



site are multi-unit residential developments. The market has been at this location for over 25 years selling a variety of staples and food items.

## DISCUSSION

### Project Description

The project proposes the off-site sales of beer and wine within a 900 square-foot market. A Conditional Use Permit for the off-site sale of alcoholic beverages is permitted pursuant to Section 141.0502(c) of the Land Development Code. The sales of beer and wine will be limited between the hours of 6:00 a.m. to 12:00 midnight, Monday through Sunday as conditioned by the San Diego Police Department (SDPD) and LDR-Planning review (Attachment 6).

Section 141.0502 determines when the off-site sale of alcohol is permitted by right or, when a Conditional Use Permit is required in accordance with a Process Three (Hearing Officer) decision. The sale of alcohol requires a Conditional Use Permit in the following instances:

- 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.
- Within a census tract, or within 600 feet of a census tract, where the ratio of alcohol beverage outlets exceeds the standards established by the California Business and Professional Code section 23958.4.
- In an adopted Redevelopment Project Area.
- Within 600 feet of a public or private accredited school, a public park, a playground or recreational area, a church except those established in association with section 141.0404(a), a hospital or a San Diego County welfare district office.
- Within 100 feet of a residentially zoned property.

A Conditional Use Permit is required for the subject site because the site is within a census tract, or within 600 feet of a census tract, where the general crime rate exceeds the citywide average general crime rate by more than 20 percent, the project is within 100 feet of a residentially zoned property, and within 600 feet of a public or private accredited school, a public park, a playground or recreational area, a church except those established in association with section 141.0404(a), a hospital or a San Diego County welfare district office.

The project is located within Federal Census Tract No. 27.07. Statistics provided by the San Diego Police Department (SDPD) for Federal Census Tract No. 27.07 shows the area to be 220.70-percent of the city crime rate with alcohol related crime rate of 127.4-percent (Attachment 10). Census Tract No. 27.07 allows up to five alcoholic beverage outlets where two exist. Adjacent to the site is the RM-1-1 (a residential zone) and across Winona Avenue to the west is the Masjid Alnasar mosque and within 600 feet of the property is Ibarra Elementary School.

The San Diego Police Department (SDPD) reviewed the proposed project and found that the project provides a public convenience and necessity and recommends approval with recommendations and conditions for the Conditional Use Permit (CUP) (Attachment 5). Conditions within the permit include but are not limited to the time restriction for the sale of beer and wine advertising requirements for beer and wine, security assurance, and that no more than 10-percent of the square footage of the premises will only be used for the display of alcoholic beverages. All SDPD recommendations and conditions are included in the draft permit. The SDPD'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.

#### Community Planning Group Vote

On May 8, 2012 the City Heights Area Planning Committee voted 12-1-3 to recommend denial of the project (Attachment 11). The memorandum summarizes that the basis for the vote which revolved around the high crime rate and the proximity of children, schools, a mosque, and other ABC licenses and the possibility of expanding the market.

At the request of the applicant, on March 14, 2013 the City Heights Area Planning Committee re-heard the project. A motion was made to recommend approval of the project with as conditioned by the San Diego Police Department however, the group recommended five additional conditions. (Please reference Attachment X). The Committee voted 0-12-0 and the motion failed and no new motion was suggested. As such, the original May 7, 2012 recommendation of denial stands.

#### *San Diego Police Department Response:*

The Public Convenience and Necessity (PC&N) determination was conducted by the San Diego Police Department (SDPD) on June 30, 2011. This form is submitted with the initial submittal. The purpose of the PC&N review is to identify the crime rate, census tract, and the number of alcohol beverage outlets allowed and, to make the PC&N determination based on this information. SDPD concluded the site would provide a public convenience and necessity.

During the processing of the discretionary permit, the SDPD follows up with a comprehensive review for applications and provides the Development Services Department with a formal list of recommendations and/or conditions to be included in the draft permit. This document is based upon several factors including whether or not the site is near an incompatible use or zone, crime activity in the area and crime history of the operator.

On March 28, 2012, the SDPD determined that the project is within 100 feet of residentially zoned property but inadvertently did not identify that the project was within 600 feet of an incompatible use. On May 15, 2012, a modified CUP recommendation was made which identified the site being 100 feet of residentially zoned property, within 600 feet of a incompatible use, and that there have been three or more reported crimes on the site within the last year. The conclusion by the SDPD was to recommend approval as conditioned by the CUP.

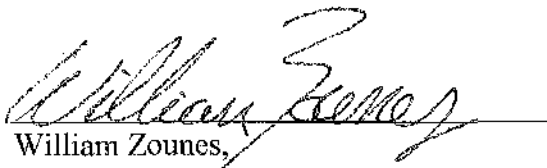
## CONCLUSION

Staff has determined that the project complies with the development regulations of all applicable sections of the Land Development Code. Staff has also considered the alcohol beverage outlet statistics from the Department of Alcoholic Beverage Control and the recommendation and conditions from the SDPD-Vice Operations. Staff has determined that the required findings can be made as the project meets the applicable San Diego Municipal Code regulations and requirements. Staff recommends approval of the project as proposed.

## ALTERNATIVES

1. Approve Conditional Use Permit No. 952883, with modifications or;
2. Deny Conditional Use Permit No. 952883, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



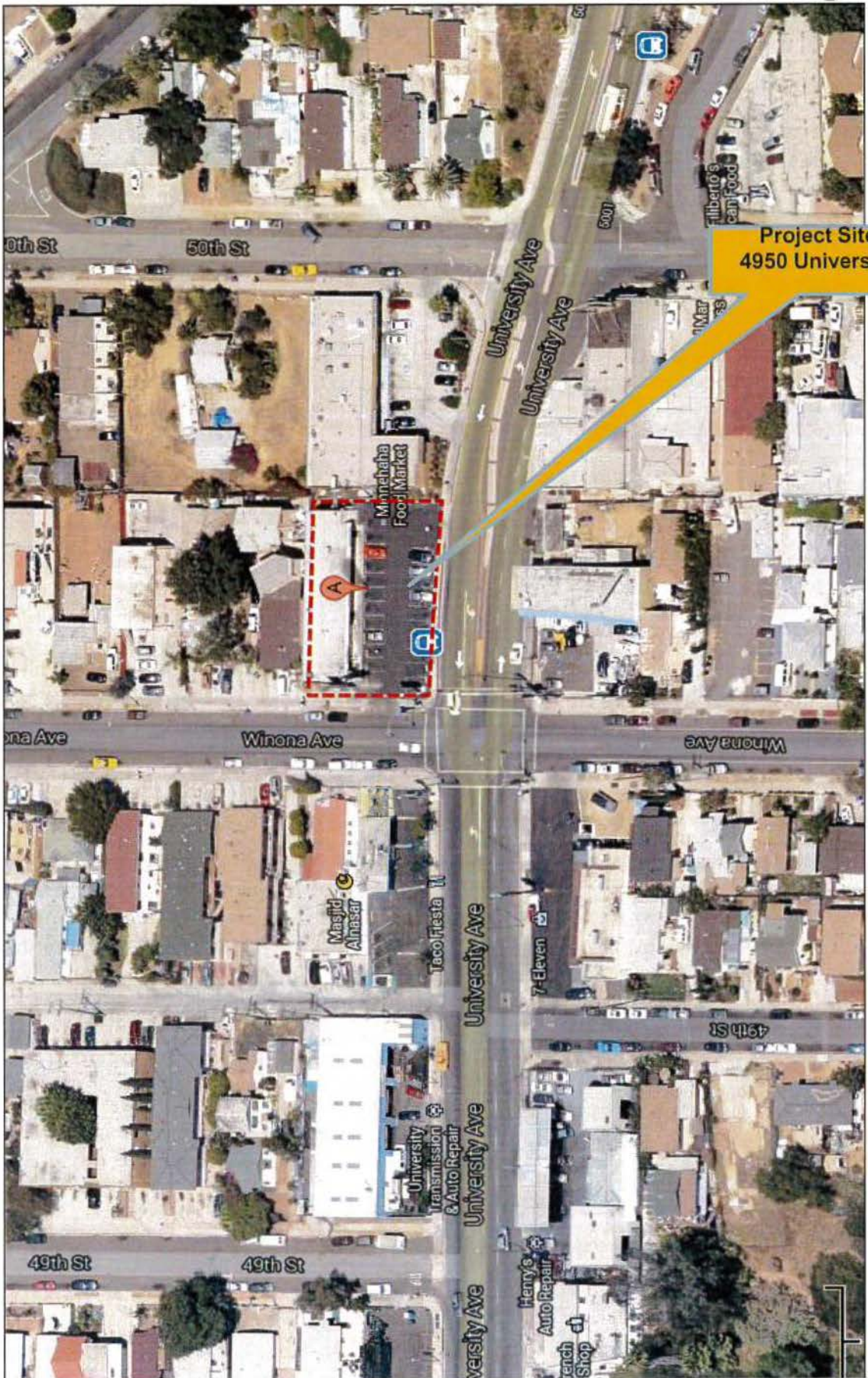
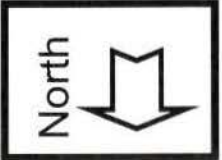
William Zounes,  
Development Project Manager

### Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft Permit with Conditions
6. Draft Resolution with Findings
7. Ownership Disclosure Statement
8. Project Chronology
9. SDPD Public Convenience and Necessity Form June 30, 2011
10. SDPD Conditional Use Permit Recommendation March 28, 2012
11. SDPD Conditional Use Permit Recommendation May 15, 2012
12. Community Planning Group Recommendation May 8, 2012
13. Community Planning Group Recommendation March 14, 2013
14. Notice of Exemption
15. Project Plan



Attachment 1  
Aerial Photograph of Site



Project Site  
4950 University

**Aerial Photograph (Birds Eye)**

University Markekl- Project No. 271129

4950 University Ave





# City Heights

## Existing Conditions

### Land Use

- Legend**
- Single Family Residential
  - Multi-Family Residential
  - Residential (under construction)
  - Camp Grounds
  - Middle Home Park
  - Commercial
  - Commercial (under construction)
  - Industrial, Warehouse/Storage
  - Communication Utilities, Transportation Related
  - Institutional
  - Utilities
  - Park, Open Space
  - Private Recreation
  - Undeveloped

**Single Family Residential** - single family detached housing units, see Metropolitan Area 1 zone.  
**Multi-Family Residential** - detached housing units, duplexes, triplexes, fourplexes, townhomes, condominiums, apartment buildings, and 500+ unit City.  
**Residential (under construction)** - residential units under construction.  
**Camp Grounds** - include recreational, educational, or religious facilities.  
**Middle Home Park** - include, university, neighborhood, and specialty shopping centers.  
**Commercial** - include, university, neighborhood, and specialty shopping centers.  
**Commercial (under construction)** - include, university, neighborhood, and specialty shopping centers.  
**Industrial, Warehouse/Storage** - include, university, neighborhood, and specialty shopping centers.  
**Communication Utilities, Transportation Related** - include, university, neighborhood, and specialty shopping centers.  
**Institutional** - include, university, neighborhood, and specialty shopping centers.  
**Utilities** - include, university, neighborhood, and specialty shopping centers.  
**Park, Open Space** - include, university, neighborhood, and specialty shopping centers.  
**Private Recreation** - include, university, neighborhood, and specialty shopping centers.  
**Undeveloped** - include, university, neighborhood, and specialty shopping centers.



City of San Diego  
 Planning Department  
 November 3, 2003



**Project Site**  
 4950 University Ave

## PROJECT DATA SHEET

<b>PROJECT NAME:</b>	University Market	
<b>PROJECT DESCRIPTION:</b>	Conditional Use Permit to allow the sales of beer and wine in accordance with a Type 20 liquor license within a convenience store .	
<b>COMMUNITY PLAN AREA:</b>	Mid-city	
<b>DISCRETIONARY ACTIONS:</b>	Conditional Use Permit	
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	General Commercial	
<b><u>ZONING INFORMATION:</u></b>		
<b>ZONE: CC-5-4 Zone</b>		
<b>HEIGHT LIMIT: 30 feet</b>		
<b>LOT SIZE: 0.14-acres</b>		
<b>FLOOR AREA RATIO: 1.0</b>		
<b>FRONT SETBACK: 10 or N/A feet</b>		
<b>SIDE SETBACK: 10/0 feet</b>		
<b>STREETSIDE SETBACK: 10 or N/A feet</b>		
<b>REAR SETBACK: 10/0 feet</b>		
<b>PARKING: 22 spaces</b>		
<b><u>ADJACENT PROPERTIES:</u></b>	<b>LAND USE DESIGNATION &amp; ZONE</b>	<b>EXISTING LAND USE</b>
<b>NORTH:</b>	Residential, RM-1-1	Residential
<b>SOUTH:</b>	General Commercial CC-5-4	Commercial retail
<b>EAST:</b>	General Commercial & Residential, CC-5-4 & RM-1-1	Residential, general retail, and religious facility
<b>WEST:</b>	General Commercial & Residential, CC-5-4 & RM-1-1	Commercial retail, restaurants
<b>DEVIATIONS OR VARIANCES REQUESTED:</b>	None	
<b>COMMUNITY PLANNING GROUP RECOMMENDATION:</b>	On May 7, 2012 the City Heights Area Planning Committee voted 12-1-3 to recommend denial of the project.	

**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: 24002476

**CONDITIONAL USE PERMIT NO. 952883**  
**UNIVERSITY MARKET PROJECT NO. 271129**  
**HEARING OFFICER**

This Conditional Use Permit No. 952883 is granted by the Hearing Officer of the City of San Diego to JAMIL GAPPY, Owner and NAZAR TOMA, Permittee, pursuant to San Diego Municipal Code [SDMC] section 141.0502 and 126.0303. The 0.14-acre site located at 4950 University Ave in the CC-5-4 Zone within the City Heights Neighborhood of Central Urbanized Planned District in the Mid City Communities Plan Area. The project site is legally described as: Lots 11 and 12 in Block "A" of Subdivision of Oak Park, in the city of San Diego, County of San Diego, State of California, according to Map thereof No. 1732, filed in the office of the County Recorder of San Diego County on June 22, 1922.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to operate an alcoholic beverage outlet to sell beer and wine within a market conditioned upon the issuance of a Type 20 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 July 10, 2013, on file in the Development Services Department.

