



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: April 24, 2013 REPORT NO. HO 13-042  
ATTENTION: Hearing Officer  
SUBJECT: BEVMO! MISSION VALLEY - PROJECT NUMBER 304943  
LOCATION: 5644 Mission Center Road, Suite 203  
APPLICANT: Beverages and More, Inc. (dba BevMo!)

### SUMMARY

Issue(s): Should the Hearing Officer approve a Conditional Use Permit for the operation of an alcohol beverage outlet within an existing commercial shopping center located at 5644 Mission Center Road in the Mission Valley Community Plan area?

Staff Recommendation: APPROVE Conditional Use Permit No. 1077092.

Community Planning Group Recommendation: On March 6, 2013, the Mission Valley Planning Group voted 16-1-0 recommending the project be approved. There were no additional comments or conditions provided by the planning group (Attachment 8).

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 (existing facility) [Attachment 7]. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on February 5, 2013, and the opportunity to appeal that determination ended February 19, 2013.

### BACKGROUND

The existing commercial shopping center, Friars Mission Center, was constructed in 1996 and is located at 5644 Mission Center Road, north of Friars Road, east of Frazee Road, and west of Mission Center Road (Attachment 1). The 13.91-acre development includes eight commercial and retail buildings with an approximate total of 149,100 square feet of leased spaces for commercial uses (Attachment 2). The Friars Mission Center has driveway entrances along Mission Center Road, Mission Heights Road, and Frazee Road and includes 741 off-street parking spaces.

The site is zoned MV-CR in the Mission Valley Planned District (MVPD) and is within the Commercial-Retail Element of the Mission Valley Community Plan (Attachment 3). The MV-CR Zone permits the retail sale of general merchandise and an alcoholic beverage outlet is permitted in the zone as a limited use as detailed further in this report. The surrounding neighborhood generally consists of office buildings, new residential development, and additional commercial buildings including the Hazard Center, an office and commercial mixed use development.

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

## DISCUSSION

The project proposes operation of an alcoholic beverage outlet, including on-sale beer and wine, in a vacant 8,000 square-foot commercial lease space area within an existing approximately 48,000 square-foot, single-story building located at 5644 Mission Center Road. The applicant has submitted an application to the California Department of Alcoholic Beverage Control for a new Type 21, off-sale liquor license, and a new Type 42 license, for on-sale beer and wine tastings. The building was previously occupied by Blockbuster Video. The current proposal is a tenant improvement to establish a BevMo! specialty beverage store with on-site consumption of beer and wine for educational tastings within a 250 square-foot designated tasting area.

### Development Regulations and Location Criteria

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

The Limited Use Regulations of the SDMC section 141.0502(b)(1) do not permit alcoholic beverage outlets by right (i.e. would require a CUP) in the following locations:

- 1. Within a census tract, or within 600 feet of a Census Tract, where the general crime rate exceeds the citywide average general crime rate by more than 20 percent.**  
The subject property is in Census Tract No. 0087.02 which reported a crime rate 133 percent higher than the citywide average based on the statistics provided by the San Diego Police Department. A Census Tract is considered to have "high crime" if the crime rate exceeds 120 percent of the city-wide average. Therefore, a CUP is required for the off-sale of alcoholic beverages at this location based on this factor.
- 2. Within a Census Tract, or within 600 feet of a Census Tract, where the ratio of alcoholic beverage outlets exceeds the standards established by the California Businesses and Professional Code Section 23958.4.**

The subject property is within Census Tract No. 0087.02, which based on the California Businesses and Professional Code Section 23958.4 permits a total of five (5) off-sale alcoholic beverage outlets. There are currently three (3) existing off-sale alcohol beverage outlets within Census Tract 0087.02 and therefore, the Census Tract would not be considered over saturated with the approval of this permit.

**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.**

The project site is not known to be located within 600 feet of these types of facilities.

**5. Within 100 feet of residentially zoned property.**

The project site is not within 100 feet of residentially zoned property.

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

The project site is not known to be within 600 feet of religious assembly.

Alcohol Sales-Project Analysis:

The proposed alcoholic beverage outlet at this site requires a CUP because the project site does not meet all of the location criteria of the Municipal Code. As demonstrated above, the project site is within a Census Tract that is defined as having a high crime rate.

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

Draft Conditions of Approval

The project approval would allow the operation of an alcoholic beverage outlet, including on-sale beer and wine, to be conditioned so that the alcohol sales would not have a negative impact on the surrounding neighborhood. The CUP includes a number of conditions that would limit the hours of sales, regulate advertising, provide for a well-lighted, cleaner site and prohibit specific on-site activities with the objective of reducing the likelihood of loitering and other criminal activity on the property. Further, both the staff and the Police Department concluded

that if the permit were appropriately conditioned, the proposed alcohol sales would not have a negative impact on the surrounding neighborhood.

Specifically, the CUP conditions would limit the hours of alcohol beverage sales from 9:00 a.m. to 10:00 p.m. Exterior and interior public pay phones would not be permitted on the premises, on adjacent public sidewalks, or areas under the control of the owner or operator. Advertising would be limited to interior signs only and "No Loitering" signs would be required to be prominently displayed on the premises. Finally, the CUP would include a 15-year expiration date from the date the CUP was approved. The permit could be extended through the appropriate review and decision process and may be subject to additional conditions at that time.

### Conclusion

City staff supports the request for a CUP for the limited and conditional off-sale of general alcoholic beverages. Permit conditions have been added to this discretionary permit that would assure that the business would be a cohesive element of the neighborhood and would not be detrimental to the public health, safety and welfare of the community. The project is consistent with the underlying zone and the applicable land use plans and policies in affect for the site. An environmental review performed by the Development Services Department determined that the proposed project was exempt from further CEQA review as an existing facility and is supported with proposed conditions by the San Diego Police Department (Attachment 9).

### ALTERNATIVES:

1. **Approve** Conditional Use Permit No. 1077092 with modifications; or
2. **Deny** Conditional Use Permit No. 1077092, if the findings required for approving the project cannot be affirmed.

