



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: December 17, 2014

REPORT NO. HO 14-079

ATTENTION: Hearing Officer

SUBJECT: NIJIYA MARKET CUP
PTS PROJECT NUMBER: 385118

LOCATION: 3860 Convoy Street #109

APPLICANT: Chris Trulove

Issue(s): Should the Hearing Officer approve a Conditional Use Permit to allow the sales of beer and wine in accordance with a Type 20 liquor license within an existing market in the Kearny Mesa Community Plan area?

Staff Recommendation - APPROVE Conditional Use Permit No. 1351849.

Community Planning Group Recommendation - On October 15, 2014, Kearny Mesa Planning Group voted 8-0-0 to recommend approval of the project (Attachment 8).

Environmental Review - The proposed activity is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Interior or exterior alterations) of the State CEQA Guidelines in that the proposed project is a Conditional Use Permit for the sales of alcohol. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on November 25, 2014, and the opportunity to appeal that determination ended on December 10, 2014.

BACKGROUND

The project proposes the off-site sales of beer and wine within an existing 11,850 square-foot market on a 3.45-acre site located at 3860 Convoy Street #109 in the CC-1-3 zone of the Kearny Mesa Community Plan Area. The market is within a strip mall surrounded by commercial retail/restaurant uses. To the north, east, and south are additional retail and restaurant establishments while to the west are small industrial uses. In 2003 the market relocated to its current location and processed a Conditional Use Permit (CUP) to transfer an existing Type 20 Off-sale Beer and Wine license from one location to another. The CUP was approved on May 28, 2003 with an expiration date of May 28, 2013. The market submitted a new CUP application to continue the sales of beer and wine with its existing Type 20 ABC license.

Currently the market is not selling beer and wine and is pending the outcome of this latest CUP application

DISCUSSION

The project proposes the off-site sales of beer and wine within a 11,850 square-foot market. A Conditional Use Permit for the offsite sale of beer and wine is pursuant to Section 141.0502(c) of the Land Development Code. The sales of beer and wine will be required to be limited between the hours of 9:00 a.m. to 9:00 p.m., each day as recommended by the San Diego Police Department.

Section 141.0502(b) determines when the 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 California Business and Professional Code;
- Within 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, a hospital, or a San Diego County welfare district office; and
- Within 100 feet of residentially zoned property.

City staff has reviewed the subject project which includes a Conditional Use Permit for the sales of beer and wine. Staff has determined a Conditional Use Permit is required for the following reasons:

1. The project 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 site is within census tract 85.11. Statistics provided by the San Diego Police Department for Federal Census Tract No. 85.11 show the area to be 418 percent of the citywide average.
2. The project is within a census tract, or within 600 feet of a census tract, where the ratio of alcohol beverage outlets exceeds the standards established by California Business and Professional Code section 23958.4. Census Tract No. 85.11 allows up to 1 alcoholic beverage outlets, and 28 currently exist in the census tract.

Conditions within the draft permit include restriction on hours which beer and wine can be sold, advertising limitations, and security requirements. All Police Department conditions have been

added to the draft permit (Attachment 5). The San Diego Police Department's Vice Unit will work with the applicant and the Department of Alcoholic Beverage Control to place additional conditions on the alcohol license to minimize the law enforcement concerns, if necessary.

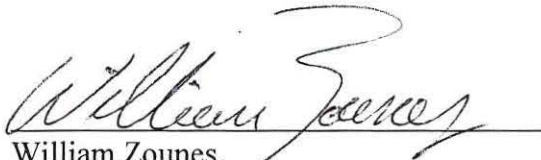
CONCLUSION

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 alcoholic beverage outlet statistics from the Alcoholic Beverage Control and the recommendation of the San Diego Police Department-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. 1351849, with modifications or;
2. Deny Conditional Use Permit No. 1351849, 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. CUP NO. 9655
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement
10. Project Chronology
11. SDPD Conditional Use Permit Recommendation
12. Project Site Plan



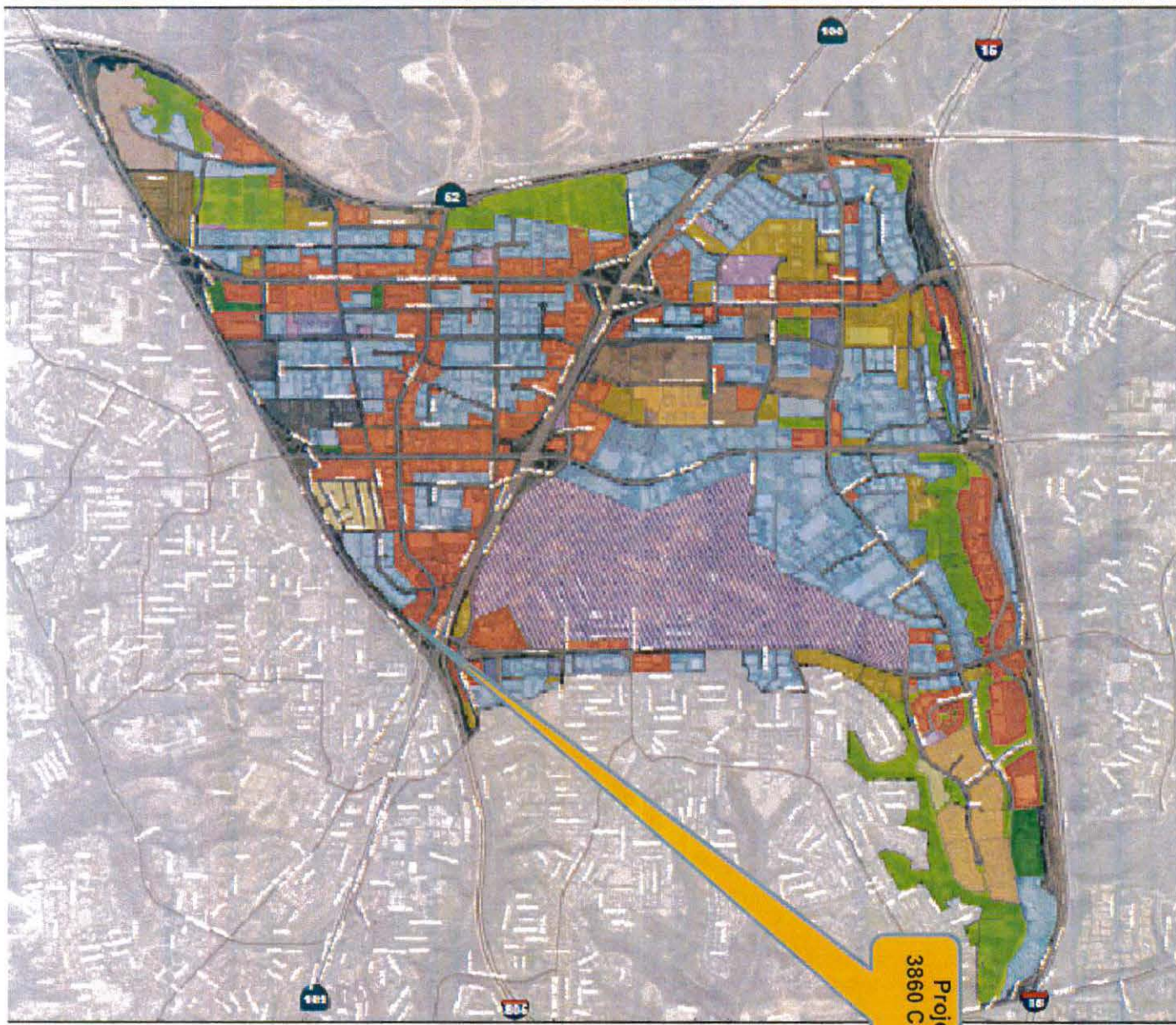
Aerial Photograph (Birds Eye)

