

Report to the Hearing Officer

DATE ISSUED: November 12, 2025 Report No. HO-25-044

HEARING DATE: November 19, 2025

SUBJECT: 1249 Morena Boulevard - Process Three Decision

PROJECT NUMBER: PRJ-1131943

OWNER/APPLICANT: Morena Street Development LLC/Andres Patio Inc.

SUMMARY

<u>Issue</u>: Should the Hearing Officer approve a Conditional Use Permit (CUP) for an alcohol beverage outlet within a retail market located at <u>1249 Mission Boulevard</u> in the <u>Linda Vista Community Plan?</u>

Proposed Action:

1. Approve Conditional Use Permit No. PMT-3357606.

<u>Fiscal Considerations</u>: None. All costs associated with the processing of this project are paid by the applicant.

<u>Community Planning Group Recommendation</u>: On June 23, 2025, the Linda Vista Planning Group voted 12-1-0 to recommend approval of the proposed project without conditions (Attachment 5).

Environmental Impact: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on September 17, 2025, and the opportunity to appeal that determination ended October 1, 2025.

BACKGROUND

The 0.28-acre project site is located at 1249 Morena Boulevard, northeast of the Interstate 8 and Interstate 5 freeway interchange. The site is in the Community Commercial (CC)-4-2 zone within the Morena Corridor Specific Plan (MCSP) and the Linda Vista Community Plan (LVCP). The site contains an existing 1,175-square-foot market, Andres Latin Market. The site also contains a separate structure with multiple commercial tenants.

Both the LVCP and MCSP designate the site for Community Commercial uses. The project includes only the accessory use of alcohol sales within an existing market (Food, Beverages, and Groceries). It does not propose any physical changes to the site. As an existing retail use, the project is consistent with the MCSP and LCSP land use designations. However, the proposed alcoholic beverage outlet requires a Conditional Use Permit as outlined below.

DISCUSSION

Project Description:

The project proposes the sale of beer and wine at an existing 1,175-square-foot market, contingent upon issuance of a Type 20 License (off-sale beer and wine) by the state Department of Alcoholic Beverage Control (ABC).

The San Diego Municipal Code (SDMC) defines Type 20 Licenses as alcoholic beverage outlets, which are allowed in the CC-4-2 zone as a Limited Use subject to the requirements of San Diego Municipal Code (SDMC) Section 141.0502(b).

An alcoholic beverage outlet that does not comply with these requirements may be permitted with a Process Three Conditional Use Permit (CUP) pursuant to SDMC Section 141.0502(c), with the Hearing Officer as the decision maker.

The project requires a CUP because the site does not meet the criteria outlined in SDMC Section 141.0502(b), as shown below:

1. Within a census tract, or within 600 feet of a census tract, where the general crime rate exceeds the citywide average general crime rate of more than 20 percent.

The project is within Census Tract No. 91.08, which reported an overall crime rate that exceeds the City-wide average by 116.9 percent, and an alcohol crime rate that exceeds the City-wide average by 47.01 percent based on statistics provided by the SDPD. The project requires a CUP because it does not comply with this regulation.

 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 Professions Code Section 23958.4.

The subject property is in Census Tract No. 91.08, which allows for one off-sale ABC license based on California Business and Professions Code Section 23958.4. Currently, there are ten (10) off-sale licenses in Census Tract 96.04, and this project, if approved, would represent the eleventh (11). The project requires a CUP because it does not comply with this regulation.

3. In an adopted Redevelopment Project Area.

The project meets this regulation; it is not within a Redevelopment Project Area.

4. Within 600 feet of a public or private accredited school, a public park, playground or recreational area, church, hospital, or a San Diego County Welfare District Office.

The project meets this regulation; the project site is not located within 600 feet of a public or private accredited school, a public park, playground or recreational area, church, hospital or a San Diego County Welfare District Office.

5. Within 100 feet of residentially zoned property.

The subject project is within 100 feet of residential uses. Homes across the alley at the rear of property are zoned RS-1-7. The project requires a CUP because it does not comply with this regulation.

The San Diego Police Department and DSD staff determined that if the permit and ABC license were appropriately conditioned, the project would not adversely impact the surrounding neighborhood and public health, safety, or welfare. Staff supports a ten-year permit expiration date based on the project analysis and the conditions and recommendations provided by the SDPD and the recommendations of the Community Plan. These conditions and recommendations limit the hours permitted for the sale of alcoholic beverages, limit the amount of retail floor area used for alcohol products, require graffiti to be removed promptly, and require retail employees to be trained in ABC regulations, theft deterrence and policies against the sales of alcoholic beverages to those under 21 years of age and intoxicated individuals.

CONCLUSION

Staff has reviewed the proposal, including all issues identified through the review process, and determined that all project issues have been addressed. The project conforms with the LVCP and the MCSP. Therefore, draft findings and conditions to support project approval are presented to the Hearing Officer for consideration. Staff recommends that the Hearing Officer approve the project as proposed.

