

### **REPORT TO THE HEARING OFFICER**

HEARING DATE:	May 20, 2015	REPORT NO. HO 15-062
ATTENTION:	Hearing Officer	
SUBJECT:	7-11 Convenience Store - Project No	o. 392586
LOCATION:	2576 Clairemont Drive	
APPLICANT:	William Adams	

#### SUMMARY

<u>Issue(s)</u>: 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 a proposed convenience store in the Clairemont Community Plan area?

Staff Recommendation - APPROVE Conditional Use Permit No. 1370673.

<u>Community Planning Group Recommendation</u> - On February 17, 2015, the Clairemont Community Planning Group recommended approval of the project by a vote of 8-2-0 with conditions (Attachment 7). Reference the Discussion section of this report.

<u>Environmental Review</u> - The proposed activity is exempt from California Environmental Quality Act (CEQA) pursuant to Section 15061 (b) (General Rule) of the State CEQA Guidelines. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on January 12, 2015, and the opportunity to appeal that determination ended on January 27, 2015.

#### BACKGROUND

The project proposes a Conditional Use Permit alcohol beverage outlet for a Type 20 liquor license to allow the sales of beer and wine within a proposed 2,310- square-foot convenience on a site currently under construction, located at 2576 Clairemont Drive within the CC-1-3 zone of the Clairemont Mesa Community Planning area. The proposed development includes a car wash. Surrounding the site are commercial, residential, and light industrial uses. On October 14, 2009, the Hearing Officer approved a similar project however, the Conditional Use Permit was never utilized and expired.

#### DISCUSSION

The project proposes a Conditional Use Permit for a Type 20 liquor license. Sales of alcohol will be limited to the period between 8:00 a.m. and 11:00 p.m. each day of the week. The Conditional Use Permit includes a 20 year expiration.

The pending Alcohol Beverage Control (ABC) license (Type 20) is defined as "off sales" which would require retail sales of alcohol sold at the market to be consumed off the premises. Alcoholic beverage outlets are permitted by right as a "Limited Use" pursuant to SDMC section 141.0502(b) of the Land Development Code (LDC). A limited Use may be permitted by right in the zone if the alcohol beverage outlet meets all of the development regulations and location criteria of a separately regulated use. Alcoholic beverage outlets that do not comply with the location criteria of this section may still be permitted with a Conditional Use Permit pursuant to SCMC section 141.0502(c).

Section 141.0502(b) determines when the limited 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 limited 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 section 23958.4
- Within a Redevelopment Area
- Within 600 feet of a public or private accredited school, a public park, playground or recreational area, a church, hospital or a San Diego County Welfare District Office
- Within 100 feet of residentially zoned property

A Conditional Use Permit is required for the subject project because the property is located within 100 feet of residentially zoned properties and within 600 feet of a church. The San Diego Police Department (SDPD) has recommended approval of the requested Conditional Use Permit to allow the sale of alcohol of off-site consumption at this location. The property is not located within or adjacent to a census track that exceeds the standards established by California Business and Professional Code section 23958.4, nor where the general crime rate exceeds the citywide average general crime rate by more than 20 percent. As such, the San Diego Police Department does not need to make a finding of Public Convenience or Necessity.

#### Community Planning Group Vote

On February 17, 2015, the Clairemont Community Planning Group recommended approval of the project by a vote of 8-2-0 with conditions (Attachment 9). The conditions state the following:

- 1. Limit the sale quantities in single units with alcohol contents no greater than 15 percent.
- 2. Fortified wine is not allowed.
- 3. Exterior signage visibly advertising alcohol from the exterior of the building is not allowed.
- 4. Alcohol sales are not allowed after midnight.

The San Diego Police Department has provided conditions of approval for the project which include the items1through 3 above. The applicant is in agreement with item number 3.

#### CONCLUSION

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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. 1370673, with modifications or;

2. **Deny** Conditional Use Permit No. 1370673, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Francisco Mendoza

Francisco Mendoza Development Project Manager

Attachments:

- 1. Aerial Photograph
- 2. Community Plan Land Use Map
- 3. Project Location Map
- 4. Draft Permit with Conditions
- 5. Draft Resolution with Findings
- 6. Community Planning Group Recommendation

- 7.
- 8.
- Ownership Disclosure Statement SDPD Conditional Use Permit Recommendation Notice of Right to Appeal Environmental Exemption Project Plans 9.
- 10.