Nijiya Market CUP Project No. 385118

3860 Convoy Street #109



Attachment 1
Aerial Photograph of Site



Map ONE

Kearny Mesa Existing Conditions

Land Use

Legend

- Single-Family Residential
- Multi-Family Residential
- Medium-Density Residential
- Commercial
- Commercial Center/Industrial
- Industrial/Manufacturing
- Industrial/Heavy Manufacturing
- Research/Development
- Government/Community Center
- Transportation/Highway Corridor
- Institutional
- Park/Open Space
- Private Recreation
- Undeveloped

Single-Family Residential - Single-family detached housing, with or without attached garages, on lots greater than 1/4 acre. Includes detached row housing, townhomes, and duplexes. Excludes mobile homes and manufactured homes. Excludes multi-family residential.

Multi-Family Residential - Multi-family detached housing, including duplexes, triplexes, and fourplexes. Excludes mobile homes and manufactured homes. Excludes single-family detached housing.

Medium-Density Residential - Medium-density residential, including row housing, townhomes, and duplexes. Excludes single-family detached housing.

Commercial - Commercial, including retail, office, and professional services. Excludes industrial/manufacturing.

Commercial Center/Industrial - Commercial center/industrial, including retail, office, and professional services. Excludes industrial/manufacturing.

Industrial/Manufacturing - Industrial/manufacturing, including light industrial, heavy industrial, and research/development.

Industrial/Heavy Manufacturing - Industrial/manufacturing, including heavy industrial and research/development.

Research/Development - Research/development, including research and development.

Government/Community Center - Government/community center, including government offices and community centers.

Transportation/Highway Corridor - Transportation/highway corridor, including highways and transit corridors.

Institutional - Institutional, including schools, hospitals, and universities.

Park/Open Space - Park/open space, including parks and open space.

Private Recreation - Private recreation, including golf courses and private recreation facilities.

Undeveloped - Undeveloped land, including vacant lots and undeveloped areas.

Scale: 0 1000 2000 3000 4000

City of San Diego Planning Department July 16, 2003

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ATTACHMENT 2 – Community Plan Land Use Map