ALTERNATIVES

- 1. Approve Conditional Use Permit No. PMT-3357606 with modifications.
- 2. Deny Conditional Use Permit No. PMT-3357606 if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

l Emmanuel Cadena

Development Project Manager Development Services Department

Immanuel Cadena

Attachments:

- 1. Aerial Photographs
- 2. Community Plan Land Use Map
- 3. Draft Permit Resolution with Findings
- 4. Draft Permit Conditions
- 5. Community Planning Group Vote
- 6. Project Plans
- 7. Environmental Exemption or Notice of Right to Appeal
- 8. Ownership Disclosure Statement
- 9. Police Department Recommendation

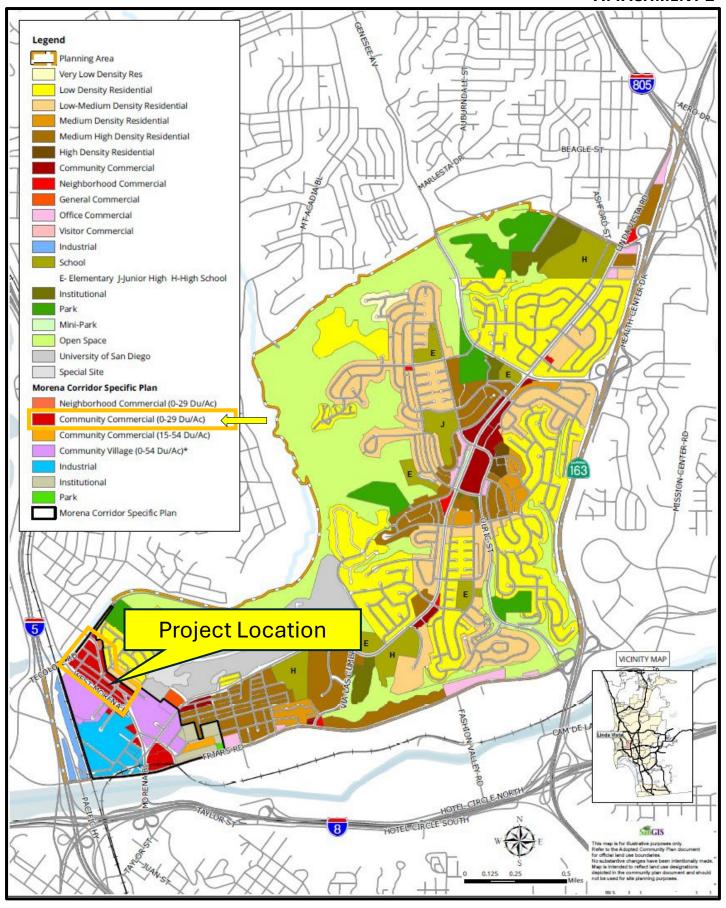
ATTACHMENT 1







ATTACHMENT 2





Land Use Plan

1249 Morena Blvd Project No. PRJ-1131943



HEARING OFFICER RESOLUTION NO. HO-____ CONDITIONAL USE PERMIT NO. PMT-3357606 1249 MORENA BOULEVARD PROJECT NO. PRJ-1131943

WHEREAS, MORENA STREET DEVELOPMENT LLC, a California limited liability company,

Owner, and ANDRES PATIO, INC., a California corporation, Permittee, filed an application with the

City of San Diego for a Conditional Use Permit for an Alcoholic Beverage Outlet (off-sale beer and
wine) within an existing 1,175-square-foot commercial building ("Andres Latin Market" or "market")

(as described in and by reference to the approved Exhibits "A" and corresponding conditions of
approval for the associated Permit No. PMT-3357606), on portions of a 0.28-acre site;

WHEREAS, the project site is located at 1249 Morena Boulevard in the CC-4-2 zone within the Morena Corridor Specific Plan (MCSP) and the Linda Vista Community Plan (LVCP);

WHEREAS, the project site is legally described as LOTS 34 TO 38 INCLUSIVE IN BLOCK "E" OF BOULEVARD HEIGHTS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1628; FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON FEBRUARY 19, 1914, and more particularly described in Grant Deed recorded November 13, 2017, in the Office of the San Diego County Recorder as Document Number 2017-0527752 O.R.

WHEREAS, on September 17, 2025, 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 Guidelines 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;

WHEREAS, on November 19, 2025, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. PMT-3357606, pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Conditional Use Permit No. PMT-3357606:

A. CONDITIONAL USE PERMIT – SECTION 126.0305

1. <u>Findings for all Conditional Use Permits:</u>

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

The project proposes the sale of beer and wine at an existing 1,175-square-foot market, contingent upon issuance of a Type 20 License (off-sale beer and wine) by the state Department of Alcoholic Beverage Control (ABC).

The 0.28-acre project site is located at 1249 Morena Boulevard in the Community Commercial (CC)-4-2 zone within the Morena Corridor Specific Plan (MCSP) and the Linda Vista Community Plan (LVCP). The project does not propose any physical development and requests the ability to sell beer and wine for off-site consumption (alcoholic beverage outlet) accessory to an existing market.