ATTACHMENT 1

7-11 CONVENIENCE STORE – 2576 CLAIREMONT DRIVE PROJECT NO. 392586

#### **ATTACHMENT 2**



**PROJECT NO. 392586** 

DRIVE

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**PROJECT NO. 392586** 

ATTACHMENT 3

RECORDING REQUESTED BY CITY OF SAN DIEGO DEVELOPMENT SERVICES PERMIT INTAKE, MAIL STATION 501

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WHEN RECORDED MAIL TO PROJECT MANAGEMENT PERMIT CLERK MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

#### INTERNAL ORDER NUMBER: 24005198

#### CONDITIONAL USE PERMIT NO. 1370673 7-11 CONVENIENCE STORE - PROJECT NO. 392586 HEARING OFFICER

This Conditional Use Permit No. 1370673 is granted by the Hearing Officer of the City of San Diego to SUNSHINE FINANCE CORPORATION AND GNC EXPRESS PARTNERS, L.P. Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 141.0502. The 25,210-square-foot site is located at 2576 Clairemont Drive in the CC-1-3 zone of the Clairemont Mesa Community Plan area. The project site is legally described as: Lot 3 of Clairemont Subdivision Map No. 6155.

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 with restaurant 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. 1370673] dated May 20, 2015, on file in the Development Services Department.

The project shall include:

- a. Operation of an alcoholic beverage outlet for the sales of beer and wine for off-site consumption within a proposed convenience store conditioned upon the issuance of a Type 20 license from the State Department of Alcoholic Beverage Control;
- b. Sales, service, and consumption of alcoholic beverage shall be permitted between the hours of 8:00 a.m. and 11:00 p.m. each day of the week.

#### **STANDARD REQUIREMENTS:**

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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 June 5, 2018.

2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on June 5, 2038.

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. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

11. All of the conditions contained in this Permit have been considered and were determinednecessary 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.

12. 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 REQUIREMENTS:

13. 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.

14. Sign area pertaining to or referencing alcoholic sales or beverages shall not exceed 630 square inches.

15. A maximum of 33 percent of the square footage of the windows and doors of the premises may bear advertising or signs of any sort, and all advertising and signs shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the outlet.

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

17. 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.

18. 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.

#### **POLICE DEPARTMENT REQUIREMENTS:**

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19. Beer, malt beverages or wine coolers products, regardless of container size, must be sold in manufacturer's pre-packaged, multi-uniit quantities of 3 or greater (No single items).

20. Wine shall not be sold in bottles or containers smaller than 750 ml 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.

21. The petitioner(s) shall post and maintain a professional quality sign facing the premises parking lot(s) that read 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 in Spanish.

22. 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.

23. There shall be no amusement machines or video game devices on the premises at any time.

24. No pay telephone will be maintained on the interior or exterior of the premises.

25. Proper illumination will be maintained in the parking lot.

26. Video surveillance system that monitors, records and stores for a minimum of 15 days, the interior, exterior and parking lot are in control of Hazard Automart and is readily accessible to law enforcement.

27. No more than 15 percent of the floor spaces shall be allocated for the display of alcohol.

#### **INFORMATION ONLY:**

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- 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 the City of San Diego on May 20, 2015.

#### **ATTACHMENT 4**

Permit Type/PTS Approval No.CUP No. 137063 Date of Approval: May 20, 2015

## AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Francisco Mendoza Development Project Manager

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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 \_\_\_\_\_ GNC EXPRESS PARTNERS, L.P.

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

#### HEARING OFFICER RESOLUTION NO. CONDITIONAL USE PERMIT NO. 1370673 7-11 CONVENIENCE STORE - PROJECT NO. 392586

WHEREAS, SUNSHINE FINANCE CORPORTATION AND GNC EXPRESS PARTNERS, L.P. Owner/Permittee, filed an application with the City of San Diego for a Conditional Use Permit to allow the sales of beer and wine within a proposed convenience store (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1370673 on portions of a 25,210-square-foot site;

WHEREAS, the project site is located at 2576 Clairemont Drive in the CC-1-3 of the Clairemont Mesa Community Plan;

WHEREAS, the project site is legally described as Lot 3 of Clairemont Subdivision Map No. 6155;

WHEREAS, on May 20, 2015, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1370673 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on January 12, 2015, 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 15061 (b) 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 May 20, 2015

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 an alcohol beverage outlet to sell beer and wine through a Type 20 alcohol beverage license within a proposed 2,310-square-foot convenience store located at 2576 Clairemont Drive within the CC-1-3 zone of the Clairemont Mesa Community Plan.