The project shall include:

- a. Operation of an alcoholic beverage outlet within a market conditioned upon the issuance of a Type 20 license from the State Department of Alcoholic Beverage Control;
- b. Sales of alcoholic beverage shall be permitted between the hours of 6:00 a.m. and 12:00 midnight each day of the week.



**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 July 24, 2016.

2. This Conditional Use Permit will expire and become void 20 years from the approval date of the Conditional Use Permit. The applicant may request that the expiration date be extended in accordance with the provisions of Municipal Code Section 141.0502(c)(7). Any other conditions may be recommended by the San Diego Police Department.

3. The utilization of this CUP is contingent upon the approval of a license to sell alcohol at this location by the California Department of Alcoholic Beverage Control [ABC]. The issuance of this CUP does not guarantee that the ABC will grant an alcoholic beverage license for this location.

4. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:

- a. The Owner/Permittee signs and returns the Permit to the Development Services Department, and
- b. The Permit is recorded in the Office of the San Diego County Recorder.

5. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.

6. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

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

8. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

9. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

10. 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/Permittce 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.

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

**ENGINEERING REQUIREMENTS:**

12. the applicant/owner shall reconstruct the existing pedestrian ramp at the northeast corner of University Avenue and Winona Street to the current City Standards SDG-132, 134, or 136 satisfactory to the City Engineer. The applicant/owner shall provide proof of upgrade to the City development project manager within 90 days of the public hearing of the CUP. If this pedestrian ramp reconstruction is not completed within 90 days of the approval of the CUP, the permit shall be deemed to be out of compliance with the CUP, and will be subject to rescission by the Development Services Director"

**PLANNING/DESIGN REQUIREMENTS:**

13. Pool or billiard tables, foosball or pinball games, arcade style video and electronic games, or coin-operated amusement devices are not permitted on the premises.

14. Exterior public pay phones that permit incoming calls are not permitted on the premises, adjacent public sidewalks, or areas under the control of the owner or operator.

15. The owner or operator 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 or operator. 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.

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

17. The owner or operator 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."

18. The owner or operator shall list business address and telephone number in the Pacific Bell/San Diego telephone directory or other similarly distributed directory.

19. The owner or operator 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.

20. The owner or operator 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.

21. The owner or operator 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.

**POLICE DEPARTMENT REQUIREMENTS:**

22. The permittee(s) shall post and maintain a professional quality sign facing the premises parking lot that reads as the following: NO LOITERING, NO LITERING, NO DRINKING OF



ALCOHOLOIC BEVERAGES. VIOLATORS ARE SUBJECT TO ARREST. The sign shall be at least two feet square with two inch block lettering. The sign shall be in English and Spanish.

23. The site shall include a Video surveillance system that monitors, records, and stores for a minimum of 15 days, the interior, exterior and parking lot area in control of the store and is readily accessible to law enforcement.
24. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the licensee(s) shall be removed or painted over within 48 hours of being applied.
25. There shall be no amusement machines or video game devices on the premises at any time.
26. No pay telephone will be maintained on the interior or exterior of the premises.
27. No loitering on the premises and if necessary a security guard to control enforcement of this provision will be required.
28. No more than 10-percent of the square footage of the premises will be used for the display of alcoholic beverages.

**POLICE DEPARTMENT RECOMMENDATIONS FOR ABC LICENSE:**

- Wine shall not be sold in containers of less than 750 milliliters and shall not have an alcoholic content greater than 15-percent by volume, except for "Dinner Wines" which have been aged two years or more.
- Beer, malt beverages or wine cooler products, regardless of container size, must be sold in multi-unit quantities of no less than three (3).
- No for sale distilled spirits are allowed with this Type 20 license.

**INFORMATION ONLY:**

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

**Attachment 5  
Draft Permit with Conditions**

- This development may be subject to impact fees at the time of construction permit issuance.

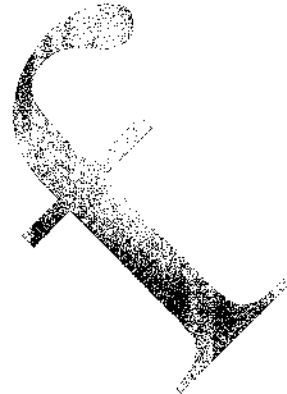
APPROVED by the Hearing Officer of the City of San Diego on July 10, 2013.



Permit Type/PTS Approval No.: CUP No. 952883  
Date of Approval: July 10, 2013

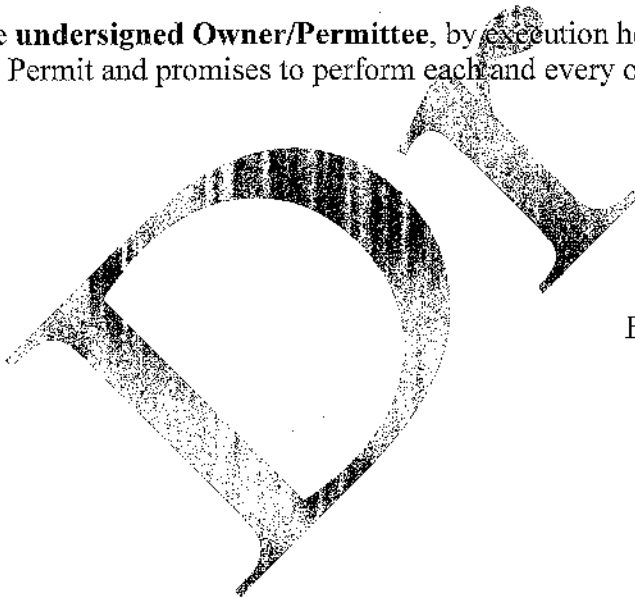
AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES  
DEPARTMENT

\_\_\_\_\_  
William Zounes  
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.**



Owner

By \_\_\_\_\_

Jamil Gappy

Permittee

By \_\_\_\_\_

Nazar Toma

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



HEARING OFFICER  
RESOLUTION NO. HO-XXXX  
**CONDITIONAL USE PERMIT NO. 952883**  
**UNIVERSITY MARKET PROJECT NO. 271129**

WHEREAS, JAMIL GAPPY, Owner and NAZAR TOMA permittee, filed an application with the City of San Diego for a permit to operate an alcoholic beverage outlet to sell beer and wine within a market conditioned upon the issuance of a Type 20 license from the State Department of Alcoholic Beverage Control and subject to the City's land use regulations and subject to the City's land use regulations (as described in and by reference to the approved Exhibits "A), on portions of a 0.14-acre site;

WHEREAS, the site is located at 4950 University Ave in the CC-5-4 zone within the City Heights Neighborhood of Central Urbanized Planned District in the Mid City Communities Plan Area;

WHEREAS, the project site is legally described as Lots 11 and 12 in Block "A" of Subdivision of Oak Park, in the city of San Diego, County of San Diego, State of California, according to Map thereof No. 1732, filed in the office of the County Recorder of San Diego County on June 22, 1922;

WHEREAS, on July 10, 2013, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 952883 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on April 9, 2012, 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 and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

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 July 10, 2013.

FINDINGS:

**Conditional Use Permit - Section 126.0305**

- 1. The proposed development will not adversely affect the applicable land use plan.**

The project proposes a Conditional Use Permit for a Type 20 liquor license to allow the sales of beer and wine within a market on a site developed with other retail services. The site is located at 4950 University Avenue in the CC-5-4 Zone within the Central Urbanized Planned District within the Colina Park Neighborhood of the City Heights Community of the Mid-City Communities Plan area.

