



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: May 1, 2024 REPORT NO. HO-24-019

HEARING DATE: May 8, 2024

SUBJECT: FRONT & A OFF-SITE ALCOHOL SALES; Process Three Decision

PROJECT NUMBER: [1109526](#)

OWNER / APPLICANT: SDCC NORTH BLOCK, LLC

SUMMARY

Issue: Should the Hearing Officer approve a Conditional Use Permit for the sale of alcoholic beverages for off-site consumption ("Project") within a proposed 49,359-square-foot grocery store located at [201 West A Street](#) on the ground level of the "Front & A" mixed-use development, currently under construction on the full-block site bounded by West A, West B, Union, and Front Streets within the Public/Civic land use district of the Centre City Planned District and the Civic/Core neighborhood of the [Downtown Community Plan](#) area (Council District 3)?

Proposed Action: APPROVE Conditional Use Permit (CUP) No. 3269869.

Fiscal Impact Statement: No fiscal impact. The Project is privately owned and funded.

Code Enforcement Impact: No code enforcement impact. There are no active code enforcement cases on the property.

Housing Impact Statement: No housing impact. The Project proposes to sell alcohol for off-site consumption in a ground floor commercial space that is currently under construction.

Community Planning Group Recommendation: On March 20, 2024, the Downtown Community Planning Council voted 12-0 with 1 abstention to recommend approval of the Project (Attachment 8).

Environmental Impact: The Development Services Department completed a California Environmental Quality Act (CEQA) review for the Project. On October 4, 2023, the Environmental Analysis Section (EAS) determined that the Project is consistent with the previously certified City of San Diego Downtown Environmental Impact Report (SCH# 2003041001). Development within the Downtown Community Planning area is covered under the following documents, referred to collectively as the "Downtown FEIR": (1) Final Environmental Impact Report (FEIR) for the San Diego Downtown Community Plan (DCP), Centre City Planned District Ordinance, and 10th Amendment to the Centre City Redevelopment Plan, certified by the former Redevelopment Agency ("Former

Agency”) and the City Council on March 14, 2006 (Resolutions R-04001 and R-301265, respectively); (2) Subsequent Addenda to the FEIR certified by the Former Agency and City Council on: August 3, 2007 (Resolution R-04193 and R-302932, respectively); April 13, 2010 (Council Resolution R-305759); April 21, 2010 (Former Agency Resolutions R-04509 and R-04510); August 3, 2010 (Former Agency Resolution R-04544 and Council Resolution R-30614); February 12, 2014 (City Council Resolution R-308724); July 14, 2014 (City Council Resolution R-309115); and (3) Final Supplemental Environmental Impact Report for the Downtown San Diego Mobility Plan certified by the City Council on June 21, 2016 (Resolution R-310561).

Development within the DCP area is also covered under the following documents, referred to collectively as the “CAP FEIR”: FEIR for the City of San Diego Climate Action Plan (CAP) Project No. 416603/SCH No. 2015021053, certified by the City Council on December 15, 2015 (City Council Resolution R-310176), and the Addendum to the CAP, certified by the City Council on July 12, 2016 (City Council Resolution R- 310595).

The Downtown FEIR and CAP FEIR are “Program EIRs” prepared in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15168. The information contained in the Downtown FEIR and CAP FEIR reflects the independent judgment of the City of San Diego as the Lead Agency. The environmental impacts of the Project were adequately addressed in the Downtown FEIR and CAP FEIR; the Project is within the scope of the development program described in the Downtown FEIR and CAP FEIR and is adequately described within each document for the purposes of CEQA; and, none of the conditions listed in CEQA Guidelines Section 15162 exist. Therefore, no further environmental documentation or review is required under CEQA. All environmental documents for the [DCP area](#) and [CAP FEIR](#), are available on the City website.

BACKGROUND

The Project is located at 201 West A Street on the 53,579 square foot (SF) site on the block bounded by West A, West B, Union, and Front Streets in the Civic/Core neighborhood of the DCP area (“Downtown”). The Project site is within the Public/Civic land use district of the Centre City Planned District (Attachment 2) and subject to the Employment Overlay, as well as the Limited Vehicle Access Overlay on Front and West A Streets. The site is surrounded by a mix of commercial and civic uses, including the high-rise Superior Court of California, mid-rise State offices and City offices, a private prison, and single-story commercial buildings and surface parking lots.

The Project is within a 49,359 SF tenant space on the ground level of a high-rise development known as “Front & A” that is currently under construction. A building permit was issued by the Development Services Department on June 19, 2023 under PRJ-1057347 for the construction of the “Front & A” development, a 34-story mixed-use development containing 450 residential dwelling units, 49,359 SF of commercial retail space, and 693 parking spaces.

The sale of alcoholic beverages for off-site consumption is identified as a separately regulated use in the Centre City Planned District Ordinance (CCPDO) of the San Diego Municipal Code (SDMC). Per Section 156.0315(b), off-site alcoholic beverage sales are required to obtain approval of a CUP in accordance with Process Three and are subject to the following regulations:

- A. No wine or distilled spirits shall be sold in containers of less than 750 milliliters.
- B. No malt beverage products shall be sold in quantities of less than a six-pack of 12-ounce bottles or other containers totaling a minimum of 64 ounces.
- C. No alcoholic beverages shall be sold except between the hours of 10:00 a.m. and 10:00 p.m.

Per Section 156.0315(b)(1)(D), after conducting a public hearing, the Hearing Officer may approve exceptions to (C) above upon making the following findings:

- 1. The request for an exception was provided in the public notice for the hearing; and,
- 2. The proposed use and operations are compatible with existing and planned surrounding land uses.

A decision on an application for a CUP shall be made by the City Hearing Officer in accordance with Process Three and is appealable to the Planning Commission in accordance with Section 112.0506.

DISCUSSION

Project Description:

The Project is located within the 49,359 SF tenant space on the ground level of the high-rise development currently under construction at 201 West A Street. The Applicant, SDCC North Block, LLC, states in their Letter of Request (Attachment 11) that the subject tenant space is proposed to contain a large-scale, full-service grocery store, which will offer a wide range of products, including produce, meat and poultry, baked goods, and other foods and household goods. As part of the grocery store, the Applicant proposes the sale of alcoholic beverages for off-site consumption. The grocery store is proposed to operate between the hours of 7:00 a.m. and 11:00 p.m. The Applicant anticipates approximately 1,197 SF of retail floor area will be dedicated to the display of alcoholic beverages, which equates to approximately four percent of the grocery store’s total retail floor area of 27,596 SF. Per Table 156-0308-A of the CCPDO, retail sales are permitted in the Public/Civic district and off-site alcoholic beverage sales as permitted as an accessory use with approval of a CUP and subject to the provisions of Section 156.0315(b)(1). The Applicant is requesting deviations from Section 156.0315(b)(1) as listed in Table 1 below:

Table 1 - Requested Deviations

	Requirement	Proposal
Minimum container size for wine or distilled spirits	No less than 750 milliliters	No less than 375 milliliters or multi-unit quantities of containers at least 375 milliliters
Minimum container size for malt beverage products	No less than six-pack of 12-ounce bottles or other containers totaling at least 64 ounces	Singles; no minimum
Sale hours	10:00 a.m. and 10:00 p.m.	7:00 a.m. to 11:00 p.m.

Within approximately a quarter of a mile around the Project site, there are seven establishments that have been granted CUPs for the sale of alcoholic beverages for off-site consumption, which can be seen in the map in Attachment 4 and listed in Table 2 below:

Table 2 - Off-Site Alcoholic Beverage CUPs within One-Quarter Mile of the Project Site

Permit Number	Name	Address
2005-07A	7-Eleven	501 West C St.
2005-32A	Rite Aid	1401 Kettner Blvd.
2008-10	Unwine	1471 Kettner Blvd.
2013-14	Stone Company Store	1202 Kettner Blvd.
2014-65	CVS	37 Horton Plaza
2016-23	Roma Market	555 West Beech St.
2018-47	CVS	1023 Fourth Ave.

Community Plan Analysis:

The Project site is located within the Civic/Core neighborhood of the DCP area, which serves as the center of Downtown, both physically and functionally, where Federal, State, County, and City government offices combine with office, cultural, hotel, and some residential activity. A principal objective of the DCP is to reinforce Civic/Core as a center of business and civic activity for Downtown and the region. The mix of uses in Civic/Core is a strength. The DCP calls for embracing the varied environment while prioritizing new office and other employment-generating uses to maintain Civic/Core's unique role among Downtown's districts. The following are some key DCP goals and policies applicable to the Project:

- 3.1-G-2 - Provide overall balance of uses--employment, residential, cultural, government destination with full compendium of amenities and services.
- 3.5-G-2 - Foster a rich mix of uses in all neighborhoods, while allowing differences in emphasis on uses to distinguish between them.
- 6.1-G-1 - Create an intense district with large and tall buildings reflecting Civic/Core's character as San Diego's business and political center, while promoting a mix of uses.
- 6.1-G-2 - Strengthen Civic/Core as a focus of civic uses and government activity and reconnect government buildings and open spaces to the public realm.

Project-Related Issues:

As part of the requested CUP, the Applicant is requesting deviations from each of the three separately regulated use provisions for off-site alcohol beverage sales in Section 156.0315(b)(1), as listed in Table 1 above.

