



THE CITY OF SAN DIEGO

## Report to the Hearing Officer

DATE ISSUED: December 11, 2019 REPORT NO. HO-19-111

HEARING DATE: December 18, 2019

SUBJECT: CITY LIQUOR CUP, Process Three Decision

PROJECT NUMBER: [627235](#)

OWNER/APPLICANT: William J. Hopkins and Lee Schwartz, Owners / Christopher Kasid, Applicant

### SUMMARY

Issue: Should the Hearing Officer approve a Conditional Use Permit for an Alcoholic Beverage Outlet allowing the sale of beer, wine, and distilled spirits for off-site consumption from a future market in an existing building within the Uptown Community Plan Area?

#### Staff Recommendation:

1. APPROVE Conditional Use Permit No. 2252764

Community Planning Group Recommendation: On June 4, 2019, the Uptown Community Planning Group voted 13-0-1 to recommend approval of the proposed project without conditions (Attachment 8).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(a) (Existing Facilities) which applies to the permitting and minor alteration for existing private structures, including interior alterations, that involves the negligible or no expansion of the existing use. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on June 14, 2019 and the opportunity to appeal that determination ended July 1, 2019 (Attachment 7).

### BACKGROUND

The 0.11-acre project site is located on the corner of 5th Avenue and Grape Street (Attachment 1). The project proposes the operation of an Alcoholic Beverage Outlet within a proposed market located on the first floor of an existing two-story building at 1985 5<sup>th</sup> Avenue, Suite A, and 535 Grape Street, Suite C, previously occupied by professional offices. Adjacent suites on the first floor are professional offices. The second-floor suites are a professional office and a hair salon. There are

residential apartments to the south in the CC-3-4 zone, and to the southeast in the RM-3-9. To the east is an existing office building in the RM-3-9 zone. The project site is in the CC-3-4 (Community Commercial) Zone, and the Parking Standards Transit Priority Area, the Residential Tandem Parking Overlay Zone, the Transit Area Overlay Zone, the Airport Approach Overlay Zone, the San Diego International Airport (SDIA) Airport Land Use Compatibility Plan – Noise (75+ CNEL), the SDIA Airport Influence Area – Review Area 1, SDIA Airport Safety Zone 2E, FAA Part 77 Noticing Area - SDIA and Naval Air Station (NAS) North Island. The Uptown Community Plan designates the site for Office Commercial use (Attachment 2).

Upon approval of the subject Conditional Use Permit (CUP), the applicant would transfer the existing Type 21 Alcohol and Beverage Control (ABC) license from its existing City Liquor business location at 1801 5<sup>th</sup> Avenue to the proposed location at 1985 5<sup>th</sup> Avenue, Suite A, and 535 Grape Street, Suite C.

## DISCUSSION

### Development Regulations and Location Criteria

The project proposes a CUP for a Type 21 ABC (beer, wine, and distilled spirits) license. A Type 21 ABC license is defined as “off-sales general,” which authorizes the sale of beer, wine, and distilled spirits for consumption off the premises where sold. The underlying CC-3-4 zone is a community commercial zone that is intended to accommodate development with a pedestrian orientation and include community serving commercial services and residential uses. Alcoholic Beverage Outlets are allowed in the CC-3-4 Zone as a Limited Use subject to regulations set forth in San Diego Municipal Code (SDMC) Section 141.0502(b). An Alcoholic Beverage Outlet that does not comply with these requirements, including certain location criteria per SDMC Section 141.0502(b)(1), may still be permitted with a Process Three, CUP pursuant to SDMC Section 141.0502(c), and requires a recommendation from the San Diego Police Department (SDPD). The proposed Alcoholic Beverage Outlet at this location requires a CUP because the project site does not meet certain location criteria set forth in SDMC Section 141.0502(b)(1) as explained 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 by more than 20 percent.**

The subject property is in Census Tract No. 57.00 which reported a crime rate of 66.4 percent of the city-wide average based on the statistics provided by the SDPD. A Census Tract is considered to have “high crime” if the crime rate exceeds 120 percent of the city-wide average. The project site is not located within a “high crime” Census Tract.

**2. Within a Census Tract, or within 600 feet of a Census Tract, where the ratio of Alcoholic Beverage Outlets exceeds the standards established by the California Business and Professional Code Section 23958.4.**

The subject property is in Census Tract No. 57.00, which based on the California Business and Professional Code Section 23958.4 permits a total of one off-sale alcohol license. There are currently two existing off-sale alcohol licenses within Census Tract 57.00. The proposed Alcoholic Beverage Outlet would not increase the concentration of alcohol licenses since upon the approval of the subject CUP, the business would transfer its existing Type 21 license from its current location at 1801 5<sup>th</sup> Avenue to 1985 5<sup>th</sup> Avenue, Suite A, and 535 Grape Street, Suite C, both located in Census Tract 57.00 (Attachment 12).

**3. 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 proposed Alcoholic Beverage Outlet is located approximately 130 feet from Balboa Park, east side of 1900 6<sup>th</sup> Avenue. A CUP is required for the off-sale of alcoholic beverages at this location based on the project's location is within 600 feet of a public park.

**4. Within 100 feet of residentially Zoned property.**

The project site abuts the RM-3-9 Zone to the east and is located within 100 feet of residentially zoned properties. A CUP is required for the off-sale of alcoholic beverages due to its location within 100 feet of residentially zoned property.

Community Plan Consistency

The Uptown Community Plan designates the site for Office Commercial uses intended to support development that provides local convenience shopping, civic uses, and services serving the adjacent neighborhood. One of the guiding principles of the Uptown community plan is establishing and maintaining a high level of community facilities and services that not only meet the needs of the community, but are equally distributed and accessible throughout the neighborhoods in Uptown. The proposed sale of beer, wine, and distilled spirits within a future market is consistent with the underlying Office Commercial land use designation, and would add to the range of goods available from the future market serving the community. The proposed future market is retail development and is in conformance with the land use designation and the intent of the community plan.

Alcohol Sales-Project Analysis

The operation of an Alcoholic Beverage Outlet within the future market to provide the sale of beer, wine, and distilled spirits for consumption off premises is consistent with the Office Commercial use designated by the Uptown Community Plan and permitted as a limited use by the underlying CC-3-4 zone. The proposed Alcoholic Beverage Outlet at this location requires a CUP because the project site does not meet certain location criteria of SDMC Section 141.0502(b) (1). With the approval of this application, the sale of alcohol, including beer, wine, and distilled spirits, would be conditioned so that the alcohol sales would not have a negative impact on the surrounding neighborhood. The project has been reviewed by City staff and the SDPD for conformance to the applicable development regulations and land use policies. Staff support of the proposed Alcoholic Beverage Outlet at this location is based on the commercial nature of the site, and its location within a commercial building within a commercial community zone. Furthermore, both staff and SDPD concluded that if the permit were appropriately conditioned, the proposed alcohol sales would not have an adverse impact on the surrounding neighborhood. SDPD has provided conditions for the permit and the ABC license (Attachment 9).

The proposed project is a commercial use located on a small lot less than 10,000 square feet. Therefore, the project has been determined to be exempt from off-street parking requirements pursuant to SDMC section 142.0540.