The site is designated for commercial uses within the Clairemont Mesa Community Plan which allow commercial developments and related uses. The objectives of the of the Commercial Element of the community plan include the provision of commercial services to ensure the availability of adequate commercial facilities offering a variety of goods and services to meet the needs of the public.

The convenience store is consistent with the existing zoning and the Community Plan Land Use designation for this site. The Community Plan does not specifically address the sale of beer and wine at markets for off-site consumption. The sales of alcoholic beverages are permitted by the Municipal Code

as a limited use by right if consistent with the regulations or, through the approval of a Conditional Use Permit. The request for a Type 20 ABC License limited to beer and wine for off-site consumption within the proposed convenience store would not adversely impact the land use goals and recommendations in the applicable land use plan.

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

The permit controlling the development and continued use of the development for this site contains conditions addressing the project compliance with the City's regulations and other regional, state and federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in this area. Conditions include restrictions on hours of operation, illumination to the parking lot, and limitations on the size and packaging of beer and wine. Additional permit conditions provide for signs to restrict loitering and provisions to maintain the property in a neat and orderly fashion. Therefore, the proposed development would not be detrimental to the public health, safety and welfare. All Building, Fire, Plumbing, Electrical, Mechanical Code and the City regulations governing the operation of the development have been applied to this site under ministerial Project No. 338992.

#### 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 proposed sale of alcohol, Type 20 ABC License limited to beer and wine for off-site consumption in the convenience store requires the approval of a Conditional Use Permit (CUP) pursuant to Section 141.0502(c) of the Land Development Code (LDC). Specific conditions of approval require compliance with all relevant regulations of the City of San Diego effective for this site and have been written as such into Conditional Use Permit No. 659823. The proposed project will be required to observe all relevant development regulations for the duration of the use, as described in the Conditional Use Permit. No deviations or variances are included with this Conditional Use Permit request. Therefore, the project 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 an alcohol beverage outlet to sell beer and wine through a Type 20 alcohol beverage license within a proposed 2,310-square-foot convenience store located at 2576 Clairemont Drive within the CC-1-3 zone of the Clairemont Mesa Community Plan. The site is designated for commercial uses within the Clairemont Mesa Community Plan which allow commercial developments and related uses. The objectives of the of the Commercial Element of the community plan include the provision of commercial services to ensure the availability of adequate commercial facilities offering a variety of goods and services to meet the needs of the public.

The sale of alcohol, Type 20 ABC License limited to beer and wine for off-site consumption at this convenience store will be permitted through a Conditional Use Permit to require compliance with all relevant regulations of the City of San Diego effective for this site. The alcohol license will be regulated by the California Department of Alcoholic Beverage Control and enforced by the City of San Diego. With specific conditions permitting the proposed use to sell alcohol, Type 20 ABC License limited to beer and wine for off-site consumption, 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. 1370673 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. 1370673, a copy of which is attached hereto and made a part hereof.

Francisco Mendoza Development Project Manager Development Services

Adopted on: May 20, 2015

SAP No. 24005198

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#### Item 7. Workshop Items

Per Jeff Barfield at our April Meeting the board needs to identify our sub-committees.

#### Item 8. Action Items

**301.** Request for a Conditional Use Permit to allow Beer and Wine Sales, 2576 Clairemont Drive, Project No. 392586 – continued item from January 20, 2015 - (William Adams, applicant) This is a request for approval of a previously approved, but expired CUP, to allow beer and wine sales in a 2,310 square foot convenience store. The property is 25,120 sq.ft. in area and zoned CC-1-3

Per Chair, Jeff, he spoke with Sandra Teasley, City Project Manager, to clarify what was being brought to the committee for our vote which he was told was only the application for the beer and wine sales. The site construction is already under plan check. We can't comment on the design.