Exceptions to the standard hours of off-site alcoholic beverage sales in Section 156.0315(b)(1)(C) (10:00 a.m. to 10:00 p.m.) may be requested in accordance with Section 156.0315(b)(1)(D) of the CCPDO and are decided by the Hearing Officer after conducting a public hearing. The Applicant is seeking an exception from the standard sale hours to allow off-site alcohol beverage sales to occur from 7:00 a.m. to 11:00 p.m. seven days a week, which is consistent with the hours of operation of

the grocery store itself. Since the year 2000, four exceptions to sales hours have been granted, all of which were for large-scale grocery stores, as listed in Table 3 below:

Table 3 - Previously Granted CUPs with Deviations from Standard Hours in Downtown

Permit Number	Name	Address	Hours
2006-56	Albertson's	655 14 th St.	8:00 a.m. to 12:00 a.m.
2012-49	Jimbo's Naturally (closed)	92 Horton Plaza	8:00 a.m. to 10:00 p.m.
2014-65	CVS (closed)	37 Horton Plaza	8:00 a.m. to 10:00 p.m.
649856	Radian/Target (canceled)	659 Ninth Ave.	8:00 a.m. to 10:00 p.m.

Historically, City staff has supported deviations from the standard sale hours of off-site alcoholic beverages for large-scale grocery stores because the alcohol sales make up a very small portion of the overall inventory of the store and a small display footprint in relation to the store as a whole. For the Project, the Applicant proposes approximately 1,197 SF of retail floor area dedicated to the display of alcoholic beverages, which equates to only 4% of the grocery store's 27,596 SF total retail floor area. As detailed in the draft findings (Attachment 5), the limited retail floor area of this and previous large-scale grocery store exceptions, combined with the typical conditions of approval for off-site alcoholic beverage sales, including conditions concerning security and loitering, contribute to the support for deviations from the standard alcohol sale hours.

The Applicant is also requesting deviations from Section 156.0315(b)(1)(A) and (B) to reduce the minimum container sizes for wine and distilled spirits and malt beverages. While there are no current examples of CUPs granted for this deviation, the Ralph's grocery store at 101 G Street is allowed to sell products in container sizes less than the minimum size; however, this is a previously conforming use that has operated with off-site alcoholic beverage sales prior to the CCPDO requirement for a CUP.

A Notice of Application was distributed on March 6, 2024 and no public comments have been received. The Project was presented to the Downtown Community Planning Council on March 20, 2024, who voted 12-0 with one abstention to recommend approval of the Project (Attachment 8). The San Diego Police Department (SDPD) provided a recommendation to approve the CUP with suggested conditions (Attachment 9), which have been incorporated into the draft permit (Attachment 6). Separately, the Applicant is also required to obtain all necessary permits and licenses from the SDPD and the California Department of Alcoholic Beverage Control.

Conclusion:

Staff has reviewed the Applicant's proposal and considered the potential impacts resulting from the proposed use. Based on the draft findings (Attachment 5), Staff recommends that the City Hearing Officer approve CUP No. 3269869, including the requested deviations, to allow the sale of alcoholic beverages for off-site consumption within the ground floor tenant space at 201 West A Street, subject to conditions in the draft permit (Attachment 6).

ALTERNATIVES

1. Approve CUP No. 3269869, with modifications.
2. Deny CUP No. 3269869, if the findings required to approve the project cannot be affirmed.

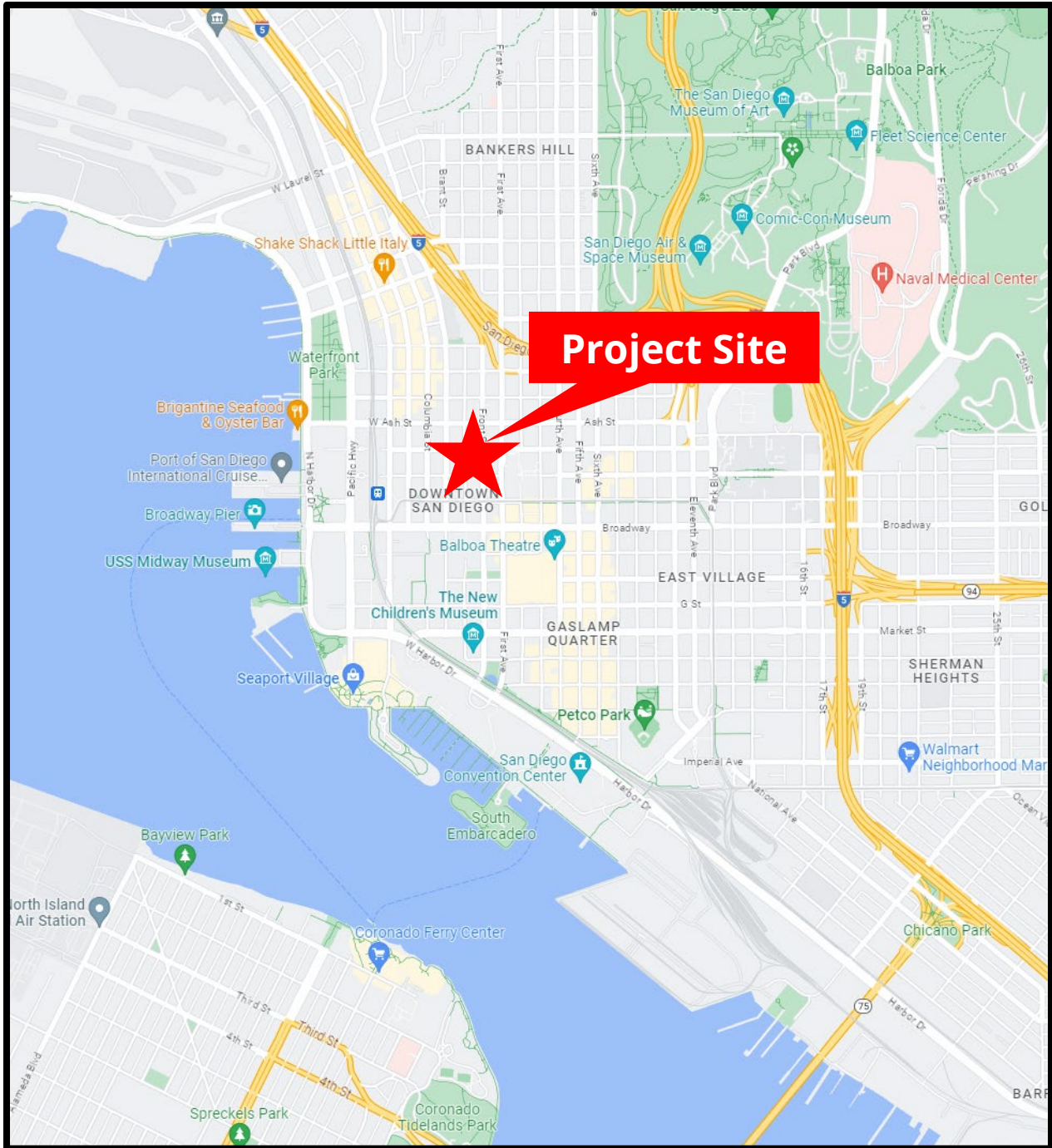
Respectfully submitted,



James Alexander
Development Project Manager, Urban Division
Development Services Department

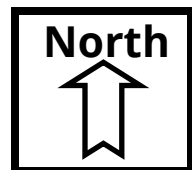
Attachments:

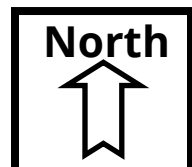
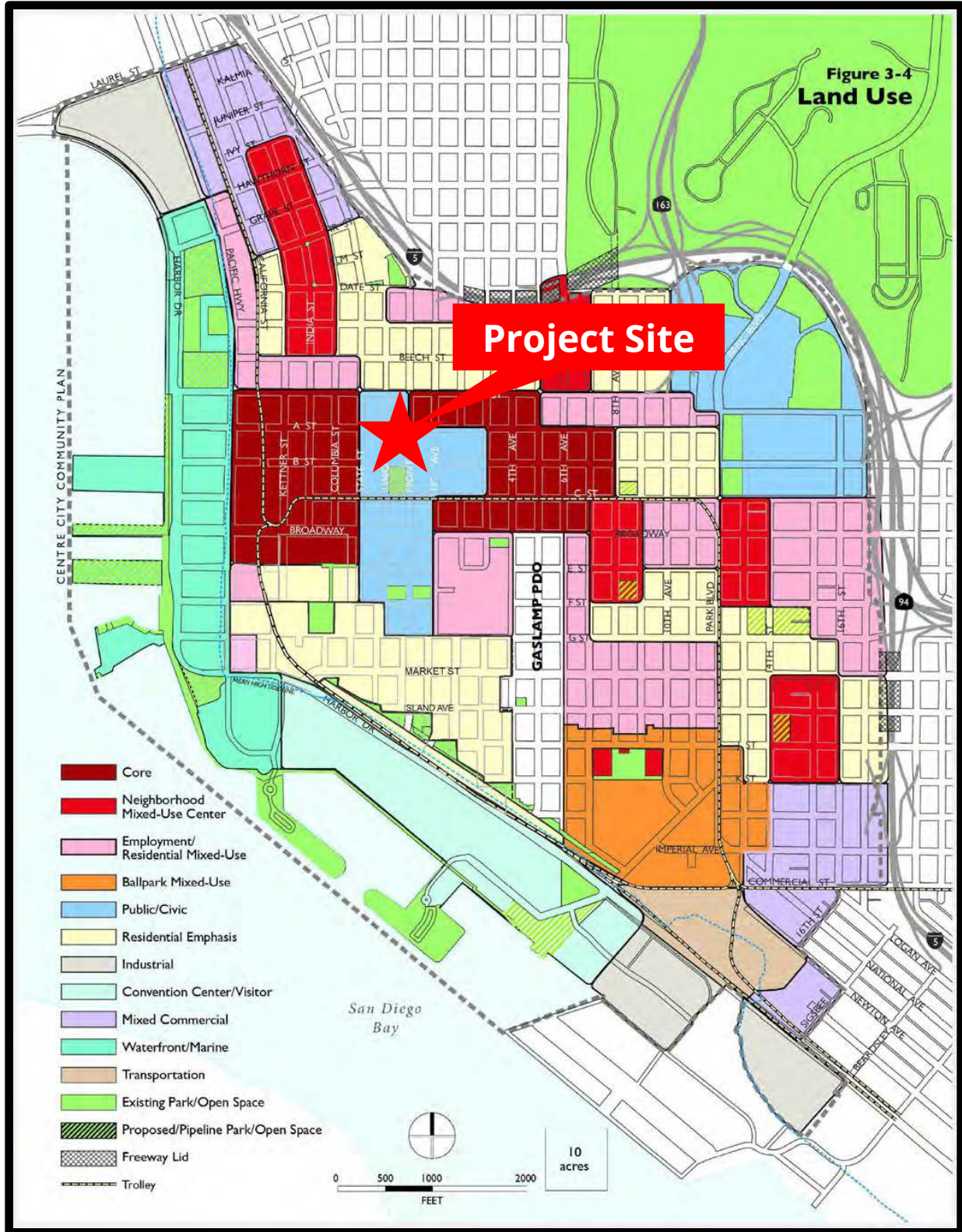
1. Location Map
2. Land Use Map
3. Aerial Photo
4. Off-Site Alcoholic Beverage Sales Vicinity Map
5. Draft Resolution with Findings
6. Draft Permit with Conditions
7. Environmental Determination – CEQA 15162 Memo
8. Community Planning Group Recommendation
9. SDPD Recommendation
10. Ownership Disclosure
11. Applicant Letter of Request
12. Project Plans