The CC-5-4 zone, with the Central Urbanized Planned District Ordinance, is intended to provide for a pedestrian oriented mix of heavy commercial and limited industrial uses and residential uses located along collector streets, major streets, and public transportation lines. The standards are designed to create

small to medium scale development that is pedestrian-friendly. Retail sales represent the dominant commercial activity in the Mid-City community plan area. The CC-5-4 zone was placed at this site to implement the Mid-City Communities Plan recommendations for the Colina Park neighborhood of the City Heights Community. The Land Use designation for the site in the Community Plan is Commercial and Mixed-Use.

Although the sales of beer and wine is not specifically identified in the Mid-City Community Plan, the Commercial Element of the plan recommends that an expanded array of commercial goods and services be provided in neighborhoods, through appropriate regulatory and promotional activities. Additionally the plan recommends that the establishment and continuation of neighborhood businesses such as corner stores at appropriate crossroad locations in the neighborhoods, continue to exist.

The proposed use, the limited sales of alcoholic beverages within a market, implements a recommendation of the Community Plan encouraging an array of commercial goods and services are provided. Therefore, the proposed development will not adversely affect the applicable land use plan.

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

The project proposes a Conditional Use Permit for a Type 20 liquor license to allow the sales of beer and wine within a market on a site developed with other retail services. The site is located at 4950 University Avenue in the CC-5-4 Zone within the Central Urbanized Planned District within the Colina Park Neighborhood of the City Heights Community of the Mid-City Communities Plan area.

Alcoholic beverage sales for off-site consumption has been determined to serve a public convenience or necessity by the San Diego Police Department (SDPD). The SDPD staff has determined that the proposed sales of beer and wine is a small component of the market and is not the principal sales product. The products sold at the store vary in diversity and will serve mostly other commercial establishments and the surrounding neighborhood. The San Diego Police Department supports the sale of beer and wine as conditioned by the Conditional Use Permit to ensure that the sale of alcoholic beverages is maintained as an incidental part of the store. Conditions within the permit restrict the hours that beer and wine can be sold, beer and wine advertising requirements, security obligations, and that no more than 10-percent of the square footage of the premises will be used for the display of alcoholic beverages. All Police Department recommendations have been added to the draft permit as conditions or recommended conditions to the Department of Alcoholic Beverage Control (ABC). The San Diego Police Department's Vice Unit will work with the applicant and the ABC to place additional conditions on the alcohol license to minimize the law enforcement concerns, if necessary. The SDPD has determined that the proposed off-sales of beer and wine at the proposed site would not be detrimental to the public health, safety, and welfare.

The project was determined to be exempt from the California Environmental Quality Act (CEQA) 15301 (Existing Facilities). Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

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

The project proposes a Conditional Use Permit for a Type 20 liquor license to allow the sales of beer and wine within a market on a site developed with other retail services. The site is located at 4950 University Avenue in the CC-5-4 Zone within the Central Urbanized Planned District within the Colina Park Neighborhood of the City Heights Community of the Mid-City Communities Plan area.

The site is designated for Commercial within the Mid City Community Plan which in general, recommends a broad array of uses. The proposed sales of alcoholic beverages within an established market will be in accordance with the San Diego Municipal Code and is contingent upon the issuance of a license by the State of California Alcohol Beverage Control Board (ABC). The San Diego Police Department has reviewed the project and concluded the proposed use will provide a public convenience or necessity. No development regulation deviations are being proposed with this application. For the reasons above the proposed development will comply with the regulations of the Land Development Code.

**4. The proposed use is appropriate at the proposed location.**

The project proposes a Conditional Use Permit for a Type 20 liquor license to allow the sales of beer and wine within a market on a site developed with other retail services. The site is located at 4950 University Avenue in the CC-5-4 Zone within the Central Urbanized Planned District within the Colina Park Neighborhood of the City Heights Community of the Mid-City Communities Plan area.

The proposed use, to sell beer and wine as an accessory use within a market, is consistent with the existing commercial use of the property and implements the Commercial land use designation of the Community Plan. The convenience store is located in a zone which allows the sales of beer and wine in association with the issuance of a Conditional Use Permit. The San Diego Police Department (SDPD) made the public necessity or convenience determination to recommend approval of the project. The SDPD staff has determined that the proposed sales of beer and wine is a component of the market and is not the principal sales product. The SDPD has determined that the proposed sales of beer and wine at the proposed site would not be detrimental to the public health, safety, and welfare. The permit prepared for this project includes various recommendations which include but are not limited to time of night and day beer and wine can be sold, beer and wine advertising limitations, security requirements, and that no more than 10-percent of the square footage of the convenience store will be used for the display of alcoholic beverages.

The existing use is located an established market having existed for over 25 years. The SDPD has determined the proposed use is appropriate at this location in that the community plan recommends an array of commercial uses and the fact the site in a Federal Census Tract which allows up to five Alcohol Beverage Control licenses and two exist. 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. 952883 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. 592883, a copy of which is attached hereto and made a part hereof.

---

William Zounes  
Development Project Manager  
Development Services

Adopted on: July 10, 2013

Job Order No. 24002476



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

Ow

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

271129

Project Address:

4950 University Avenue, San Diego, CA 92105

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):

Jamil Gappy (property owner)

Owner  Tenant/Lessee  Redevelopment Agency

Street Address:

1906 Corona Vista

City/State/Zip:

El Cajon, CA 92019

Phone No:

619-244-1731

Fax No:

Signature:

*Jamil Gappy*

Date:

1-4-11

Name of Individual (type or print):

Salma Gappy (property owner)

Owner  Tenant/Lessee  Redevelopment Agency

Street Address:

1906 Corona Vista

City/State/Zip:

El Cajon, CA 92019

Phone No:

Signature:

Name of Individual (type or print):

Owner  Tenant/Lessee  Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Signature:

Name of Individual (type or print):

Nazar Toma (owner of business and lessee)

Owner  Tenant/Lessee  Redevelopment Agency

Street Address:

34591- Saurwood way

City/State/Zip:

Winchester - CA

Phone No:

951-760-8746

Fax No:

Signature:

*Nazar Toma*

Date:

01-01-2012

**Project Chronology  
University Market  
Project No. 271129**

<b>Date</b>	<b>Action</b>	<b>Description</b>	<b>City Review Time</b>	<b>Applicant Response</b>
3/12/12	First Submittal	Project Deemed Complete and distributed		
4/5/12	First Submittal Assessment Letter out		24 days	
5/1/13	Second submittal In	Normal Submittal		391 days from First Assessment Letter
5/15/13	Second Submittal Assessment Letter out		14 days	
7/10/13	Hearing Officer Hearing		56 days	
<b>TOTAL STAFF TIME**</b>			<b>3 month 4 days</b>	
<b>TOTAL APPLICANT TIME**</b>				<b>13 months 1 days</b>
<b>TOTAL PROJECT RUNNING TIME**</b>		From Deemed Complete to HO Hearing	<b>16 months 5 days</b>	

\*\*Based on 30 days equals to one month.