William Adams, the attorney for 7/11, told the history of the site. The site was a victim of the recession. A CUP for beer and wine was approved in 2009 (CUP's expire in 36 months). 7/11 is back in as a tentative tenant. 7/11 prides itself on training and security. They have a rigorous alcohol sales training. Alcohol sales are about 14% of overall sales.

<u>Committee Comments/Questions:</u> Scott Wentworth - Q - Will you be selling singles? A - I would suggest you put that in your request.

Scott Wentworth – Q – What are the hours of operations? A - 24 hours operations; however liquor cannot be sold before 6 am or after 2am. Cutoffs of sales at midnights could be asked for.

Lynn Tilialii -Q - Will it be the new design? A – Not sure what the finishes will be.

Lynn Tilialii – Q - Could we ask for restrictions on signage? A - Yes (i.e., not visible from the street).

Troy Terpening - I would like to limit the scope of hours you can sell the alcohol. I think you should also put a cap on the alcohol by brew type.

Margie Schmidt -Q - Is there any visibility access from the street for the police or will they have to drive into the parking lot? A - I'm not sure. However, I think it is important.

Susan Mournian – Q - Is there a  $2^{nd}$  story in the plan? A – No.

Comments/Questions:

It would be a great to have a 24 hour store close by - all for it.

Time limitation from 2 am to 6 am most people recognize that; however, you would probably have more of a problem if you cut off at midnight. Limiting the alcohol content is more controllable.

Q - Is the 7/11 and car wash on the same property with doors on the car wash because of the transients? A - Yes.

Q - What will it do our property value? (No response given).

Transients are at 7/11's. I have worked with transients for 10 years. We don't need another convenience store.

7/11's are good neighbors - police use 7/11's for coffee and bathrooms because they are open late in the evening. There are transients everywhere and we shouldn't give them that much power over what we want in our neighborhoods.

A motion was made by Scott Wentworth to approve the beer sold only in multi sale quantities and wine in single units with alcohol contents no greater than 15% and no fortified wine. It was seconded by Margie Schmidt with additional stipulations of adding no exterior signage visibly advertising alcohol from the exterior of the building and that there be no alcohol sales after midnight.

Vote: 8 -2 -0 Approved - No - Susan Mournian and Keith Hartz

## **302: 2 Hour Time Limit Parking Proposal, East Side of Morena Blyd, between Kane St. and Jellet St.** (Jon Hannasch, City of San Diego)

The City of San Diego Transportation and Storm Water Department is reviewing a request by fronting property owners to implement a two hour time limit for parking. The City requests a CCPG recommendation on this proposal.

Jeff Barfield read the letter from Jon Hannasch, Associate Traffic Engineer. This letter is regarding the proposal to install two hour time limit parking on the east side of Morena Blvd. between Kale and Jellet Street. This section of Morena accommodates eight parking spaces on the east side of the street. The fronting property owners signed a petition with 70% in favor of the proposed two hour time limit parking.

#### Comments:

- Restaurant should have a 3 hour limit so you don't have to rush?
- I don't think 2 hours is long enough.
- City will only give 15 mins, 30 mins or 2 hours,
- Would that be a 24 hour restriction or just specific hours?

Motion was made by Scott Wentworth that we request a 3 hour, if allowed, and approve the 2 hour parking limit with the standard enforcement time. It was seconded by Debra Howell.

#### Vote: 10-0-0 Approved

#### **303.** Rose Creek and Pathway Bridge (Ann Van Leer, San Diego Bicycle Coalition)

Request by the San Diego Bicycle Coalition to prioritize the construction of the Rose Creek Bike Path Bridge as a CIP Project which would be located in the vicinity of the I-5/52 interchange, connecting Marian Bear Park and Rose Canyon to the beach, in accordance to trail planning underway by SANDAG.

Prior to Ann's presentations, Jeff Barfield read a letter from Brian Curry, Chair of the PB Planning Group to the City of San Diego Planning Department, asking the City to include the project in the capital improvements budget and to pursue completion of the project as soon as possible. The Rose Creek Coastal Connection is proposed where the two creeks come together at I-5 and 52. There needs to be focus on human safety to cross the railroad tracks legally. This project reflects the need to get safely around the watershed. There is difficulty accessing the Rose Creek bike path from Clairemont. They currently cross the railroad tracks and it is illegal and unsafe. This project is about finding a way to cross legally. There are 3 options: north bridge, center bridge and south bridge. All 3 options were evaluated and determination was made that the center bridge option was the best. Right now design plans have been done to about 95% of completion. They are putting together some architectural drawings to see how it is going to look. It will be about 200 feet to cross the tracks and trolley project.

