



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: July 15, 2015

REPORT NO. HO 15-083

ATTENTION: Hearing Officer

SUBJECT: LIVA DISTRIBUTORS CUP  
PROJECT NUMBER: 406928

LOCATION: 8450 Jamacha Road

APPLICANT: Aaron Limon

### SUMMARY

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 grocery store in the Skyline-Paradise Hills Community Plan area?

Staff Recommendation - APPROVE Conditional Use Permit No.1430044.

Community Planning Group Recommendation - On May 5, 2015, the Skyline-Paradise Hills Planning Committee recommended approval of the project by a vote of 4-3-1 without conditions.

Environmental Review - The proposed activity is exempt from CEQA pursuant to Section 15301 (Existing facilities) of the State CEQA Guidelines in that the proposed project is a Conditional Use Permit for a Type 20 Alcohol Beverage Control license to sell beer and wine in an existing market/restaurant. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on March 26, 2015, and the opportunity to appeal that determination ended on April 10, 2015.

### BACKGROUND

The project proposes a Conditional Use Permit for a Type 20 liquor license to allow the sales of beer and wine within a 7,840 square-foot grocery store on a site developed with no other retail services. The 1.30-acre site is located at 8450 Jamacha Road, within the CN-1-2 zone of the Skyline-Paradise Hills Community Plan Area. The purpose of the CN zones is to provide residential areas with access to a limited number of convenient retail and personal service uses. The CN zones are intended to provide areas for smaller scale, lower intensity developments that

are consistent with the character of the surrounding residential areas. The Liva Distributors building was constructed in 1960. On March 9, 2010 building was remodeled from a church into a grocery store. The commercial space includes 4,342-square feet of shopping area; a 213-square foot butcher room, and 584-square feet of receiving area. Beer and wine would be sold in the shopping area. No expansion is proposed with the project. Surrounding the site are existing commercial, and residential development, and vacant land.

## DISCUSSION

The project proposes a Conditional Use Permit for a Type 20 liquor license. Sales of alcohol will be limited between 8:00 a.m. and 12:00 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 the 100 feet of residentially zoned properties as the RS-1-7 zone is located to the west of the site. In addition, a church is located within 600 feet to the northeast of the property.

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. Their support for this request is based on several factors including the commercial location of the site. The site is highly visible from the public right-of-way where access by law enforcement is not restricted. The proposed Type 20 was found to not be detrimental to the public health, safety, and welfare of the community and the city. Requirements within the draft permit include restriction for hours of alcohol sales, lighting requirements, and sign requirements. All Police Department conditions have been added to the draft permit (Attachment 9, Police Department Requirements).

### 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. 1430044, with modifications or;
2. Deny Conditional Use Permit No. 1430044, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