The MCSP and LVCP designate the site as Community Commercial, which envisions pedestrian-oriented village areas with employment, retail, and residential uses adjacent to the Tecolote and Morena/Linda Vista trolley stations. The Community Plan does not specifically address the sale of alcohol; however, the sale of alcohol products is defined as a commercial retail use in the Land Development Code and is permitted as a limited use or with the approval of a Conditional Use Permit (CUP). Alcoholic Beverage Outlets that do not meet all the locational criteria for alcohol sales as a limited use under SDMC section 141.0502(b) Table 142.05E.

The site is located within the Design District (Figure 2-9 – Design District) of the Morena Corridor Specific Plan and complies with the following policies:

- 2.6.2 Create a distinct place that allows for a thriving district that supports artisan and incubator businesses offering a variety of goods and services.
- 2.6.3- Encourage artisan and craft businesses that produce goods, food, and beverages.

Andres Latin Market offers a diversity of products from throughout Central and South America, including beer and wine. These products offer a range of goods and

services to the surrounding community, thereby strengthening the local community and local businesses.

The San Diego Police Department (SDPD) has provided its recommendations for the approval of the subject CUP and proposed conditions for the project, which include, but are not limited to, hours of operation, advertising, and employee training. Therefore, the proposed development will not adversely affect the applicable land use plan.

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

To provide for the public health, safety, and welfare, SDMC Section 141.0502(b)(1) outlines locational requirements for Alcoholic Beverage Outlets. Such outlets are allowed as a Limited Use in the CC-4-2 zone if they can meet these requirements, provided they are not in any of the locations outlined in SDMC Section 141.0502(b)(1)(A)-(E).

Projects in these locations may request a Conditional Use Permit pursuant to SDMC Section 141.0502(c) if they do not meet those location criteria. The proposed project does not meet the location criteria, as outlined below:

A. Within a census tract, or within 600 feet of a census tract, where the general crime rate exceeds the citywide average general crime rate by more than 20 percent;

The project site is located in Census Tract 91.08. San Diego Police Department (SDPD) research indicates that the reported crime rate in the census tract exceeds the City-wide average by 116.9 percent. The SDPD can approve the issuance of a CUP for an alcoholic beverage outlet at this location per the following conditions which have been included in the permit:

- The sale of alcoholic beverages shall be permitted only between the hours of 6AM to Midnight each day of the week.
- Employees responsible for alcohol sales are trained in ABC regulations, theft deterrence, and policies against the sales of alcoholic beverages to those under 21 years of age, and/or intoxicated.
- B. 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;

The standard set by California Business and Professional Code section 23958.4 for this census tract is one alcoholic beverage outlet. There are currently ten alcoholic beverage outlets within this census tract, and this project, if approved, would represent the eleventh. The project does not meet this requirement.

However, based on the project's location in a vibrant commercial and retail area, and its small size and scope as a specialty market supporting an existing commercial neighborhood, staff can recommend approval of the project with conditions to ensure public health, safety, and welfare.

C. In an adopted Redevelopment Project Area;

The project meets this regulation; it is not within a Redevelopment Project Area.

D. Within 600 feet of a public or private accredited school, a public park, a playground or recreational area, a church, a hospital, or a San Diego County welfare district office;

The project meets this requirement; there are no such uses within 600 feet.

E. Within 100 feet of a residentially zoned property.

The project site abuts a residentially zoned property; therefore, it does not meet this requirement. The property to the rear is zoned RS-1-7 and contains a single dwelling unit. However, the residence takes access from Gertrude Street and does not have an alley. The entrance to the project faces Morena Boulevard, requiring the public, or customers, to walk via the public right-of-way to reach nearby residential areas. While separation distance is typically measured from property line to property line, this walking distance (or approximately 300 feet) is notable in that it prevents direct access from and to adjacent residential parcels, thereby meeting the intent of the separation requirement.

Pursuant to SDMC Section 141.0502(c), SDPD recommended the proposed use for approval with conditions limiting hours of operation, which have been included in the permit. Additional conditions regulating amusement devices, lighting, loitering, and advertising signage are also included in the permit. The Environmental Analysis Section determined that the proposed project was categorically exempt under CEQA, concluding that the project meets one of the exemption categories and requires no further analysis. Therefore, the proposed project to add an alcoholic beverage outlet use to an existing market will not be detrimental to public health, safety, and welfare.

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

The CC-4-2 zone is intended to provide community-serving commercial uses. It allows for Alcoholic Beverage Outlets as a limited use, or with a Conditional Use Permit (CUP) subject to regulations set forth in the SDMC section 141.0502.