A motion was made by Scott Wentworth to approve this project with the stipulation that the final rendition be brought back to the board for approval. Jeff Barfield will write the letter of support and work in the motion. It was seconded by Margie Schmidt.

#### ATTACHMENT 7

Project Title: 7-11 Convenience	2 Stal Project No. (For City Use Only) 392586
Part II - To be completed when property is held by a corporati	ion or partnership
Legal Status (please check):	
Corporation Limited Liability -or- General) What State	e? Corporate Identification No
By signing the Ownership Disclosure Statement, the owner(s) ack as identified above, will be filed with the City of San Diego on the the property. Please list below the names, titles and addresses of otherwise, and state the type of property interest (e.g., tenants wh in a partnership who own the property). A signature is required o property. Attach additional pages if needed. <b>Note:</b> The applicant is ownership during the time the application is being processed or co Manager at least thirty days prior to any public hearing on the sub information could result in a delay in the hearing process. Additional additional process.	subject property with the intent to record an encumbrance against f all persons who have an interest in the property, recorded or no will benefit from the permit, all corporate officers, and all partners of at least one of the corporate officers or partners who own the s responsible for notifying the Project Manager of any changes in onsidered. Changes in ownership are to be given to the Project pject property. Failure to provide accurate and current ownership
Corporate/Partnership Name (type or print): Sunshine Finance Corporation	Corporate/Partnership Name (type or print): GNC EXPress Partners, LP
V Owner T Tenant/Lessee	Owner Tenant/Lessee
Street Address: 8251 Westminster Bivd, #200	Street Address: 26342 Oso Parkway #201
City/State/Zip: Westminster, CA 92683	City/State/Zip: MISSION Viejo, CA 92691
Phone No: 714 318-9498 Fax No:	Phone No: 949 544 72/0 Fax No:
Name of Corporate Officer/Partner (type or print):	Name of Corporate Officer/Partner (type or print): Breff Blanchard
Title (type or print): President	litie (type or print): Member
Signature: Date: 9/14/14	Signature: PSP Date: 9-12-14
Corporate/Partnership Name (type or print):	Corporate/Partnership Name (type or print):
Cowner C Tenant/Lessee	Owner Tenant/Lessee
Street Address:	Street Address:
City/State/Zip:	City/State/Zip:
Phone No: Fax No:	Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):	Name of Corporate Officer/Partner (type or print):
Title (type or print):	Title (type or print):
Signature : Date:	Signature : Date:
Corporate/Partnership Name (type or print):	Corporate/Partnership Name (type or print):
Owner Tenant/Lessee	Owner Tenant/Lessee
Street Address:	Street Address:
City/State/Zip:	City/State/Zip:
Phone No: Fax No:	Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):	Name of Corporate Officer/Partner (type or print):
Title (type or print):	Title (type or print):
Signature : Date:	Signature : Date:

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

PREMISE ADDRESS:	2576 Clairemont Drive		
TYPE OF BUSINESS:	Convenience Store		
FEDERAL CENSUS TRACT:	91.01		
NUMBER OF ALCOHOL LICENSES	ALLOWED: 3		
NUMBER OF ALCOHOL LICENSES	EXISTING: 2		
CRIME RATE IN THIS CENSUS TRA (Note: Considered High Crime If Exce			
THREE OR MORE REPORTED CRIN	IES 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 CONVICTE	D OF ANY FELONY	YES	🛛 NO
WILL THIS BUSINESS BE DETRIME AND WELFARE OF THE COMMUNI	ENTAL TO THE PUBLIC HEALTH, SAFETY, ITY AND CITY	YES	🛛 NO

#### COMMENTS/OTHER FACTORS CONSIDERED:

The applicant, 7-11, is applying for a Conditional Use Permit for a Convenience Store with a Type 20 Beer & Wine license at 2576 Clairemont Drive. The census tract allows for three (3) off-sale licenses and there are two (2) existing. There is a Shell gas station across the street to the east at 2606 Clairemont Drive with an existing Type 20 alcohol license. There is Metropolitan Community Church across the street to the southeast. The business will be right next to a condo complex and across the street from a Best Western Hotel.