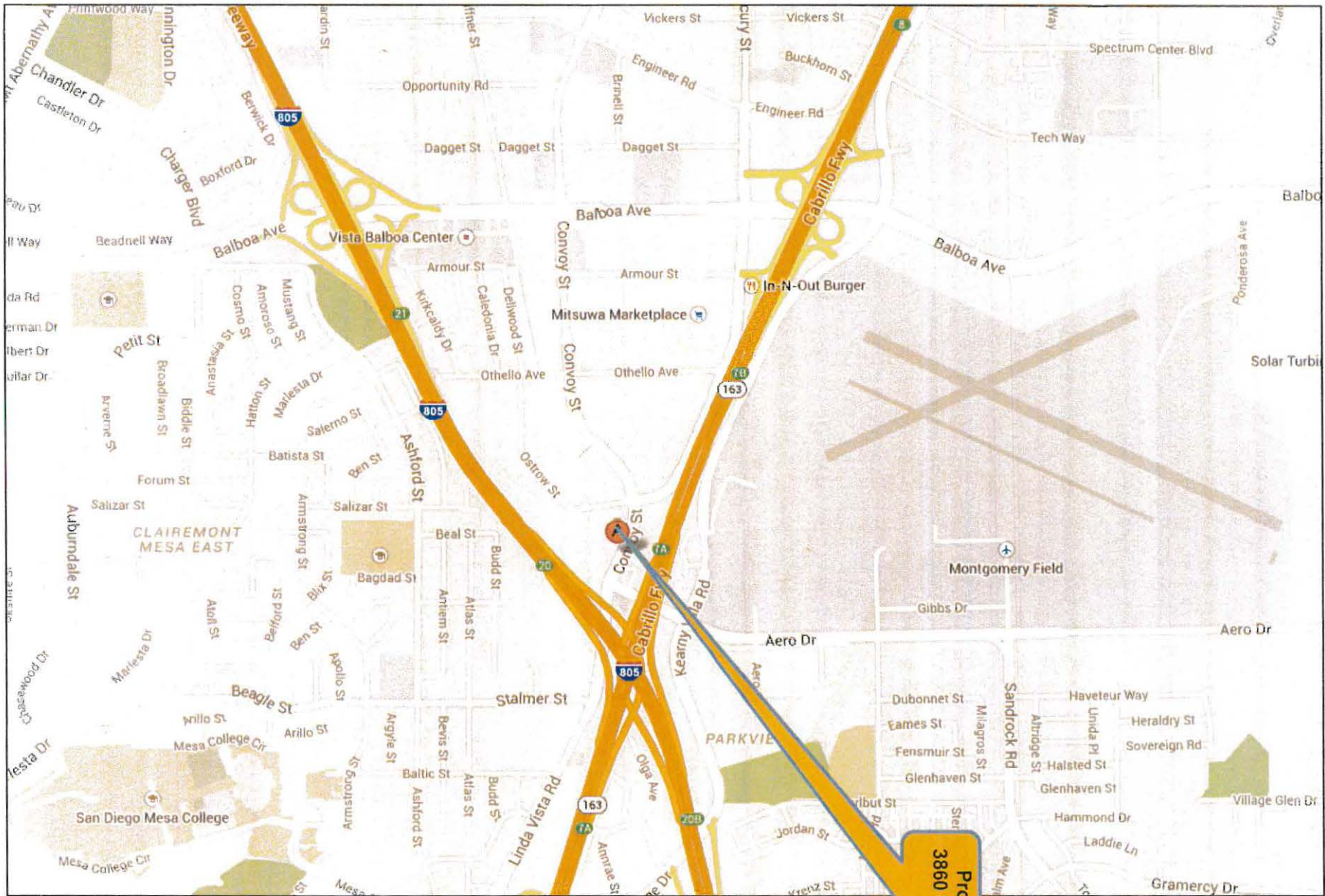


Community Land Use Map

Nijya Market CUP Project No. 385118
3860 Convoy Street #109

Project Site
3860 Convoy St.

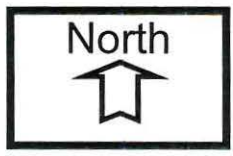




Project Site
3860 Convoy St.



Project Location Map
Niiya Market CUP Project No. 385118
 3860 Convoy Street #109



PROJECT DATA SHEET

PROJECT NAME:	Nijiya Market CUP	
PROJECT DESCRIPTION:	Conditional Use Permit to allow the sales of beer and wine in accordance with a Type 20 liquor license within a market on a site developed other retail and eating establishments	
COMMUNITY PLAN AREA:	Kearny Mesa	
DISCRETIONARY ACTIONS:	Conditional Use Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	Commercial Use	
<u>ZONING INFORMATION:</u>		
ZONE: CC-1-3		
HEIGHT LIMIT: 45 feet		
LOT SIZE: 3.45-acres.		
FLOOR AREA RATIO: 0.75		
FRONT SETBACK: none		
SIDE SETBACK: 10 feet		
STREETSIDE SETBACK: none		
REAR SETBACK: Applies according to SDMC section 131.0543(c)		
PARKING: In accordance with Ch. 14, Art. 2, Div. 5		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Commercial/CC-1-3	Retail/dining
SOUTH:	Commercial/IL-2-1	Light Industrial
EAST:	Commercial/CC-1-3	Restaurant/offices/Retail
WEST:	Industrial/IL-2-1	Light Industrial
DEVIATIONS OR VARIANCES REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On October 15, 2014, Kearny Mesa Planning Group voted 8-0-0 to recommend approval of the project with no conditions.	

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: 24005022

CONDITIONAL USE PERMIT NO. 1351849
NIJIYA MARKET CUP PROJECT NO. 385118
HEARING OFFICER

This Conditional Use Permit No. 1351849 is granted by the Hearing Officer of the City of San Diego to SUNRISE PLAZA, LLC, Owner, and JINON CORP., DBA: NIJIYA MARKET, Permittee, pursuant to San Diego Municipal Code [SDMC] section section 141.0502 and 126.0303. The 3.45-acre site is located at 3860 Convoy Street, Suite 109 in the CC-1-3 zone of the Kearny Mesa Community Plan Area. The project site is legally described as: Lot 2 of Kearny Mesa-Dunn Business Park Unit No. 1, Map 8732;

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 an existing 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" of Conditional Use Permit No. 1351849] dated December 17, 2014, 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 9:00 a.m. and 9:00 p.m. 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 January 2, 2018.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on January 2, 2035. 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 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 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/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" conditions(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.

PLANNING/DESIGN REQUIREMENTS:

12. No fewer 214 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," dated December 17, 2014, on file in the office of Development Services Department. Parking spaces shall comply at all times with requirements of the Land Development Code and shall not be converted for any other use unless otherwise authorized by the City Manager.

13. All signs associated with this development shall be consistent with sign criteria established by the City-wide sign regulations.
14. 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.
15. 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.
16. The permittee shall post and maintain a professional quality sign facing the premises parking lot 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.
17. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the permittee shall be removed or painted over within 48 hours of being applied.
18. There shall be no amusement machines or video game devices on the premises at any time.
19. 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.
20. The owner or 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.

ENGINEERING REQUIREMENTS

21. Prior to the issuance of any construction permit, the Owner/Permittee shall assure by permit and bond the replacement of the existing driveway, with City standard driveway adjacent to the site on Convoy Street, per Standard Drawings SDG-159, satisfactory to the City Engineer.

POLICE DEPARTMENT REQUIREMENTS:

22. There shall be no exterior advertising or signs of any kind indicating the availability of alcohol beverages. Interior displays of alcoholic beverages or signs shall not be visible from the exterior.

LANDSCAPING REQUIREMENTS:

23. Prior to issuance of any construction permit for right-of-way improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40 sq-ft area around each tree which is unencumbered by utilities.

Tree quantities and locations shall be in substantial conformance with the approved Exhibit 'A,' Site Plan. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

24. The Owner/Permittee shall be responsible for the maintenance of all existing and proposed landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

25. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Final Inspection.

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.
- 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 December 17, 2014.