Respectfully submitted,



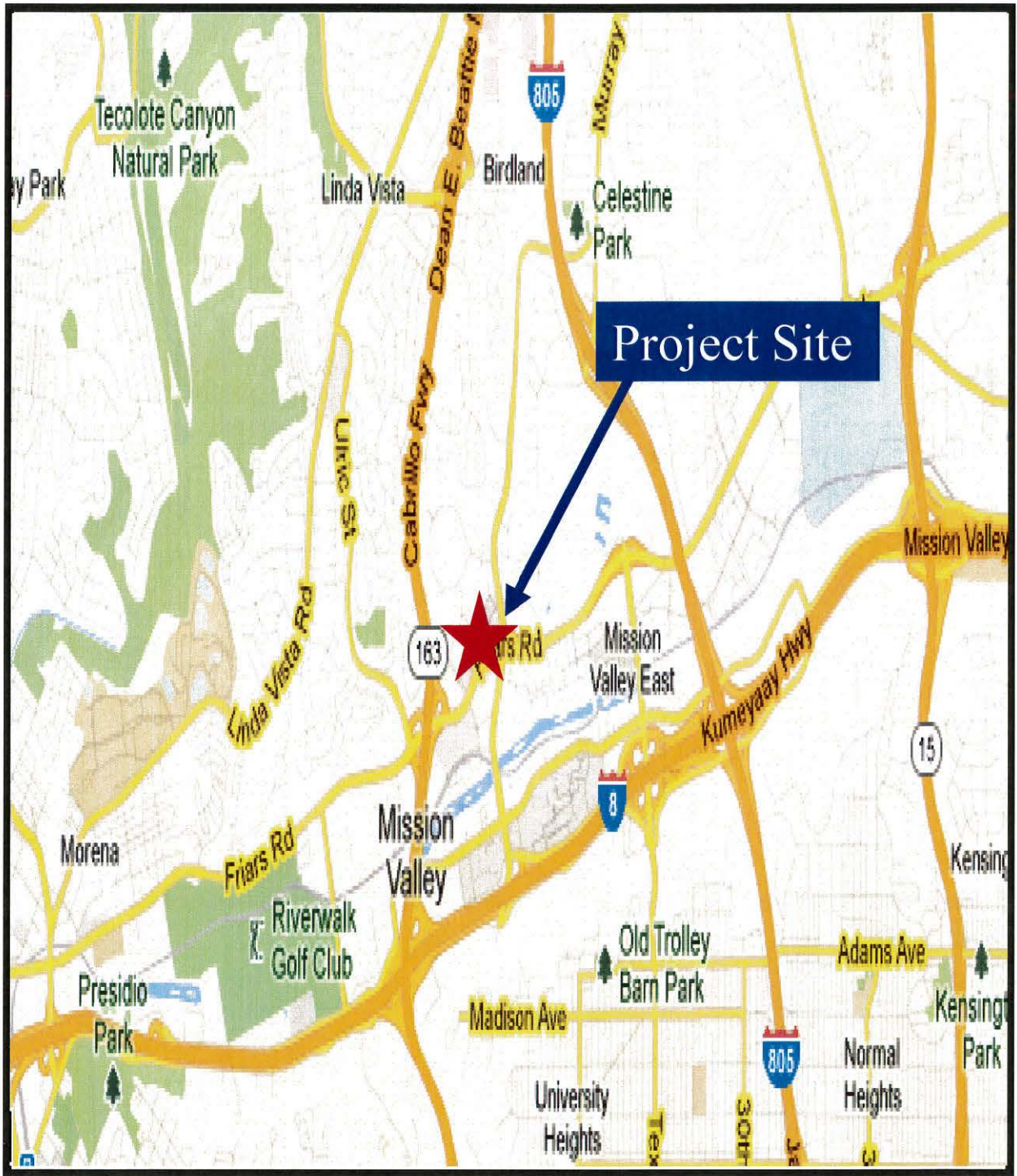
Tim Daly, Development Project Manager

### Attachments:

1. Project Location Map
2. Aerial Photograph
3. Community Plan Land Use Map
4. Project Data Sheet
5. Draft Permit Resolution with Findings
6. Draft Permit with Conditions
7. Environmental Exemption

8. Community Planning Group Recommendation
9. San Diego Police Department Conditional Use Permit Recommendations
10. Ownership Disclosure Statement
11. Project Plans (Hearing Officer only)