Staff is recommending approval of the project as conditioned by staff and the SDPD (Attachment 6). The CUP includes conditions that prohibit machines or video game devices on the premises, prohibit

loitering and graffiti, prohibit pay phones, require immediate litter removal, require installation of security cameras inside and out, and require that all employees are trained in ABC regulations (LEAD). The CUP also includes recommended conditions for the ABC license that would limit the sale of budget alcohol items by having restrictions on container size and packaging,

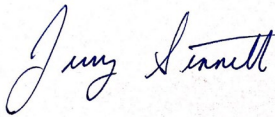
### Conclusion

Staff has reviewed the application for the CUP for the off-sale of beer, wine, and distilled spirits and has determined that the project complies with all applicable regulations and policy documents. The project is consistent with the recommended land use and the development standards in effect for this site per the adopted Uptown Community Plan and the SDMC. Furthermore, the permit has been conditioned to ensure the proposed sale of beer, wine, and liquor at this location would not be detrimental to the public health, safety and welfare. Therefore, staff recommends the Hearing Officer approve the CUP.

### ALTERNATIVES

1. Approve Conditional Use Permit, 2252764, with modifications.
2. Deny Conditional Use Permit 2252764, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

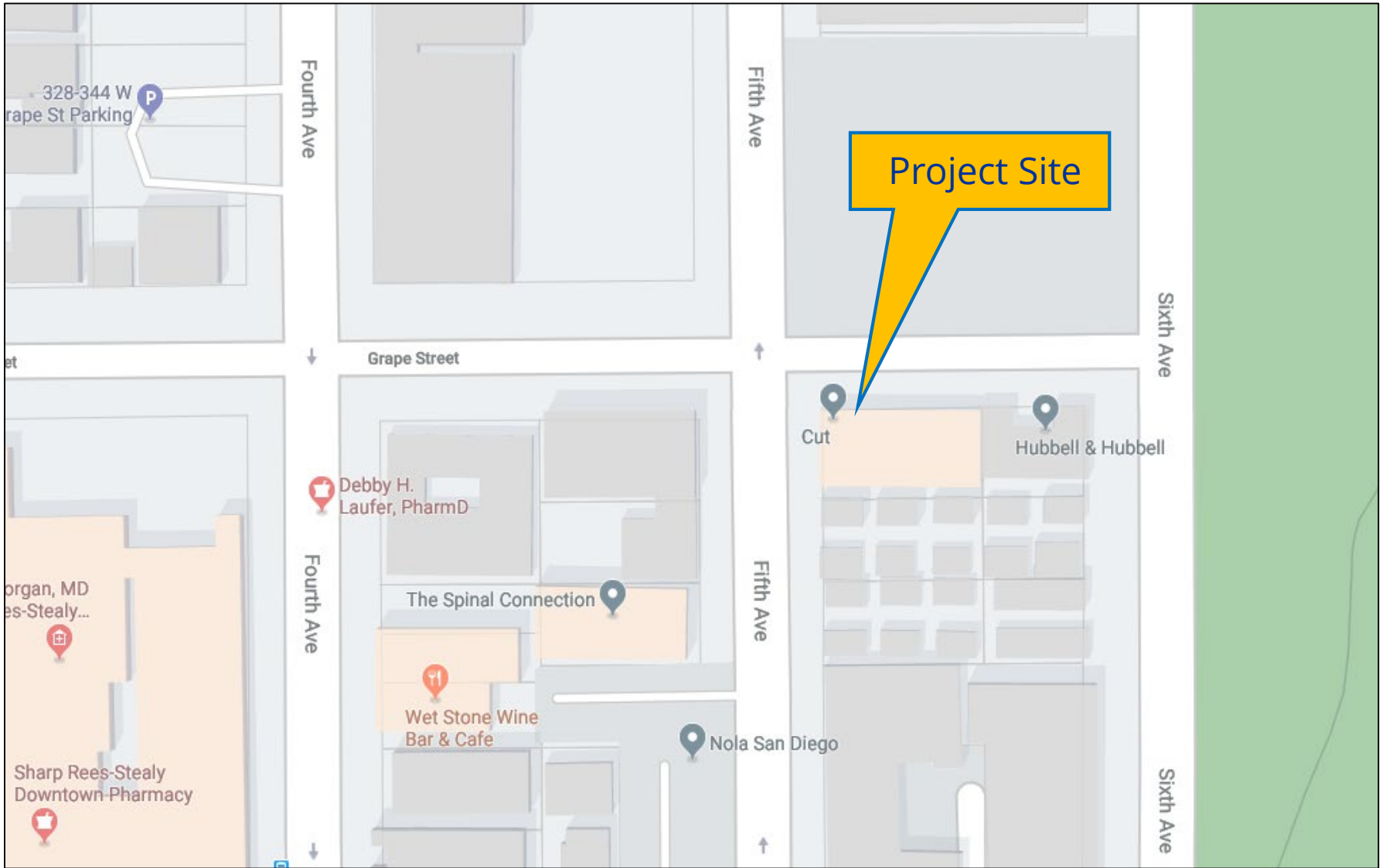


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Jerry Sennett, Development Project Manager

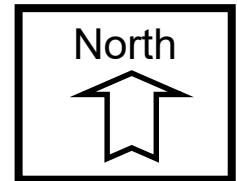
### Attachments:

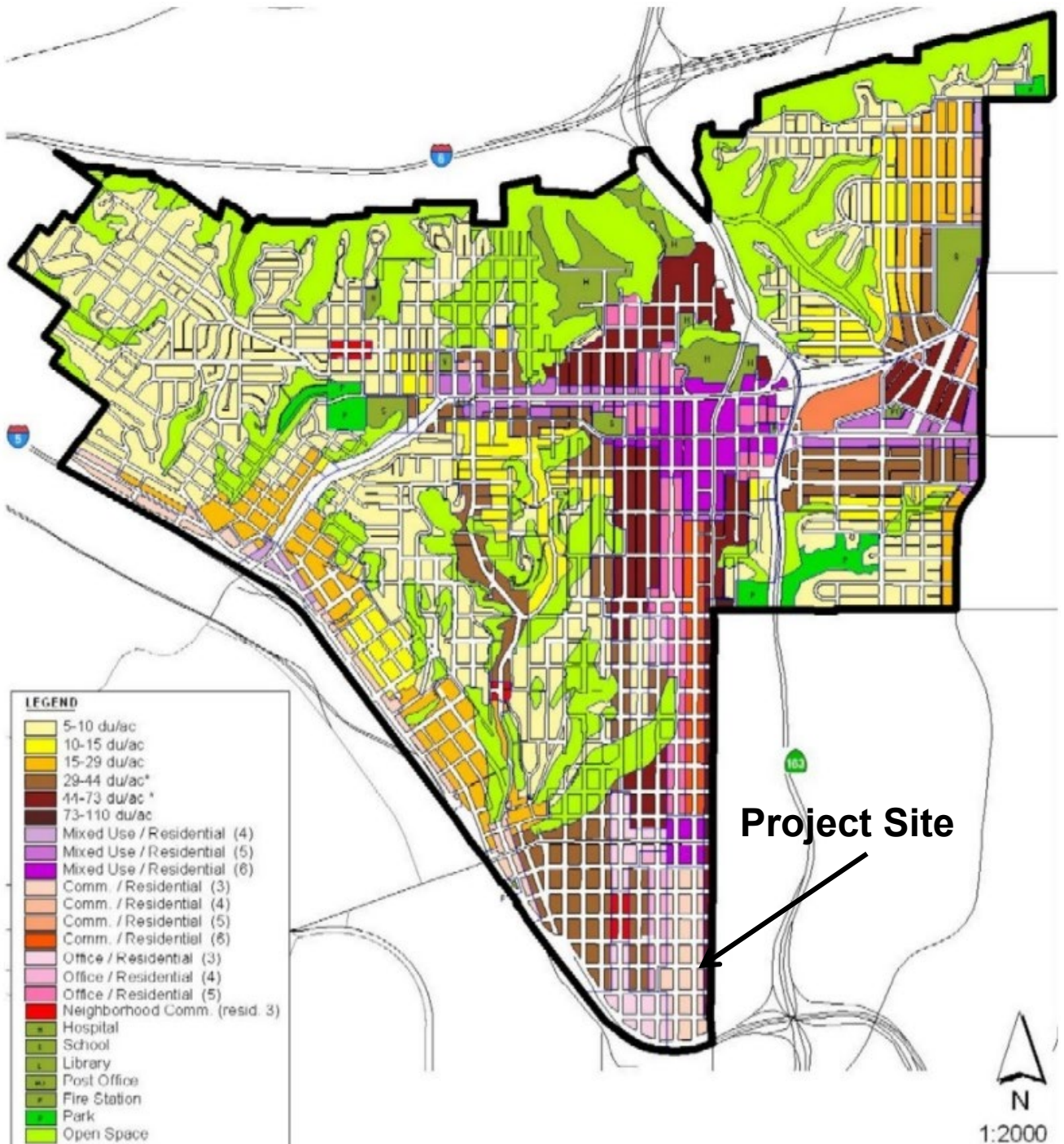
1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Project Data Sheet
5. Draft Resolution with Findings
6. Draft Permit with Conditions
7. Environmental Exemption
8. Community Planning Group Recommendation
9. San Diego Police Department Recommendation
10. Ownership Disclosure Statement
11. Census Tract 57 Off-Sale Liquor Licenses
12. Liquor License Map
13. Project Plans (Include as appropriate/relevant)