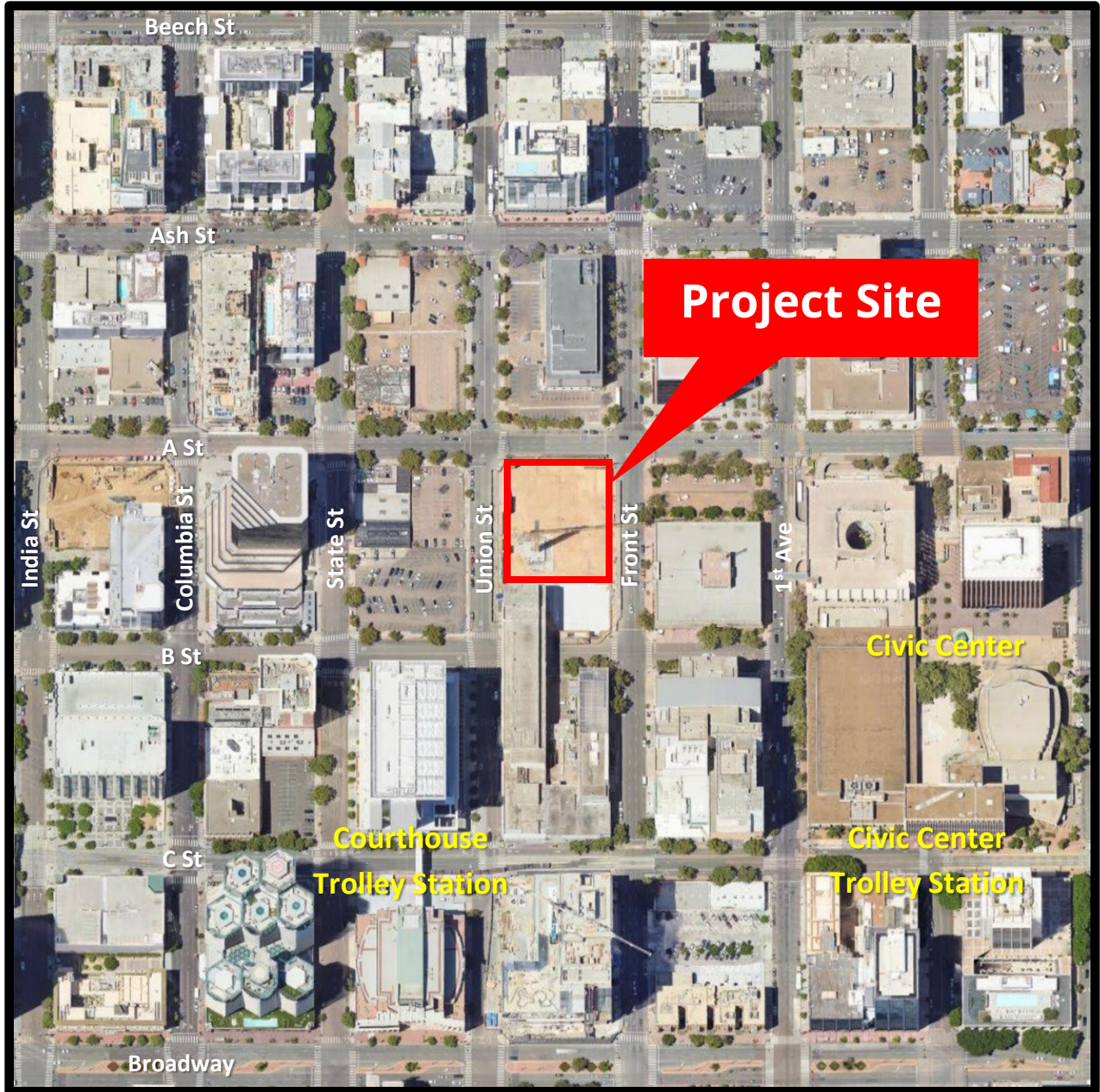


Project Location Map

**Front & A Off-Site Alcohol Sales, Project No. 1109526
201 West A Street**

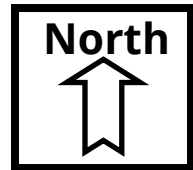






Aerial Photo

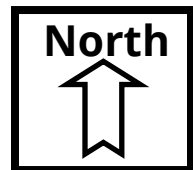
Front & A Off-Site Alcohol Sales, Project No. 1109526
201 West A Street





Off-Site Alcohol Sales Vicinity Map

Front & A Off-Site Alcohol Sales, Project No. 1109526
201 West A Street



HEARING OFFICER
RESOLUTION NO. _____
CONDITIONAL USE PERMIT NO. 3269869
FRONT & A OFF-SITE ALCOHOLIC BEVERAGE SALES - PROJECT NO. PRJ-1109526

WHEREAS, SDCC NORTH BLOCK, LLC, Owner/Permittee, filed an application for a Conditional Use Permit (CUP) with the City of San Diego ("City") for a permit to allow off-site alcoholic beverage sales ("Project") for a grocery store located within the 49,359 square-foot tenant space on the ground level of the "Front & A" mixed-use development, as described in and by reference to the approved Exhibit "A" and corresponding conditions of approval for the associated CUP No. 3198065;

WHEREAS, the Project site is located at 201 West A Street in the Public/Civic land use district of the Centre City Planned District and within the Civic/Core neighborhood of the Downtown Community Plan (DCP) area ("Downtown");

WHEREAS, the Project site is legally described as Parcel 1 of Parcel Map No. 21886, in the City of San Diego, County of San Diego, State of California, as per map filed on September 14, 2021 as File No. 2021-7000339 in Book of Parcel Maps, in the Office of the County Recorder of said county;

WHEREAS, on March 1, 2024, the City determined that the Project is consistent with the previously certified Downtown Final Environmental Impact Report (Downtown FEIR) (SCH# 2003041001);

WHEREAS, development within the Downtown Community Planning area is covered under the following documents, referred to collectively as the "Downtown FEIR": (1) Final Environmental Impact Report (FEIR) for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and 10th Amendment to the Centre City Redevelopment Plan, certified by the former Redevelopment Agency ("Former Agency") and the City Council on March 14, 2006 (Resolutions R-04001 and R-301265, respectively); (2) subsequent addenda to the FEIR certified by the Former Agency and City Council on: August 3, 2007 (Resolution R-04193 and R-302932, respectively); April

13, 2010 (Council Resolution R-305759); April 21, 2010 (Former Agency Resolutions R-04509 and R-04510); August 3, 2010 (Former Agency Resolution R-04544 and Council Resolutions R-30614), February 12, 2014 (City Council Resolution R-308724); July 14, 2014 (City Council Resolution R-309115); and (3) Final Supplemental Environmental Impact Report for the Downtown San Diego Mobility Plan certified by the City Council on June 21, 2016 (Resolution R-310561);

WHEREAS, development within the DCP area is also covered under the following documents, referred to collectively as the "CAP FEIR": FEIR for the City's Climate Action Plan (CAP), certified by the City Council on December 15, 2015 (City Council Resolution R-310176), and the Addendum to the CAP, certified by the City Council on July 12, 2016 (City Council Resolution R-310595);

WHEREAS, the Downtown FEIR and CAP FEIR are "Program EIRs" prepared in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15168; the information contained in the Downtown FEIR and CAP FEIR reflects the independent judgment of the City as the Lead Agency; the environmental impacts of the Project were adequately addressed in the Downtown FEIR and CAP FEIR; the Project is within the scope of the development program described in the Downtown FEIR and CAP FEIR and is adequately described within each document for the purposes of CEQA; and none of the conditions listed in CEQA Guidelines Section 15162 exist;

WHEREAS, based on the foregoing, no further environmental documentation or review is required under CEQA.

WHEREAS, on May 8, 2024, the Hearing Officer of the City of San Diego considered CUP No. 3269869 pursuant to the City Land Development Code; NOW THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to CUP No. 3269869:

A. CONDITIONAL USE PERMIT [SDMC Section 126.0305]

1. Findings for all Conditional Use Permits:

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

The proposed use, off-site alcoholic beverage sales within a proposed 49,359-square-foot grocery store located at [201 West A Street](#) on the ground level of the "Front & A" mixed-use development, currently under construction within the Public/Civic land use district of the Centre City Planned District, will not adversely affect the applicable land use plan because Table 156-0308-A of the Centre City Planned District Ordinance (CCPDO) of the San Diego Municipal Code (SDMC) allows retail sales, such as a grocery store, as a permitted use, and off-site alcoholic beverage sales as an accessory use to retail sales with approval of a CUP in accordance with Process 3.