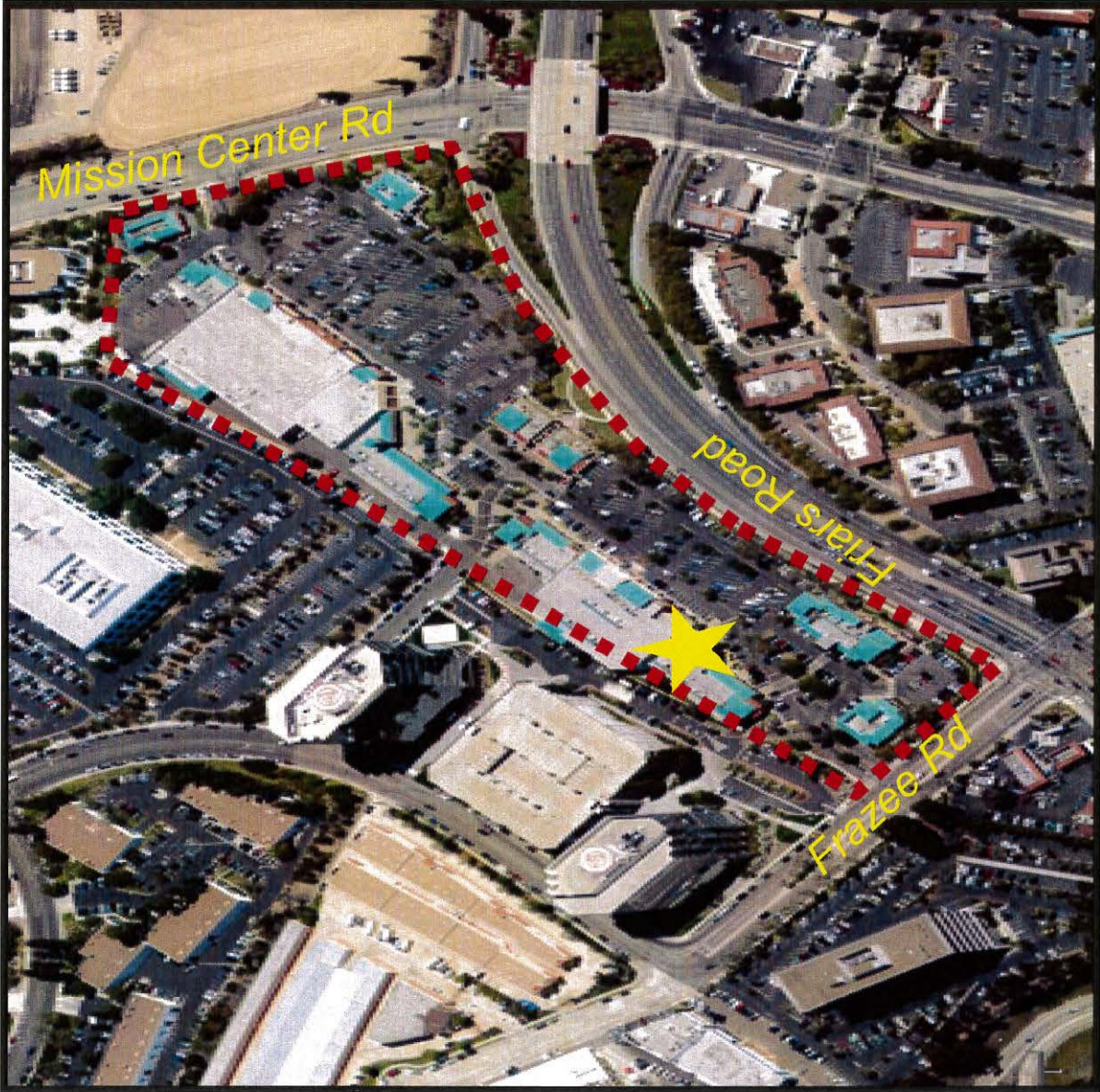


## Project Location

BevMo! Mission Valley, Project No. 304943  
5644 Mission Center Road

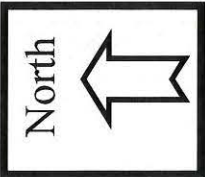




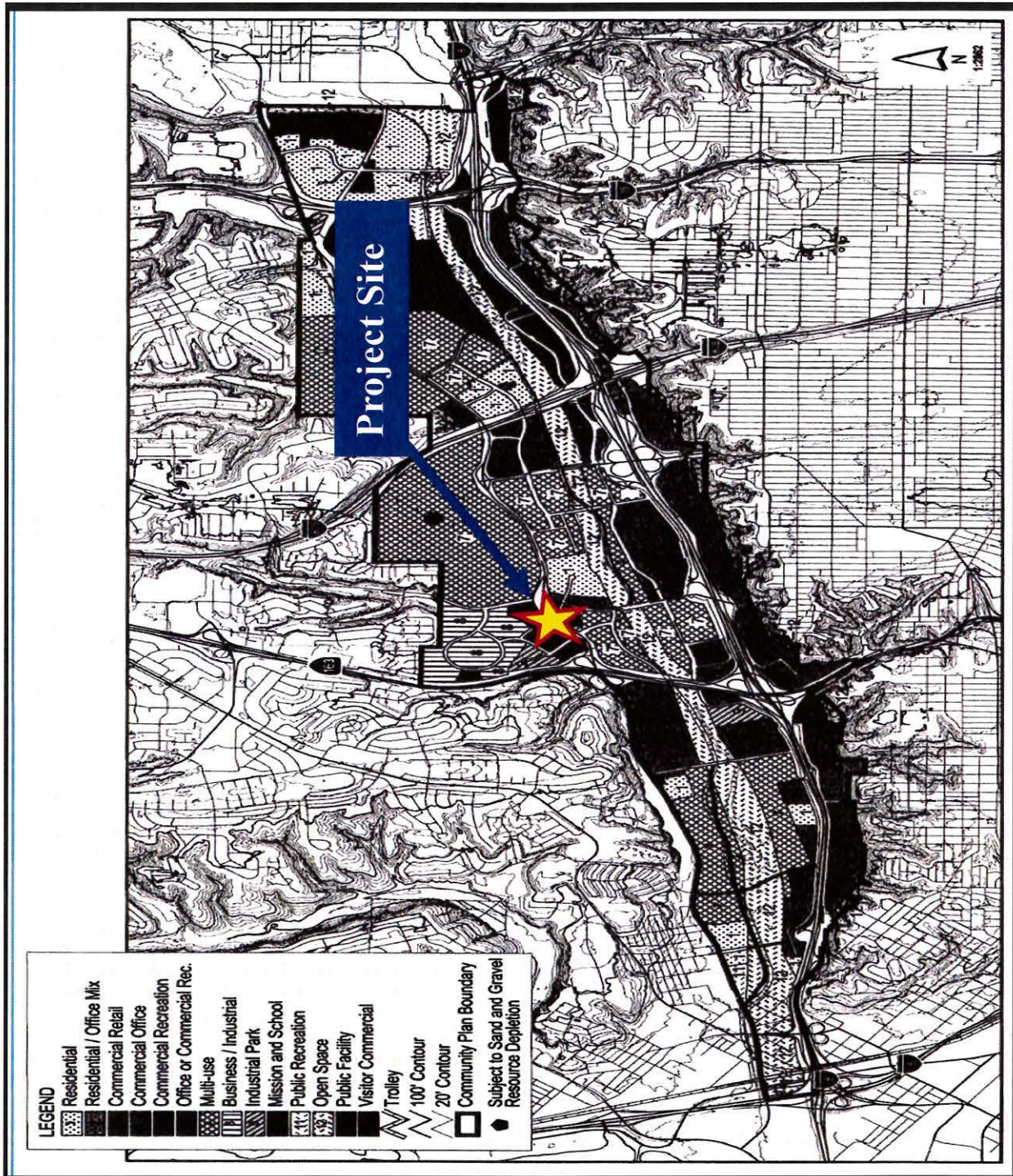


**Aerial Photo**

**BevMo! Mission Valley, Project No. 304943  
5644 Mission Center Road**

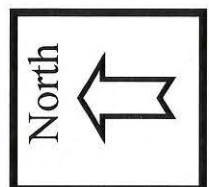






# Mission Valley Community Land Use Map

BevMo! Mission Valley, Project No. 304943  
 5644 Mission Center Road





## PROJECT DATA SHEET

<b>PROJECT NAME:</b>	BevMo! Mission Valley	
<b>PROJECT DESCRIPTION:</b>	New alcohol beverage outlet store within an existing commercial shopping center located at 5644 Mission Center Road.	
<b>COMMUNITY PLAN AREA:</b>	Mission Valley	
<b>DISCRETIONARY ACTIONS:</b>	Conditional Use Permit	
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	Commercial - Retail	
<b><u>ZONING INFORMATION:</u></b>		
<b>ZONE:</b> MVPD MV-CR <b>HEIGHT LIMIT:</b> None <b>LOT SIZE:</b> Min. 5,000 s.f.; 605,528 s.f. existing <b>MAX. STRUCTURAL COVERAGE:</b> Max. 50%; 24.6% existing <b>FRONT SETBACK:</b> Min. 15 feet; 15 feet provided <b>SIDE SETBACK:</b> Min. 10 feet; 10 feet provided <b>REAR SETBACK:</b> Min. 8 feet; 8 feet provided <b>PARKING:</b> 741 provided		
<b><u>ADJACENT PROPERTIES:</u></b>	<b>LAND USE DESIGNATION &amp; ZONE</b>	<b>EXISTING LAND USE</b>
<b>NORTH:</b>	Commercial Office; MVPD-CO	Office
<b>SOUTH:</b>	Commercial Office; MVPD-CO	Commercial
<b>EAST:</b>	Multi-use; RM-3-9	Multi-family Residential
<b>WEST:</b>	Commercial Retail; MVPD-CR	Commercial
<b>DEVIATIONS OR VARIANCES REQUESTED:</b>	None	
<b>COMMUNITY PLANNING GROUP RECOMMENDATION:</b>	On March 6, 2013, the Mission Valley Planning Group voted 16-1-0 recommending the project be approved with no additional conditions.	