Permit Type/PTS Approval No.: CUP No. 1351849
Date of Approval: December 17, 2014

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 _____
SUNRISE PLAZA, LLC

Permittee

By _____
JINON CORP., DBA: NIJIYA

MARKET

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

HEARING OFFICER
RESOLUTION NO. XXXXXX
CONDITIONAL USE PERMIT NO. 1351849
NIJIYA MARKET CUP PROJECT NO. 385118

WHEREAS, SUNRISE PLAZA, LLC, Owner and JINON CORP., DBA: NIJIYA MARKET 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 (as described in and by reference to the approved Exhibits "A" dated December 17, 2014), on portions of a 3.45-acre site;

WHEREAS, the project site is located at 3860 Convoy Street, Suite 109 in the CC-1-3 zone of the Kearny Mesa Community Plan Area;

WHEREAS, the project site is legally described as: Lot 2 of Kearny Mesa-Dunn Business Park Unit No. 1, Map 8732;

WHEREAS, on November 25, 2014 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;

WHEREAS, on December 17, 2014, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1351849 pursuant to the Land Development Code of the City of San Diego;

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 December 17, 2014.

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 off-site sales of beer and wine within an existing market. The site is located at 3860 Convoy Street, Suite 109 in the CC-1-3 zone of the Kearny Mesa Community Plan Area.

The site is designated General Commercial within the Kearny Mesa Community Plan which is primarily located within western Kearny Mesa between I-805 and SR-163 along the Clairemont Mesa Boulevard, Convoy Street and, Balboa Avenue corridors. These areas are developed with a mixture of uses, including automobile sales and repair centers, restaurants, fast food outlets, and furniture stores. The Kearny Mesa Community Plan does not specifically speak to the sales of beer and wine within a market. However, a goal of the General Commercial designation is to allow a broad array of uses, including

commercial uses (i.e. retail and office) and industrial uses. Additionally, the community plan envisions opportunities for commercial uses that serve commuters traversing Kearny Mesa. Currently general commercial retail and restaurants surround the site. The site was previously developed as a strip mall to support an array of retail businesses. The mall currently contains restaurants, spa, dentist office, and a market.

The proposed use, the sales of beer and wine within a market, implements a recommendation of the Community Plan encouraging a broad array of uses. 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 off-site sales of beer and wine within an existing market. The site is located at 3860 Convoy Street, Suite 109 in the CC-1-3 zone of the Kearny Mesa Community Plan Area.

City staff has reviewed the subject project and determined a Conditional Use Permit is required for the following reasons:

1. The project 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 site is within census tract 85.11. Statistics provided by the San Diego Police Department for Federal Census Tract No. 85.11 show the area to be 418 percent of the citywide average.
2. The project is within a census tract, or within 600 feet of a census tract, where the ratio of alcohol beverage outlets exceeds the standards established by California Business and Professional Code section 23958.4. Census Tract No. 85.11 allows up to 1 alcoholic beverage outlets, and 28 currently exist in the census tract.

The proposed off-site sales of beer and wine is a small component of the market and is not the principal sales product. The products sold at the convenience store vary in diversity and will serve mostly pedestrian traffic. The sale of beer and wine as conditioned by the Conditional Use Permit ensures that the sales of alcoholic beverages is maintained as an incidental part of the market. Conditions within the permit include restrictions to hours which beer and wine can be sold, restrictions for adequate signs to restrict loitering, and provisions to maintain the property in a neat and orderly fashion. The project was determined to be exempt from the California Environmental Quality Act (CEQA) 15301 (Existing facilities).

All Police Department recommendations have been added to the draft permit as conditions. The San Diego Police Department's Vice Unit will work with the applicant and the Department of Alcoholic Beverage Control (ABC) to place additional conditions on the alcohol license to minimize the law enforcement concerns, if necessary. Therefore, the proposed development would not be detrimental to the public health, safety and welfare. The SDPD has determined that the proposed off-site sales of beer and wine at the proposed site would 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 off-site sales of beer and wine within an existing market. The site is located at 3860 Convoy Street, Suite 109 in the CC-1-3 zone of the Kearny Mesa Community Plan Area.

The site is designated for General Commercial within the Kearny Mesa Community Plan which in general, recommends broad array of uses. The proposed sales of alcoholic beverages within a 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 SDPD has reviewed the project and supports the project with conditions. 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 off-site sales of beer and wine within an existing market. The site is located at 3860 Convoy Street, Suite 109 in the CC-1-3 zone of the Kearny Mesa Community Plan Area.

The proposed use (sales of beer and wine as an accessory use to a market) is consistent with the existing commercial use of the property and implements the General Commercial land use designation of the Community Plan. The market is not located near a park, church, or school. The owner currently has an existing Type 20 ABC license which is part of the active 28 licenses in census tract 85.11. Conditional Use Permit No. 9655 was approved by the Hearing Office on May 28, 2003 for the sales of beer and wine at the subject site for ten years. The owner submitted the current application to extend the sales of beer and wine for an additional 20 years.

The proposed off-site sales of beer and wine is a component of the market and is not the principal sales product. The sale of beer and wine as conditioned by the Conditional Use Permit ensures that the sales of alcoholic beverages is maintained as an incidental part of the market. The permit prepared for this project includes various conditions which include restrictions to hours of operations and signage.

The proposed use is located within an existing strip mall consisting of restaurants, dentist office and markets. The proposed use is appropriate at this location due to the proximity location to other alcohol beverage outlets and the fact the site is not located near schools or public parks in the area. 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. 1351849 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. 1351849, a copy of which is attached hereto and made a part hereof.



William Zounes
Development Project Manager
Development Services

Adopted on: December 17, 2014

Job Order No. 24005022

DOC

8432

JUN 2

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
DEPARTMENT

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY J. SMITH, COUNTY RECORDER
FEES: 27.00

WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501



SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-1181

CONDITIONAL USE PERMIT
ALCOHOL BEVERAGE OUTLET
NIJIYA MARKET - PROJECT NO. 5791
APPROVAL NO. 9655
HEARING OFFICER

This Conditional Use Permit is granted by the Hearing Officer of the City of San Diego to SUNRISE ASSOCIATES, THOMAS ARMSTRONG, Manager, Owner/Permittee, and JINON CORPORATION, A CALIFORNIA CORPORATION, DBA NIJIYA MARKET, Lessee/Tenant; pursuant to Section 141.0502 of the Land Development Code of the City of San Diego. The 3.45-acre site is located at 3860 Convoy Street, Suite 109 in the CC-1-3 (Community-Commercial) Zone of the Kearny Mesa Community Plan. The project site is legally described as Lot 2 of Kearny Mesa-Dunn Business Park Unit No. 1, Map 8732.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee to establish and maintain an Alcoholic Beverage Outlet described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated May 28, 2003, on file in the Office of the Development Services Department. The facility shall include:

- a. An existing 11,200 square-foot market containing an Alcoholic Beverage Outlet and located in Suite 109 within an existing 44,264 square-foot, one-story, shopping center on a developed 3.45-acre site;
- b. Existing landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking facilities; and
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this permit, and any other applicable regulations of the Municipal Code in effect for this site.