The Project site is located within the Civic/Core neighborhood of the Downtown Community Plan (DCP) area. The DCP states that the Civic/Core neighborhood serves as the center of Downtown, both physically and functionally, where Federal, State, County, and City government offices combine with office, cultural, hotel, and some residential activity (DCP, page 6-3). A grocery store with off-site alcoholic beverage sales as proposed in the Project is an additional neighborhood-serving commercial use that will support additional future residential development in the area. A principal objective of the DCP is to reinforce Civic/Core as a center of business and civic activity for Downtown and the region (DCP, page 6-5). Because the Project is proposed to be off-site alcoholic beverage sales within a large-scale grocer offering a variety of products, it will serve as an additional attraction for residents and employees of Downtown alike and as such, will reinforce the neighborhood's position as a business and civic center. The DCP states that this mix of uses is Civic/Core's strength and calls for embracing the varied environment while prioritizing new office and other employment-generating uses to maintain Civic/Core's unique role among Downtown's districts (DCP, page 6-5). Much of the blocks surrounding the Project site contain office and other employment uses, so a grocery store with off-site alcoholic beverage sales will service the surrounding office employees, which will increase the vitality and activity in Civic/Core. This strengthening of the mix of uses in Civic/Core advances the DCP goal to promote a mix of uses in Civic/Core to create an intense district (DCP, Goal 6.1-G-1), but also to foster a rich mix of uses in all neighborhoods (DCP, Goal 3.5-G-2).

The Project aligns with the DCP's goals to reinforce the Civic/Core neighborhood as a mixed-use, business and civic hub, as described above. Therefore, the proposed use will not adversely affect the applicable land use plan.

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

The proposed use, off-site alcoholic beverage sales, will not be detrimental to the public health, safety and welfare of the community because the sales will take place within a large-scale grocery store and the conditions of approval will address impacts that have the potential to adversely impact public health, safety, and welfare. For example, the amount of retail square footage within the store dedicated to the sale

of off-site alcoholic beverages is limited to no more than approximately 10% of the store's total retail floor area, which will ensure the proposed use is always a small component of the large-scale grocery store and not a primary attraction. The display area and footprint of the space will be minimal when compared to the overall store and therefore pose negligible detrimental effects. Additionally, to prevent public nuisances and unwanted behavior, conditions of approval require the owner/operator to maintain the premises and adjacent sidewalks free of litter and graffiti, post signage that prohibits loitering and open containers in and around the premises. The conditions of approval also create a process for violations of the CUP to be reported and reviewed. If any nuisances are reported to the Permittee by a member of the community, a condition of approval requires the Permittee to respond to complaints within 24 hours of receiving the complaint. If complaints persist and it is determined that the conditions of the CUP have been violated, then the CUP may be revoked at a public hearing. Further, after review by the San Diego Police Department (SDPD), added conditions of approval require video surveillance to be available to law enforcement upon request and proper training for employees who will be responsible for alcohol sales. These conditions of approval serve as safeguards to ensure that the alcohol sales uses are closely controlled and do not create a public nuisance. Therefore, the proposed use will not be detrimental to the public health, safety, and welfare for the residents, employees, and visitors of the Downtown community.

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

The proposed use, off-site alcoholic beverage sales at a grocery store, is permitted with approval of a CUP as an accessory use with retail sales in the Public/Civic land use district of the CCPDO and subject to the separately regulated use provisions of Section 156.0315(b)(1), which include limiting the container sizes of wine, distilled spirits and limiting the hours of sales of alcoholic beverages. As part of the requested CUP, the Project includes deviations from each of these three separately regulated use provisions for off-site alcohol beverage sales in Section 156.0315(b)(1)(A), (B), and (C).

Exceptions to the standard hours of off-site alcoholic beverage sales in Section 156.0315(b)(1)(C) (which are 10:00 a.m. to 10:00 p.m.) may be requested in accordance with Section 156.0315(b)(1)(D) of the CCPDO and are decided by the Hearing Officer after public notice and a public hearing. As indicated in Supplemental Finding 2.a., incorporated here by reference, the request for an exception was provided in the public notice for this hearing. The Project proposes off-site alcohol beverage sales to occur from 7:00 a.m. to 11:00 p.m. seven days a week, which is consistent with the hours of operation of the grocery store itself.

Four exceptions within the DCP area have been granted to deviate from the standard alcohol sales hours, all of which were for large-scale grocery stores: 1) Albertson's at 655 14th Street (CUP No. 2006-56), 2) Jimbo's Naturally (now closed) at 92 Horton

Plaza (CUP No. 2012-49), 3) CVS (now closed) at 37 Horton Plaza (CUP No. 2014-65), and 4) Target (project canceled) at 659 Ninth Avenue (CUP No. 649856).

The deviation for container sizes proposes to reduce the minimum container size for wine or distilled spirits from 750 milliliters to 375 milliliters or multi-unit quantities of containers totaling at least 375 milliliters, and reduce the minimum container size for malt beverages from six-packs of 12-ounce bottles to single bottles. There are no previous examples of deviations being granted to decrease the minimum container sizes and the CCPDO does not provide language outlining a process to do so. However, as with the examples of exceptions to the standard sales hours identified above, the Project's off-site alcoholic beverage sales are a single component of a larger merchandise retailer that comprises a relatively small portion of the overall inventory of the store and, physically, a small display footprint in relation to the store as a whole. The Applicant's Letter of Request states that the grocery store will sell a wide range of products, including, but not limited to produce, meat and poultry, seafood, baked goods, prepared foods, coffee and tea, juices, beer, wine and spirits, cheese, nutritional supplements, vitamins, body care, pet foods and household goods. In total, the retail floor area dedicated to the off-site alcoholic beverage sales area is proposed to be 1,197 SF, which is approximately 4% of the store's overall 27,596 SF retail floor area.

The limited retail floor area of this use, combined with the typical conditions of approval for off-site alcoholic beverage sales, such as clearing all litter and graffiti, prohibiting loitering and open containers, having video surveillance available to law enforcement, and providing proper training for employees responsible for alcohol sales, will ensure that the proposed deviations to extend sale hours and decrease the minimum container sizes do not become a public nuisance or create adverse health, safety, or welfare impacts to the neighborhood.

With the allowable deviation to the hours of operation, the Project will comply with the CCPDO, and all requested deviations are subject to the conditions of approval which ensure that the project with the proposed deviations does not become a public nuisance or create adverse health, safety, or welfare impacts to the neighborhood. Any proposed changes would be required to be reviewed by the City and obtain all necessary governmental approvals. Therefore, the proposed use complies with the regulations of the Land Development Code.

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

The Project site is located within the Civic/Core neighborhood of the Downtown Community Plan (DCP) area. The DCP states that the Civic/Core neighborhood serves as the center of Downtown, both physically and functionally, where Federal, State, County, and City government offices combine with office, cultural, hotel, and some residential activity (DCP, page 6-3). A grocery store with off-site alcoholic beverage sales as proposed in the Project is an additional neighborhood-serving commercial use that will support additional future residential development in the area. A principal objective of the DCP is to reinforce Civic/Core as a center of

business and civic activity for Downtown and the region (DCP, page 6-5). Because the Project is proposed to be off-site alcoholic beverage sales within a large-scale grocer offering a variety of products, it will serve as an additional attraction for residents and employees of Downtown alike and as such, will reinforce the neighborhood's position as a business and civic center. The DCP states that this mix of uses is Civic/Core's strength and calls for embracing the varied environment while prioritizing new office and other employment-generating uses to maintain Civic/Core's unique role among Downtown's districts (DCP, page 6-5). Much of the blocks surrounding the Project site contain office and other employment uses, so a grocery store with off-site alcoholic beverage sales will service the surrounding office employees, which will increase the vitality and activity in Civic/Core. With this variety of existing uses in the Civic/Core neighborhood, the proposed use provides a service to the residents, employees, and visitors of the neighborhood. This strengthening of the mix of uses in Civic/Core advances the DCP goal to promote a mix of uses in Civic/Core to create an intense district (DCP, Goal 6.1-G-1), but also to foster a rich mix of uses in all neighborhoods (DCP, Goal 3.5-G-2). Therefore, the proposed use is appropriate at the proposed location.

2. Supplemental Findings – Exceptions to 156.0315(b)(1)(C) for Hours of Off-Site Alcoholic Beverage Sales

a. The request for an exception was provided in the public notice for the hearing.

The Notice of Public Hearing for the Project was published on April 24, 2024 and included the following statement: "The CUP request includes deviations to 1) extend the standard off-site alcoholic beverage sales from between 10:00 a.m. and 10:00 p.m. to between 7:00 a.m. and 11:00 p.m., 2) reduce the minimum container size of wine and distilled spirits from 750 milliliters to 375 milliliters or manufacturer pre-packaged multi-unit quantities with a total package volume of at least 375 milliliters, and 3) reduce the minimum container size of malt beverages from six-packs of 12-ounce bottles to single bottles." Therefore, the exception request was provided in the public notice for the hearing.

b. The proposed use and operations are compatible with existing and planned surrounding land uses.