HEARING OFFICER RESOLUTION NO. HO-(DRAFT)  
CONDITIONAL USE PERMIT NO. 1077092  
**BEVMO! MISSION VALLEY PROJECT NO. 304943**

WHEREAS, REGENCY CENTERS, L.P., a Delaware Limited Partnership, Owner, and BEVERAGES & MORE, Incorporated, Permittee, filed an application with the City of San Diego for a permit to allow the off-sale of alcohol beverages within an existing 8,000 square-foot lease space (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Conditional Use Permit No. 1077092), on portions of a 13.91-acre site; and

WHEREAS, the project site is located at 5644 Mission Center Road in the Mission Valley Planned District MV-CR zone of the Mission Valley Community Plan area; and

WHEREAS, the project site is legally described as Lots 1 through 13, inclusive of Friars Mission Center, in the City of San Diego, County of San Diego, State of California, according to Map No. 12245, filed in the Office of the County Recorder of San Diego County, November 2, 1988; and

WHEREAS, April XX, 2013, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1077092 pursuant to the Land Development Code of the City of San Diego; and

WHEREAS, on February 5, 2013, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15301 (Existing Facilities) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

NOW, THEREFORE BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That Hearing Officer adopts the following written Findings for Approval of Conditional Use Permit No. 1077092 pursuant to Land Development Code Sections 126.0305, dated April XX 2013.

FINDINGS:

Conditional Use Permit – SDMC section 126.0305

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

The project proposes operation of an alcoholic beverage outlet, including on-sale beer and wine, in an existing, vacant 8,000 square-foot commercial lease space within a building located at 5644 Mission Center Road, Suite 203 in the Friars Mission Shopping Center. The Permittee has submitted an application to the California Department of Alcoholic Beverage Control for a new Type 21, off-sale liquor license, and a new Type 42 license, for on-sale beer and wine tastings. The building was previously occupied by Blockbuster Video.

The property is zoned MVPD-MV-CR and is designated as Commercial Retail within the Mission Valley Community Plan (Plan). The proposed establishment of an alcoholic beverage retailer within the existing commercial building is consistent with the underlying commercial zoning as allowed by a Conditional Use Permit. General policies of the Plan is to maintain Mission Valley



as a regional retail center and provide neighborhood/convenience commercial facilities near, or as part of, residential developments. BevMo! has a regional draw among consumers who make planned trips to BevMo! for “daily needs” shopping. A BevMo! at this location would complement the existing commercial shopping stores (e.g., CVS Pharmacy and Ralph’s) in the Friars Mission Center as well as the adjacent Quarry Falls development. Furthermore, the existing shopping center has ample parking, pedestrian friendly sidewalks, and is located along transit routes, which is consistent with the Plan’s recommendations.

Based on the commercial retail nature of the existing shopping center, the regional draw of BevMo! stores, the type of existing uses in the shopping center, the proposed project will not adversely affect the applicable land use plan.

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

The project proposes operation of an alcoholic beverage outlet, including on-sale beer and wine, in an existing, vacant 8,000 square-foot commercial lease space within a building located at 5644 Mission Center Road, Suite 203 in the Friars Mission Shopping Center. The Permittee has submitted an application to the California Department of Alcoholic Beverage Control for a new Type 21, off-sale liquor license, and a new Type 42 license, for on-sale beer and wine tastings. The building was previously occupied by Blockbuster Video.

The current proposal is a tenant improvement to establish a BevMo! specialty beverage store with on-site consumption of beer and wine for educational tastings within a 250 square-foot designated tasting area. The property is surrounded by commercial development, with residential development more than 500 feet away.

Alcoholic beverage sales and on-site consumption has been determined to serve a public convenience or necessity by the San Diego Police Department (SDPD). The request to include on-site consumption of beer and wine is a small component of the retail establishment and will be located within an approximate 25’ x 10’ tasting area. Required conditions within the Permit include limitations on the hours of operation, tastings, and container limits on cold beverages. The SDPD Vice Unit will work with the Permittee and the Department of Alcoholic Beverage Control to place additional conditions on the license to minimize law enforcement concerns, if necessary.

The project was determined to be exempt from the California Environmental Quality Act (CEQA) 15301 (existing facilities). The City has analyzed the site for the applicable separately regulated use regulations and determined the project to be in compliance.

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, litter and graffiti control, signage, as well as a prohibition of live entertainment. In addition, the proposed retail establishment must abide by all Federal, State, and Local codes related to alcohol beverage sales. Therefore, the project will not be detrimental to the public health, safety, and welfare.

**(c) The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.**

The project proposes operation of an alcoholic beverage outlet, including on-sale beer and wine, in an existing, vacant 8,000 square-foot commercial lease space within a building located at 5644 Mission Center Road, Suite 203 in the Friars Mission Shopping Center. The Permittee has submitted an application to the California Department of Alcoholic Beverage Control for a new Type 21, off-sale liquor license, and a new Type 42 license, for on-sale beer and wine tastings. The building was previously occupied by Blockbuster Video. The current proposal is a tenant improvement to establish a BevMo! specialty beverage store with on-site consumption of beer and wine for educational tastings within a 250 square foot designated tasting area.

No building additions are proposed to the facility. The Permit prepared for this project includes various conditions and corresponding exhibits of approvals relevant to achieving compliance with the regulations of the Municipal Code. These conditions include limitations on the hours of operation and restrictions as to the on-site consumption. No variance or deviation is requested as a part of this application. Therefore, the proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code.