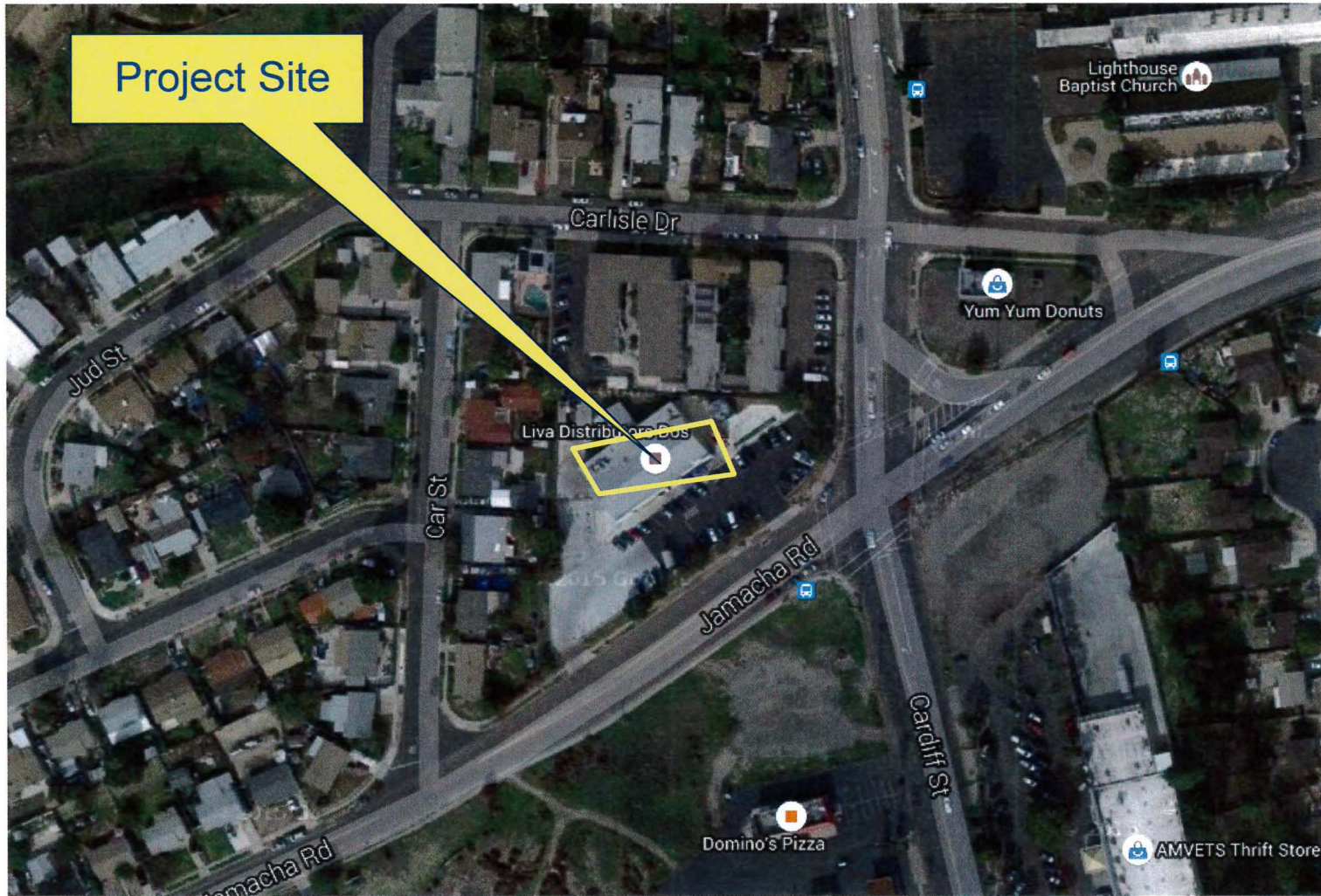


Derrick Johnson,  
Development Project Manager

### Attachments:

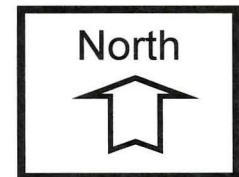
1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft Permit with Conditions
6. Draft Resolution with Findings
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. SDPD Conditional Use Permit Recommendation

10. Environmental Exemption
11. Project Plans



## Location Aerial Photo

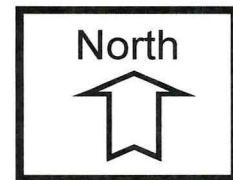
**Liva Distributors CUP – Project No. 406928**  
**8450 Jamacha Road, San Diego, CA 92114**