#### SUGGESTED CONDITIONS:

1

The San Diego Police Department will agree to the issuance of this license as long as the following conditions are included in the Alcoholic Beverage Control License and/or Conditional Use Permit:

1. Sales of alcoholic beverages shall be permitted only between the hours of 8:00 AM and 11:00 each day of the week.

2. Beer, malt beverages or wine cooler products, regardless of container size, must be sold in manufacterers, pre-packaged, multi-unit quantities of 3 or greater (No single items).

3. Wine shall not be sold in bottles or containers smaller than 750 ml and shall not have an alcoholic content greater than 15% by volume, except for "Dinner Wines" which have been aged two years or more.

4. 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 in Spanish.

5. 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.

There shall be no amusement machines or video game devices on the premises at any time. 6.

7. No pay telephone will be maintained on the interior or exterior of the premises.

8. Proper illumination will be maintained in the parking lot.

9. Video surveillance system that monitors, records and stores for a minimum of 15 days, the interior, exterior and parking lot area in control of Hazard Automart and is readily accessible to law enforcement.

10. No more than 15% of floor space shall be allocated for the display of alcohol.

SAN DIEGO POLICE DEPARTMENT RECOMMENDATION:

APPROVE

ASILIAD Vice Sergeant (Print) Name of

Signature of SDPD Vice Sergeant

\*

DENY

619-531-2349

Telephone Number

4-9-15 Date of Review



Date of Notice: January 12, 2015

## NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

**DEVELOPMENT SERVICES DEPARTMENT** 

SAP No. 24005198

PROJECT NAME/NUMBER: 7-11 Store/PTS 392586

COMMUNITY PLAN AREA: Clairemont Mesa

**COUNCIL DISTRICT: 2** 

**LOCATION:** The project is located at 2576 Clairemont Drive, San Diego, CA 92117 in the CC-1-3 Zone within the Clairemont Mesa Community Planning Area.

**PROJECT DESCRIPTION:** Conditional Use Permit (CUP) to allow for the sale of beer and wine and for off-site consumption, in a proposed 2,310 square foot (sq ft) convenience store to be located on a 25,120 sq ft lot.

ENTITY CONSIDERING PROJECT APPROVAL: Hearing Officer

ENVIRONMENTAL DETERMINATION: 15061(b) - (General Rule)

**ENTITY MAKING ENVIRONMENTAL DETERMINATION:** City of San Diego, Development Services Department.

**STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION:** The City of San Diego has determined the project meets the criteria set forth in the CEQA State Guidelines Section 15061(b) (General Rule). The exemption applies to projects that would have no potential for causing a significant effect on the environment. The request is for a license for the onsite sale of beer and wine for offsite consumption by a proposed convenience store, since a liquor license would not impact the environment, the project is exempt from CEQA. Furthermore, the project site is currently developed and lacks sensitive resources the exemption is appropriate and the exceptions listed in CEQA Section 15300.2 would not apply.

<b>DEVELOPMENT PROJECT MANAGER:</b>	
MAILING ADDRESS:	1222 1st Avenue, MS 501, San Diego, CA
	92101
PHONE NUMBER:	(619)446-5271

On January 12, 2015 the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the Planning Commission. If you have any questions about this determination, contact the City Development Project Manager listed above.

Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk within 10 business days from the date of the posting of this Notice. That appeal deadline date is <u>January 27, 2015</u>. The appeal application can be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101.

This information will be made available in alternative formats upon request.

100

-USTED IN	THE OFFICE OF DSI
Posted	JAN 0 9 2015 m
Removed_	JAN 28 2015
Posted by	myralle