**(d) The proposed use is appropriate at the proposed location.**

The project proposes operation of an alcoholic beverage outlet, including on-sale beer and wine, in an existing, vacant 8,000 square-foot commercial lease space within a building located at 5644 Mission Center Road, Suite 203 in the Friars Mission Shopping Center. The Permittee has submitted an application to the California Department of Alcoholic Beverage Control for a new Type 21, off-sale liquor license, and a new Type 42 license, for on-sale beer and wine tastings. The building was previously occupied by Blockbuster Video. The current proposal is a tenant improvement to establish a BevMo! specialty beverage store with on-site consumption of beer and wine for educational tastings within a 250 square foot designated tasting area. The property is surrounded by commercial development, with residential development more than 500 feet away.

The property is zoned and designated for commercial uses. The use of the site as a retail establishment will remain the same. The San Diego Police Department has concluded that the alcoholic beverage outlet store would constitute a public need and convenience and has provided recommendations for the sale of alcohol on the site. Therefore, the proposed use would be appropriate at the proposed location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 1077092 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Conditional Use Permit No. 1077092, a copy of which is attached hereto and made a part hereof.

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Tim Daly  
Development Project Manager  
Development Services

Adopted on: April XX, 2013

Internal Order No. 24003013



**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: 24003013

Conditional Use Permit No. 1077092  
**BEVMO! MISSION VALLEY PROJECT NO. 304943**  
Hearing Officer

This Conditional Use Permit No. 1077092 is granted by the Hearing Officer of the City of San Diego to Regency Centers, L.P., a Delaware Limited Partnership, Owner, and Beverages & More, Incorporated, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 13.91-acre site is located at 5644 Mission Center Road in the Mission Valley Planned District MV-CR zone of the Mission Valley Community Plan. The project site is legally described as Lots 1 through 13, inclusive of Friars Mission Center, in the City of San Diego, County of San Diego, State of California, according to Map No. 12245, filed in the Office of the County Recorder of San Diego County, November 2, 1988.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to operate an alcoholic beverage outlet conditioned upon the issuance of a license from the State Department of Alcoholic Beverage Control and subject to the City's land use regulations described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated *(April XX, 2013)*, on file in the Development Services Department.

The project shall include:

- a. 5644 Mission Center Road, Suite 203, an 8,000 square feet of lease space within an existing approximately 48,000 square-foot building to operate an alcoholic beverage outlet conditioned upon the issuance of a license from the State Department of Alcoholic Beverage Control;
- b. Off-street parking; and

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

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by *[ENTER DATE including the appeal time]*.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on *April XX 2028*. Upon expiration of this Permit, the facilities and improvements described herein shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.
3. The Owner/Permittee may request that the expiration date be extended in accordance with the following provisions:
  - a. An application for an extension shall be filed before the expiration of the approved Conditional Use Permit.
  - b. An application for an extension shall be considered in accordance with Process Two, if there is no record in the City of San Diego Police Department or other department or with any other governmental agency of any violations of the State of California Department of Alcoholic Beverage Control rules, regulations, and orders or of any violation of city, county, state or federal law, code, regulation or policy related to prostitution, drug activity or other criminal activity on the premises.
  - c. An application for an extension shall be considered in accordance with Process Three, if there is a record of violations as described in Section 141.0502(c)(7)(B).
  - d. Prior violations of any conditions contained herein this Conditional Use Permit shall constitute grounds for denying an application for an extension.
4. 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.
5. 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.

6. 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.

7. 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.

8. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

9. 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.).

10. 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.

11. 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.

12. 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.

13. 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:**

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

16. No interior or exterior public pay phones are permitted on the premises, adjacent public sidewalks, or areas under the control of the Owner/Permittee.

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

18. The sign area pertaining to or referencing alcoholic sales or beverages shall not exceed 630 square inches.

19. 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."

20. 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, and 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.

21. 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.

22. 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.

23. The Owner/Permittee shall maintain the premises, adjacent public sidewalks, and areas under the control of the owner or operator, free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter, and debris. The owner or operator shall eliminate graffiti within 48 hours of application.

24. 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 or operator. 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 or operator.

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

**POLICE DEPARTMENT REQUIREMENTS:**

26. The sales, service, and consumption of alcoholic beverage shall be permitted only between the hours of 9:00 a.m. and 10:00 p.m., each day of the week.

27. There shall be no live entertainment of any type.

28. Sample portions shall not exceed two (2) ounces per glass or container, totaling no more than eight (8) ounces per patron. Patron sampling of more than one glass or container of alcoholic beverage for the purpose of comparative tasting(s) shall not constitute a violation of this condition.

29. There shall be no amusement or video arcade games on the premises at any time.

30. Sales of cold separate alcoholic containers for individual consumption, excluding wine and spirits, unless packaged for sale as such by the manufacturer, are prohibited.

**INFORMATION ONLY:**



## Attachment 6

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

APPROVED by the Hearing Officer of the City of San Diego on **[INSERT Approval Date]** and **[Approved Resolution Number]**.

Permit Type/PTS Approval No.: CUP No. 1077092  
Date of Approval: April XX, 2013

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES  
DEPARTMENT

---

Tim Daly  
Development Project Manager

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

---

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

REGENCY CENTERS, L.P., a Delaware  
Limited Partnership  
Owner

By \_\_\_\_\_  
*Name*  
*Title*

BEVERAGES & MORE, Incorporated  
Permittee

By \_\_\_\_\_  
*Name*  
*Title*

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

NOTICE OF EXEMPTION

(Check one or both)

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

FROM: CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
1222 FIRST AVENUE, MS 501
SAN DIEGO, CA 92101

OFFICE OF PLANNING AND RESEARCH
1400 TENTH STREET, ROOM 121
SACRAMENTO, CA 95814

PROJECT NO.: 304943

PROJECT TITLE: BEVMO MISSION VALLEY

PROJECT LOCATION-SPECIFIC: 5644 Mission Center Road, San Diego, CA 92108 (Lots 1-13 of Friars Mission Center Map 12245)

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

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: Conditional Use Permit (CUP) for Type 21 Off-Sale General and Type 42 On Sale Beer & Wine for BevMo! which is located at 5644 Mission Center Road and is regulated per PCD 83-0393. This site is within the Mission Valley Plan District MVPD-MV-CR zone and Federal Aviation Administration Part 77 Noticing Area within the Mission Valley Community Plan area.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Rachele Domingo-Rogers
2900 4th Avenue #204
San Diego, CA 92103
619-233-6450

EXEMPT STATUS: (CHECK ONE)

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

REASONS WHY PROJECT IS EXEMPT This project is exempt because only the use of existing facilities would change and no physical changes would occur and as a result no environmental impacts would occur. In addition the project is exempt because it meets the criteria set forth in CEQA section 15301 - existing facilities and where the project would not involve an expansion of use and the exceptions listed in CEQA section 15300.2 would not apply.