## Project Location Map

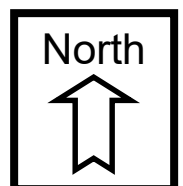
City Liquor CUP / 1985 Fifth Avenue  
PROJECT NO. 627235





## Land Use Map

Project Name / 1985 5<sup>th</sup> Avenue  
PROJECT NO. 627235

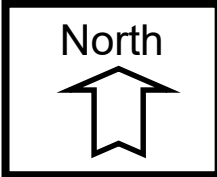






# Aerial Photo

City Liquor CUP / 1985 Fifth Avenue  
PROJECT NO. 627235



# PROJECT DATA SHEET

<b>PROJECT NAME:</b>	City Liquor CUP	
<b>PROJECT DESCRIPTION:</b>	Alcoholic Beverage Outlet for Type 21 ABC License	
<b>COMMUNITY PLAN AREA:</b>	Uptown	
<b>DISCRETIONARY ACTIONS:</b>	Conditional Use Permit	
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	Office Commercial	
<b>ZONING INFORMATION:</b>		
<b>ZONE:</b>	CC-3-4 zone (Community Commercial)	
<b>HEIGHT LIMIT:</b>	30'-0"	
<b>LOT SIZE:</b>	.11 acres	
<b>FLOOR AREA RATIO:</b>	1.0	
<b>FRONT SETBACK:</b>	0/10 feet (min/std)	
<b>SIDE SETBACK:</b>	10 feet (option to 0 feet)	
<b>STREETSIDE SETBACK:</b>	0/10feet (min/std)	
<b>REAR SETBACK:</b>	10 feet (option to 0 feet)	
<b>PARKING:</b>	Not required	
<b>ADJACENT PROPERTIES:</b>	<b>LAND USE DESIGNATION &amp; ZONE</b>	<b>EXISTING LAND USE</b>
<b>NORTH:</b>	Office Commercial & CC-3-4 zone	Public Parking lot
<b>SOUTH:</b>	Office Commercial & CC-3-4 zone	Residential apartments
<b>EAST:</b>	Residential high density (45-73 du/ac) & RM-3-9	Commercial Office; Office Building
<b>WEST:</b>	Office Commercial & CC-3-4 zone	Residential apartments; commercial office buildings
<b>DEVIATION REQUESTED:</b>	None	
<b>COMMUNITY PLANNING GROUP RECOMMENDATION:</b>	On June 4, 2019, the Uptown Community Planning Group voted 13-0-1 to recommend approval of the project without conditions.	



HEARING OFFICER RESOLUTION NO. XXXX  
CONDITIONAL USE PERMIT NO. 2252764  
**CITY LIQUOR CUP - PROJECT NO. 627235**

WHEREAS, William J. Hopkins and Lee Schwartz, Owners, and, Christopher Kasid, CDK Business Enterprises Inc., Permittee, filed an application with the City of San Diego for a permit to operate an Alcoholic Beverage Outlet (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2252764), on portions of a 0.11-acre site;

WHEREAS, the project site is located at 1985 5<sup>th</sup> Avenue, Suite A, and 535 Grape Street, Suite C, in the CC-3-4 Zone, and the Transit Area Parking Standards Transit Priority Area, the Residential Tandem Parking Overlay Zone, the Transit Area Overlay Zone, the Airport Approach Overlay Zone, the San Diego International Airport (SDIA) Airport Land Use Compatibility Plan – Noise (75+ CNEL), the SDIA Airport Influence Area – Review Area 1, SDIA Airport Safety Zone 2E, FAA Part 77 Noticing Area - SDIA and Naval Air Station (NAS) North Island, within the Uptown Community Plan;

WHEREAS, the project site is legally described as Lot "A" and the west six inches of lot "L" in block 229 of Horton's Addition, in the City of San Diego, State of California, according to map thereof made by L. L. Lockling, filed in the office of the County Recorder of San Diego County;

WHEREAS, on June 14, 2019 the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guideline Section 15301(a) (Existing Facilities) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Conditional Permit No. 2252764:

**A. CONDITIONAL USE PERMIT FINDINGS SDMC SECTION 126.0305**

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

The project proposes a Conditional Use Permit for an Alcoholic Beverage Outlet for the sale of beer, wine, and distilled spirits for off-site consumption with a Type 21 Alcohol Beverage Control (ABC) license from an approximately 2,700 square foot future market located on the first floor of an existing building at 1985 5<sup>th</sup> Avenue, Suite A, and 535 Grape Street, Suite C. The 0.11-acre site is in the CC-3-4 Zone, Parking Standards Transit Priority Area, the Residential Tandem Parking Overlay Zone, the Transit Area Overlay Zone, the Airport Approach Overlay Zone, the San Diego International Airport (SDIA) Airport Land Use Compatibility Plan – Noise (75+ CNEL), the SDIA Airport Influence Area – Review Area 1, SDIA Airport Safety Zone 2E, FAA Part 77 Noticing Area - SDIA and Naval Air Station (NAS) North Island within the Uptown Community Plan Area.

The Uptown Community Plan designates the site for Office Commercial, which is intended for local convenience shopping, civic uses, and services serving the community. The Uptown Community Plan does not specifically address the sale of alcohol or Alcoholic Beverage Outlets; 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. One of the guiding principles of the Uptown community plan is establishing and maintaining a high level of community facilities and services that not only meets the needs of the community, but are equally distributed and accessible throughout the neighborhoods in Uptown.

