter 11A, Section 1129B

MOTORCYCLE
 2 7/8 x 12 = 0.24 OR MINIMUM 2 SPACES
per SDMC 142.0530g
 MOTORCYCLE PARKING REQUIRED = 2 SPACES

BICYCLE
 2,400 Sq.Ft. CONVENIENCE MARKET 2.4KSF X 0.1 = 0.24 OR 2 SPACES MINIMUM
per SDMC 142.0530e
 BICYCLE PARKING REQUIRED = 2 SPACES

PARKING PROVIDED

AUTOMOBILE
 STANDARD = 12 SPACES
 VAN ACCESSIBLE = 1 SPACE
 TOTAL = 13 SPACES
 MOTORCYCLE PARKING PROVIDED = 2 SPACES
 BICYCLE PARKING PROVIDED = 2 SPACES

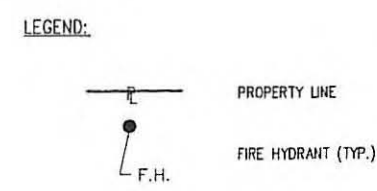


VICINITY MAP
 SCALE: N.T.S.

SITE PLAN

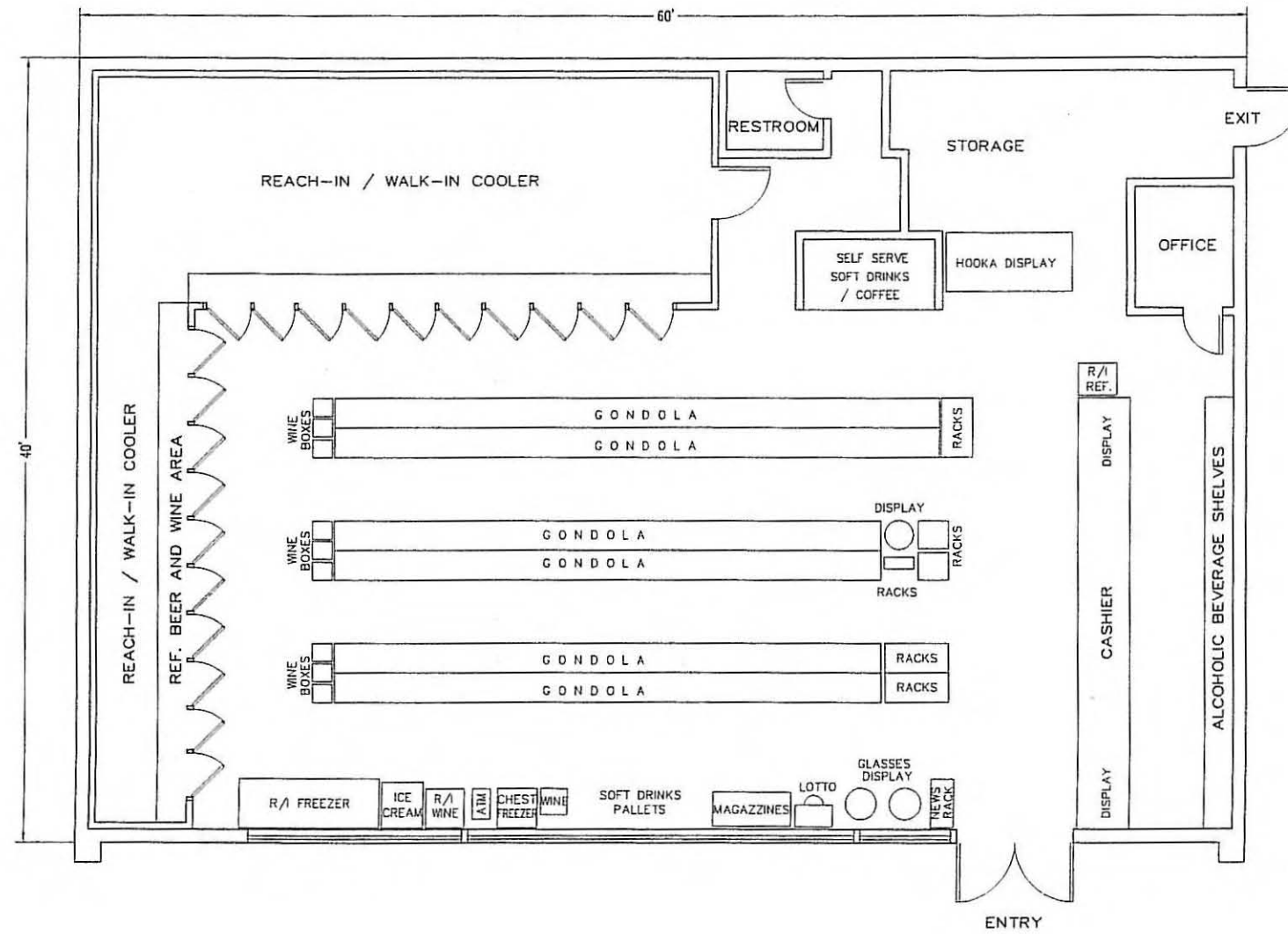
SCALE 1" = 20'-0"