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1. No permit for the operation of this facility or improvement described herein shall be granted, nor shall any activity authorized by this permit be conducted on the premises until:
 - a. The 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.
2. Unless this permit has been revoked by the City of San Diego the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.
3. This permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.
4. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.
5. Issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.)
6. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is obtaining as a result of this Permit. It is the intent of the City that the Owner of the property which is the subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the Permit.

In the event that 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 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.
7. This Conditional Use Permit and corresponding use of this site as an Alcoholic Beverage Outlet shall expire on May 28, 2013. Upon expiration of this permit, the facilities and improvements described herein shall cease to operate as an Alcoholic Beverage Outlet.

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8. Prior to the expiration date of this Conditional Use Permit, the Owner/Permittee may submit a new Conditional Use Permit application to the City Manager for consideration with review and a decision by the appropriate decision maker at that time.

9. The utilization of this Conditional Use Permit is contingent upon the subsequent approval, by the State of California Alcohol Beverage Control Board (ABC) of a license to sell alcoholic beverages at this location. The issuance of the Conditional Use Permit does not guarantee the granting of a license by the ABC to sell alcoholic beverages at this location.

POLICE RELATED REQUIREMENTS:

10. The sale of alcohol is permitted only between the hours of 9:00 a.m. and 9:00 p.m.

11. No exterior advertising of alcoholic beverages or interior advertising of alcoholic beverages that are visible from the exterior of the premises shall be permitted.

PLANNING/DESIGN REQUIREMENTS:

12. No fewer than 214 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibits "A," dated May 28, 2003, on file in the office of Development Services Department. Parking spaces shall comply at all times with requirements of the Land Development Code and shall not be converted for any other use unless otherwise authorized by the City Manager.

13. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

14. Within ten days of final City action/approval, the owner or operator shall post a copy of this Conditional Use Permit within the licensed premises in a prominent location where it may be readily viewed by any member of the general public or any member of a government agency.

15. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

INFORMATION ONLY

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within 90 days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code 66020.

APPROVED by the Hearing Officer of the City of San Diego on May 28, 2003

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ALL-PURPOSE CERTIFICATE

Type/PTS Approval Number of Document CUP/9655
Date of Approval May 28, 2003

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

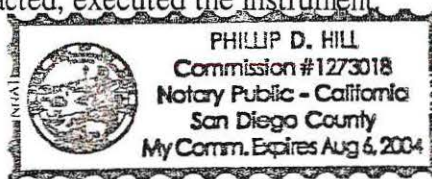
[Signature]
WILLIAM C. TRIPP, Development Project Manager

On June 17, 2003 before me, Phillip D. Hill, (Notary public), personally appeared WILLIAM C. TRIPP, Development Project Manager of the Development Services Department of the City of San Diego, personally known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in (his/her/their) capacity(ies), and that by (his/her/their) signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

[Signature]
Phillip D. Hill



ALL-PURPOSE CERTIFICATE

OWNER(S)/PERMITTEE(S) SIGNATURE/NOTARIZATION:

THE UNDERSIGNED OWNER(S)/PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF OWNER(S)/PERMITTEE(S) THEREUNDER.

Signed

[Signature]

Signed

Typed Name

THOMAS K. ARMSTRONG

Typed Name

STATE OF

California Sunrise Associates & Jinon Corporation

COUNTY OF

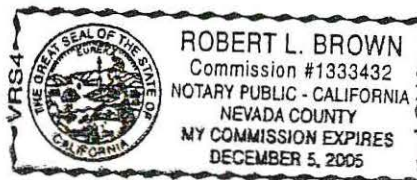
NEVADA

On Jun 4, 2003 before me, ROBERT L. BROWN (Name of Notary Public) personally appeared Thomas K. ARMSTRONG, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

[Signature]



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HEARING OFFICER RESOLUTION NO. D-4361
CONDITIONAL USE PERMIT
ALCOHOL BEVERAGE OUTLET
NIJIYA MARKET - PROJECT NO. 5791
APPROVAL NO. 9655

WHEREAS, SUNRISE ASSOCIATES, THOMAS ARMSTRONG, Manager, Owner/Permittee, and JINON CORPORATION, A CALIFORNIA CORPORATION, DBA NIJIYA MARKET, Lessee/Tenant, filed an application with the City of San Diego for a permit to establish and maintain an Alcoholic Beverage Outlet (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 9655), on portions of a 3.45-acre site;

WHEREAS, the project site is located at 3860 Convoy Street, Suite 109, in the CC-1-3 Zone (Commercial-Community) of the Kearny Mesa Community Plan;

WHEREAS, the project site is legally described as Lot 2 of Kearny Mesa-Dunn Business Park Unit No. 1, Map 8732;

WHEREAS, on May 28, 2003, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 9655 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

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

That the Hearing Officer adopts the following written Findings, dated May 28, 2003.

Conditional Use Permit - Municipal Code Section 126.0305

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

Staff has reviewed this project for conformity with the Kearny Mesa Community Plan and has determined the proposed use involves the transfer of an existing Type 20 Off-Sale Beer and Wine license from one location to another within an existing established shopping center within an urbanized community. The current zoning of the property, CC-1-3 (Community-Commercial) permits the retail sale of food, beverages and groceries, and the conditional retail sales of alcoholic beverages within an existing market is consistent with this provision.

Staff has also determined the proposal is consistent with the Kearny Mesa Community Plan land use designation of this area for general commercial use. Therefore, staff has determined the proposed utilization of a portion of the existing market within the existing shopping center for

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conditional use as an alcoholic beverage outlet will not adversely affect the applicable land use plan.