# CONVENIENCE STORE

#### MISSION BAY

2576 CLAIREMONT DR., SAN DIEGO, CALIFORNIA

	ABBREVIATION	S	GENERAL NOTES	SHEET INDEX	
AB, ANC-GR BOLT ABOREV, ALCOR BOLT ABOREV, ALCOR TO ADVISION ADVISION ACCUST AC	PN. FIELD NAL NG   FO.S. FACE OF LOCK   FO.S. FACE OF STOD   FOR. FACE OF STOD   F.R. FIELD NAL NG   F.R. FIELD KAL NG   F.R. FIELD NAL NG   F.S. FIELD NAL NG   F.S. FIELD NAL NG   F.S. FIELD NAL NG   F.G. FOOTNES   S.L. FOOTNES   G.L. GAL NG CONTACT   G.D. GAL NALED NGN   G.L. GAL NA	P. POST P.C. PUBLICS P.C. PUBLICS P.C. POLICIPRE P.L. P. POLICIPRE P.L. POLICIPRE	<list-item><list-item><list-item><list-item><list-item><list-item><list-item><list-item><list-item><list-item><list-item><list-item></list-item></list-item></list-item></list-item></list-item></list-item></list-item></list-item></list-item></list-item></list-item></list-item>	ARCHITECTURAL II. ITTLE A. SITE PLAN A. ROOR PLAN A. ROOR PLAN A. ELEVATIONS DEVAT	LEGAL: LEGAL: APN: ZONING: GEOLOG LOTAREA B. CARWAR B. CARWAR LOTCOM LANDSCA
LLEC, ELECTRIC (AL) LLEC, ELECTRIC (AL) LLEV, ELEVATION/ELEVATOR INCL. EXPANDED METAL LATH EN EDGE NAILING INCL. ENCLOSURE NGR, ENGINEER	TIN TINTET TIL TETAL TISC TISCELLAREOUS TISC TOPOING TOO HODULAR	13. TUBE STELL/TOP SET T.V. TELEVISION TYP. TYPICAL US.C. UNFORT SUILDING CODE UC. UNFORMIT	~	PROJECT SCOPE	PR
2.     SQUAL, CUIP: SQUPE SQUPETATE       3.     BACH SIDE       31.     BATTATE       31.     BATTATE       10.     ECCLERAL       10.     ECCLERAL       10.     ECCLERAL       10.     ECCLERAL       11.     ECCLEAR       11.     FORCED AIR UNIT       11.     ECCLEAR       11.     FORCED AIR UNIT       11.     FORCED AIR SOL       11.     FORCED AIR UNIT       11.     FORCED AIR UNIT       11.     FORCED AIR UN	(N) NEW NA NOT APPLICABLE NAT, NATURAL NEG, NATURAL ELECTRICAL PROTECTION ASSOC. NLC. NOT IN CONTRACT NO. NATIBER NOT. NOTIFICAL NOT. NOTIFICALLE OBS. ONENEE OBS. OBSCIRE OBS. OBSCIRE OC. ON CENTER OC. OUTSIDE DIAMETER OF. OUTSIDE DIAMETER	UFC. UNICHT FIRE CODE UTC. UNICHT FIRE CODE UTC. UNICHT FIRE ANTEL UTC. UNICHT FILENBAG CODE UPC. UNICHT PLUTENG CODE VARN, VARNIENG CODE VARN, VARNIENG VERT VERTICAL VERTICAL VIL VOLLTE UTL VERTICAL VIL VOLLTE UTL ARTICALITECT VILL VERTICALITECT VILL		ALCOHOLIC BEVERAGE SALES PERMIT FOR BEER AND WINE SALES FOR OFF-PRIMISES CONSUMPTION IN CONNECTION WITH 7-ELEVEN CONVENIENCE STORE	









ITEMS UNDER CONSTRUCTION **KEYNOTES** MONUMENT SIGN UNDER SEPARATE PERMIT ACCESSIBLE PARKING PER

CONC. STEPS

PAY STATION

SKE RACK - 3 SKES - (2) 2" × 24"L × 24"H V TUBE EXIT ONLY SIGN MAT WASHER FIXTURE DISABLED PARKING SIGNS STUCCO (E) RETAINING WALL CONCRETE PAVING RETAINING WALL UNDER SEPARATE PERMIT EXISTING 6" SELVER LATERAL PER CIVIL PLANS WATER SERVICE W RPOD 4' CONC. WALK/RAMP PAD MOUNT ELEC. TRANSFORMER VEHICLE CONTROL GATES 4 DETECTION LOOPS 4' CONC. WALK 201 COLLATOR RETAINING WALL TO BE DEMOLISHED SIGN: NO SMOKING WITHIN 25 FEET OF BUILDING! PAINT, IN THE PAINT USED FOR STALL STRIPPING, THE FOLLOWING CHARACTERS SUCH THAT THE LOUER EDGLE OF THE LAST WORD ALLGAS WITH THE END OF THE STALL STRIPPING AND IS VIBILE BENEATH A PARCED VEHICLE: CLEAN AIR / VAN POOL / EV 23 24 GATE - 4" STEEL PIPE