LEAD AGENCY CONTACT PERSON: Lizzi

TELEPHONE: (619) 446-5159

IF FILED BY APPLICANT:

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

IT IS HEREBY CERTIFIED THAT THE CITY OF SAN DIEGO HAS DETERMINED THE ABOVE ACTIVITY TO BE EXEMPT FROM CEQA

Jorge Gomez / SENIOR PLANNER
SIGNATURE/TITLE

2.5.2013
DATE

CHECK ONE:

- (X) SIGNED BY LEAD AGENCY
( ) SIGNED BY APPLICANT

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:



**MINUTES OF THE REGULAR MEETING OF THE  
MISSION VALLEY PLANNING GROUP**

**March 6, 2013**

MEMBERS PRESENT

Marla Bell  
Paul Brown  
Jason Broad  
Deborah Bossmeyer  
John Carson  
Gina Cord  
Perry Dealy  
Robert Doherty  
Randall Dolph  
Alan Grant  
John LaRaia  
Elizabeth Levanthal  
John Nugent  
Alex Plishner  
Doris Payne-Camp  
Brittany Ruggels  
Karen Ruggels  
Marco Sessa  
Dottie Surdi

MEMBERS ABSENT

Monica Davis  
Michael McDowell

FEDERAL REP'S STAFF

Jonathan Hardy

CITY STAFF

Officer Holly  
Jack Straw  
Brian Schoenfisch  
Carolyn Westfall

COUNTY STAFF

Dan McAllister

GUESTS

Jim King  
Liz Zaninougi  
Diane Johnson  
Stuart Fagan  
Rob Hutzel  
Karolyn Westfall  
John Ziebarthi  
Naomi Grant Hartley  
Pat Grant

ASSEMBLY STAFF

Ralph Dimarucut

President Dottie Surdi called the regular meeting of the Mission Valley Planning Group (MVPG) to order at 12:01 p.m. at the Mission Valley Library located at 2123 Fenton Parkway.

**A. CALL TO ORDER**

Verify Quorum – 16 members were present, constituting a quorum.

**B. PLEDGE OF ALLEGIANCE** – John Carson led the Pledge of Allegiance.

**C. INTRODUCTIONS / OPENING REMARKS**

Guests introduced themselves. No opening remarks.

**D. APPROVAL OF MINUTES**

Perry Dealy moved to approve the minutes of the February 06, 2013 regular meeting. Marco Sessa seconded the motion. Brittany Ruggels noted that Doris Payne-Camp was not listed as being absent and asked for a correction in the minutes accordingly. Minutes, with correction, were approved 15 – 0 – 1, with Marco Sessa abstaining.

**E. PUBLIC INPUT – NON-AGENDA ITEMS**

No items were brought forward.

**F. MEMBERSHIP BUSINESS** – Brittany Ruggels nominated John LaRaia, representing H.G. Fenton to fill a “tax-payer” position with the term ending in 2016. Gina Cord seconded the motion. The motion was approved 16 – 0 – 1. Since John had completed the Community Orientation Workshop he was eligible to join the Mission Valley Planning Group immediately, and did so.

Brittany Ruggels noted that a number of residents of Mission Valley have expressed an interest in serving on the Mission Valley Planning Group under the resident category, but no positions under the resident category are open. Brittany asked that if there are current members serving under a resident category that might be eligible to serve on the Mission Valley Planning Group under a different category to contact her to discuss the options and process of switching categories.

**G. TREASURER’S REPORT** – Bob Doherty reported a balance of \$ 964.43. Bob thanked those who had donated to help defray operating expenses of a recording secretary and other incidental expenses.

**H. PUBLIC SAFETY REPORTS**

1. Police Department – Officer Holly updated the members on recent criminal activity in the area, highlighting the following areas:

- Purse snatches from shopping carts inside of stores
- “Apple picking” Taking Apple cell phones from individuals while person is talking/texting/using.
- Older black male exposing self in children’s section of store

Officer Holly reviewed some property inspections at owners request and discussed some arrests of individuals for loitering and non-permit camping.

Officer Holly introduced Carolyn Westfall, prosecutor from the City Attorneys Office. Carolyn discussed her focus on quality of life issues around the San Diego river bed and the East District of the City Police Department. She explained the use of “geographical probation” for individuals who have repeated arrests in an area but do not have a permanent address in the area. Carolyn provided her office phone number, 619-533-5676 for further questions.

2. Fire Department – No report.

I. PUBLIC SAFETY REPORTS

1. Mayor's Office

Denise Garcia was not present. No report.

2. State Representatives

a. Senate Member's Office – Ralph Dimarucut introduced himself from the office of Sen. Marty Block from the 39<sup>th</sup> Senate District. He distributed copies of the latest newsletter.

b. Assembly Member's Office – Jason Weisz was not present. No report.

3. Federal Representatives

a. Congresswoman Susan Davis' Office -- Jonathan Hardy distributed the latest newsletter and briefly described the issues that the office is currently working on. He requested that members “like” Congresswoman Davis Facebook page for daily updates.

b. Congressman Scott Peters' Office – Sarah Czarrecki was not present. No report.

J. NEW BUSINESS

1. **Subcommittee Formation – (Action Item)**

Elizabeth Leventhal made a motion to form a sub-committee on homelessness. Brittany Ruggels seconded the motion. Elizabeth explained that the homeless are a new constant in Mission Valley. The visible segment of this population are on the main street corners, in front of the library and along the riverbed, walkways, and trails of Mission Valley. She stated that there are many more hidden from sight but still in need of help, services, and solutions that would make both their lives better as well as ours as residents, business owners, and advocates for a safer, more walkable, and vibrant community. While there is a new permanent shelter downtown, a city government with a renewed focus on helping the homeless and a recent point-in-time homeless count conducted there has not been a focus on this issue as Mission Valley plans for new parks, the development of the riverfront, and other urban amenities such as the stadium grounds.

There was discussion regarding the role of a Planning Group addressing “social” issues independent of specific land use and planning projects. The name of the sub-committee was questioned as to the narrow scope it implied rather than a larger scope of public health and safety.

Elizabeth amended her motion to change the name of the sub-committee from “homelessness” to “public health, safety and welfare”. Brittany affirmed the name change.



The motion passed 19-0-0 with Elizabeth Leventhal and Doris Payne-Camp as initial members. A request was made to return to the next meeting with a purpose statement and goals for the sub-committee.