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

Conditions have been included in the draft permit to address issues related to the hours of sale of alcoholic beverages and advertising of alcoholic beverages on the premises. In addition, an expiration date has been attached to the CUP which allows a maximum duration of ten years for the alcoholic beverage outlet. Based on current LDC regulations, any extension of this time limitation will likely require an amendment of this permit including discretionary review, police department recommendation and a noticed public hearing. Therefore, staff concludes the proposed utilization of a portion of the existing market within the existing shopping center for conditional use as an alcoholic beverage outlet will not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code.

Staff has concluded the proposed utilization of a portion of the existing market within the existing shopping center for conditional use as an alcoholic beverage outlet will not be detrimental to the public health, safety, and welfare. The Applicant is moving the existing business to another suite within the same complex to accommodate an expansion. The Police Department does not oppose this application as no new licenses are being created, and has determined the "public convenience and necessity" will be served by issuance of the license. Conditions have been added to the permit which require the project to comply with applicable laws, ordinances and regulations pertaining to the operation of alcoholic beverage outlets. A site visit to the premises indicates that the use will be accessory to the existing market and no potential detrimental impacts are anticipated.

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

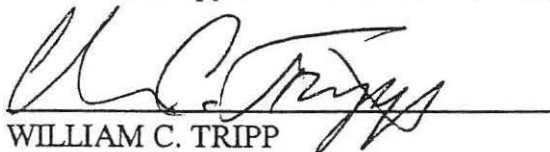
The establishment and operation of an alcoholic beverage outlet to allow for the off-sale beer and wine is determined to be a common accessory use of the premises for a market. The accessory use will not alter the method of operation or the primary use of the premises and is not anticipated to have a detrimental impact on the subject or surrounding properties. The market has been located in another suite within the shopping center since 1987 and has relocated to a larger location within the existing shopping center. No other physical changes are occurring and the relocation of the ABC license will not result in additional over concentration of licenses nor in additional licenses being issued. The Police Department has issued an acknowledgment that issuance of the ABC license at the proposed location will be consistent with "the public convenience and necessity". Therefore, considering this information, it has been determined that

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the propose 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. 9655 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. 9655, a copy of which is attached hereto and made a part hereof.



WILLIAM C. TRIPP
Development Project Manager
Development Services

Adopted on: May 28, 2003

Job Order No. 42-1181

cc: Legislative Recorder, Planning Department

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

Community Planning
Committee
Distribution Form Part 2

Project Name: Nijjya Market CUP	Project Number: 385118	Distribution Date: 9/17/2014
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Project Scope/Location:
KEARNY MESA Conditional Use Permit (Process 3) for off site consumption sale of alcoholic beverages in an existing market located at 3860 Convoy Street, Ste 109. The 3.45 acre site is in the CC-1-3 zone within the Kearny Mesa Community Plan area. CUP 9655. Council District 6.

Applicant Name: Chris Trulove	Applicant Phone Number: (909) 336-9768
---	--

Project Manager: Teasley, Sandra	Phone Number: (619) 446-5271	Fax Number: (619) 446-5245	E-mail Address: STeasley@sandiego.gov
--	--	--------------------------------------	---

Committee Recommendations (To be completed for Initial Review):

<input checked="" type="checkbox"/> Vote to Approve	Members Yes 8	Members No 0	Members Abstain 0
<input type="checkbox"/> Vote to Approve With Conditions Listed Below	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Deny	Members Yes	Members No	Members Abstain
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			<input type="checkbox"/> Continued

CONDITIONS: NONE

NAME: JEFFREY SAIEN	TITLE: CHAIR KMPCG
SIGNATURE: [Signature]	DATE: 10-15-14

Attach Additional Pages If Necessary.

Please return to:
Project Management Division
City of San Diego
Development Services Department
1222 First Avenue, MS 302
San Diego, CA 92101

Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services.
Upon request, this information is available in alternative formats for persons with disabilities.



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

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

Nijiya Market - Off Site Sales Beer and Wine -

Project Address:

3860 Convoy Street Suite 109, San Diego, CA 92111-3738

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):
 Moon Hyun K Bae
 Owner Tenant/Lessee Redevelopment Agency

Street Address:
 2315 Darington Row
 City/State/Zip:
 La Jolla, CA 92037-0929

Phone No: _____ Fax No: _____

Signature: _____ Date: 04-2014

Name of Individual (type or print):

 Owner Tenant/Lessee Redevelopment Agency

Street Address:

 City/State/Zip:

Phone No: _____ Fax No: _____

Signature: _____ Date: _____

Name of Individual (type or print):
 Alfred Blau Kensor
 Owner Tenant/Lessee Redevelopment Agency

Street Address:
 3860 Convoy ST, Suite #109
 City/State/Zip:
 San Diego, CA 92111

Phone No: 310-787-4800 Fax No: 310-787-3399

Signature: _____ Date: _____

Name of Individual (type or print):

 Owner Tenant/Lessee Redevelopment Agency

Street Address:

 City/State/Zip:

Phone No: _____ Fax No: _____

Signature: _____ Date: _____

Project Title: Nijiya Market - Off Site Sales Beer and Wine -

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

Legal Status (please check):

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

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

Corporate/Partnership Name (type or print): Sunrise Plaza LLC
[X] Owner [] Tenant/Lessee
Street Address: 2315 Darlington Row
City/State/Zip: La Jolla, CA 92037-4266
Phone No: Fax No:

Name of Corporate Officer/Partner (type or print): Mool Hyeok BAE
Title (type or print):

Signature: [Signature] Date: 6/4/2014

Corporate/Partnership Name (type or print): Jinon Corp., DBA: Nijiya Market
[] Owner [X] Tenant/Lessee
Street Address: 3860 Convoy St., Suite 109
City/State/Zip: San Diego, CA 92111
Phone No: 310-787-4800 Fax No:

Name of Corporate Officer/Partner (type or print): ALFRED S. BLANCKENSEE
Title (type or print): PRESIDENT

Signature: [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:

**Project Chronology
Nijiya Market CUP
Project No. 385118**

Date	Action	Description	City Review Time	Applicant Response
9/17/14	First Submittal	Project Deemed Complete and distributed		
11/4/14	First Submittal Assessment Letter out		61 days	
12/17/14	Hearing Officer Hearing		43 days	
TOTAL STAFF TIME**			3 month 14 days	
TOTAL APPLICANT TIME**				months days
TOTAL PROJECT RUNNING TIME**		From Deemed Complete to HO Hearing	3 months 14 days	