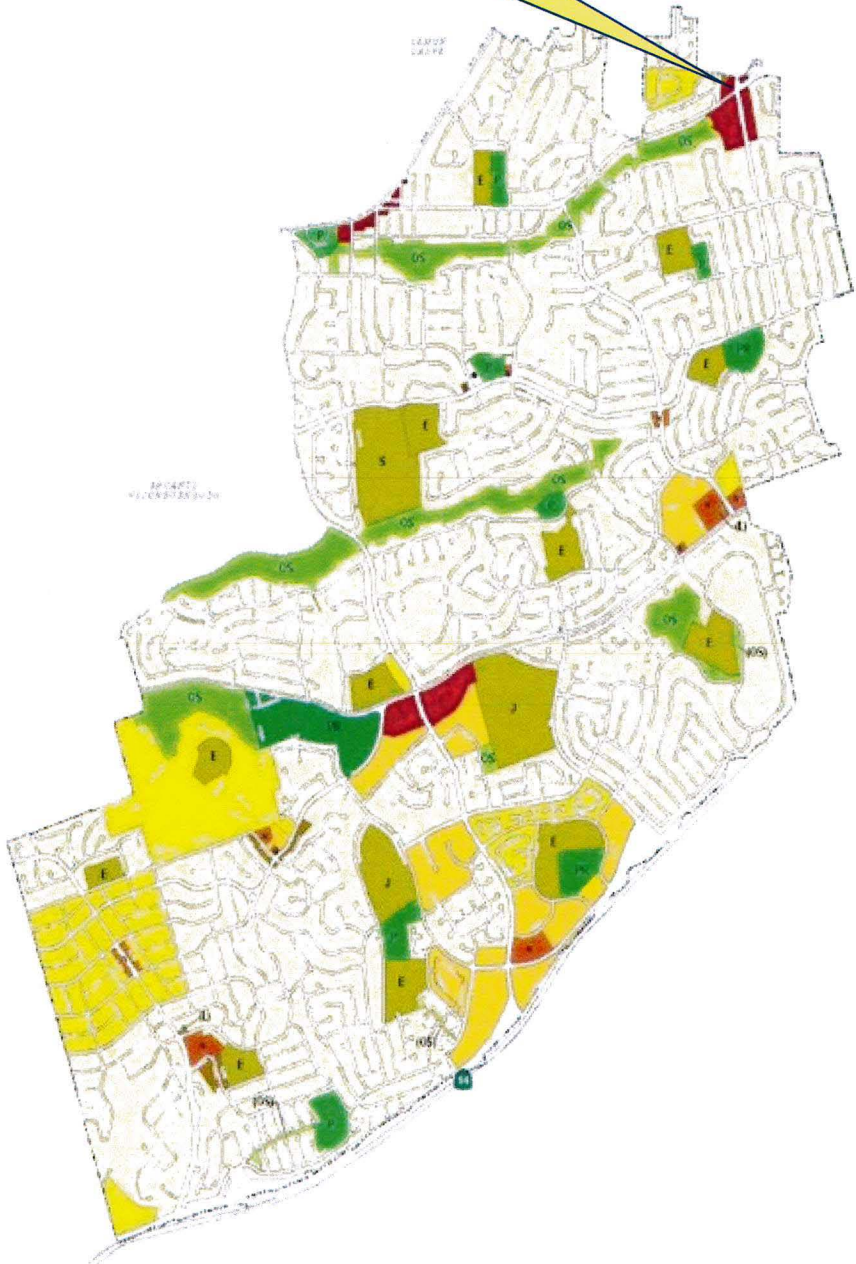
## Project Location Map

**Liva Distributors CUP – Project No. 406928**  
**8450 Jamacha Road, San Diego, CA 92114**





Project Site



**Skyline-Paradise Hills**  
Community Plan Area  
City of San Diego  
Planning Department

Planned Land Use

- Legend**
- Low Density Residential (3-10 units)
  - Low/Medium Density Residential (10-15 units)
  - Medium Density Residential (15-30 units)
  - High Density Residential (30-45 units)
  - Community Commercial
  - Neighborhood Commercial
  - Elementary School
  - Junior High School
  - High School
  - Library
  - Fire
  - Police
  - Community Park
  - Neighborhood Park
  - Open Space
  - Community Plan Boundary
  - City of San Diego Boundary