The proposed use is off-site alcoholic beverage sales from 7:00 a.m. to 11:00 p.m. as an accessory use within a large-scale general merchandise retailer on the ground floor of the "Front & A" mixed-use development within the Civic/Core neighborhood. The DCP encourages a rich mix of uses in all neighborhoods (DCP, 3.5-G-2) and an overall balance of uses in Downtown (DCP, 3.1-G-2). With this vision, Downtown has become a vibrant community with a variety of uses that are active throughout the day and night. The blocks surrounding the Project site include a mix of uses such as office, small-scale commercial, and other employment uses, although the DCP anticipates this neighborhood will continue to redevelop with high-intensity residential and commercial developments. Since the year 2000, four similar large-scale stores in Downtown that provide accessory off-site alcoholic beverage sales

have also been granted extended hours, including: 1) Albertson's at 655 14th Street (CUP No. 2006-56), 2) Jimbo's Naturally (now closed) at 92 Horton Plaza (CUP No. 2012-49), 3) CVS (now closed) at 37 Horton Plaza (CUP No. 2014-65), and 4) Target (project canceled) at 659 Ninth Avenue (CUP No. 649856). With the variety of existing uses in the Civic/Core neighborhood, including similar uses and specifically, many employment uses, a grocery retailer with accessory off-site alcoholic beverage sales from 7:00 a.m. to 11:00 p.m. provides a service to the residents, employees, and visitors of the neighborhood and therefore is compatible with existing and planned surrounding land uses

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED that, based on these findings adopted by the Hearing Officer, CUP No. 3269869 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in CUP No. 3269869, a copy of which is attached hereto and made a part hereof.

James Alexander
Development Project Manager, Urban Division
Development Services Department

Adopted on: May 8, 2024

IO#: 24009809

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

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

INTERNAL ORDER NUMBER: 24009809

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 3269869

FRONT & A OFF-SITE ALCOHOLIC BEVERAGE SALES - PROJECT NO. PRJ-1109526
HEARING OFFICER

This Conditional Use Permit (CUP) No. 3269869 is granted by the Hearing Officer of the City of San Diego ("City") to SDCC North Block, LLC, Owner/Permittee, pursuant to San Diego Municipal Code (SDMC) Section 126.0301 to allow off-site alcoholic beverage sales ("Project") for a grocery store located within the 49,359 square-foot (SF) tenant space at 201 West A Street on the ground level of the "Front & A" mixed-use development in the Public/Civic land use district of the Centre City Planned District and within the Downtown Community Plan area. The Project site is legally described as Parcel 1 of Parcel Map No. 21886, in the City of San Diego, County of San Diego, State of California, as per map filed on September 14, 2021 as File No. 2021-7000339 in Book of Parcel Maps, in the Office of the County Recorder of said county.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to allow off-site alcoholic beverage sales, conditioned upon the issuance of a license from the State Department of Alcoholic Beverage Control and subject to the City's land use regulations described and identified by size, dimension, quantity, type, and location on the approved exhibits (Exhibit "A") dated May 8, 2024, on file in the Development Services Department (DSD).

The project shall include:

- a.** Off-site alcoholic beverage sales for a grocery store located within the ground level tenant space at 201 West A Street;
- b.** Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6,

Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by **May 22, 2027**.

2. 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.
3. 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.
4. 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.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City 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.).
7. 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.
8. 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.
9. 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.

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

PLANNING/DESIGN REQUIREMENTS:

11. The primary use of the establishment shall be a 49,359 SF grocery store. The off-site alcohol beverage sales shall be accessory to the primary use. The intended uses must be in conformance with permitted uses outlined in the Centre City Planned District Ordinance (CCPDO) and all other relevant regulations in the SDMC. Any proposed change in use shall be reviewed and approved by the City.
12. The business shall maintain a valid State Department of Alcohol Beverage Control liquor license. The business shall be in compliance with all conditions of said license at all times.
13. No more than 10% of the store's approximately 27,596 SF retail floor area shall be devoted to the display of alcoholic beverages for off-site consumption.
14. No wine or distilled spirits shall be sold in containers of less than 375 milliliters or manufacturer pre-packaged multi-unit quantities with a total package volume of less than 375 milliliters.
15. Off-site alcoholic beverage sales shall be limited to between the hours of 7:00 a.m. and 11:00 p.m. each day of the week.
16. No more than 30% of the square footage of the windows and transparent doors of the premises shall bear advertising or signs of any sort, and all advertising and signage 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 establishment.

17. Window signs that advertise alcoholic beverage products are not allowed.
18. The owner or operator shall maintain the premises and adjacent public sidewalks free of litter and graffiti at all times.
19. The owner and operator shall post a prominent, permanent sign stating, "NO LOITERING, CONSUMPTION OF ALCOHOLIC BEVERAGES, OR OPEN ALCOHOLIC CONTAINERS ARE ALLOWED INSIDE THE PREMISES, ON THE PUBLIC SIDEWALKS ADJACENT TO THE PREMISES." This condition is not intended to prohibit tastings pursuant to a Type 86 ABC License.
20. The Permittee shall respond to complaints pertaining to this Permit by members of the community within 24 hours of receiving the complaint. A current point of contact shall be maintained with the City of San Diego for the premises to ensure full compliance with this condition.
21. This Permit may be revoked by the City of San Diego if there is a material breach or default in any of the conditions of this permit. If the business creates a nuisance to the surrounding neighborhood, based on a determination of the City of San Diego, this permit may be revoked after the holding of a public hearing.

ADDITIONAL POLICE DEPARTMENT REQUIREMENTS:

22. Video surveillance shall be recording and available to law enforcement upon request covering the interior and public access points of the premises. Upon request of law enforcement, video surveillance shall not be deleted, voided, or destroyed. Recordings shall be maintained for a minimum of 30 days absent a request of law enforcement.
23. Employees responsible for alcohol sales are trained in California Department of Alcoholic Beverage Control (ABC) regulations (LEAD/RBS), theft deterrence, and policies against the sales of alcoholic beverages to those under 21 years of age and/or intoxicated.

INFORMATION ONLY:

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

APPROVED by the Hearing Officer of the City of San Diego on May 8, 2024 and Resolution No. ____.

Permit Type/Approval No.: CUP No. 3269869

Date of Approval: May 8, 2024

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

James Alexander
Development Project Manager, Urban Division
Development Services Department

**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.

SDCC North Block, LLC

Owner/Permittee

By _____
(Signature)

PRINT NAME:

TITLE:

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



THE CITY OF SAN DIEGO

M E M O R A N D U M

DATE: April 15, 2024

TO: Environmental/Project File, Development Services Department

FROM: Jeffrey Szymanski, Senior Planner, Development Services Department

SUBJECT: **Front and A Street Off-Site Alcohol Sales (PRJ-1109526)**
California Environmental Quality Act – Section 15162 Evaluation

The Development Services Department (DSD) has completed a California Environmental Quality Act (CEQA) Guidelines Section 15162 – Subsequent Environmental Impact Reports consistency evaluation for the proposed Front and A Street Off-Site Alcohol Sales (PRJ-1109526). See 14 C.C.R. §15162.

An EIR was prepared and certified for the original Downtown Community Plan (DCP) project. This evaluation was performed to determine if conditions specified in CEQA Guidelines Section 15162 would require the preparation of additional CEQA review for the proposed Front and A Off-Site Alcohol Sales project. As outlined in the evaluation, DSD has determined that the proposed project is consistent with the original certified Downtown Environmental Impact Report (EIR) SCH No. 2003041001.

BACKGROUND

The City of San Diego previously prepared and certified the EIR for the Downtown redevelopment project which was a proposal to modify the Redevelopment Plan, Community Plan and Planned District Ordinance which govern development of downtown San Diego. The downtown area covers approximately 1,455 acres. The area is generally bounded by Laurel Street and Interstate (I-) 5 on the north; I-5, Commercial Street, 16th Street, Sigsbee Street, Newton Avenue, Harbor Drive, and the extension of Beardsley Street on the east; and San Diego Bay on the south and west. The proposed Downtown Community Plan would establish the overall vision for downtown and outline policies to attain this vision.

The Downtown Community Plan would also serve as the basis for detailed zoning and development standards as well as a variety of other actions, such as open space acquisitions and transportation improvements. Under the proposed Downtown Community Plan, downtown, at buildout, would consist of an integrated and connected network of distinct neighborhoods and districts. These include Civic/Core, Columbia, Convention Center, Cortez, East Village, Gaslamp Quarter/Horton Plaza, Little Italy, and Marina. Each would contain a mixed-use center and a park. Several of

downtown's neighborhoods, including Little Italy, Marina, and the Core, are established and not expected to change significantly as a result of the proposed Downtown Community Plan. Other areas, particularly East Village, would undergo major transformations to accommodate increasing residential and commercial activity. The proposed Downtown Community Plan would depart from the existing 1992 Centre City Community Plan by further increasing intensity and density of land uses and increasing resident and employment populations. In addition, the proposed Plan would provide more park space, orient downtown's neighborhoods around mixed-use centers, and connect neighborhoods through Boulevards, Green Streets, and freeway lids.

Based on the analysis in the EIR, the Downtown FEIR would result in significant impacts related to the following issues (mitigation and type of impact shown in parentheses):

Significant but Mitigated Impacts

- Air Quality: Construction Emissions (AQ-B.1) (Direct [D])
- Land Use: Ballpark Noise (LU-B.1) (D)
- Land Use: Ballpark Lighting (LU-B.5) (D)
- Noise: Interior from Traffic Noise (NOI-B.1) (D)
- Noise: Interior from Ballpark Noise (NOI-B.2) (D)

Significant and Not Mitigated Impacts

- Aesthetics/Visual Quality: Views of Bay and Bay Bridge (VIS-B.1) (D)
- Air Quality: Construction Emissions (AQ-B.1) (Cumulative [C])
- Air Quality: Mobile-source Emissions (C)
- Historical Resources: Historical (D/C)
- Historical Resources: Archaeological (D/C)
- Land Use: Traffic Noise (LU-B.2) (D)
- Land Use: Aircraft Noise (LU-B.3) (D)¹
- Land Use: Railroad Noise (LU-B.4) (D)
- Land Use: Physical Changes Related to Transient Activity (LU-B.6) (D/C)
- Noise: Traffic Noise Level Increase on Grid Streets (NOI-A.1) (D/C)
- Noise: Exterior Traffic Noise in Residential Development (NOI-C.1) (D)
- Noise: Exterior Aircraft Noise in Residential Development (NOI-C.2) (D)
- Noise: Exterior Traffic Noise in Public Parks and Plazas (NOI-D.1) (D)
- Noise: Exterior Aircraft Noise in Public Parks and Plazas (NOI-D.2) (D)
- Parking: Excessive Parking Demand (TRF-D.1) (D/C)
- Traffic: Impact on Grid Streets (TRF-A.1.1) (D)
- Traffic: Impact on Surrounding Streets (TRF-A.1.2) (D/C)
- Traffic: Impact on Freeway Ramps and Segments (TRF-A.2.1) (D/C)
- Traffic: Impact from Removal of Cedar Street Ramp (TRF-A.2.2) (D)
- Water Quality: Urban Runoff (WQ-A.1) (C)

PROJECT DESCRIPTION

The project proposes a Conditional Use Permit (CUP) for the sale of alcoholic beverages for off-site consumption at 201 West A Street within a grocery store located on the ground level of the "Front & A" mixed-use development. The project is currently under construction and consists of the

construction of the “Front & A” development, a 34-story mixed-use development containing 450 residential dwelling units, 47,570 SF of commercial retail space, and 693 parking spaces. The project would be located on the full-block site bounded by West A, West B, Union, and Front Streets within the Public/Civic land use district of the Centre City Planned District and the Civic/Core neighborhood of the Downtown Community Plan area.