The proposed sale of beer, wine, and distilled spirits within a future market is consistent with the underlying Office Commercial land use designation, and would add to the range of goods available from the future market serving the community. The proposed future market is retail development and is in conformance with the land use designation and the intent of the community plan. Therefore, based on the above, the proposed development 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 primary use of the site is a market, which is a commercial development. The operation of an Alcoholic Beverage Outlet within the market is consistent with the Office Commercial use designated by the Uptown Community Plan and allowed in the CC-3-4 Zone with a CUP at this location. Approval of this application would allow

the sale of beer, wine, and distilled spirits for off-site consumption to be conditioned so that the alcohol sales would not have a negative impact on the surrounding neighborhood. The CUP includes conditions that prohibit machines or video game devices on the premises, prohibit loitering and graffiti, prohibit public pay phones, and require security cameras inside and out. Additionally, all retail employees are to be trained in ABC regulations (LEAD), theft deterrence and policies against the sales of alcoholic beverages to those under 21 years of age or intoxicated. The CUP also includes recommended conditions for the ABC license that limit the sale of budget alcohol items by having restrictions on container size and packaging. Furthermore, the project is subject to all federal, state, and other local codes related to alcohol beverage sales, which would further ensure that the subject Alcoholic Beverage Outlet would not have an adverse impact on the public health, safety, and welfare.

**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 project proposes an Alcoholic Beverage Outlet in accordance with an ABC Type 21 license, in a future market to be located within an existing commercial office building. A Type 21 ABC license is defined as Off-Sale General, which authorizes the sale of beer, wine, and distilled spirits for off-site consumption. The underlying CC-3-4 Zone, which is intended to accommodate pedestrian-oriented, community serving commercial uses, allows Alcoholic Beverage Outlets as a Limited Use subject to regulations set forth in SDMC Section 141.0502(b). While the proposed Alcoholic Beverage Outlet does not meet the aforementioned Limited Use regulations, the outlet can be permitted at this location with a CUP approval pursuant to SDMC section 141.0502(c). The CUP for the project includes various conditions and corresponding exhibits of approval relevant to achieving compliance with the SDMC relative to lighting, loitering, litter, graffiti, and security cameras. These conditions will ensure the project would not have an adverse impact on the community. 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 proposed Alcoholic Beverage Outlet is proposed within the first floor of an existing two-story building at 1985 5<sup>th</sup> Avenue, Suite A, and 535 Grape Street, Suite C. The project site is within the CC-3-4 (Commercial Community) Zone, and designated Commercial Office within the Uptown Community Plan. The Uptown Community land use designation is intended to support development that provides local convenience shopping, civic uses, and services serving the community. The project is a request for a CUP to allow the sale of beer, wine, and distilled spirits within a future market. The future market is a tenant space within an existing commercial building. The use of the site as retail establishment is consistent with the commercial designation.

An Alcoholic Beverage Outlet is allowed at this location subject to approval of a CUP pursuant to SDMC Section 141.0502(c). Approval of this application would allow the sale of beer, wine, and distilled spirits to be conditioned so that the alcohol sales would not have a negative impact on the surrounding neighborhood. The CUP includes conditions that prohibit machines or video game devices on the premises, prohibit loitering and graffiti, prohibit public pay phones, and require security cameras inside and out. Additionally, all retail employees are to be trained in ABC regulations (LEAD), theft deterrence and policies against the sales of alcoholic beverages to those under 21 years of age or intoxicated. The CUP also include recommended conditions for the ABC license that limit the sale of budget alcohol items by having restrictions on container size and packaging,

The proposed sale of beer, wine and distilled spirits within the market expands the retail merchandise and is consistent with the commercial nature of the primary use. The proposed Alcoholic Beverage Outlet is also consistent with the underlying commercial designation per the community plan and zone. Therefore, based on the commercial retail nature of the proposed use within a future market. and conditions of approval, the proposed development would be appropriate 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 No. 2252764 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 2252764, a copy of which is attached hereto and made a part hereof.

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Jerry Sennett  
Development Project Manager  
Development Services

Adopted on: DATE OF APPROVAL

IO#: 24008151



**627235**  
**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: 24008151

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2252764  
**CITY LIQUOR CUP PROJECT NO. 627235**  
HEARING OFFICER

This Conditional Use Permit No. 2252764 is granted by the Hearing Officer of the City of San Diego to William J. Hopkins and Lee Schwartz, Owners, and Christopher Kasid, CDK Business Enterprises Inc. Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 0.11-acre site is located at 1985 5<sup>th</sup> Avenue, Suite A, and 535 Grape Street, Suite C, in the CC-3-4 Zone, and the Parking Standards Transit Priority Area, the Residential Tandem Parking Overlay Zone, the Transit Area Overlay Zone, the Airport Approach Overlay Zone, the San Diego International Airport (SDIA) Airport Land Use Compatibility Plan – Noise (75+ CNEL), the SDIA Airport Influence Area – Review Area 1, SDIA Airport Safety Zone 2E, the FAA Part 77 Noticing Area SDIA and Naval Air Station (NAS) North Island, within the Uptown Community Plan area. The project site is legally described as: Lot “A” and the west six inches of lot “L” in block 229 of Horton’s Addition, in the City of San Diego, State of California, according to map thereof made by L. L. Lockling, filed in the office of the County Recorder of San Diego County.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owners/Permittee to operate an Alcoholic Beverage Outlet 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 December 18, 2019, on file in the Development Services Department.

The project shall include:

- a. Operation of an Alcoholic Beverage Outlet within a future 2,700 square foot market, conditioned upon the issuance of Type 21 License from the Department of Alcoholic Beverage Control for off-site consumption; 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 January 4, 2020.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on January 4, 2030. 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" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

12. The Owners/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 building permits, the Owners/Permittee shall assure, by permit and bond, to reconstruct the damaged portions of the sidewalk with current City Standard sidewalk,

maintaining the existing sidewalk scoring pattern and preserving the contractor's stamp, adjacent to the site on Grape Street, 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, of Chapter 4 of the City's Storm Water Standards.

15. Prior to the issuance of any building permits, the Owners/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for any private improvements/non-standard in the Fifth Avenue Right-of-Way.

**PLANNING/DESIGN REQUIREMENTS:**

16. Owners/Permittee 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.

17. The sale of alcoholic beverages shall be accessory and limited to a maximum of 466 square feet, or approximately 17 percent of the floor area of the market as shown on Exhibit "A".

18. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

19. 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.

20. Exterior public pay phones that permit incoming calls are not permitted on the premises, adjacent public sidewalks, or areas under the control of the Owner/Permittee.

21. The Owner/Permittee 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/Permittee. 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.

22. 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, except for any advertising prohibited by law. 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.

23. The Owner/Permittee 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, violators are subject to criminal prosecution and/or arrest." The sign shall be at least two square feet with two-inch block lettering. The sign shall be in English and Spanish.



24. The Owner/Permittee shall list a business address and telephone number in the Pacific Bell/San Diego telephone directory or other similarly distributed directory.

25. The Owner/Permittee 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/Permittee. 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 in areas under the control of the Owner/Permittee.

26. The Owner/Permittee shall maintain the premises, adjacent public sidewalks, and areas under the control of the Owner/Permittee, free of litter and graffiti at all times. The Owner/Permittee shall provide for daily removal of trash, litter, and debris. The Owner/Permittee shall eliminate graffiti within 48 hours of application.

**POLICE DEPARTMENT REQUIREMENTS:**

27. Loitering will be prohibited.

28. No Alcohol consumption will be allowed on premises or adjacent and under control of the applicant

29. Security cameras will be posted throughout the property, both inside and outside.

30. All retail employees are trained in ABC regulations (LEAD), theft deterrence and policies against the sales of alcoholic beverages to those under 21 years of age, or intoxicated.

**POLICE DEPARTMENT RECOMMENDATIONS FOR ABC LICENSE:**

31. Beer, malt beverages or wine cooler products, regardless of container size, must be sold in manufacturer pre-packaged multi-unit quantities. No singles.