**Land Use Map**

**Liva Distributors CUP – Project No. 406928**  
8450 Jamacha Road, San Diego, CA 92114



## PROJECT DATA SHEET

<b>PROJECT NAME:</b>	Liva Distributors Conditional Use Permit (CUP) – PTS 406928	
<b>PROJECT DESCRIPTION:</b>	Process 3 Conditional Use Permit for a Type 20 license for the sale of beer & wine for off site consumption at an existing 7,840 sq ft grocery store located at 8450 Jamacha Rd. The 1.301 acre site is in the CN-1-2 zone of the Skyline-Paradise Hills Community Plan Area.	
<b>COMMUNITY PLAN AREA:</b>	Skyline-Paradise Hills	
<b>DISCRETIONARY ACTIONS:</b>	Conditional Use Permit – Alcoholic Beverage Outlet	
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	Community-Commercial - (Allows various commercial and office uses, and multi-family residential development).	
<b><u>ZONING INFORMATION:</u></b>		
<p style="text-align: center;"><b>ZONE: CN-1-2:</b> (A commercial-neighborhood zone that permits a broad range of commercial uses, and multi-family residential density of one dwelling unit for each 1,500 square-feet of lot area).</p> <p style="text-align: center;">HEIGHT LIMIT: 30-ft maximum height limit</p> <p style="text-align: center;">LOT SIZE: 5,000 sf</p> <p style="text-align: center;">FLOOR AREA RATIO: 1.0 maximum</p> <p style="text-align: center;">FRONT SETBACK: no minimum or maximum</p> <p style="text-align: center;">SIDE SETBACK: 10-ft minimum; 0-ft optional</p> <p style="text-align: center;">STREETSIDE SETBACK: no minimum or maximum</p> <p style="text-align: center;">REAR SETBACK: 10-ft minimum; 0-ft optional</p> <p style="text-align: center;">PARKING: 45 onsite parking spaces required, 50 provided</p>		
<b><u>ADJACENT PROPERTIES:</u></b>	<b>LAND USE DESIGNATION &amp; ZONE</b>	<b>EXISTING LAND USE</b>
<b>NORTH:</b>	Multi-Family Residential/RM-3-7; and Neighborhood Commercial/CN-1-2	Multi-Family/Story Apartments and Single Family Residential
<b>SOUTH:</b>	Community-Commercial; CC-2-3	Vacant and Commercial Uses
<b>EAST:</b>	Neighborhood Commercial; CN-1-2	Vacant and Commercial Uses
	Single-Family	



**ATTACHMENT 4**

<b>WEST:</b>	Residential; RS-1-7	Single Family Residential
<b>DEVIATIONS OR VARIANCES REQUESTED:</b>	None	
<b>COMMUNITY PLANNING GROUP RECOMMENDATION:</b>	On May 5, 2015, the Skyline-Paradise Hills Planning Committee recommended approval of the project by a vote of 4-3-1 without 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: 24005547

**CONDITIONAL USE PERMIT NO. 1430044**  
**LIVA DISTRIBUTORS CUP PROJECT NO. 406928**  
HEARING OFFICER

This Conditional Use Permit No. 1430044 is granted by the Hearing officer of the City of San Diego to NOMIL INC., and LIVA DISTRIBUTORS, Owner/Permittees, pursuant to San Diego Municipal Code [SDMC] section 141.0502. The 1.30-acre site is located at 8450 Jamacha Road in the CN-1-2 zone of the Skyline-Paradise Hills Community Plan area. The project site is legally described as: Parcel 3 of Map No. 5954, and a portion of Lot 1 of Lomita Village Unit 5, resubdivision No.1, Map 4681, San Diego, California;

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittees 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. 1430044] dated July 15, 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 existing market 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 12:00 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,

## ATTACHMENT 5

Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by July 30, 2018.

2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on July 30, 2035.

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 determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

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 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.

14. The Conditional Use Permit shall include a date on which the permit will expire and become void. This date shall not be less than 10 years from the approval date of the Conditional Use Permit.

15. An applicant may request that the expiration date be extended in accordance with the following provisions. (A) An application for an extension shall be filed before the expiration of the approved Conditional Use Permit. (B) An application for an extension shall be considered in accordance with Process Two if there is no record in the City of San Diego Police Department or other department or with any other governmental agency of any violations of the State of

California Department of Alcoholic Beverage Control rules, regulations, and orders or of any violation of city, county, state or federal law, code, regulation or policy related to prostitution, drug activity or other criminal activity on the premises. (C) An application for an extension shall be considered in accordance with Process Three if there is a record of violations as described in Section 141.0502(c)(7)(B). (D) Prior violations of any conditions contained in an approved Conditional Use Permit shall constitute grounds for denying an application for an extension.

16. 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.

**ENGINEERING REQUIREMENTS:**

17. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the reconstruct the non-ADA compliant existing curb ramp at the northwest corner of Jamacha Road and Cardiff Street with current City Standard curb ramp, per SDG-132, type A.