**2. San Diego County Treasurer-Tax Collector - (Information Item)**

Dan McAllister, San Diego County Treasurer-Tax Collector addressed current issues in the Treasurer-Tax collector's office. He discussed the changing diversity in the San Diego office and steps his office has taken to address the issues that this presents, namely, language barriers. He handed out some information from his office highlighting the pamphlet titled "New Homeowners Property Tax Guide" which was printed through a public-private partnership with his office and Lawyers Title.

Dan answered questions including tax paying dates/frequency, the reserve account for redevelopment monies, school bonds and tax sales/auctions. He passed around a list of individuals/businesses that had refunds due them and asked that members review and contact his office if a refund is indicated.

**3. Serra Mesa/Mission Valley Trail Connection – (Information Item)**

Jim King representing the San Diego River Conservancy and State Coastal Conservancy presented an overview of Serra Mesa-Mission Valley Trail connection through Ruffin Canyon, a segment of the Tributary Canyons Project, formally known as the "Rim to Rim" Trail Project.

There was discussion and questions regarding ADA access on the trail, public access through established housing developments, trail enhancements and trail markers. This project will be presented to the Mission Valley Planning Group for approval later in 2013.

**4. BevMo CUP (5644 Mission Center Road)-(Action Item)**

John Ziebarth reviewed the application for a tenant improvement conditional use permit that includes a liquor license at 5644 Mission Center Road.

There was discussion and questions regarding the number of liquor licenses available in this census tract and if this business was an additional location or a replacement location.

Alex Plishner moved that the application for a tenant improvement conditional use permit that includes a liquor license at 5644 Mission Center Road be approved. Doris Payne-Camp seconded. The motion passed 16-1-0 with Elizabeth Levanthal voting no.

**K. OLD BUSINESS**

**1. City Planning Update**

Brian Schoenfisch informed the members that the FY 14 draft budget includes money to begin the process of updating the Mission Valley Community Plan. If included in the final budget there would be further discussion on the model and approach that would be appropriate for updating the plan.

**2. City Council Office-District 7- Councilmember Scott Sherman**

Jack Straw distributed s flyer on the Free Community Cleanup and recycling event on Saturday March 9, 2013 at Qualcomm Stadium and distributed the latest newsletter.

Jack discussed the priority in the current storm water report for cleaning up the Murphy Canyon Creek that causes Qualcomm Stadium parking lot and adjacent bike trail flooding. He also discussed the funding to light the bike/pedestrian path under Hwy 163 adjacent to Camino Del La Reina.

**3. Subcommittee Reports**

a. Design Advisory Board

Randall Dolph reviewed the DAB meeting on March 4, 2013 which received an informational presentation of the Vantile/Little Russell project, also known as Discovery Place.

b. Stadium Committee

Randall Dolph reported that there were no new developments.

c. San Diego River Coalition

Alan Grant reported on the February which included a presentation by Mike Nelson on the San Diego River Conservancy Report and a report by Judy Swink of Citizens Coordinate for Century 3 (C-3) on their history with the planning for Mission Valley.

Alan stated that the next meeting is March 15, 2013. The agenda includes a discussion about Wilderness designations in the Cleveland National Forest and a presentation from one of the Coalition organizations. There will also be an update on development projects and other efforts along and near the River.

d. Community Planners Committee (CPC)

The minutes for the February 26, 2013 meeting were e-mailed to members on March 4, 2013.

e. Parks Subcommittee

Jason Broad reported that Civita Park planners have asked the MVPG Parks Sub-Committee work with them on their designs for the park space in their Development. Meeting times and locations are in the process of being set up.

f. Uptown Regional Bike Corridor Advisory Group

Brittany Ruggels reported that there had been a 2<sup>nd</sup> meeting on a bike route from Fashion Valley Transit Plaza to Uptown, no resolution at this time.

**5. Miscellaneous Mail**

There was no miscellaneous mail.

K. **ADJOURNMENT** – There being no further business to be brought before the Committee, the meeting was adjourned at 2:04 p.m. The next meeting will be on Wednesday, April 3, 2013 at 12:00 p.m. at the Mission Valley Library, Community Room.

---

Brittany Ruggels, Secretary





THE CITY OF SAN DIEGO

December 11, 2012

IN REPLYING PLEASE  
GIVE OUR REF.NO.  
1914141113

Denise M. Rowan  
Attn: Liz Zaninovich  
BevMo!  
1401 Willow Pass Rd. #900  
Concord, CA. 94520

Reference: PCN Application

**THIS LETTER IS TIME SENSITIVE**

Dear Denise Rowan,

On 11/08/2012 you requested a Public Convenience or Necessity evaluation of the premises located at 5644 Mission Center Rd., Suite #203, San Diego, -CA. in consideration of a Type 21 Off- Sale General and Type 42- On Sale Beer & Wine.

In accordance with Business and Professions Code, section 23958.4 your application is required to meet standards for public convenience and necessity. Further, it is your responsibility to ensure whether a Conditional Use Permit (CUP) is needed from the city.

Your application for Public Convenience or Necessity has been approved. However, please note that conditions will be applied to your Type-20 license.

Sincerely,

Conrad DeCastro, Detective  
San Diego Police Department  
Vice Administration Unit

CITY OF SAN DIEGO POLICE DEPARTMENT  
VICE OPERATIONS  
1401 BROADWAY, SAN DIEGO, CA 92101-5729  
PHONE: (619) 531-2452 FAX: (619) 531-2449



FORM PER SECTION 23958.4 B&P

CITY OF SAN DIEGO  
For Off-Sale, On-Sale Beer, and Public Premises ~~2012~~ NOV 13 AM 11:17

- 1. PREMISE ADDRESS: 5644 Mission Center Rd ~~W222~~ ADMIN. S.D.P.D.
- 2. LICENSE TYPE: 21 (Off-Sale) / 42 (ON SALE)
- 3. TYPE OF BUSINESS: Specialty Beverage Retailer, Beer and Wine tasting

CRIME REPORTING DISTRICT 00.87.02

NUMBER OF LICENSES ALLOWED                      NUMBER EXISTING  
 DISTRICT AVERAGE                      Off: 5                      = HIGH CRIME                      Off: 2  
 X 120% =

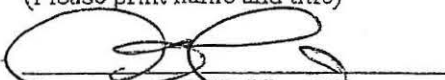
CRIMES IN THIS REPORTING DISTRICT 133%

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

- 4. WILL PUBLIC CONVENIENCE OR NECESSITY BE SERVED BY ISSUANCE OF THIS ALCOHOLIC BEVERAGE LICENSE?  
 (This section to be completed by SDPD Vice Section)

YES                       NO

CONRAD DECASTRO / DETECTIVE (619) 531-2250  
 Name of SDPD Vice Officer                      Phone Number  
 (Please print name and title)