CEQA 15162 CONSISTENCY EVALUATION

The Development Services Department completed a California Environmental Quality Act (CEQA) review for the Project. On March 19, 2023, the Environmental Analysis Section (EAS) determined that the Project is consistent with the previously certified City of San Diego Downtown Environmental Impact Report (SCH# 2003041001). Development within the Downtown Community Planning area is covered under the following documents, referred to collectively as the “Downtown FEIR”: (1) Final Environmental Impact Report (FEIR) for the San Diego Downtown Community Plan (DCP), Centre City Planned District Ordinance, and 10th Amendment to the Centre City Redevelopment Plan, certified by the former Redevelopment Agency (“Former Agency”) and the City Council on March 14, 2006 (Resolutions R-04001 and R-301265, respectively); (2) Subsequent Addenda to the FEIR certified by the Former Agency and City Council on: August 3, 2007 (Resolution R-04193 and R-302932, respectively); April 13, 2010 (Council Resolution R-305759); April 21, 2010 (Former Agency Resolutions R-04509 and R-04510); August 3, 2010 (Former Agency Resolution R-04544 and Council Resolution R-30614); February 12, 2014 (City Council Resolution R-308724); July 14, 2014 (City Council Resolution R-309115); and (3) Final Supplemental Environmental Impact Report for the Downtown San Diego Mobility Plan certified by the City Council on June 21, 2016 (Resolution R-310561).

Development within the DCP area is also covered under the following documents, referred to collectively as the “CAP FEIR”: FEIR for the City of San Diego Climate Action Plan (CAP) Project No. 416603/SCH No. 2015021053, certified by the City Council on December 15, 2015 (City Council Resolution R-310176), and the Addendum to the CAP, certified by the City Council on July 12, 2016 (City Council Resolution R- 310595).

The Downtown FEIR and CAP FEIR are “Program EIRs” prepared in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15168. The information contained in the Downtown FEIR and CAP FEIR reflects the independent judgment of the City of San Diego as the Lead Agency. The environmental impacts of the Project were adequately addressed in the Downtown FEIR and CAP FEIR; the Project is within the scope of the development program described in the Downtown FEIR and CAP FEIR and is adequately described within each document for the purposes of CEQA; and, none of the conditions listed in CEQA Guidelines Section 15162 exist. Therefore, no further environmental documentation or review is required under CEQA.

CONCLUSION

Overall, implementation of the proposed would not result in any significant direct, indirect or cumulative impacts over and above those disclosed in the previously certified EIR.

Section 15162 of the CEQA Guidelines states:

When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Based upon a review of the current project, none of the situations described in Section 15162 of the State CEQA Guidelines apply. No changes in circumstances have occurred, and no new information of substantial importance has manifested, which would result in new significant or substantially increased adverse impacts because of the project. This evaluation, therefore, supports the use of the previously certified EIR, under CEQA Guidelines Section 15162, in that both environmental documents adequately cover the proposed project.

Jeffrey Szymanski
Associate Planner

cc: James Alexander, Development Project Manager, Development Services Department

Page 3	City of San Diego · Information Bulletin 620		August 2018
	City of San Diego Development Services 1222 First Ave., MS-302 San Diego, CA 92101		Community Planning Committee Distribution Form
	Project Name: Front & A Alcohol CUP		Project Number: PRJ-1109526
Community: Downtown			
<p>For project scope and contact information (project manager and applicant), log into OpenDSD at https://aca.accela.com/SANDIEGO.</p> <p>Select "Search for Project Status" and input the Project Number to access project information.</p>			
<input checked="" type="checkbox"/> Vote to Approve <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		Date of Vote: March 20, 2024	
# of Members Yes 12	# of Members No	# of Members Abstain 1	
Conditions or Recommendations:			
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			
NAME: Manny Rodriguez			
TITLE: Chair, Downtown Community Planning Council		DATE: March 25, 2024	

Visit our web site at www.sandiego.gov/development-services.

Upon request, this information is available in alternative formats for persons with disabilities.

DS-5620 (08-18) ONLINE FORM

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

PREMISE ADDRESS: 201 West A Street, San Diego, CA 92101

TYPE OF BUSINESS: Grocery Store/Big Box Store/large retail space

FEDERAL CENSUS TRACT: 53.00/53.02

NUMBER OF ALCOHOL LICENSES ALLOWED: 2

NUMBER OF ALCOHOL LICENSES EXISTING: 5 (over-concentrated)

CRIME RATE IN THIS CENSUS TRACT: 1,504.4% - High Crime
(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 premises is located within census tract 53.00 for crime stats and 53.02 for concentration. The reported crime rate for 2022 within Census Tract 53.00 was 1,504.4% and the alcohol crime rate was 4,493.2%.

This is a large retail space, approx. 47,000 square feet, on the first floor and mezzanine of a 34 story building with residential and parking on the upper floors.

The applicant has requested modified conditions due to this being a large grocery store in an area where there is not another large grocer in close proximity.

The San Diego Police Department agrees with the issuance of a CUP for the Off-Sale of alcohol, Type 21 alcohol license, at this location. The San Diego Police Department is aware of SDMC 156.0315 (b)(1) relating to the Off-Sale of alcohol in the Center City District and is agreeable to the below listed conditions if the Planning Commissioner deems is appropriate and acceptable. This is due to the location, size, and character of the retail space.

SUGGESTED CONDITIONS:

Due to the extremely high crime rate and alcohol rate cupled with the overconcentration of Off-Sale alcohol licenses, the San Diego Police Department agrees with the issuance of a Conditional Use Permit so long as the following conditions are incorporated:

BZM 3-13-24

1. The area devoted to alcohol sales does not exceed 10 percent of the gross floor area of the entire retail premises.
2. Sales of alcoholic beverages shall be permitted only between the hours of 7AM to 11 PM each day of the week.
3. No wine or distilled spirits shall be sold in containers of less than 375 milliliters. The sale of manufacturer pre-packaged multi-unit quantities with a total package volume of 375 milliliters or more is not a violation of this condition.
4. Video surveillance shall be recording and available to law enforcement upon request covering the interior and public access points of the premises. Upon request of law enforcement video surveillance shall not be deleted, voided, or destroyed. Recordings shall be maintained for a minimum of 30 days absent a request of law enforcement.
5. Litter and any unauthorized graffiti will be removed promptly.
6. Employees responsible for alcohol sales are trained in ABC regulations (LEAD/RBS), theft deterrence and policies against the sales of alcoholic beverages to those under 21 years of age, and/or intoxicated.

SAN DIEGO POLICE DEPARTMENT RECOMMENDATION:

APPROVE

DENY

Benjamin M'Curry
Name of SDPD Vice Sergeant (Print)

619-531-2971
Telephone Number

Ben M'Curry
Signature of SDPD Vice Sergeant

3-13-24
Date of Review

	City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000	<h1>Ownership Disclosure Statement</h1>	FORM
			DS-318
			October 2017

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: Front & A Street (201 W. A Street) **Project No. For City Use Only:** _____
Project Address: 201 W. A Street San Diego, CA 92101

Specify Form of Ownership/Legal Status (please check):

Corporation Limited Liability -or- General - What State? DE Corporate Identification No. _____
 Partnership Individual

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter 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), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of **ANY** person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. 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.

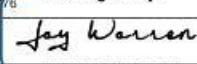
Property Owner

Name of Individual: SDCC North Block, LLC Owner Tenant/Lessee Successor Agency
Street Address: 808 Washington Street, Suite 500
City: Vancouver State: WA Zip: 98660
Phone No.: 208.921.0898 Fax No.: _____ Email: cosmith@hollandpartnergroup.com
Signature:  Date: 10/5/2023
Additional pages Attached: Yes No

Applicant

Name of Individual: Brent Schertzer Owner Tenant/Lessee Successor Agency
Street Address: 225 W B Street, Floor 3
City: San Diego State: CA Zip: 92101
Phone No.: 208.921.0898 Fax No.: _____ Email: cosmith@hollandpartnergroup.com
Signature:  Date: 10/5/2023
Additional pages Attached: Yes No

Other Financially Interested Persons

Name of Individual: Mrs. Gooch's Natural Food Markets, Inc. Owner Tenant/Lessee Successor Agency
Street Address: PO Box 684786
City: Austin State: TX Zip: 78768
Phone No.: 512.542.0876 **DocuSigned by:** _____ Fax No.: _____ Email: licensing@wholefoods.com
Signature:  Date: October 6, 2023
Additional pages Attached: Yes No

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



February 16, 2023

Mr. James Alexander
 Senior Planner, Urban Division
 City of San Diego, Development Services Department
 1222 First Avenue
 San Diego, CA 92101

RE: Front & A Street (201 W. A Street): Conditional Use Permit

Dear Mr. Alexander,

As the applicant for the Conditional Use Permit, we are providing this letter to provide additional information on the store and summarize our requests for the application.