**POLICE DEPARTMENT REQUIREMENTS:**

18. Beer, Malt beverages and Wine coolers in containers of 16 ounce or less cannot be sold in single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.

19. The sale of Beer or malt beverages in quantities of 32 ounce and 4 ounce size container is prohibited.

20. No wine shall be sold within an alcoholic content greater than 15% 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.

**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 the City of San Diego on July 15, 2015.

DRAFT

ATTACHMENT 5

Permit Type/PTS Approval No.CUP No. 1430044  
Date of Approval: July 15, 2015

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES  
DEPARTMENT

\_\_\_\_\_  
Derrick Johnson  
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 \_\_\_\_\_  
NOMIL INC

By \_\_\_\_\_  
LIVA DISTRIBUTORS

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

HEARING OFFICER  
 RESOLUTION NO. ?????  
 CONDITIONAL USE PERMIT NO. 1430044  
**LIVA DISTRIBUTORS CUP PROJECT NO. 406928**

WHEREAS, NOMIL INC., and LIVA DISTRIBUTORS, Owner/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 an existing market (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1430044), on portions of a 1.30-acre site;

WHEREAS, the project site is located at 8450 Jamacha Road in the CN-1-2 zone of the Skyline-Paradise Hills Community Plan area;

WHEREAS, the project site is legally described as Parcel 3 of Map No. 5954, and A portion of Lot 1 of Lomita Village unit 5, resubdivision No.1, Map 4681, San Diego, California;

WHEREAS, on July 15, 2015, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1430044 pursuant to the Land Development Code of the City of San Diego;

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

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

That the Hearing Officer adopts the following written Findings, dated July 15, 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 an existing 7,840 square-foot market, located at 8450 Jamacha Road within the CN-1-2 zone of the Skyline-Paradise Hills Community Plan.

The project site contains a two-story commercial building with an existing grocery store. The current underlying zoning allows for commercial uses such as markets and restaurants. The site is designated for commercial uses within the Skyline-Paradise Hills 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 market 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 in an existing commercial market would not adversely impact the land use goals and recommendations in 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 an alcohol beverage outlet to sell beer and wine through a Type 20 alcohol beverage license within an existing 7,840 square-foot market, located at 8450 Jamacha Road within the CN-1-2 zone of the Skyline-Paradise Hills Community Plan.

The project was determined to be exempt from the California Environmental Quality Act (CEQA). The SDPD supports the Type 20 liquor license as conditioned by the Conditional Use Permit to ensure that the sale of alcoholic beverages is maintained as an incidental part of the market. 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. On March 25, 2015 the San Diego Police Department recommended approval of the project. Between January 1, 2014 and December 31, 2014, there were five calls for service at the location. There were no arrests, or crime case at the location. There were 32 arrested and 39 crimes case within a 0.2-mile radius of the location in 2014. There were also five alcohol related arrests in this census tract in 2014. The San Diego Police Department supports the issuance of this Type-20 license with conditions contained in the Conditional Use Permit No. 1420044.

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

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 an existing 7,840 square-foot market, located at 8450 Jamacha Road within the CN-1-2 zone of the Skyline-Paradise Hills Community Plan.

The proposed Type 20 ABC License limited to beer and wine for off-site consumption requires the approval of a Conditional Use Permit (CUP) pursuant to Section 141.0502(c) of the Land Development Code (LDC) as the proposed alcohol beverage outlet is within 100 feet of residentially zoned property. 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. 1430044. 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 an existing 7,840 square-foot market, located at 8450 Jamacha Road within the CN-1-2 zone of the Skyline-Paradise Hills Community Plan.

The project site is located at 8450 Jamacha Road and is developed with two story commercial building constructed in 1960. The site is located in the CN-1-2 Zone, which allows for commercial uses such as the subject market. The site is designated for commercial uses 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 existing commercial development is in compliance with the goals and recommendations of the community plan.

The Type 20 ABC License limited to the sales of beer and wine for off-site consumption at the subject market/restaurant will be permitted through a Conditional Use Permit requiring 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.