32. No wine or distilled spirits shall be sold in containers of less than 375 milliliters.

**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.

## ATTACHMENT 6

- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on December 18, 2019 and Resolution No. XXXX

**ATTACHMENT 6**

Permit Type/PTS Approval No.: Conditional Use Permit No. 2252764  
Date of Approval: December 18, 2019

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

\_\_\_\_\_  
Jerry Sennett  
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.

**LEE SCHWARTZ**

Owner

By \_\_\_\_\_  
Lee Schwartz

**WILLIAM J. HOPKINS**

Owner

By \_\_\_\_\_  
William J. Hopkins

**CDK BUSINESS ENTERPRISES INC.**

Permittee

By \_\_\_\_\_  
Christopher Kasid

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

## NOTICE OF EXEMPTION

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

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

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

PROJECT NO.: 627235

PROJECT TITLE: City Liquor CUP

PROJECT LOCATION-SPECIFIC: 1985 5<sup>th</sup> Avenue, San Diego, CA 92101

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

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: A Conditional Use Permit for the sale of alcoholic beverages in an existing building. The 0.11-acre site is located in the CC-3-4 base zone, within the Uptown Community Plan and Council District 3.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Christopher Kasid, 1985 5<sup>th</sup> Avenue, San Diego, CA 92101; 619-916-9676.

EXEMPT STATUS: (CHECK ONE)

- MINISTERIAL  
 DECLARED EMERGENCY  
 EMERGENCY PROJECT  
 CATEGORICAL EXEMPTION: SECTION 15301(A): EXISTING FACILITIES

REASONS WHY PROJECT IS EXEMPT: The project has been determined to be exempt from CEQA pursuant to Section 15301(a) of CEQA Guidelines. Section 15301(a) applies to the permitting and minor alteration of existing private structures, including interior alterations, that involves negligible or no expansion of the existing use. None of the exceptions listed in CEQA Guidelines Section 15003.2 apply, therefore this exemption is applicable to the proposed project.

LEAD AGENCY CONTACT PERSON: M. Brunette

TELEPHONE: (619) 446-5379

IF FILED BY APPLICANT:

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

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

  
 \_\_\_\_\_  
 MARK BRUNETTE, SENIOR PLANNER

JULY 1, 2019

DATE

CHECK ONE:

- SIGNED BY LEAD AGENCY  
 SIGNED BY APPLICANT


DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:





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

## Community Planning Committee Distribution Form Part 2

<b>Project Name:</b> City Liquor - CUP		<b>Project Number:</b> 627235	<b>Distribution Date:</b> 02/13/2019
<b>Project Scope/Location:</b> UPTOWN- Conditional Use Permit for the Sale of alcoholic beverages in 2500 SF retail space located at 1985 5th Ave. The 0.11-acre site is in the CC-3-4 zone of the Uptown Community Plan area. Council District 3			
<b>Applicant Name:</b> Paris Hagman		<b>Applicant Phone Number:</b> (619) 298-8058	
<b>Project Manager:</b> Anthony Bernal II	<b>Phone Number:</b> (619) 446-5147	<b>Fax Number:</b> (619) 446-5245	<b>E-mail Address:</b> AQBernal@sandiego.gov
<b>Committee Recommendations (To be completed for Initial Review):</b>			
<input checked="" type="checkbox"/> <b>Vote to Approve</b>	<b>Members Yes</b> UNANIMOUS	<b>Members No</b> 0	<b>Members Abstain</b>
<input type="checkbox"/> <b>Vote to Approve</b> With Conditions Listed Below	<b>Members Yes</b>	<b>Members No</b>	<b>Members Abstain</b>
<input type="checkbox"/> <b>Vote to Approve</b> With Non-Binding Recommendations Listed Below	<b>Members Yes</b>	<b>Members No</b>	<b>Members Abstain</b>
<input type="checkbox"/> <b>Vote to Deny</b>	<b>Members Yes</b>	<b>Members No</b>	<b>Members Abstain</b>
<input type="checkbox"/> <b>No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)</b>			<input type="checkbox"/> <b>Continued</b>
<b>CONDITIONS:</b>			
<b>NAME:</b> SOHEIL NAKHSHAB		<b>TITLE:</b> CHAIR	
<b>SIGNATURE:</b>  <small>Soheil Nakhshab (Jun 29, 2019)</small>		<b>DATE:</b> 6/20/19	
<i>Attach Additional Pages If Necessary.</i>		<b>Please return to:</b> Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101	
Printed on recycled paper. Visit our web site at <a href="http://www.sandiego.gov/development-services">www.sandiego.gov/development-services</a> . Upon request, this information is available in alternative formats for persons with disabilities.			

# UPTOWN PLANNERS

## Uptown Community Planning Group Meeting

June 4, 2019

### DRAFT MINUTES

In attendance: Bob Daniel, Brer Marsh, Clint Daniels, Gail Friedt, Matthew Medeiros, Michael Brennan, Roy Dahl, Stephen Cline, Tim Gahagan, Zach Bunshaft, William Smith, Bill Ellig, Soheil Nakshab, Stu McGraw, Tom Mullaney.

Absent: Dennis Seisun & Amie Hayes

#### I) Call to Order and Introductions - Meeting called to order by Soheil at 6:01 pm

- 1) Agenda Approval: Motion to approve agenda by Roy, Stephen 2nd, unanimously approved.
- 2) Minutes Approval: Motion to approve the minutes from February to March 2019 by Zach, Matt 2nd, (14/0/1) Clint abstained because he did not see that the meeting minutes were sent out.

#### II) General Information and Officer/Committee Reports

##### 1) Officer Reports

a. Treasurer Report: Roy reported that there is \$150.65 in the account and that we will be billed \$143.88 for website renewal, which the City will reimburse.

##### b. Ad Hoc Operations/Outreach Committee Meeting Recap

Ad Hoc Committee met again & solidified lists of suggestions for improved outreach & bylaws, to be presented at this full board meeting. Tom voiced concerns with voting on these items without them posted on the agenda. William & Tim echoed these sentiments. Soheil apologized for not listing outreach and bylaw revisions on the agenda, but he believes we should go through with outreach at this full committee meeting because it was listed in the minutes and approved as an action item at the last meeting. Soheil believes we should push votes on bylaw revisions to next month to allow for more transparency and community input. Tom moved to discuss the outreach suggestions, Stephen 2nd.

##### Board Discussion:

i) William Smith asked about membership fees for nextdoor & which website platform is recommended for switching from Yahoo & why it is believed to be necessary. Matt answered that he will find out about fees for nextdoor and the switch is for security purposes. William also asked about whether the signs would be stolen and it was answered that other community groups, like the Mission Hills Town Council does the same thing & hasn't had a problem.

ii) Roy voiced concerns over losing the godaddy domain name. Matt recommended keeping it because it is inexpensive.

##### Public Comment

i) Sol Schumer asked why these expenses are needed?

ii) Sharon Gehl responded saying she saw on nextdoor after the last Uptown Planners election that community members largely were unaware of the election & the board as a whole.

iii) Mat Wahlstrom voiced concerns over comments being allowed on social media posts.

iv) Carol Emerick voiced concern about the phrasing of "limiting comment" and wants something more concrete against it. She also suggested creating a LinkedIn account. She likes the new website design but believes the mission statement on the website needs to be revised to be consistent with the City's.

v) Ian Epley does not see an issue with spending more to increase community involvement. Voiced concerns that the City used to send out an agenda and post it on their website but hasn't in a while.