FORM PER SECTION 23958.4 B&P

CITY OF SAN DIEGO  
For Off-Sale, On-Sale Beer, and Public Premises Licenses

- 1. PREMISE ADDRESS: 4950 University Ave SD 92105
- 2. LICENSE TYPE: 20 (off sale...)
- 3. TYPE OF BUSINESS: Ceremony Business

CRIME REPORTING DISTRICT 0027.07 02 0330\*11 13:25 N000038 PLU  
77299PCN \$228.00  
P

NUMBER OF LICENSES ALLOWED 5 NUMBER EXISTING 2

DISTRICT AVERAGE 244.7 X 120% = 293.64 = HIGH CRIME

CRIMES IN THIS REPORTING DISTRICT 540 = 220.7

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:

02 0330\*11  
77299PCN  
P

- 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

02 0330\*11 13:26 N000038 TND  
CHECK \$228.00  
T

Linda Griffin, Sgt  
Name of SDPD Vice Officer  
(Please print name and title)

(619) 531-2349  
Phone Number

[Signature]  
Signature of SDPD Vice Officer

06-30-11  
Date

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.

APPLICANT'S SIGNATURE: [Signature] DATE: 03-29-2011

(Please Print)  
APPLICANT'S NAME:

NAZAR G. TOMA  
4950 UNIVERSITY AVE S.D CA 92105  
3480 S. Sycamore St. Westlake - CA - 91386

MAILING ADDRESS:

TELEPHONE NUMBER:

619-584-8087

## SAN DIEGO POLICE DEPARTMENT CONDITIONAL USE PERMIT RECOMMENDATION

PREMISE ADDRESS: 4950 University Ave, San Diego, CA

TYPE OF BUSINESS: Grocery Store

FEDERAL CENSUS TRACT: 27.07

NUMBER OF ALCOHOL LICENSES ALLOWED: 5

NUMBER OF ALCOHOL LICENSES EXISTING: 2

CRIME RATE IN THIS CENSUS TRACT: 293.64%  
(Note: Considered High Crime If Exceeds 120% of City-wide Average)

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

IS THE PREMISE WITHIN 600 FEET OF INCOMPATIBLE FACILITY  YES  NO

IS THE PREMISE WITHIN 100 FEET OF RESIDENTIALLY ZONED PROPERTY  YES  NO

ABC LICENSE REVOKED AT THIS PREMISE WITHIN PAST YEAR  YES  NO

HAS APPLICANT BEEN CONVICTED OF ANY FELONY  YES  NO

WILL THIS BUSINESS BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY,  
AND WELFARE OF THE COMMUNITY AND CITY  YES  NO

COMMENTS/OTHER FACTORS CONSIDERED: The applicant is applying for a CUP for a Grocery Store with a Type 20 Beer & Wine License. Currently, the space is a small market with a water store & small laundrymat next to it. The liquor store will assume the two other premises and develop their grocery store. It appears that the proposed business will benefit the area, as many of the residents do not have cars for transportation. The applicant has a history in the neighborhood, and is familiar with the challenges of managing a business in this area.

The sale of alcohol will be an accessory and not the primary commodity.

There are several children focused parks, schools, and businesses in this densely populated area.

SUGGESTED CONDITIONS: Although the grocery store would be good for the community in a general sense, there are issues that would need to be controlled. Due to its location in a high crime area, transients in the area, and a demographic including families, special considerations should be taken with conditions placed on the off-sale privileges. The following recommended conditions should be incorporated into the regulatory licenses and land use for this location:

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

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



2. Wine shall not be sold in bottles or containers smaller than 750 ml and wine coolers or beer coolers must be sold in manufacturer pre-packaged multi-unit quantities.
3. No wine shall be sold with an alcoholic content greater than 15% by volume except for "Dinner Wines" which have been aged two years or more.
4. Beer, malt beverages or wine cooler products, regardless of container size, must be sold in manufacturer pre-packaged multi-unit quantities.
5. The petitioner(s) shall post and maintain a professional quality sign facing the premises parking lot(s) that reads as the following: NO LOITERING, NO LITTERING, NO DRINKING OF ALCOHOLIC BEVERAGES. VIOLATORS ARE SUBJECT TO ARREST. The sign shall be at least two feet square with two inch block lettering. The sign shall be in English and Spanish.
6. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the licensee(s) shall be removed or painted over within 48 hours of being applied.
7. There shall be no amusement machines or video game devices on the premises at any time.
8. No pay telephone will be maintained on the interior or exterior of the premises.
9. No loitering on the premises and if necessary a security guard to control enforcement of this provision.
10. Illumination in the parking lot. Security camera covering both interior and exterior premises.
11. No more than 20-percent of the square footage of the premises will be used for the display of alcoholic beverages.
12. No distilled spirits.

Including any additional conditions that may be appropriate as a result of an establishment being located within a Redevelopment area, or for increased public safety.

SAN DIEGO POLICE DEPARTMENT RECOMMENDATION:

APPROVE

DENY

S. PARNLEE ALBREKTSEN  
Name of SDPD Vice Sergeant (Print)

619 531 2349  
Telephone Number

[Signature]  
Signature of SDPD Vice Sergeant

3/28/12  
Date of Review

## SAN DIEGO POLICE DEPARTMENT CONDITIONAL USE PERMIT RECOMMENDATION

PREMISE ADDRESS: 4950 University Ave, San Diego, CA

TYPE OF BUSINESS: Grocery Store

FEDERAL CENSUS TRACT: 27.07

NUMBER OF ALCOHOL LICENSES ALLOWED: 5

NUMBER OF ALCOHOL LICENSES EXISTING: 2

CRIME RATE IN THIS CENSUS TRACT: 220.7% per Crime Analysis on 5/21/12  
(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 CUP is revised based on misinformation regarding the expansion of the market into the existing businesses in the strip mall.

The applicant is applying for a CUP for a Grocery Store with a Type 20 Beer & Wine License. Currently, the space is a small market with a water store & small laundrymat next to it. It appears that the proposed business could benefit the area, as many of the residents do not have cars for transportation. The applicant has a history in the neighborhood, and is familiar with the challenges of managing a business at this location. However, there is a population of the community that doesn't support alcohol being added to the University Market as there is a 7/11 across the street and a grocery store with alcohol just two blocks away (Rock City Market-5231 University). San Diego Police Mid-City Division & Vice Unit understand the CUP process is to implement the land use regulations in this business district which is a separate issue from the State Alcohol Beverage Control (ABC) process.

The sale of alcohol will be an accessory and not the primary commodity.

There are several children focused parks, schools, and businesses in this densely populated area. There is a church located across the street from the market at 4014 Winona, San Diego, CA.

There were 10.01 hours of calls for service to 4950 University and 124.27 hours of police contacts at 4900 University Ave between 5/19/2011-5/19/2012, per crime analysis. In the census tract 27.07 there were 76 alcohol related arrests and cites in 2010 (the most current year available).