On March 25, 2015 the San Diego Police Department recommend approval of the project. Between January 1, 2014 and December 31, 2014, there were five calls for service at the location. There were no arrests, or crime case at the location. There were 32 arrested and 39 crimes case within a 0.2-mile radius of the location in 2014. There were also five alcohol related arrests in this census tract in 2014. The San Diego Police Department supports the issuance of this Type-20 license with conditions contained in the Conditional Use Permit No. 1420044.

The City has determined the proposed alcohol beverage outlet is appropriate at this location due to the low crime rate, the under concentration of alcohol beverage outlets, and proximity to other alcohol beverage outlets, 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. 1430044 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. 1430044, a copy of which is attached hereto and made a part hereof.

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Derrick Johnson  
Development Project Manager  
Development Services

Adopted on: July 15, 2015

SAP Number: 24005547



THE CITY OF SAN DIEGO

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

## Community Planning Committee Distribution Form Part 1

<b>Project Name:</b> Liva Distributors CUP		<b>Project Number:</b> 406928	<b>Distribution Date:</b> 3/5/2015	
<b>Project Scope/Location:</b> SKYLINE-PARADISE HILLS (Process 3) Conditional Use Permit for a Type 20 license for the sale of beer & wine for off site consumption from an existing 7,840 sq ft grocery store located at 8450 Jamacha Rd. The 1.301 acre site is in the CN-1-2 zone of the Skyline-Paradise Hills Community Plan Area. Council District 4.				
<b>Applicant Name:</b> Marco Cortes			<b>Applicant Phone Number:</b> (619) 852-4690	
<b>Project Manager:</b> Paul Godwin	<b>Phone Number:</b> (619) 446-5190	<b>Fax Number:</b> (619) 446-5245	<b>E-mail Address:</b> PGodwin@sandiego.gov	
<b>Project Issues (To be completed by Community Planning Committee for initial review):</b>                      				
<i>Attach Additional Pages If Necessary.</i>		<p>Please return to:          Project Management Division          City of San Diego          Development Services Department          1222 First Avenue, MS 302          San Diego, CA 92101</p>		
Printed on recycled paper. Visit our web site at <a href="http://www.sandiego.gov/development-services">www.sandiego.gov/development-services</a> . 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

## Community Planning Committee Distribution Form Part 2

<b>Project Name:</b> Liva Distributors CUP	<b>Project Number:</b> 406928	<b>Distribution Date:</b> 3/5/2015
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**Project Scope/Location:**  
 SKYLINE-PARADISE HILLS (Process 3) Conditional Use Permit for a Type 20 license for the sale of beer & wine for off site consumption from an existing 7,840 sq ft grocery store located at 8450 Jamacha Rd. The 1.301 acre site is in the CN-1-2 zone of the Skyline-Paradise Hills Community Plan Area. Council District 4.

<b>Applicant Name:</b> Marco Cortes	<b>Applicant Phone Number:</b> (619) 852-4690
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<b>Project Manager:</b> Paul Godwin	<b>Phone Number:</b> (619) 446-5190	<b>Fax Number:</b> (619) 446-5245	<b>E-mail Address:</b> PGodwin@sandiego.gov
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**Committee Recommendations (To be completed for Initial Review):**

	Members Yes	Members No	Members Abstain
<input checked="" type="checkbox"/> Vote to Approve	4	3	1
<input type="checkbox"/> Vote to Approve With Conditions Listed Below			
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below			
<input type="checkbox"/> Vote to Deny			
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)	<input type="checkbox"/> Continued		

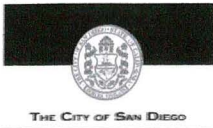
**CONDITIONS:**

<b>NAME:</b> John Mooney	<b>TITLE:</b> Chair
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<b>SIGNATURE:</b>	<b>DATE:</b> May 12, 2015
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<i>Attach Additional Pages If Necessary.</i>	Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101
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Printed on recycled paper. Visit our web site at [www.sandiego.gov/development-services](http://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

# Ownership Disclosure Statement

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

**Project Title** **Project No. For City Use Only**  
 BEER AND WINE LICENSE → Liva Distributors LLP 706928

**Project Address:**  
 8450 JAMACHA ROAD, SAN DIEGO, CA 92114

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

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

Additional pages attached  Yes  No

Name of Individual (type or print): \_\_\_\_\_  
 Owner  Tenant/Lessee  Redevelopment Agency