Motion made by the Ad Hoc. committee to pass the outreach recommendations as is, Tom 2nd, (15/0/2) Clint & Soheil abstained. Soheil abstained so as not to show bias and Clint abstained because it was not agendized.

c) Design Review Subcommittee - Did not meet/nothing to report.

d) Policy for Standing Subcommittee Member Appointment

Zach mentioned having attended the Community Orientation Workshop that it appears subcommittee membership must be set ahead of meetings and that assignment to subcommittees need to be made at a future meeting. He also requested set dates and times each month that subcommittees will meet.

### III) Public Communication – Non-Agenda Public Comment

#### 1) Civic & Elected Official Representatives Remarks

a) Ty Burch with Councilman Chris Ward's office spoke about inclusionary housing requirement updates coming to the Council. Mentioned that their office held a forum on proposed Permanent Supportive Housing in the old Mission Hills Library. Mat Wahlstrom asked if the City makes changes to bylaws uniformly, when will that be? Ty said he does not know but will try to get an answer.

b) Toni Duran with Senate President Pro Tempore Toni Atkins office said that the deadline has passed for the chambers to pass bills to one another. Bills must pass both chambers by July 1st to continue to the Governor's desk. Her office is now taking underwear donations for Stand Down June 28th-30th. Carol Emerick asked for an update on the Maple Canyon Restoration. Brer mentioned that the City has been invited to speak about this, but will be invited again.

c) Javier Gomez with Assemblymember Todd Gloria's office reported the State now has 16.5 billion in its rainy day fund, 1.75 billion specifically for housing. He reported that funds were found to ensure clean water without the need for a water tax.

#### 2) Non-Civic & Elected Official Representatives

Public comment was held during Ad Hoc Operations/Outreach Committee Meeting Recap

### IV) Consent Agenda

No items on the consent agenda.

### V) Information Items

#### 1) Balboa Park Planning Committee Update - Don Liddel

Uptown Planners representative to the Balboa Park Planning Committee was invited to give an update on what the Committee is currently working on and what would be needed to get a new representative up to speed should the Committee select a new one. Don was on the Uptown Planners and has been on the BPC now for 10 years. He is happy to continue and/or assist new representative as needed/requested. Reported that the last meeting discussed the Mayor's budget with a 9.5 million reduction. The BPC voted to voice a strong opposition and within days it

was reversed. Announced a workshop on July 11th at 6pm at 3325 Zoo Drive to discuss Inspiration Point and put together an RFP (Request for proposals) for this area. BPC does not have bylaws, however they are currently being drafted. BPC meets on the 1st Thursday of each month but will not meet until August. Bill Smith requested a clarification of the BPC rep's connection to the Uptown Planners Board and Clint wants to clarify going forward that the representative's decisions should reflect the will of the board.

- 2) UCSD Campus Renovation & Expansion - David Mier - Information item was moved ahead due to UCSD's time constraints. Renovation taking place in order to get campus up to seismic codes. Long Range Development plan will be approved by UC Regents in November, but UCSD believes it is important to engage the public. The EIR (Environmental Impact Report) is 75% complete.

Board Comment & Public Comment

- a) Brer asked about market rate housing on-site, whether it is reserved for faculty, and what happens once faculty leaves their employment. He requested UCSD Health visit the Design Review sub-committee.
  - b) Clint requested no parking on top of what is required by law.
  - c) Tom requested direct access from the 163.
  - d) Ian Epley requested coordination with Scripps Hospital as they renovate at the same time.
  - e) Jill Weisberg asked if Bachman is two lanes would it be going North or South? Answer: South with Bike Lanes.
  - f) Mat Wahlstrom asked the net gain for housing units. Answer: From 20 to 980 units.
  - g) Michael Donovan asked if there will be retail. Answer: Yes.
  - h) Bill Ellig requested Scripps present a similar presentation.
- 3) Airport Noise Advisory Committee - Chris Cole  
Chris said that he has two years left in his term, but he serves at the pleasure of the Board. Currently working on NEPA, CEQA & terminal 1 changes to transit. Also a board member of Old Town Academy & would be willing to provide updates on redevelopment if requested.
  - 4) Champions for Health Partnership - No representative showed up to the meeting.
  - 5) Rights to Appeal: Soheil announced that the public has the right to appeal 1) Special Events Permit 2) Park Use Permit 3) Slurry Seal Group 1925

VI) Action Items

- 1) City Liquor House Project No. 627235 - Chris Kasid (Owner)  
Chris spoke about his store's desire to move from 5th and Elm to 5th and Grape and the need to have a (CUP) conditional use permit re-approved in order to sell alcoholic beverages. All budget alcoholic items will be eliminated as they would not be allowed under the CUP. The old site was bought out for mixed use residential. He will be changing the business name and adding a deli.

Tim Gahagan left the meeting.

Public Comment:

- a) Jill Weisberg asked what is conditional about the permit? Answer: It is not given by right, but with permission.
- b) Sol Schumer brought up the opposition sent to the Board by a community member.

Motion to approve the CUP by Roy, Matt 2nd, (13/0/1) Soheil abstained.

- 2) Finalize FY21-25 CIP (Capital Improvement Project) Priority List - Clint Daniel (Public Facilities)  
In April, the CPC (Community Planners Committee) solicited feedback on CIP programs, but a special meeting must be scheduled or can be sent late after a vote at the next Uptown Planners meeting. Bob asked if a sub-committee could receive permission to approve on behalf of the entire board. Matt wishes to schedule a special meeting for June 25th, Bob 2nd, unanimously approved.



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

PREMISE ADDRESS: 1985 5<sup>th</sup> Avenue

TYPE OF BUSINESS: City Liquor House, Type 21

FEDERAL CENSUS TRACT: 57

NUMBER OF ALCOHOL LICENSES ALLOWED: 1

NUMBER OF ALCOHOL LICENSES EXISTING: 2 (over-concentrated)

CRIME RATE IN THIS CENSUS TRACT: 66.4%  
(Note: Considered High Crime If Exceeds 120% of City-wide Average)

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

IS THE PREMISE WITHIN 600 FEET OF INCOMPATIBLE FACILITY  YES  NO

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

ABC LICENSE REVOKED AT THIS PREMISE WITHIN PAST YEAR  YES  NO

HAS APPLICANT BEEN CONVICTED OF ANY FELONY  YES  NO

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

COMMENTS/OTHER FACTORS CONSIDERED:

The premises is located within census tract 57. The reported crime rate for 2017 within census tract 57 was 66.4% and the alcohol crime rate was 102.2%. City Liquor House will not add to the concentration of alcohol licenses, the business is moving from its current location at 1801 5<sup>th</sup> Avenue to 1985 5<sup>th</sup> Avenue, which are both in census tract 57.

SUGGESTED CONDITIONS:

The San Diego Police Department agrees with the issuance of a Conditional Use Permit so long as the following conditions are incorporated:

1. No wine or distilled spirits shall be sold in containers of less than 375 milliliters.
2. Beer, malt beverage products or wine cooler products, regardless of container size, must be sold in manufacturer pre-packaged multi-unit quantities. No singles.
3. The petitioner(s) shall post and maintain professional quality signs facing on the north and west sides of the premises that read as follows: NO LOITERING, NO LITTERING, NO DRINKING OF ALCOHOLIC BEVERAGES. VIOLATORS ARE SUBJECT TO CRIMINAL PROSECUTION AND/OR ARREST. The sign shall be at least two feet square with two inch block lettering. The sign shall be in English and Spanish.
4. Windows will have minimum of 67% clear view from the exterior to provide interior view for law enforcement.
5. Loitering will be prohibited.
6. No alcohol consumption will be allowed on premises or adjacent and under the control of the applicant.