  
 Signature of SDPD Vice Officer

01 1113'12 11:24 N000003 PLU  
 422031PCN                      \$228.00  
 12-11-12 P  
 Date

01 1113'12 11:24 N000003 TND  
 CHECK                      \$228.00

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

\$228.00 APPLICATION FEE AT TIME OF SUBMISSION

APPLICANT'S SIGNATURE: Denise M. Rowan DATE: 11/8/12

(Please Print)  
APPLICANT'S NAME: Denise M. Rowan

MAILING ADDRESS: Attn: Liz Zaninovich 1401 Willow Pass Rd. #900  
Concord, CA 94520 925-334-2420

TELEPHONE NUMBER: \_\_\_\_\_

CENSUS TRACT 87.02



# 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**  
 BevMo! at Friars Mission Shopping Center 304943  
**Project Address:**  
 5644 Mission Center Drive, Suite 202, San Diego, CA 92108

**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

<p>Name of Individual (type or print): _____</p> <p><input type="checkbox"/> Owner <input checked="" type="checkbox"/> Tenant/Lessee <input type="checkbox"/> Redevelopment Agency</p> <p>Street Address: _____</p> <p>City/State/Zip: _____</p> <p>Phone No: _____ Fax No: _____</p> <p>Signature: _____ Date: _____</p>	<p>Name of Individual (type or print): _____</p> <p><input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <input type="checkbox"/> Redevelopment Agency</p> <p>Street Address: _____</p> <p>City/State/Zip: _____</p> <p>Phone No: _____ Fax No: _____</p> <p>Signature: _____ Date: _____</p>
---	--

<p>Name of Individual (type or print): _____</p> <p><input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <input type="checkbox"/> Redevelopment Agency</p> <p>Street Address: _____</p> <p>City/State/Zip: _____</p> <p>Phone No: _____ Fax No: _____</p> <p>Signature: _____ Date: _____</p>	<p>Name of Individual (type or print): _____</p> <p><input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <input type="checkbox"/> Redevelopment Agency</p> <p>Street Address: _____</p> <p>City/State/Zip: _____</p> <p>Phone No: _____ Fax No: _____</p> <p>Signature: _____ Date: _____</p>
--	--



**Project Title:**  
BevMo! at Friars Mission Shopping Center

**Project No. (For City Use Only)**

**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? DE Corporate Identification No. 59-3429602  
 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):  
Regency Centers, L.P., a Delaware limited partnership


Owner  Tenant/Lessee

Street Address:  
One Independent Drive, Suite 114  
City/State/Zip:  
Jacksonville, FL 32202

Phone No: ( 8588474600 ) Fax No: 8583501669

Name of Corporate Officer/Partner (type or print):  
Gregg R. Sadowsky

Title (type or print):  
Senior Vice President - Senior Market Officer

Signature :  Date: 9/27/12

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:



RECORDING REQUESTED BY *Chicago Title*

DOC # 1999-0223399

AND WHEN RECORDED MAIL THIS DEED AND, UNLESS OTHERWISE SHOWN BELOW, MAIL TAX STATEMENT TO:

9985

APR 02, 1999 4:47 PM

*PO  
SP  
WINE  
TT  
100A*

Name: WILLIAM E. SCHEU, ESQ.  
ROGERS, TOWERS, BAILEY, JONES & GAY, P.A.  
Address: 1500 RIVERPLACE TOWER  
1301 RIVERPLACE BOULEVARD  
City & State: JACKSONVILLE, FLORIDA  
Zip Code: 32207

OFFICIAL RECORDS  
SAN DIEGO COUNTY RECORDER'S OFFICE  
GREGORY J. SMITH, COUNTY RECORDER

FEES: 446.50  
DC: INC

Title Order: \_\_\_\_\_ Escrow No: \_\_\_\_\_



IS LINE FOR RECORDER'S USE  
(Friars Mission)

T 355 Legal (2-94)

GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S)

DOCUMENTARY TRANSFER TAX IS \$ \_\_\_\_\_; COUNTY IS \$ 412.50; CITY IS \$ 0

- \_\_\_\_\_ unincorporated area
- City of San Diego
- Parcel No. 438-331-01 thru 7 + 438-332-1 thru 6
- computed on full value of interest or property conveyed, or
- computed on full value less value of liens or encumbrances remaining at time of sale, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, REGENCY REALTY CORPORATION, a Florida corporation, successor-by-merger to PACIFIC RETAIL TRUST, a Maryland real estate investment trust, hereby GRANT(S) to REGENCY CENTERS, L.P., a Delaware limited partnership, the following described real property in the County of San Diego, State of California:

See attached Exhibit "A" for legal description of property and easements.

REGENCY REALTY CORPORATION, a Florida corporation, successor-by-merger to PACIFIC RETAIL TRUST, a Maryland real estate investment trust

*[Signature]*  
BY \_\_\_\_\_  
BRUCE M. JOHNSON  
Its: Executive Vice President

Dated: March 1, 1999

STATE OF FLORIDA  
COUNTY OF DUVAL

(Corporate Seal)

On February 24, 1999, before me, Lesley Stocker, a Notary Public in and for said County and State, personally appeared BRUCE M. JOHNSON, Executive Vice President of REGENCY REALTY CORPORATION, a Florida corporation, personally known to me (or proved to me on the basis of satisfactory evidence) to be person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

LESLEY STOCKER  
My Comm Exp. 4/23/2001  
No. CC542776  
1 Personally Known [ ] Other I.D.

WITNESS my hand and official seal.

[NOTARIAL SEAL]

Signature: Lesley Stocker

MAIL TAX STATEMENTS TO PARTY SHOWN ON THE FOLLOWING LINE; IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE

Name \_\_\_\_\_ Street Address \_\_\_\_\_ City, State & Zip Code \_\_\_\_\_

9966

GOVERNMENT CODE 27361.7

I CERTIFY UNDER PENALTY OF PERJURY THAT THE NOTARY SEAL ON THE DOCUMENT TO WHICH THIS STATEMENT IS ATTACHED READS AS FOLLOWS:

Name of the Notary: Leslie Stocker

Commission Number: CC042776 Date Commission Expires: 4-28-01

County Where Bond is Filed: Owua

Manufacturer or Vendor Number: N/A  
(Located on both sides of the notary seal/border)

Signature: Edward [Signature]  
Firm Name (if applicable)

Place of Execution: San Diego Date: 4-2-99

EXHIBIT A

LOTS 1 THROUGH 13 INCLUSIVE OF FRIARS-MISSION CENTER, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 12245, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY NOVEMBER 2, 1988.