Store Description

The full-service grocery store will offer wide range of products, including but not limited to produce, meat and poultry, seafood, baked goods, prepared foods, coffee and tea, juices, beer, wine and spirits, cheese, nutritional supplements, vitamins, body care, pet foods and household goods, with a focus on natural and organic products.

The retail grocery store plans to operate normal hours between 7:00am to 11:00pm seven days a week.

The grocery store will encompass a total of approximately 49,359 square feet, of which approximately 27,596 square feet will be dedicated retail floor area and approximately 21,763 square feet will be back-of house. The proposed square footage of the alcohol displays will be approximately 1,197 square feet, which is approximately 4% of the retail floor area square footage.

Requested Exceptions to Regulations for Off-Site Alcoholic Beverage Sales:

1. *§156.0315(b)(1)(A): No wine or distilled spirits shall be sold in containers of less than 750 milliliters.*

Per §156.0315(b)(1)(D) of the CCPDO, and pursuant to State Constitution and State law, the Applicant may request and be granted an exception for the sale of wine and/or distilled spirits being sold in containers of less than 750 milliliters. As part of the request, therefore, the Applicant is seeking an exception to change this requirement to instead state that wine and distilled spirits shall not be sold in containers of less than 375 milliliters, except that wine and or spirits-based, ready-to-drink, pre-mixed cocktails, sold in manufacturer's multi-packs. The exception will allow for premium products to be packaged and sold as intended by the producer.

Justification: Aside from assuring consistency with state law, the alternative size limitations fit modern trends in craft alcohol sales appropriate for a full-service grocery store, while still prohibiting very small hard alcohol bottles that can attract customers only interested in buying booze for public consumption. The sizes accommodate smaller micro-brew craft beer sales San Diego is famous for; wine bottles serving two glasses, instead of four; and pre-mixed cocktails that have become popular. The project's location in an upscale mixed-use tower also reduces the need for tower residents to drive to off-site locations to purchase alcohol for in-home consumption, further supporting the City's greenhouse gas emissions goals. Additionally, because the alcohol display area is within a full-service grocery store and only encompasses a small fraction of the retail floor area of that store, the CUP will not attract the same type of alcohol-only customers who sometimes frequent other types of retail outlets, so the CUP will not create a nuisance in the neighborhood.

2. *§156.0315(b)(1)(B): No malt beverage products shall be sold in quantities of less than a six-pack of 12-ounce bottles or other containers totaling a minimum of 64 ounces.*

Per §156.0315(b)(1)(D) of the CCPDO, and pursuant to State Constitution and State law, the Applicant may request and be granted an exception for the sale of malt beverage products in quantities of less than six-packs of 12-ounce bottles, or other containers totaling a minimum of 64 ounces. As part of the request, therefore, the Applicant is seeking to change this requirement to instead state that no malt beverage products may be sold as singles in less than 16-ounce containers unless such singles are considered craft and or otherwise have a sales price greater than \$3.50. Similarly, the intent is to allow for the sale of premium products in the manner in which they are packaged and intended to be sold by the manufacturer.

Justification: Aside from assuring consistency with state law, the alternative size limitations fit modern trends in craft alcohol sales appropriate for a full-service grocery store, while still prohibiting very small hard alcohol bottles that can attract customers only interested in buying booze for public consumption. The sizes accommodate smaller micro-brew craft beer sales San Diego is famous for; wine bottles serving two glasses, instead of four; and cocktail mixers that have become popular. The project's location in an upscale mixed-use tower also reduces the need for tower residents to drive to off-site locations to purchase alcohol for in-home consumption, further supporting the City's greenhouse gas emissions goals. Additionally, because the use is within a full-service grocery store and only encompasses a small fraction of the retail floor area, the CUP will not attract the same type of alcohol-only customers who sometimes frequent other types of retail outlets, so the CUP will not create a nuisance in the neighborhood.

3. *§156.0315(b)(1)(C): No alcoholic beverages shall be sold except between the hours of 10:00 a.m. and 10:00 p.m.*

Per §156.0315(b)(1)(D) of the CCPDO, and pursuant to State Constitution and State law, the Applicant may request an exception to the standard hours in (C) above, which may be granted by the hearing officer at the public hearing. As part of the request, the Applicant is seeking an exception from the standard hours to allow off-site alcohol beverage sales to occur from 7:00 a.m. to 11:00 p.m. seven days a week.

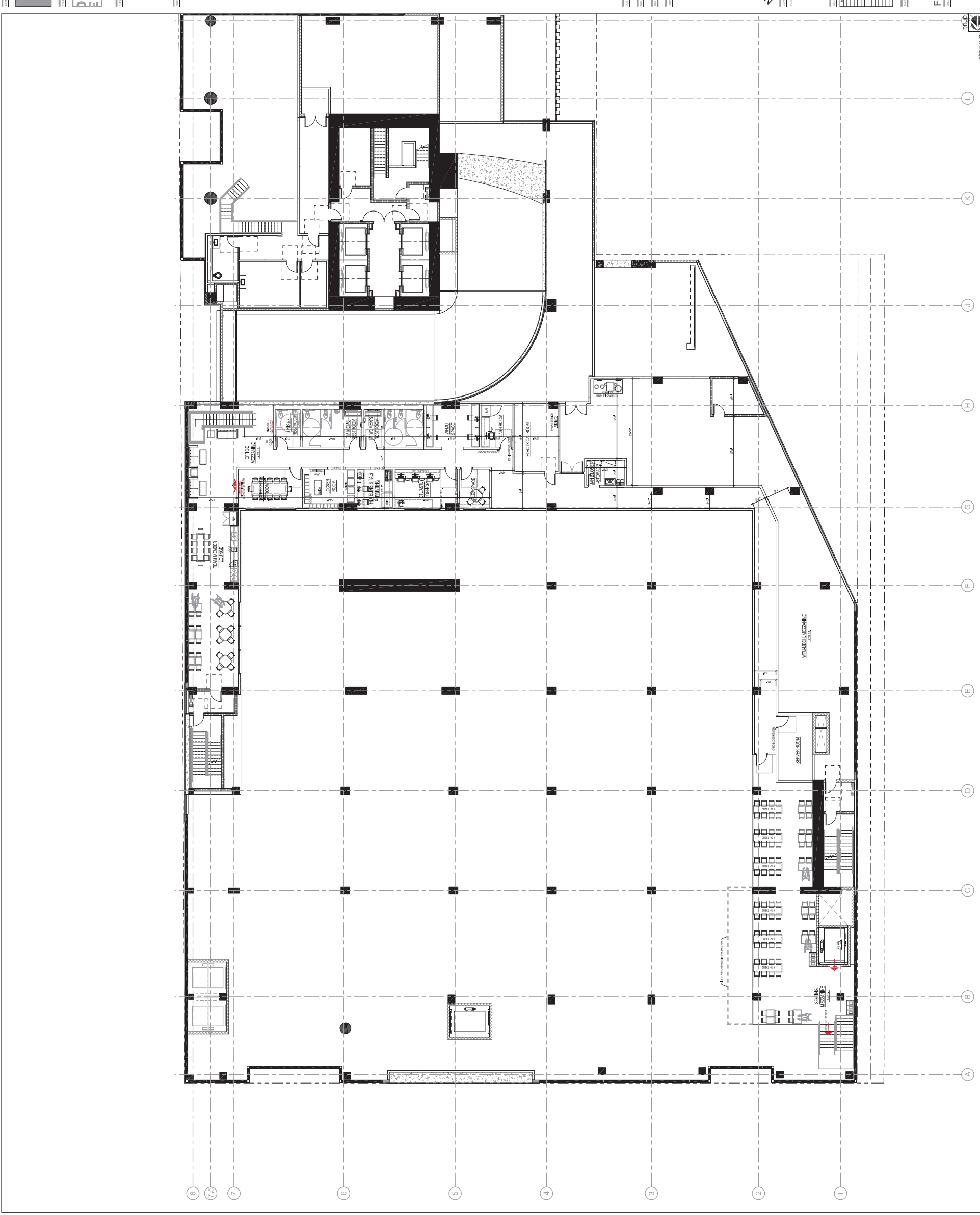
Justification: Aside from assuring consistency with state law, the alternative hours schedule is appropriate at this location and for this product type. Like other full-service grocery store locations downtown, alcohol sales are proposed to extend past 10:00pm, but not extend until midnight or later. 11:00pm represents a balanced approach for a downtown full-service grocery store. Moreover, because the Civic/Core neighborhood is envisioned in the Downtown Community Plan to become the highest-intensity employment and residential area, allowing sales to occur at 7:00am accommodates workers buying alcohol during morning commutes for office social events later in the day and other patrons looking to get their grocery shopping done in the early morning.

Please do not hesitate to reach out if there is a need to for additional information or any further clarifications. We look forward to working together to process this request. Thank you for your assistance.

Sincerely,



Brent Schertzer
Managing Director
Holland Partner Group



WHOLE FOODS MARKET
Downtown San Diego (DTS)
 1200 Front Street, San Diego, CA 92101

DL ENGLISH
 ARCHITECTS



NOT FOR CONSTRUCTION

NO.	DESCRIPTION	DATE	BY	CHKD.
1	ISSUED FOR PERMIT	10/15/2014	DL	DL
2	ISSUED FOR CONSTRUCTION	10/15/2014	DL	DL
3	ISSUED FOR CONSTRUCTION	10/15/2014	DL	DL
4	ISSUED FOR CONSTRUCTION	10/15/2014	DL	DL
5	ISSUED FOR CONSTRUCTION	10/15/2014	DL	DL
6	ISSUED FOR CONSTRUCTION	10/15/2014	DL	DL
7	ISSUED FOR CONSTRUCTION	10/15/2014	DL	DL
8	ISSUED FOR CONSTRUCTION	10/15/2014	DL	DL

Fixture Plan | Mezz.