- 7. No public pay phones will be permitted on the premise or adjacent and under the control of the applicant.
- 8. No arcade games of any type will be allowed/maintained inside the premise.
- 9. Security cameras will be posted throughout the property, both inside and outside.
- 10. Litter and any unauthorized graffiti will be removed promptly.
- 11. All retail employees are trained in ABC regulations (LEAD), theft deterrence and policies against the sales of alcoholic beverages to those under 21 years of age, transient and/or intoxicated.

**SAN DIEGO POLICE DEPARTMENT RECOMMENDATION:**

**APPROVE**

**DENY**

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

619 531-2973  
Telephone Number

*Ben M'Curry*  
Signature of SDPD Vice Sergeant

3-5-19  
Date of Review



City of San Diego  
Development Services  
1222 First Ave., MS 302  
San Diego, CA 92101  
(619) 445-5000

# Ownership Disclosure Statement

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: CITY LIGHTS Project No. For City Use Only: \_\_\_\_\_  
 Project Address: 1985 5<sup>TH</sup> AVE., SUITE A & 535 GRAPE ST., SUITE C  
SAN DIEGO, CA 92101

Specify Form of Ownership/Legal Status (please check):  
 Corporation  Limited Liability -or-  General - What State? \_\_\_\_\_ 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**

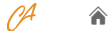
Name of Individual: Lee J. Schwartz & William J. Hopkins  Owner  Tenant/Lessee  Successor Agency  
 Street Address: 1985 5<sup>TH</sup> AVE. SUITE A & 535 GRAPE ST. SUITE C  
 City: SAN DIEGO State: CA Zip: 92101  
 Phone No.: 619-270-0000 Fax No.: \_\_\_\_\_ Email: LEE.P.TEAM@METAD.COM  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Additional pages Attached:  Yes  No

Name of Individual: \_\_\_\_\_  Owner  Tenant/Lessee  Successor Agency  
 Street Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_ Email: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Additional pages Attached:  Yes  No

**Other Financially Interested Persons**

Name of Individual: \_\_\_\_\_  Owner  Tenant/Lessee  Successor Agency  
 Street Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_ Email: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Additional pages Attached:  Yes  No

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



Search



**Results for:** Active Off-Sale Retail License

**County:** SAN DIEGO County

**Census Tract:** 57

**Report Date:** Thursday, November 07, 2019

Show  entries

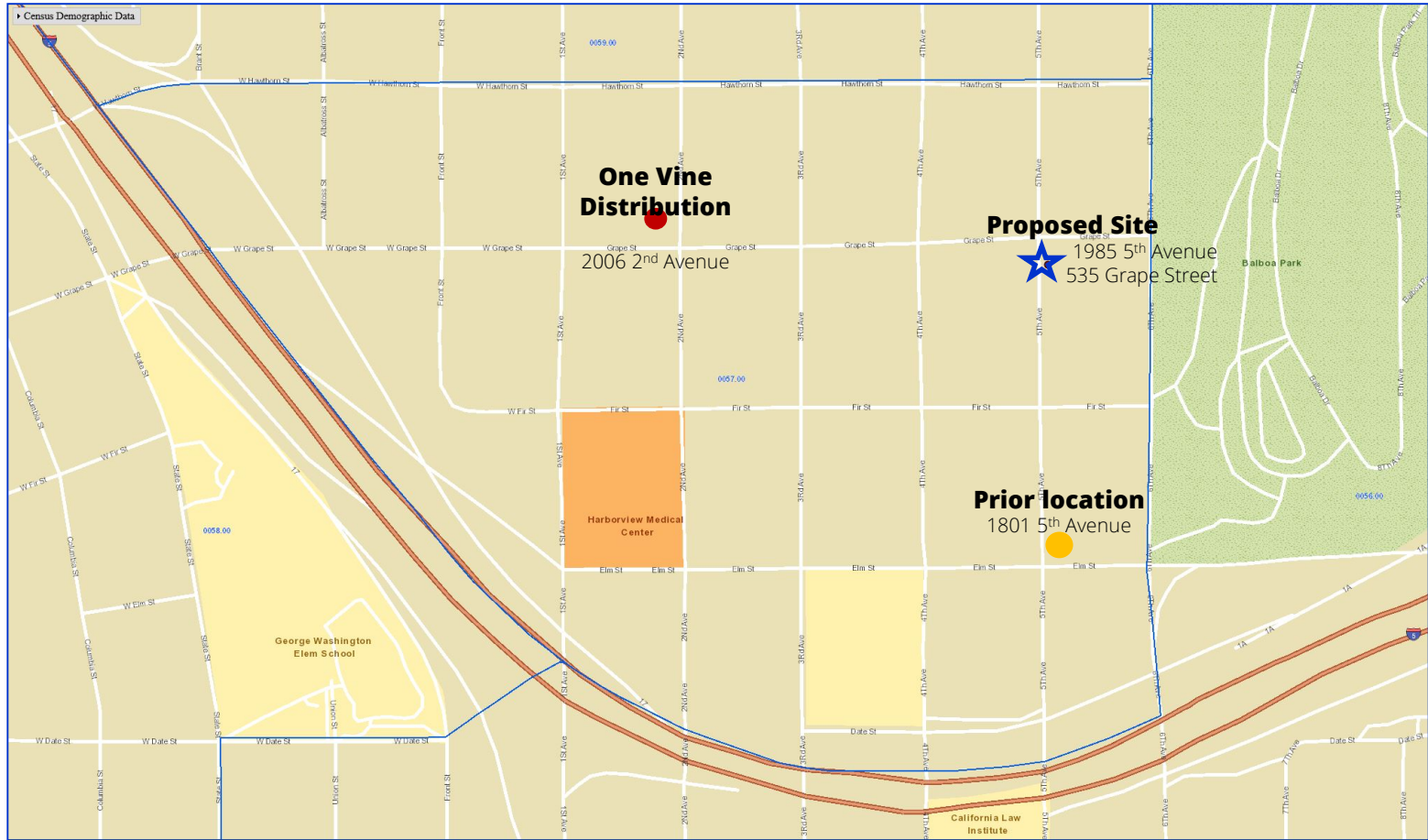
Search:

License Number	Status	License Type	Orig. Iss. Date	Expir. Date	Primary Owner	Premises Addr.	Business Name	Geo Code
<a href="#">429291</a>	ACTIVE	20	10/24/2005	09/30/2020	MARTELLOTTO INC	2006 2ND AVE, SAN DIEGO, CA 92101 Census Tract: 0057.00	ONEVINE DISTRIBUTION	3710
<a href="#">462975</a>	ACTIVE	21	02/29/2008	01/31/2020	CDK BUSINESS ENTERPRISE INC	1801 5TH AVE, SAN DIEGO, CA 92101-2712 Census Tract: 0057.00	CITY LIQUOR HOUSE	3710

Showing 1 to 2 of 2 entries

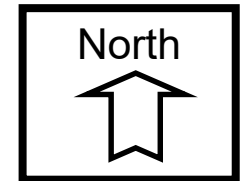
Previous  Next

[DOWNLOAD REPORT \(CSV\)](#)



## Liquor Licenses within Census Tract 57

CITY LIQUOR CUP / 1985 5<sup>TH</sup> AVENUE AND 535 GRAPE STREET  
PROJECT NO. 627235







VIEW FROM NW CORNER OF GRAPE & 5TH.