<p>PROJECT TITLE: TO REQUEST A CONDITIONAL USE PERMIT TO ALLOW AN UPGRADE IN THE LIQUOR LICENSE STATUS FROM A TYPE 20: OFF-SALE BEER AND WINE TO A TYPE 21: OFF-SALE GENERAL ALCOHOLIC BEVERAGE; IN CONJUNCTION WITH AN EXISTING 2,400 SQUARE-FOOT CONVENIENCE MARKET.</p>	
<p>SITUS: KEARNY MESA MARKET 7631 LINDA VISTA ROAD SAN DIEGO, CA 92111</p>	
<p>REPRESENTATIVE: ROBERT ZAKAR 12849 RANCHO PENASQUITOS BLVD. SAN DIEGO, CA 92129 619-654-7532</p>	
<p>PROPERTY OWNER: GTF PROPERTIES P.O. BOX 919065 SAN DIEGO, CA 92191</p>	<p>APPLICANT: KEVIN ATTIO 7631 LINDA VISTA ROAD SAN DIEGO, CA 92111</p>
<p>LEGAL DESCRIPTION: LOT 3, DOC 72-247016 PAR. PER ROS 9811, SEE APPLICATION A.P.N. 427-082-01 AND 427-082-02</p>	
<p>ZONE INFORMATION: BASE ZONE = CN-1-1 COMMUNITY PLAN NAME = LINDA VISTA OVERLAY ZONE: NONE AIRPORT INFLUENCE AREA AND FAA PART 77</p>	
<p>GROSS SITE AREA = 1.86 ACRES TOTAL FLOOR AREA = 2,400 Sq.Ft. (SUBJECT PREMISE)</p>	
<p>EXISTING/PROPOSED USE: CONVENIENCE MARKET HOURS OF OPERATION: 6 A.M. TO 2 A.M. DAILY</p>	
<p>PREPARATION DATE: JUNE 3, 2010 REVISED DATE: JUNE 30, 2010 REVISED DATE: SEPTEMBER 10, 2010 REVISED DATE: NOVEMBER 23, 2010</p>	



NOTES:

- NO EXISTING OR PROPOSED EASEMENTS ON THE PROPERTY
- ALL STRUCTURES AND OTHER CONSTRUCTION ARE EXISTING TO REMAIN OTHERWISE NOTED
- NO EXISTING OR PROPOSED BUS STOP ON THE PROPERTY
- BUILDING ADDRESS NUMBER PAINTED ON TRANSOM, ENTRY DOOR, PER FHPS POLICY P-00-6 (UFC 901.4.4)
- NO EXISTING SHARED PARKING AGREEMENT WITH THE ADJACENT PARCEL



CADFILE No: lindofoto-FP

FLOOR PLAN

SCALE 1/4" = 1'-0"

SITUS:
 KEARNY MESA MARKET
 7631 LINDA VISTA ROAD
 SAN DIEGO, CA 92111

REPRESENTATIVE:
 ROBERT ZAKAR
 12849 RANCHO PENASQUITOS BLVD.
 SAN DIEGO, CA 92129
 619-654-7532

PREPARATION DATE: JUNE 3, 2010
 REVISION DATE: JUNE 30, 2010