The CUP for the Project includes various conditions and corresponding exhibits of approval relevant to achieve compliance with the SDMC relative to lighting, loitering,

litter, graffiti, and advertising. The project site does not meet certain location criteria set forth in SDMC Section 141.0502(b)(1) as described in Finding A.1.b, incorporated herein by reference. However, the conditions of approval minimize any potential harm to public health, safety, and welfare. No variance or deviations are requested as part of this application. Therefore, the proposed development will comply with the regulations of the Land Development Code.

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

The project site is identified by the LVCP and the MCSP as a Community Commercial area. The building was constructed in 1958 and offers a diversity of products from Central and South America. These products strengthen the local community and local businesses by offering a diverse range of goods and services. This commercial/retail use is consistent with the site's land use plan designation.

The project is located in a commercial area with other retail and commercial businesses including a coffee manufacturer and sales, salons, restaurants, and other businesses. The project supports local businesses, offering distinctive products and specialty foods, and the sale of beer and wine would expand the variety of products in the existing market. Alcohol sales will be limited a small area within the existing market. After examining crime statistics in the area and other potential adverse effects of the proposed use, the SDPD recommended approval of the project. Allowing the sale of beer and wine would be conditioned so that alcohol sales would not have a negative impact on the surrounding neighborhood, as demonstrated in finding A.1.b. Additional conditions regulating amusement devices, lighting, loitering, and advertising signage are also included in the permit to ensure that the project does not impact the surrounding area. Therefore, an alcoholic beverage outlet is an appropriate use at the proposed location.

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 the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit PMT-3357606 is hereby GRANTED by the Hearing Officer to the referenced Owner and Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. PMT-3357606, a copy of which is attached hereto and made a part hereof.

ATTACHMENT 3

JEmmanuel Cadena
Development Project Manager

Development Services

Adopted on: November 17, 2025

Emmanuel Cadena

IO#: 24010232

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

INTERNAL ORDER NUMBER: 24010232

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. PMT-3357606 1249 MORENA BOULEVARD PROJECT NO. PRJ-1131943 HEARING OFFICER

This Conditional Use Permit PMT-3357606 is granted by the Hearing Officer of the City of San Diego to MORENA STREET DEVELOPMENT LLC, a California limited liability company, Owner, and ANDRES PATIO INC., Permittee, pursuant to San Diego Municipal Code [SDMC] section 141.0502 and 126.0305. The 0.28-acre site is located at 1249 Morena Boulevard in the CC-4-2 zone of the Linda Vista Community Plan.

The project site is legally described as: LOTS 34 TO 38 INCLUSIVE IN BLOCK "E" OF BOULEVARD HEIGHTS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1628; FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON FEBRUARY 19, 1914, and more particularly described in Grant Deed recorded November 13, 2017, in the Office of the San Diego County Recorder as Document Number 2017-0527752 O.R.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to operate an alcoholic beverage outlet conditioned upon the issuance of a license from the State Department of Alcoholic Beverage Control (ABC) 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"] date November 19, 2025, on file in the Development Services Department.

The project shall include:

- a. An alcoholic beverage outlet within an existing 1,175-square-foot market conditioned upon the issuance of a license from the State Department of Alcoholic Beverage Control; and
- 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 December 4, 2028.
- 2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on December 4, 2035. The Owner/Permittee may request that the expiration date be extended in accordance with SDMC section 141.0502(c)(7).
- 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" conditions(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

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

ENGINEERING REQUIREMENTS:

- 13. Prior to the issuance of any construction permit, the Owner/Permittee shall assure by permit and bond the repair of uplifted sidewalk panels, per the current City Standard, adjacent to the site on Morena Boulevard, satisfactory to the City Engineer.
- 14. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

PLANNING/DESIGN REQUIREMENTS:

- 15. The owner or operator shall post a copy of the Conditional Use Permit conditions in the licensed premises in a place where they may be readily viewed by any member of the general public or any member of a government agency.
- 16. Pool or billiard tables, foosball or pinball games, arcade-style video and electronic games, or coin-operated amusement devices are not permitted on the premises with an alcoholic beverage outlet.
- 17. The owner or operator shall provide illumination, at a minimum level of 0.4-foot candles per square foot, on the exterior of the alcoholic beverage outlet, including adjacent public sidewalks and areas under the control of the owner or operator. The illumination shall be in operation during all hours of darkness while the outlet is open for business so that persons standing on or near the premises at night are identifiable by law enforcement personnel. The required illumination shall be shielded and directed so that it does not shine on adjacent properties.
- 18. The sign area pertaining to or referencing alcoholic sales or beverages shall not exceed 630 square inches.
- 19. A maximum of 33 percent of the square footage of the windows and doors of the premises may bear advertising or signs of any sort, and all advertising and signs shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the outlet.
- 20. The owner or operator of the alcoholic beverage outlet shall post a prominent, permanent sign or signs stating, "No loitering, consumption of alcoholic beverages, or open alcoholic beverage containers are allowed inside the premises, in the parking area, or on the public sidewalks adjacent to the premises."
- 21. The owner or operator shall provide trash receptacles, conveniently located for use by patrons, inside and outside the alcoholic beverage outlet, including adjacent public sidewalks and areas under the control of the owner or operator. At least one 13-gallon trash receptacle shall be located inside the premises. At least one 32-gallon trash receptacle shall be located outside the alcoholic beverage outlet, and at least one additional 32-gallon trash receptacle shall be located in the parking areas under the control of the owner or operator.
- 22. The owner or operator shall maintain the premises, adjacent public sidewalks, and areas under the control of the owner or operator, free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter, and debris. The owner or operator shall eliminate graffiti within 48 hours of application.