Street Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_  
 Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_  
 Signature : \_\_\_\_\_ Date: \_\_\_\_\_

Name of Individual (type or print): \_\_\_\_\_  
 Owner  Tenant/Lessee  Redevelopment Agency

Street Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_  
 Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_  
 Signature : \_\_\_\_\_ Date: \_\_\_\_\_

Name of Individual (type or print): \_\_\_\_\_  
 Owner  Tenant/Lessee  Redevelopment Agency

Street Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_  
 Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_  
 Signature : \_\_\_\_\_ Date: \_\_\_\_\_

Name of Individual (type or print): \_\_\_\_\_  
 Owner  Tenant/Lessee  Redevelopment Agency

Street Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_  
 Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_  
 Signature : \_\_\_\_\_ Date: \_\_\_\_\_

<b>Project Title:</b> <u>LIVE DISTRIBUTORS CUP</u>	<b>Project No. (For City Use Only)</b> <u>406928</u>
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**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):  
LIVA DISTRIBUTORS

Owner  
  Tenant/Lessee

Street Address:  
8450 JAMACHA ROAD

City/State/Zip:  
SAN DIEGO, CA 92114

Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_  
( 619 ) 423-9997

Name of Corporate Officer/Partner (type or print):  
AARON LIMON

Title (type or print):  
Chairman

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
[Signature] 1/6/15

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):

NOMIL, INC

Owner  
  Tenant/Lessee

Street Address:  
3177 IRIS AVENUE

City/State/Zip:  
SAN YSIDRO, CA 92154

Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_  
619-423-9997

Name of Corporate Officer/Partner (type or print):  
ANANDA LIMON

Title (type or print):  
CHAIRMAN

Signature : \_\_\_\_\_ Date: \_\_\_\_\_  
[Signature] 1/6/15

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: \_\_\_\_\_

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

PREMISE ADDRESS: 8450 Jamacha Road

TYPE OF BUSINESS: Convenience Store

FEDERAL CENSUS TRACT: 141.02

NUMBER OF ALCOHOL LICENSES ALLOWED: 2

NUMBER OF ALCOHOL LICENSES EXISTING: 0

CRIME RATE IN THIS CENSUS TRACT: 48.4%  
(Note: Considered High Crime If Exceeds 120% of City-wide Average)

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

IS THE PREMISE WITHIN 600 FEET OF INCOMPATIBLE FACILITY  YES  NO

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

ABC LICENSE REVOKED AT THIS PREMISE WITHIN PAST YEAR  YES  NO

HAS APPLICANT BEEN CONVICTED OF ANY FELONY  YES  NO

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

COMMENTS/OTHER FACTORS CONSIDERED:

The applicant is applying for a Conditional Use Permit for a Convenience Store with a Type 20 Off-Sale Beer and Wine license at 8450 Jamacha Road.

Between 01/01/2014 to 12/31/2014, there were five (5) calls for service at the location which resulted in a total police out of service time (OST) of 4 hours. There were no arrests, or crime case at the location. There were 32 arrests and 39 crime cases within a 0.2-mile radius of the location in 2014. There were also 5 alcohol related arrests in this census tract in 2014.

The Convenience Store is located at 8450 Jamacha Road which is in the far southeast portion of the city of San Diego. A block east of the location is the city of Lemon Grove and a couple blocks further is Spring Valley.

The San Diego Police Department will support the issuance of this Type-20 license with the following conditions.

SUGGESTED CONDITIONS:

1. Sales of alcoholic beverages shall be permitted only between the hours of 8:00 AM and 12:00 Midnight each day of the week.

2. Beer, Malt beverages and Wine coolers in containers of 16 ounce or less cannot be sold in single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.
3. The sales of Beer or Malt beverages in quantities of 32 oz. and 40 oz. size container is prohibited.
4. No wine shall be sold with an alcoholic content greater than 15% by volume except for "Dinner Wines" which have been aged two years or more.
5. The petitioner(s) shall post and maintain a professional quality sign facing the premises parking lot(s) that reads as the following: NO LOITERING, NO LITTERING, NO DRINKING OF ALCOHOLIC BEVERAGES. VIOLATORS ARE SUBJECT TO ARREST. The sign shall be at least two feet square with two inch block lettering. The sign shall be in English and Spanish.