4" STEEL BOLLARD HEIGHT BAR 36" TREE GRATES W STL. ANGLE EMBEDS ROOF DRAINS THRU CURE 29 STORM WATER FILTER STSTEM

POLE LIGHT PER Ü - -- PATH OF TRAVEL ( E ) EXISTING

NOTES

I LAND UT BE ESCIVATION. 3. PROR TO THE ISSUNCE OF ANY CONSTRUCTION PERMIT, THE OUNER/PERMITTEE SHALL SUBMIT A UNITER ROLLUTION CONTROL, PLAN (UPCP), THE UPCP SHALL BE PREPARED NACCERDANCE WITH THE GUIDELINES IN APPENDIX E OF THE CITY'S STORY WATER STANDARDS.

4. PROR TO THE ISSUANCE OF ANY CONSTRUCTION FERTIL, THE QUMER/PERTITTEE SHALL NCOMPORATE AND SHOU THE TYPE AND LOCATION OF ALL POST-CONSTRUCTION BEST HUNGETENT FRACTICES (SETIFS) ON THE FINAL CONSTRUCTION DRAINESS, CONSISTENT WITH THE APPROVED WATER QUALITY TECHNICAL REPORT.

STATISTICS

APN: 7529-018-018 ZONENG: CC-1-3 LOT AREA : 25, 120 SF

BUILDING USE A 2,3 A. CAR WASH : B. CAR WASH CONTROL : C. RETAL STORE: 23 LOT COVERAGE : LANDSCAPE :

REGUIRED PARKING (SDAKC TABLE 142 - 05F) CARWASH: 2753 5F / 1000 X 4.3 = 12 SPACES RETAIL STORE: 2310 SF / 1000 X 4.3 = 10 SPACES

PROPOSED PARKING CARWASH: 12 SPACES RETAIL STORE : 11 SPACES

#### ATTACHMENT 10

SIGN UNDER SEPARATE PERMIT

SHADE STRUCTURE UNDER SEPARATE PERMIT

I. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE OWNER/PERMITTEE SHALL ENTER NTIG A MAINTENANCE AGREEMENT FOR THE ONSONA PERMANENT BHIP MAINTENANCE, SATISFACTORY TO THE CITY ENGINEER.

О РЕПИКТЕМИЕТ ОН СРЕДСТВИ ТО ПЕСИТОК РИСИТО ТИ В ISSUNCE СРЕИТ CONSTRUCTION PERITI, ТНЕ ОШНЕМРЕНТИТЕЕ SHALL, NOCRPORATE ANT CONSTRUCTION BEST MANAGEMENT PRACTICES NECESSART TO COTTEL THIS CAN TELES ANT CARE TO ANTICE 7, ONNO 11 GRADONG REGULATIONS/ OF THE SAN DIEGO MUNICIPAL CODE, NTO THE CONSTRUCTION PLANS OR SPECIFICATIONS.

5. PROVIDE BUILDING ADDRESS NUMBERS, VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY PER PAPE POLICY P-00P-6 (UPC 301.44)



LEGAL: LOT 3 OF CLARMONT SUBDIVISION MAP 6155 OF SAN DEGO RECORD

AREA	OCLPANCY	OCUPANCY LCAD	HEIGHT	CONST. TYPE
329 SF	8	10	23.5	V-8-NS
224 SF	8	3	10.5	V-8-NS
310 SF	м	49	18.0	•V-8-F. SPRK.
18	*			
21	%			

. DEFERRED SUBMITTED : FIRE SPRINKLER PLANS

SITE PLAN





FLOOR PLAN

#### ATTACHMENT 10





SOUTH ELEVATION CLAIREMONT DRIVE



EAST ELEVATION DENVER STREET





ME 1073/4 304E 174\*11-91 04 PLE : T-L CLP. A3 CONVENIENCE STORE 2576 CLAREMONT MSSON BAY SCALPORNA 2576 CLAREMONT MSSON BAY SCALPORNA A 3 4 CF 4