POLICE DEPARTMENT REQUIREMENTS:

26. The sales of alcoholic beverages shall be permitted between the hours of 6:00 AM to Midnight each day of the week.

27. Employees responsible for alcohol sales shall be trained in ABC regulations (LEAD or RBS), theft deterrence and policies against the sale 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 November 19, 2025, and HO-_____.

ATTACHMENT 4

Conditional Use Permit No. PMT-3357606 Date of Approval: November 19, 2025

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

J. *Emmanuel Cadena*J Emmanuel Cadena
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.

MORENA STREET DEVELOPMENT LLC, a California limited liability company Owner
Ву
Name:
Title:
ANDRES PATIO, INC., a California corporation
Permittee
Ву
Name:
Title:

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

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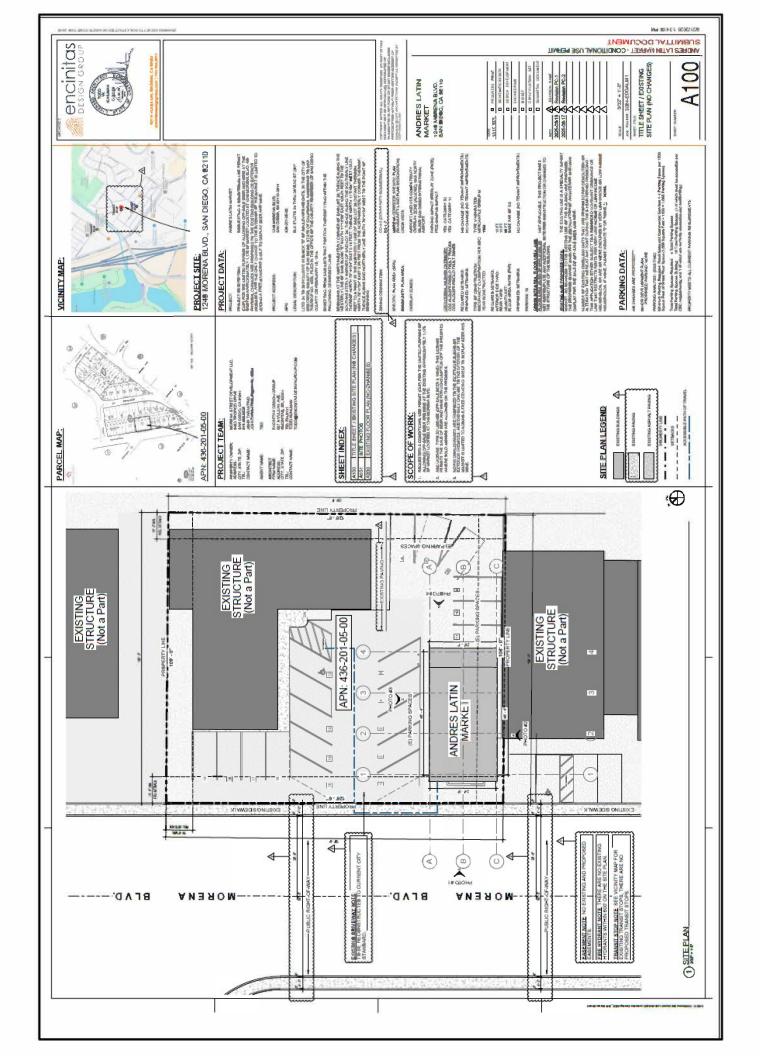
August 2018