**Based on 30 days equals to one month.

SAN DIEGO POLICE DEPARTMENT CONDITIONAL USE PERMIT RECOMMENDATION

PREMISE ADDRESS: 3860 Convoy Street #109

TYPE OF BUSINESS: Nijiya Market

FEDERAL CENSUS TRACT: 85.11

NUMBER OF ALCOHOL LICENSES ALLOWED: 1

NUMBER OF ALCOHOL LICENSES EXISTING: 28

CRIME RATE IN THIS CENSUS TRACT: 418.0%
(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: Census Tract 85.11 has (28) twenty eight active Off-Sale alcohol licenses and only one is allowed. The business currently has a current ABC license (20-397276), which is part of the active 28 licenses in the census track. There are (5) five active alcohol licenses within the strip mall of this location. Four (4) of them are On-Sale restaurants. Census tract 85.11 has a reported crime rate of 418.0%. There were (23) twenty three calls for police services and (5) five crime cases to this address (Strip Mall).

San Diego Police Department supports approving the CUP with the following conditions.

SUGGESTED CONDITIONS: If the CUP is approved, the Department respectfully requests the existing ABC conditions, listed below.

1. The sales and service of alcohol beverages shall be permitted only between the hours of 9:00 AM and 9:00 PM every day of the week.
2. There shall be no exterior advertising or signs of any kind indicating the availability of alcohol beverages. Interior displays of alcoholic beverages or signs shall not be visible from the exterior.

SAN DIEGO POLICE DEPARTMENT RECOMMENDATION:

APPROVE X

DENY _____

ROBERTO A. CASILLO

Name of SDPD Vice Sergeant (Print)

619-531-2349

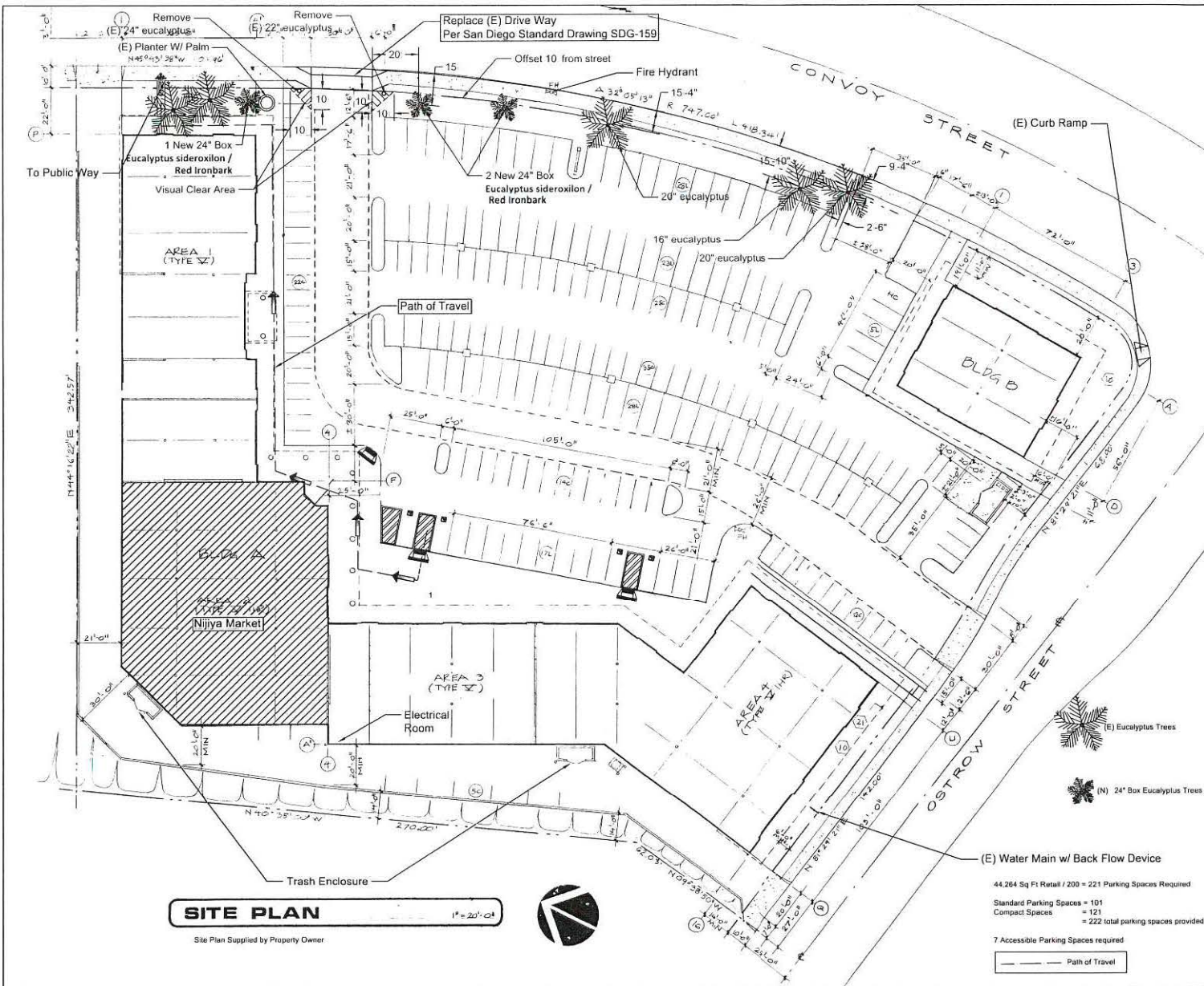
Telephone Number

[Signature] #5391

Signature of SDPD Vice Sergeant

11-6-14

Date of Review



- Legal Description
Lot 2 of Kearny Mesa-Dunn Business Park Unit No. 1, in the City of San Diego, State of California According To The Map Thereof No. 8732, Files in the office of the County Recorder of San Diego County December 6, 1977
- Jurisdiction San Diego, CA
- City Zoning (District) Kearny Mesa-Dunn
- Zone and Zone Overlay Zones CC-1-3
- Airport Influence Area: MCAS Miramar Montgomery Field
- Assessors Parcel # 356-360-0600
- Construction Date = Effective Year 1984
- Existing Easements = None
- Geographic Hazard Category 52
- Description = Sunrise Town Center
- Site
Gross Site Area 150,456 Sq. Ft. 3.45 Acres
Total Building Area 44,264 Sq. Ft.
Store Area Suite 109 = 11,850 Sq Ft
- Project Description
Existing Nijiya Market - a grocery store
Proposed Nijiya Market - a grocery store
No Change in Use or Occupant
- Scope of Work
Renew / Acquire a Conditional Use Permit for an Alcohol Beverage outlet for an existing Grocery Store