**SAN DIEGO POLICE DEPARTMENT RECOMMENDATION:**

APPROVE

DENY

ROBERTO A. CRUZ  
Name of SDPD Vice Sergeant (Print)

619-531-2349  
Telephone Number

[Signature]  
Signature of SDPD Vice Sergeant

3/24/15  
Date of Review



NOTICE OF EXEMPTION

(Check one or both)

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

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

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

PROJECT TITLE/ NO.: **LIVA DISTRIBUTORS CUP / 406928**

PROJECT LOCATION-SPECIFIC: 8450 Jamacha Road, San Diego, California 92114

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

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: A Conditional Use Permit for a Type 20 license to sell beer and wine for off-site consumption at an existing 7,840-square-foot grocery store. The 1.301 acre project site is located at 8450 Jamacha Road. The project site is designated commercial and within the CN-1-2 zone and Skyline-Paradise Hills Community Plan. (LEGAL DESCRIPTION: Lot 1, Parcel 3 as ROS of 5954 Map 004681.)

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Amanda Limon, Liva Distributors, 8450 Jamacha Road, San Diego, California 92114, (619) 423-9997

EXEMPT STATUS: (CHECK ONE)

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

REASONS WHY PROJECT IS EXEMPT: The City of San Diego conducted an environmental review which determined the project would not have the potential for causing a significant effect on the environment in that the project is consistent with the community plan and the applicable zone. The project would not result in any significant environmental impacts. The project meets the criteria set forth in CEQA Section 15301, which allows for permitting and leasing involving negligible or no expansion of the use beyond that existing at the time of the lead agency's determination. Furthermore, the exceptions listed in 15300.2 would not apply.


LEAD AGENCY CONTACT PERSON: ELIZABETH SHEARER-NGUYEN

TELEPHONE: 619-446-5369

IF FILED BY APPLICANT:

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

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

  
\_\_\_\_\_  
SIGNATURE/TITLE

Sr. Planner

March 26, 2015  
DATE

CHECK ONE:

- SIGNED BY LEAD AGENCY
- SIGNED BY APPLICANT

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:



THE CITY OF SAN DIEGO

Date of Notice: March 26, 2015

# NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24005547

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**PROJECT NAME/NUMBER:** LIVA DISTRIBUTORS CUP / 406928

**COMMUNITY PLAN AREA:** Skyline-Paradise Hills Community Plan

**COUNCIL DISTRICT:** 4

**LOCATION:** 8450 Jamacha Road, San Diego, California 92114

**PROJECT DESCRIPTION:** A Conditional Use Permit for a Type 20 license to sell beer and wine for off-site consumption at an existing 7,840-square-foot grocery store. The 1.301 acre project site is located at 8450 Jamacha Road. The project site is designated commercial and within the CN-1-2 zone and Skyline-Paradise Hills Community Plan. (LEGAL DESCRIPTION: Lot 1, Parcel 3 as ROS of 5954 Map 004681.)

**ENTITY CONSIDERING PROJECT APPROVAL:** City of San Diego Hearing Officer.

**ENVIRONMENTAL DETERMINATION:** Categorically exempt from CEQA pursuant to CEQA State Guidelines, Sections 15301 (Existing Facilities).

**ENTITY MAKING ENVIRONMENTAL DETERMINATION:** City of San Diego

**STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION:** The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment. The project meets the criteria set forth in CEQA Section 15301, which allows for permitting and leasing involving negligible or no expansion of the use beyond that existing at the time of the lead agency's determination. Furthermore, the exceptions listed in CEQA Section 15300.2 would not apply in that no cumulative impacts were identified; no significant effect on the environmental were identified; the project is not adjacent to a scenic highway; nor is the project identified on a list of hazardous waste sites pursuant to Section 65962.5 of the Government Code.

**DEVELOPMENT PROJECT MANAGER:** Paul Godwin  
**MAILING ADDRESS:** 1222 First Avenue, MS501, San Diego CA 92101  
**PHONE NUMBER:** (619) 446-5190

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On March 26, 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 City Council. 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 (April 10, 2015). 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.