A010.2

DESIGN DOCUMENTS - FOR REFERENCE ONLY



Grid lines: A, B, C, D, E, F, G, H, J, K, L
 1, 2, 3, 4, 5, 6, 7, 8

THIS DOCUMENT IS THE PROPERTY OF DL ENGLISH ARCHITECTS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF DL ENGLISH ARCHITECTS.

carrierjohnson + cultura
 architecture + environments + brand strategy + graphics
 185 west f street san diego ca 92101
 phone 619.293.2863

FRONT & A
 201 W. A STREET
 SAN DIEGO, CA



APPROVED BY: **CHUCK PORCE**
 REGISTERED ARCHITECT
 State of California

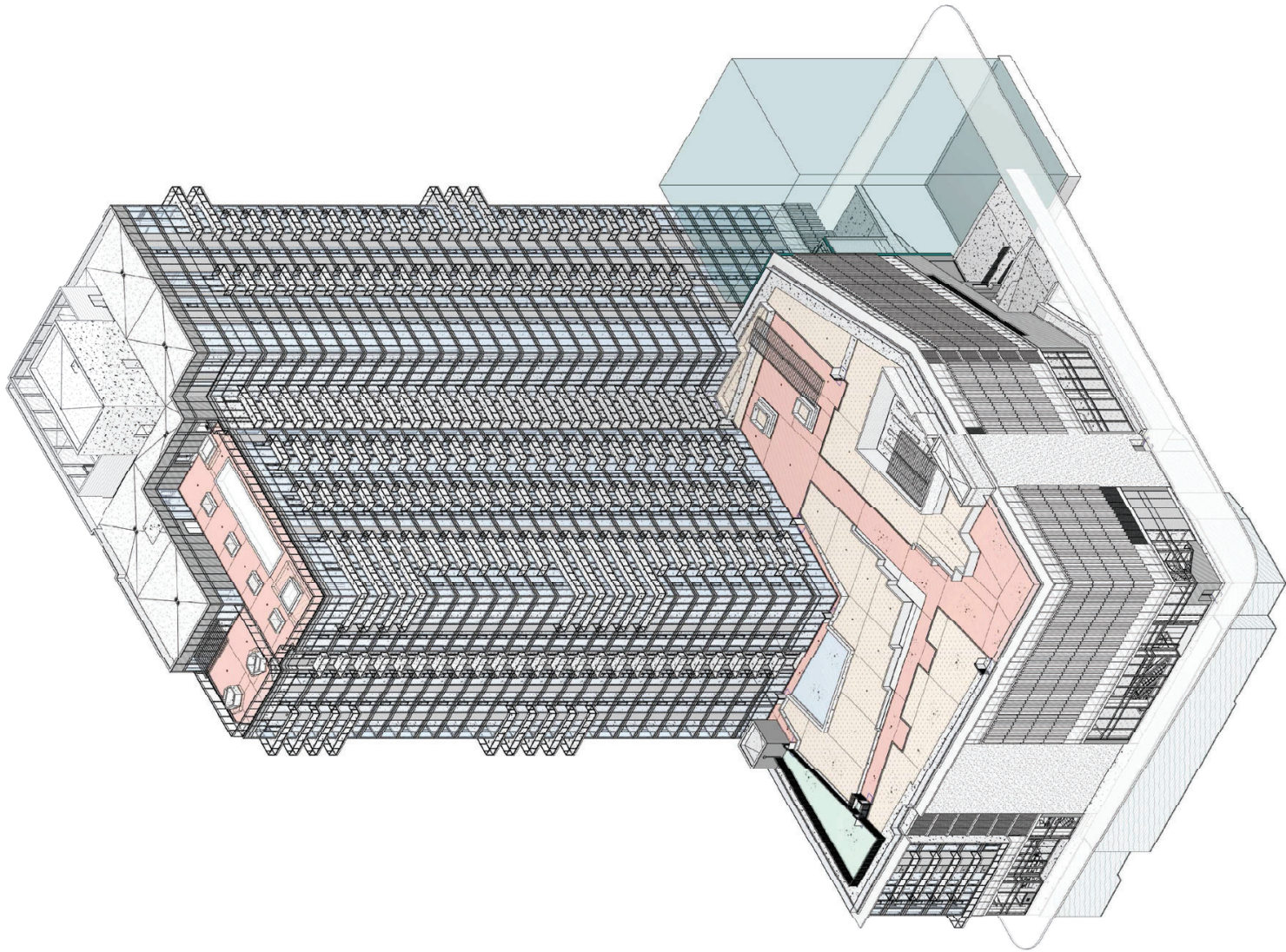
ISSUES
 No. description date

REGISTERED PROFESSIONAL ARCHITECT

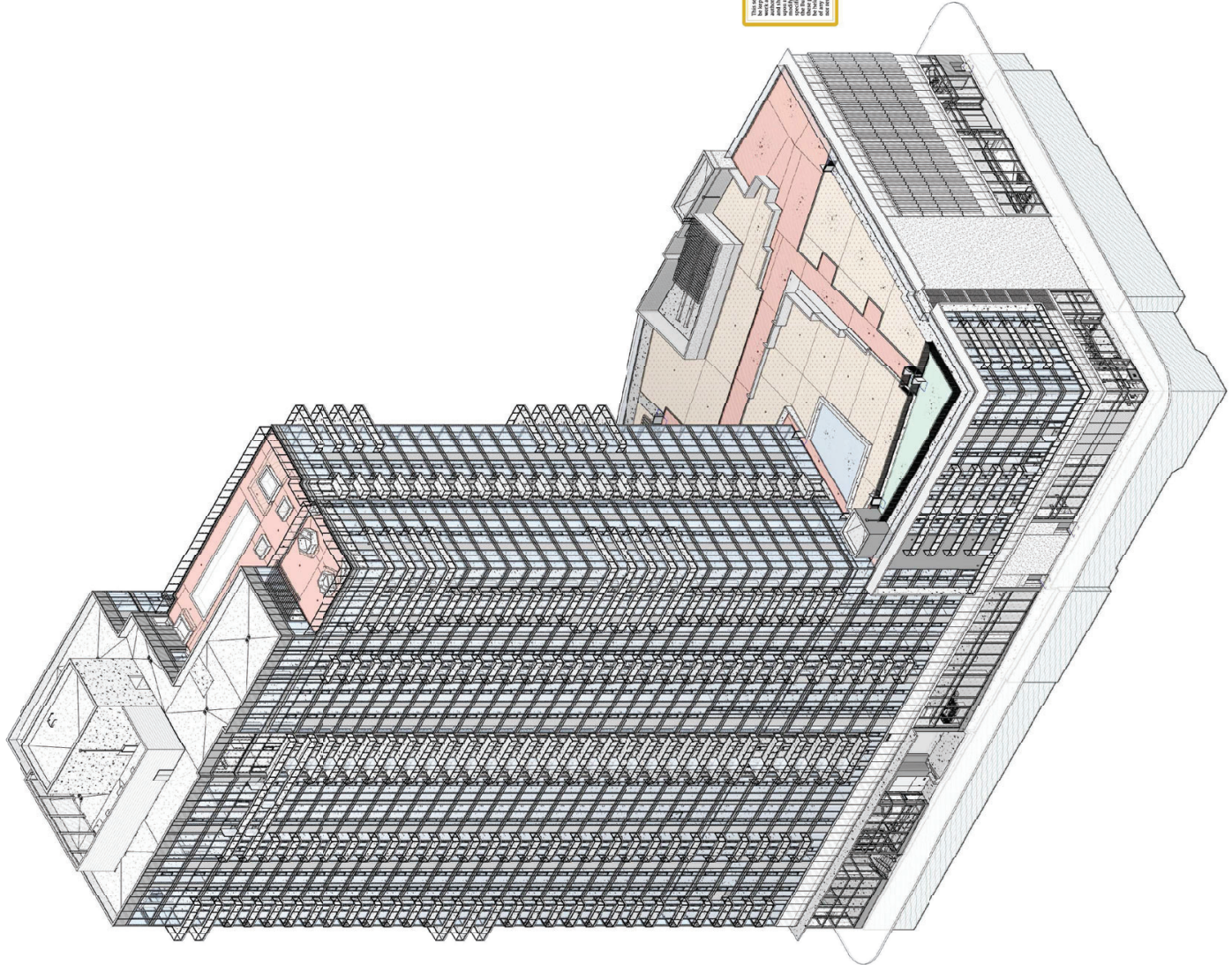


PROJECT NO. 10000
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PLOT DATE: 5/24/2013 5:28 AM
 TITLE: FRONT & A

3D
 PERSPECTIVES
 - NORTHWEST /
 NORTHEAST



2 3D PERSPECTIVE - NORTHWEST
 SCALE



1 3D PERSPECTIVE - NORTHEAST
 SCALE

ALL IDEAS, DESIGN, ARRANGEMENTS AND PLANS INDICATED OR REPRESENTED BY THIS DRAWING ARE OWNED BY AND THE PROPERTY OF CARRIER JOHNSON + CULTURE AND WERE CREATED, EVOLVED AND DEVELOPED FOR USE ON AND IN CONNECTION WITH THIS PROJECT. NONE OF SUCH IDEAS, DESIGN, ARRANGEMENTS OR PLANS SHALL BE USED BY OR DISCLOSED TO ANY PERSON, FIRM, OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF CARRIER JOHNSON + CULTURE. TAKING THESE DRAWINGS OR SPECIFICATIONS WITH ANY PUBLIC AGENCY IS NOT A PUBLICATION OF SAME, NO COPYING, REPRODUCTION OR USE THEREOF IS PERMISSIBLE WITHOUT THE CONSENT OF CARRIER JOHNSON.