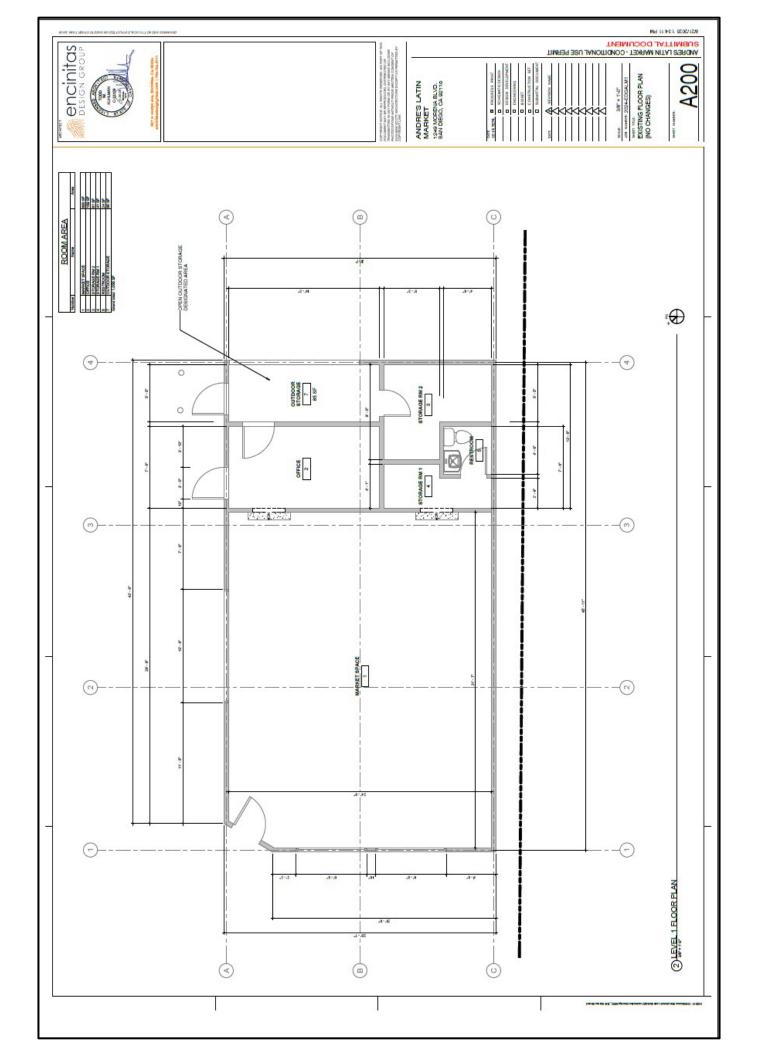


City of San Diego Development Services 1222 First Ave., MS-302

Community Planning Committee Distribution Form

200	1222 First Av San Diego, C	20 C T			Form		
Project Name: Andre's Latin Market			Project Numbe PRJ-1131943	r:			
Community: Lind	a Vista						
For project scope and contact information (project manager and applicant), log into OpenDSD at https://aca.accela.com/SANDIEGO . Select "Search for Project Status" and input the Project Number to access project information.							
Vote to Approve Date of Vote:							
☐ Vote to Approve with Conditions Listed Below ☐ Vote to Approve with Non-Binding Recommendations Liste					June 23, 2025		
☐ Vote to Deny	With Non-Di	nuing Recommen	idations Listed L	CIOV			
# of Members Yes		# of Members N	# of Members No # of Members No		embers Abstain		
12		1		0			
Conditions or Recommendations:							
□ No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)							
NAME: CHRISTOP	HER BEESLEY						
TITLE: Chair of Line	da Vista Plannin	ig Group		DATE:	June 25, 2025		







DATE OF NOTICE: September 17, 2025

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24010232

PROJECT NAME / NUMBER: 1249 Morena / PRJ-1131943 **COMMUNITY PLAN AREA:** Linda Vista Community Plan

COUNCIL DISTRICT: 7

LOCATION: 1249 Morena Boulevard, San Diego, CA 92110

PROJECT DESCRIPTION: Conditional Use Permit for a Type 20 ABC License (off-sale beer and wine) for an existing 1,175-square-foot market. The 0.28-acre site is located at 1249 Morena Boulevard and is in the CN-4-2 Zone within the Linda Vista Community Plan Area. LEGAL DESCRIPTION: BLK E*LOTS 34 THRU 38*/EXC ST OP/*

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Hearing Officer

ENVIRONMENTAL DETERMINATION: Categorically exempt from CEQA pursuant to CEQA State Guidelines, Section 15301, Existing Facilities

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: The City of San Diego determined that the project would qualify to be categorically exempt from CEQA pursuant to Section 15301, Existing Facilities. The project meets the criteria set forth in CEQA Section 15301 which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The key consideration is whether the project involves negligible or no expansion of use. Since project involves a use permit to sell alcohol at an already existing market with no expansion of this use the exemption was deemed appropriate; and where the exceptions listed in Section 15300.2 would not apply. The site is not included on any list compiled pursuant to Government Code Section 65962.5 for hazardous waste sites.

ATTACHMENT 7

DEVELOPMENT PROJECT MANAGER: Jose Cadena

MAILING ADDRESS: 7650 Mission Valley Road, MS DSD-2A, San Diego, CA

92108

PHONE NUMBER / EMAIL: (619) 446-5077 / JCadena@sandiego.gov

On September 17, 2025 the City of San Diego (City), as Lead Agency, has 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 by 5:00pm within ten (10) business days from the date of the posting of this Notice (October 1, 2025). Appeals to the City Clerk must be filed by email or in-person as follows:

- 1) Appeals filed via E-mail: The Environmental Determination Appeal Application Form DS-3031 can be obtained at https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/forms/ds3031. Send the completed appeal form (including grounds for appeal and supporting documentation in pdf format) by email to hearings1@sandiego.gov by 5:00p.m. on the last day of the appeal period; your email appeal will be acknowledged within 24 business hours. You must separately mail the appeal fee by check payable to the City Treasurer to: City Clerk/Appeal, MS 2A, 202 C Street, San Diego, CA 92101. The appeal filing fee must be United States Postal Service (USPS) postmarked) before or on the final date of the appeal. Please include the project number on the memo line of the check.
- 2) Appeals filed in person: Environmental Determination Appeal Application Form DS-3031 can be obtained at https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/forms/ds3031.pdf. Bring the fully completed appeal application DS-3031 (including grounds for appeal and supporting documentation) to the City Administration Building-Public Information Counter (Open 8:00am to 5:00pm Monday through Friday excluding City-approved holidays), 1st Floor Lobby, located at 202 C Street, San Diego, CA 92101, by 5:00pm on the last day of the appeal period. The completed appeal form shall include the required appeal fee, with a check payable to: City Treasurer.

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

POSTED ON THE CITY'S CEQA WEBSITE
POSTED: 9/17/2025
REMOVED:
POSTED BY: Leilani Phillips
POSTED BY:



FORM **DS-318**July 2024

Ownership Disclosure Statement

Permit/Approval Type: Check the appropriate box for permit/approval and type(s) requested (See Project Submittal ■ Development Permit: Conditional Use Permit Subdivision Approval: ____ ☐ Policy Approval: _ Project Title: Standard-Others:1249/Morena Project No. For City Use Only: Project Location/Address/Accessor's Parcel Number: 1249 Morena Blvd, San Diego, CA 92110 Specify Form of Ownership/Legal Status (please check): □ Individual □ Partnership Corporate Identification No.: 200625510154 ☐ Trust - Date of Trust: City of San Diego/Asset Management Department; ____ 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. On the second page of this form, please list the owner(s), the 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, or:

Important Instructions

- If the applicant includes a corporation or partnership, include the names, titles, and addresses of all individuals owning more than 10% of the shares.
- 2. If it's a publicly owned corporation, include the names, titles, and addresses of the corporate officers.
- 3. If any person is a nonprofit organization or a trust, list the names and addresses of ANY person serving as an officer, director, trustee or beneficiary of the nonprofit organization.
- 4. 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 30 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.
- A signature is required of at least one of the property owners.
- 6. Attach additional pages if needed.

	Property Owner/Aut <i>(Per</i>		
X Owner□ Autho	rized Agent Member Trust City of San Diego/Asset Man		THE PROPERTY OF STREET AND STREET STREET
Name of Individual:			
On behalf of: MORENA STR	EET DEVELOPMENT LLC		
Street Address: 9483 Tropic	o Drive		
City: La Mesa	State: CA		Zip: 91941
Phone Number:	Email:	is between the Iv@emei	
619-890-563	39	johntarantinojr@gmai	i.com
Signature:		Date:	05/08/2025
V	Additional pages attach	ed: □ Yes ⊠ No	
	*(Signature within this section	on not required for City of Sai	n Diego/Asset Management Department)
	☐ Check if Same as Prop (Per	2.0102)	
	rized Agent Member Trus		□ Successor Agency
Name of Individual: Andre	s Patio Inc., dba Andres Market, (c/o Dan Mera)	
On behalf of:			
Street Address: 1249 More	na Blvd		
City: San Diego	State: CA		Zip: 92110
Phone Number: 619-507-46	Email:	andresres@aol.com	7
Signature:	Date:		
Maria Dolores Me	ra, President 5/6	2025	
Additional pages attached:	□ Yes ⊠ No		
	Other Financially Interested	Persons Check if N	/A
□ Owner □ Authorized Ag Name of Individual:	ent Member Trustee	□ Tenant/Lessee	□ Successor Agency
On behalf of:			
Street Address:			
City:	State:		Zip:
Phone Number:	Email:		
Signature:	Date:		
	Additional pages attach	ned: □ Yes □ No	