Minimum Tree Separation Distance table

Improvement / Minimum Distance to Street Tree
Traffic signals (stop sign) - 20 feet
Underground utility lines (except sewer) - 5 feet
Sewer - 10 feet
Above ground utility structures - 10 feet
Driveways - 10 feet
Intersections:
(intersecting curb lines of two streets) - 25 feet

Note:
All required landscape as shown on these plans shall be maintained by CAM Commercial Properties in a disease, weed, and litter free condition at all times consistent with the City of San Diego Landscape Regulations and Standards."

CONDITIONS

Store Hours
9:00 AM to 10:00 PM 7 days per week
Beer and Wine Sales
9:00 AM to 9:00 PM 7 days per week

(E) Eucalyptus Trees
(N) 24" Box Eucalyptus Trees

(E) Water Main w/ Back Flow Device

Market Cooling Inc. California Contractor License # 937744 B. COB. C38, C38 Expires 06/30/2013
MARKET COOLING INC 15607 FALLENHOLM LN. CHINO HILLS, CA 91706 (909) 211-6666
Nijiya Market 3860 Convoy St. # 109 San Diego, CA 92111
SITE PLAN
A0.0 Page 2 of 3

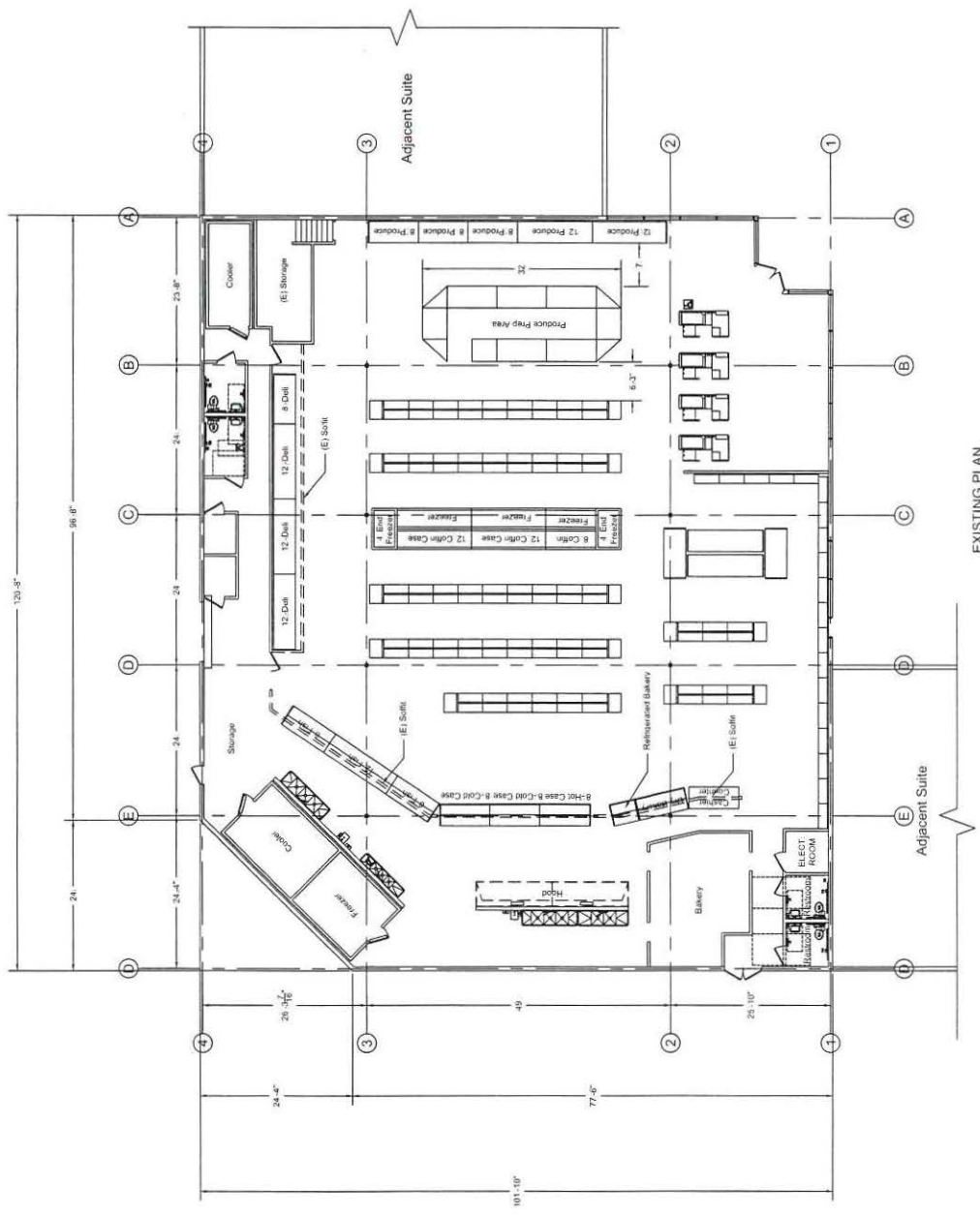
A1.0
Page 3 of 3

Existing Plan

Niyya Market
3860 Conroy St. #109
San Diego, CA 92111

MARKET COOLING INC
15007 FLEENOR LN
CHINO HILLS, CA 91709
909-217-0665

Market Coolings Inc
California Contractor License # 53744
B C20 C33 C38
Expires 09/30/2013



EXISTING PLAN
1/8" = 1'-0"