SUGGESTED CONDITIONS: Although the grocery store would be good for the community in a general sense, there are issues that would need to be controlled. Due to its location in a high crime area, transients in the area, and a demographic including families, special considerations should be taken with conditions placed on the off-sale privileges. The following recommended conditions should be incorporated into the regulatory licenses and land use for this location:

The San Diego Police Department agrees to the issuance of the CUP as long as the following conditions are included if an alcohol license is issued by the Alcoholic Beverage Control:

POLICE DEPARTMENT RECOMMENDATIONS FOR ABC LICENSE:

1. Sales of alcoholic beverages shall be permitted only between the hours of 9:00 AM and Midnight each day of the week.
2. Wine shall not be sold in bottles or containers smaller than 750 ml, and wine coolers or beer coolers must be sold in manufacturer pre-packaged multi-unit quantities.
3. No wine shall be sold with an alcoholic content greater than 15% by volume except for "Dinner Wines" which have been aged two years or more.
4. Beer, malt beverages or wine cooler products, regardless of container size, must be sold in manufacturer pre-packaged multi-unit quantities.
5. The petitioner(s) shall post and maintain a professional quality sign facing the premises parking lot(s) that reads as the following: NO LOITERING, NO LITTERING, NO DRINKING OF ALCOHOLIC BEVERAGES. VIOLATORS ARE SUBJECT TO ARREST. The sign shall be at least two feet square with two inch block lettering. The sign shall be in English and Spanish.
6. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the licensee(s) shall be removed or painted over within 48 hours of being applied.
7. There shall be no amusement machines or video game devices on the premises at any time.
8. No pay telephone will be maintained on the interior or exterior of the premises.
9. No loitering on the premises and if necessary a security guard to control enforcement of this provision.
10. Illumination in the parking lot. Security camera covering both interior and exterior premises.
11. No more than 20-percent of the square footage of the premises will be used for the display of alcoholic beverages.
12. No distilled spirits.

Including any additional conditions that may be appropriate as a result of an establishment being located within a Redevelopment Area, or as needed for increased public safety.

SAN DIEGO POLICE DEPARTMENT RECOMMENDATION:

APPROVE

DENY

SANDRA RAPHAEE ALBREKTSEN  
Name of SDPD Vice Sergeant (Print)

619 531 2349  
Telephone Number

Stapely Albrektzen  
Signature of SDPD Vice Sergeant  
#4854

5/15/12  
Date of Review

City Heights Area Planning Committee  
PO Box 5859  
San Diego CA 92165

May 8, 2012

MEMORANDUM FOR: William Zounes  
Development Project Manager

From: Committee Chairwoman  
Patty Vaccariello \_\_\_\_\_

Subj: University Market Project No. 271129

1. At its May 7, 2012 meeting the Committee heard a request to support a CUP for a beer and wine license at University Market, located at 4950 University Avenue. After discussion, it was moved and seconded to deny the CUP for a Type 20 license. The Committee voted 12/1/3/(chair not voting) and the motion passed.

2. The Committee's discussion revolved around the issue of whether a valid notice of Public Convenience or Necessity existed. One of the factors the Police used in coming to a decision revolved around the proposal by the applicant to develop a much larger grocery store than the current 900 sq ft by assuming the two other premises at the site (a small Laundromat and water store). According to the applicant's agent, and the manager of the market for the past 25 years, there are no plans to enlarge the market.

The PC&N also incorrectly states that the premises are not within 600 ft of an incompatible use. According to the cycle issues, Herbert Ibarra Elementary School and a nearby mosque that contains a school that conducts numerous youth activities are within 600 ft of the site.

For the reasons above the CHAPC was unable to make the finding that the proposed business would be beneficial to the public health, safety, and welfare of the community and the city.

Patty Vaccariello



## CITY HEIGHTS AREA PLANNING COMMITTEE

Postoffice Box 5859  
City Heights CA 92165  
(619) 284-2184

March 14, 2013

MEMORANDUM FOR: William Zounes  
Development Project Manager

From: Committee Chairwoman  
Patty Vaccariello \_\_\_\_\_

Subj: University Market CUP, PTN271129

1. At its March 4, 2013 meeting the Committee re-heard a request to approve a CUP for a beer and wine license (Type 20) at the University Market located at 4950 University Avenue. After discussion, it was moved and seconded to recommend approval with all twelve conditions listed in the San Diego Police CUP Recommendations (attached) and five additional conditions which would: require conformance with the City's transparency rules, limit the size of advertising, list the licensee's business address and telephone number in the directory serving the premises, post the conditions prominently at the premises, and have the permit expire ten years after issuance. The Committee voted 0/12/0 (chair not voting) and the motion failed.

2. There was a wide-ranging discussion among the Committee members and the public. Objections were based on the high crime rate and the proximity of children, schools, a mosque, and other ABC licenses. There were questions about police responses to the address and vandalism issues.

Recommended conditions from the San Diego Police Department:

1. Sales of alcoholic beverages shall be permitted only between the hours of 9:00 AM and Midnight-each day of the week--
2. Wine shall not be sold in bottles or containers smaller than 750 ml, and wine coolers or beer coolers must be sold in manufacturer pre-packaged multi-unit quantities.
3. No wine shall be sold with an alcoholic content greater than 15% by volume except for "Dinner Wines" which have been aged two years or more.
4. Beer, malt beverages or wine cooler products, regardless of container size, must be sold in manufacturer pre-packaged multi-unit quantities.
5. The petitioner(s) shall post and maintain a professional quality sign facing the premises parking lot(s) that reads as the following: NO LOITERING, NO LITTERING, NO DRINKING OF ALCOHOLIC BEVERAGES, VIOLATORS ARE SUBJECT TO ARREST, The sign shall be at least two feet square with two inch block lettering. The sign shall be in English and Spanish.
6. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the licensee(s) shall be removed or painted over within 48 hours of being applied.
7. There shall be no amusement machines or video game devices on the premises at any time,
8. No pay telephone will be maintained on the interior or exterior of the premises.
9. No loitering on the premises and if necessary a security guard to control enforcement of this provision.
10. Illumination in the parking lot. Security camera covering both interior and exterior premises.
11. No more than 20-percent of the square footage of the premises will be used for the display of alcoholic beverages.
12. No distilled spirits.

Additional Recommendations from the City Heights Area Planning Committee:

13. The premises shall conform to the transparency requirement for the zone in which it is located, and the licensee shall not post signage, or position displays or any other objects that interfere with the transparency requirement.
14. The total area of advertising signage that indicates alcoholic beverages or alcohol sales shall not exceed 630 square inches total for the premises and should not be placed so as to interfere with transparency.
15. The licensee shall list the business address and telephone number in the telephone directory that serves the premises.
16. The licensee shall conspicuously post a copy of these Conditions at the premises and maintain them visible so they may be seen by the public or by any government official.
17. This Conditional Use Permit will expire and become void (10) years from its approval date.

NOTICE OF EXEMPTION

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

FROM: CITY OF SAN  
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.: 271129

PROJECT TITLE: UNIVERSITY MARKET

PROJECT LOCATION-SPECIFIC: 4950 University Avenue, San Diego, California 92105  
PROJECT LOCATION-CITY/COUNTY: San Diego/San Diego

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: Conditional Use Permit (CUP) for beer and wine sales for an existing market on a 0.14 acre site.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Bill Epstein (Agent)  
12525 Semillon Blvd  
San Diego, California 92131  
(619) 444-2244

EXEMPT STATUS: (CHECK ONE)

- MINISTERIAL (SEC. 21080(b)(1); 15268);
- DECLARED EMERGENCY (SEC. 21080(b)(3); 15269(a));
- EMERGENCY PROJECT (SEC. 21080(b)(4); 15269 (b)(c))
- CATEGORICAL EXEMPTION: CEQA EXEMPTION 15301 (EXISTING FACILITIES)
- STATUTORY EXEMPTIONS:

REASONS WHY PROJECT IS EXEMPT: The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment. The project meets the criteria set forth in CEQA Section 15301 which allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing facilities (public or private) involving negligible or no expansion of use beyond that existing at the time of the determination. A CUP to allow for Type 20 alcohol license for an existing commercial building is a negligible expansion of use. In addition; the exceptions listed in CEQA Section 15300.2 would not apply.