SAN DIEGO POLICE DEPARTMENT CONDITIONAL USE PERMIT RECOMMENDATION

PREMISE ADDRESS:	1249 Morena B	oulevard, San Diego, CA	A 92110				
TYPE OF BUSINESS:	Market/Grocery	Store					
FEDERAL CENSUS TRACT:	91.08						
NUMBER OF ALCOHOL LICENSES	ALLOWED:	1					
NUMBER OF ALCOHOL LICENSES	EXISTING:	10 (over-concentrated)					
CRIME RATE IN THIS CENSUS TR. (Note: Considered High Crime If Exce		216.9% - High Crime ide Average)					
THREE OR MORE REPORTED CRIM	MES AT THIS PRE	MISE WITHIN PAST YEAR	☐ YES ☒ NO				
IS THE PREMISE WITHIN 600 FEET	OF INCOMPATIE	LE FACILITY	☐ YES ☒ NO				
IS THE PREMISE WITHIN 100 FEET	OF RESIDENTIA	LLY ZONED PROPERTY					
ABC LICENSE REVOKED AT THIS	PREMISE WITHIN	PAST YEAR	☐ YES ☒ NO				
HAS APPLICANT BEEN CONVICTE	ED OF ANY FELO	١Y	☐ YES ☒ NO				
WILL THIS BUSINESS BE DETRIM AND WELFARE OF THE COMMUN		JBLIC HEALTH, SAFETY,	☐ YES ⊠ NO				
COMMENTS/OTHER FACTORS CO	NSIDERED:	*					
The premises is located within census tract 91.08. The reported crime rate for 2024 within Census Tract 91.08 was 216.9% and the alcohol crime rate was 147.01%.							
The San Diego Police Department agrees with the issuance of a CUP for the Off-Sale of alcohol, Type 20 alcohol license, at this location.							
SUGGESTED CONDITIONS: The San Diego Police Departme as the following conditions are i	-	ne issuance of a Condition	onal Use Permit so long				
1. The sale of alcoholic beverage each day of the week.	ges shall be perm	itted only between the h	ours of 6AM to Midnight				
2. Employees responsible for alcohol sales are trained in ABC regulations (LEAD or 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:							
APPR	OVE	DENY					
Benjam. MCo Name of SDPD Vice Sergeant (Print)	IVIY	4/9-53 Telephone Number	1/2973				
11. MC							



ABC Report - SDPD

Agency: SAN DIEGO

Group by: Census Tract

Prior Report Number: B98S328R

Total Part 1 Crime and Part 2 Arrest for Agency: 54,633 Total Census Tract:

381

Average Total per Census Tract:

143.4

(120% or above is High Crime Area indicated by *)

(.23/0 0. 0.0000	Census Tract	Totals	% Average by Census Tract
211	008378	33	23.0%
212	008379	124	86.5%
213	008380	127	88.6%
214	008381	21	14.6%
215	008501	56	39.1%
216	008502	264	184.1%*
217	008503	148	103.2%
218	008504	142	99.0%
219	008505	143	99.7%
220	008506	67	46.7%
221	008507	354	246.9%*
222	008509	209	145.8%*
223	008510	139	96.9%
224	008511	1,050	732.2%*
225	008512	40	27.9%
226	008513	31	21.6%
227	008600	144	100.4%
228	008701	86	60.0%
229	008702	297	207.1%*
230	008800	159	110.9%
231	008901	147	102.5%
232	008902	1,256	875.9%*
233	009000	70	48.8%
234	009101	171	119.3%
235	009102	141	98.3%
236	009103	127	88.6%
237	009104	38	26.5%
238	009107	158	110.2%
239	009108	311	216.9%*
240	009109	18	12.6%

San Diego Police Department Alcohol Arrests & Cites - By Census Tract (Excluding Unknown Tracts) January to December 2024

		Tract Total as %
2020 Census Tract	Alcohol Violations	of Average Tract
008378	0	0.00%
008379	4	30.95%
008380	3	23.21%
008381	1	7.74%
008501	2	15.48%
008502	8	61.90%
008503	6	46.43%
008504	15	116.06%
008505	16	123.80%
008506	4	30.95%
008507	11	85.11%
008509	11	85.11%
008510	8	61.90%
008511	46	355.93%
008512	5 -	38.69%
008513	2	15.48%
008600	. 9	69.64%
008701	3	23.21%
008702	19	147.01%
008800	9	69.64%
008901	11	85.11%
008902	24	185.70%
009000	5	38.69%
009101	24	185.70%
009102	, 5 .	38.69%
009103	14	108.33%
009104	1	7.74%
009107	6	46.43%
009108	19	147.01%
009109	2	15.48%
009201	9	69.64%
009203	4	30.95%
009204	7	54.16%
009301	5	38.69%
009305	3	23.21%
009306	6	46.43%
009307	32	247.60%
009308	11	85.11%
009400	11	85.11%
009502	6	46.43%
009504	3	23.21%
009505	8	61.90%

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL NUMBER OF LICENSES AUTHORIZED

BY CENSUS TRACT

I/NetViewer Search: Enter ID#

GO;

5781 [Logoff] | Help |

Main Events Units

Messages

Lineups Inquiry

Configure

Event Search Results (4 Returned) New Event Search >

Date Range

✓ Show All Events

Events From 07/01/24 - 07/01/25 See search criteria

Agency	DGroup	Date/Time	Event	Type	Primary Unit	Location	Status	Priority	Beat
SDPD	P6	12/05/24 19:51:04	E24120007064	1183		1249 MORENA BLVD SD	Closed -	0	622
SDPD	P6	01/27/25 16:20:24	E25010037853	415		1249 MORENA BLVD SD	Closed -	2	622
SDPD	P6	04/20/25 16:37:14	E25040028694	CW		1249 MORENA BLVD SD	Closed -	1	622
SDPD	P6	05/04/25 10:00:35	E25050005113	459A	622J1	1249 MORENA BLVD SD	Closed - Assigned	3	622