LEAD AGENCY CONTACT PERSON: Rhonda Benally

TELEPHONE: (619) 446-5468

IF FILED BY APPLICANT:

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

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

*Amal. McMurrow* AICP/Senior Planner  
SIGNATURE/TITLE

*April 4, 2012*  
DATE

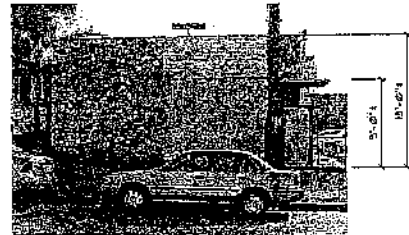
CHECK ONE:

- SIGNED BY LEAD AGENCY
- SIGNED BY APPLICANT

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:

Existing pedestrian ramp to be reconstructed in accordance with City Standard SDG - 132, 134, or 136.

NOTE:  
THERE ARE NO EXTERIOR MODIFICATIONS PROPOSED UNDER THIS CONTRACT / C.U.P.



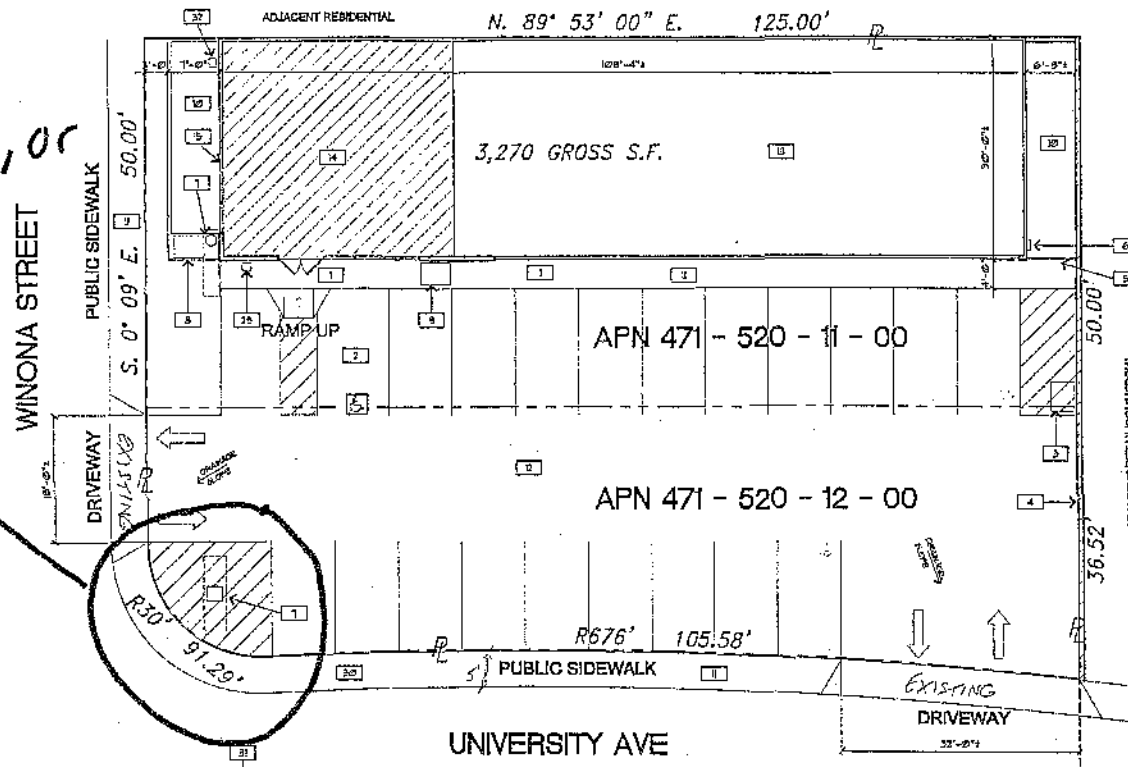
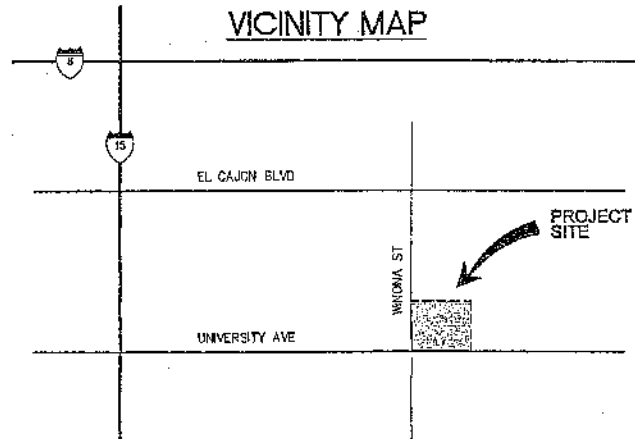
WEST PHOTOGRAPH (ELEVATION)



SOUTH PHOTOGRAPH (ELEVATION)

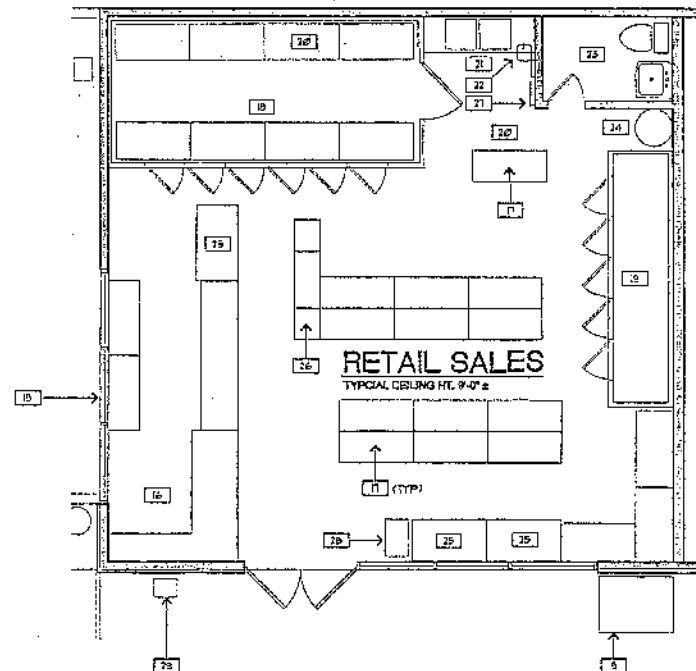
MARKET EXTERIOR PHOTOGRAPHS (2)

SCALE: NTS



CONDITIONAL USE PERMIT - SITE PLAN (For Reference Only)

SCALE: 1" = 10'



MARKET DEVELOPMENT PLAN (1)

SCALE: 3/4" = 1'-0"

PLAN SPECIFIC NOTES:

- 1 PRIMARY SITE ENTRANCE
- 2 ACCESSIBLE PARKING SPACE
- 3 TRASH RECEPTICAL DUMPSTER
- 4 EXISTING 4'-0" HIGH SITE RETAINING WALL
- 5 EXISTING 6'-0" HIGH WOOD FENCE
- 6 EXISTING ELECTRICAL PANEL AND SERVICE ENTRANCE
- 7 EXISTING POLE SIGN TO REMAIN
- 8 EXISTING WATER DISPENSING MACHINE
- 9 EXISTING ICE MACHINE
- 10 EXISTING LANDSCAPE AREA
- 11 EXISTING REBUILT TO REMAIN
- 12 EXISTING ASPHALT CONCRETE PARKING (STRIPING AS INDICATED) AND DRIVEWAY (DRAINAGE SLOPE AS INDICATED)
- 13 EXISTING LAUNDRY RETAIL SPACE
- 14 EXISTING MARKET RETAIL SPACE (HATCH INDICATES LOCATION UNDER REVIEW)
- 15 EXISTING EXTERIOR SHEDS COVERED WITH PYTHWOOD
- 16 RETAILS SALES COUNTER / CASH REGISTER AREA
- 17 TYPICAL MERCHANDISE SHELF (3 TIER ADJUSTABLE)
- 18 WALK-IN COOLER - SALES ACCESS FRONT DOORS
- 19 REACH-IN COOLER - SALES ACCESS FRONT DOORS
- 20 STORAGE AREA
- 21 2-COMPARTMENT SINK
- 22 FLOOR SINK
- 23 TOILET ROOM (STAFF ACCESS ONLY)
- 24 WATER HEATER (STRAPPED TO WALL AT THIRD POINTS)
- 25 ICECREAM COOLER SALES CHEST
- 26 CHIPS DISPLAY / SALES TRUCK
- 27 RETAIL SALES SPACE ELECTRICAL PANEL
- 28 AIR MACHINE
- 29 EXISTING PAY PHONE
- 30 PUBLIC BUS STOP
- 31 FIRE HYDRANT (DIRECTLY ACROSS STREET CORNER)
- 32 EXISTING GAS METER LOCATION TO REMAIN

PUBLIC WORKS DEPARTMENT NOTES:  
OPERATIONS SHALL INCLUDE IMPLEMENTATIONS OF THE BEST MANAGEMENT PRACTICES (BMPs) AS FOLLOWS:  
A. ONLY RAIN IS PERMITTED TO ENTER THE STORM DRAIN SYSTEM. DISCHARGES OF TRASH, DEBRIS, OR WASTEWATER TO THE STORM DRAIN SYSTEM ARE STRICTLY PROHIBITED.  
B. SWEEP OR VACUUM TO CLEAN OUTDOOR AREAS, INCLUDING TRASH ENCLOSURES, WALKS AND PARKING LOTS. POWER WASHING AND WASHING FLOOR MATS IS STRICTLY PROHIBITED.  
C. PROVIDE SUFFICIENT TRASH RECEPTACLES.  
D. DISPOSE OF WASTES PROPERLY.  
E. ALL DUMPSTERS LISTED BY THIS PROJECT SHALL HAVE LOCKABLE LIDS AND LIDS SHALL REMAIN CLOSED WHILE DUMPSTER IS NOT DIRECTLY IN USE. ALL TRASH ENCLOSURES MUST BE SECURE.  
F. MAINTAIN PARKING AREA TO BE FREE FROM TRASH AND PETROLEUM LEAKS.

PLANNING DEPARTMENT NOTES:  
1. THE USE SHALL BE OPERATED IN A MANNER THAT IS COMPATIBLE AT ALL TIMES WITH SURROUNDING PROPERTIES AND USES.  
2. ANY CHANGE IN USE OR EXPANSION OF THE FACILITY MAY REQUIRE AN AMENDMENT TO THIS CONDITIONAL USE PERMIT.  
3. ALL ACTIVITIES SHALL BE CONDUCTED WITHIN THE ENCLOSED BUILDING.  
4. A GENERAL ON-SALE ALCOHOLIC BEVERAGE LICENSE (BEER AND WINE LICENSE) IN ACCORDANCE WITH DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL REQUIREMENTS.  
5. THE OPERATOR SHALL OBSERVE OCCUPANCY LIMITS AS DETERMINED BY THE BUILDING OFFICIAL/FIRE MARSHAL AT ALL TIMES.

BUILDING DATA

LEGAL DESCRIPTION:	471-520-11-00 / LOT 11 BLK. A, TRACT NUMBER 1132 (GENUINE TRACT 0021010) / 471-520-12-00 / LOT 12 BLK. A, TRACT NUMBER 1132
BUILDING DEPARTMENT:	CITY OF SAN DIEGO
BUILDING CODE:	3610 CODE / S.A.L.T. MODIFICATIONS - C.S.D. (TITLE 24) / 2019 V.M.S. N.E.C. / U.P.C.
SITE ADDRESS:	4180 UNIVERSITY AVENUE SAN DIEGO, CALIFORNIA 92109
LOT SIZE:	3435 AC / 670000 SF
TENANT:	UNIVERSITY MARKET (RETAIL)
USAGE:	RETAIL / MARKET (1500 SF) RETAIL / LAUNDRY (1200 SF) TOTAL (2700 SF) APPROX. USABLE SQUARE FEET (+ EXIST. TOILETS & CIRCULATION)
BUILDING OCCUPANCY:	RETAIL - M / SI (MISC. STORAGE)
TYPE OF CONSTRUCTION:	V-B, NON-SPRINKLERED
SPRINKLERED:	NO
NUMBER OF STORES / HEIGHT:	(1) ONE
PROJECT ACCESS:	SEE SCOPE OF THIS PROJECT IS APPLICATION FOR AN ALCOHOL (BEER / WINE) LICENSE ONLY. THERE ARE NO OTHER IMPROVEMENTS UNDER THIS SCOPE.

RETAIL MARKET FACILITY MODIFICATIONS:  
ESTIMATED HOURS OF OPERATION - 8:00 AM-10:00 PM (MAY BE MODIFIED BY TENANT AS NEEDED)  
ESTIMATED NUMBER OF FULL AND PART-TIME EMPLOYEES - 7 (ONLY ONE STAFF MEMBER PROVIDING SERVICE AT ANY ONE TIME)

PROPERTY OWNER  
Name: SAMUEL GAPPY  
add: 1906 Corona Vista, CA 92019  
Phone: (619) 244-1931

Sheet 1 of 1

CITY OF SAN DIEGO

CONDITIONAL USE PERMIT NO. \_\_\_\_\_

APPLICANT: **Nazar Tomo**

ASSESSOR PARCEL NO(S): 471-520-11-00

REQUEST: **CONDITIONAL USE PERMIT FOR A ALCOHOLIC, BEER & WINE BEVERAGES LICENSE ONLY**

DRAWN BY: **JACK E. CARTER** APPROVED BY: \_\_\_\_\_

ADDRESS: **3635 OLEANDER DR  
SAN DIEGO, CA 92108**

PHONE: **760.310.2439** DATE: \_\_\_\_\_

MR. JACK E. CARTER  
4830 UNIVERSITY AVE  
SAN DIEGO, CA 92105  
(619) 271 9921

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+ LOOK PLANS