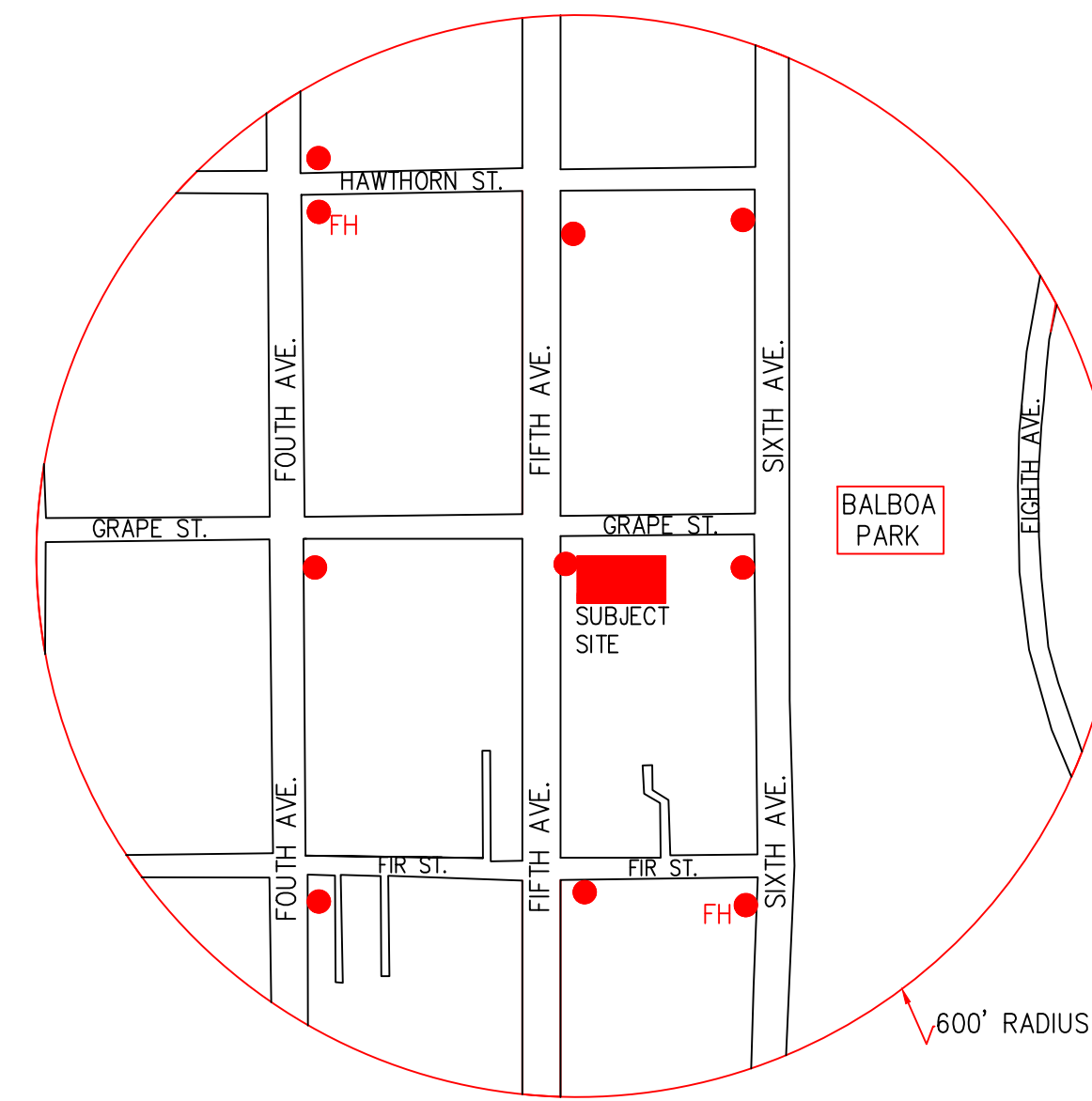
# CITY LIQUOR

## CONDITIONAL USE PERMIT FOR AN ALCOHOLIC BEVERAGE OUTLET

(OFF-SALE OF BEER & WINE AND DISTILLED SPIRITS)

1985 5th Avenue, Suite A, and  
535 Grape Street, Suite C  
SAN DIEGO, CA. 92101

### FIRE HYDRANT LOCATIONS



### FIRE HYDRANT LOCATIONS WITHIN 600' RADIUS

#### OCCUPANCY AREA CALCULATION

SPACE	AREA (SF)	O.L. FACTOR	OCCUPANT LOAD
CUSTOMER AREA	1238	60	21
CASHIER	224	200	2
OFFICE/STOCK	500	200	3
BATHROOMS			2
TOTAL OCCUPANT LOAD FOR FOOD MART			28

### SCOPE OF PROPOSED WORK;

REQUEST FOR A CONDITIONAL USE PERMIT FOR AN ALCOHOLIC BEVERAGE OUTLET (OFF-SALE OF TYPES 20 BEER & WINE AND TYPE 21 DISTILLED SPIRITS) AT 1985 5TH. AVE. SAN DIEGO, CA. 92101.

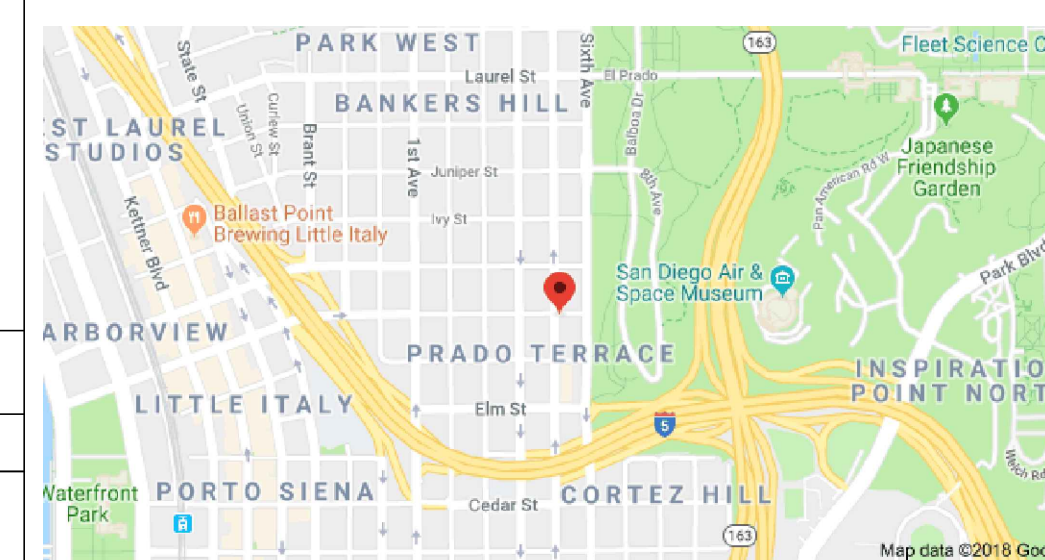
### DRAWING INDEX

- ARCHITECTURAL
- 1 TITLE SHEET 1
- 2 SITE PLAN
- 3 EXISTING FIRST FLOOR PLAN
- 4 EXISTING SECOND FLOOR PLAN
- 5 PROPOSED T1 @ FIRST FLOOR
- 6 BUILDING ELEVATIONS (BUILDING IMAGES)

### PROJECT CODE SUMMARY

THIS PROJECT SHALL COMPLY WITH THE FOLLOWING CURRENT CALIFORNIA STATE CODES:  
 2016 CALIFORNIA BUILDING CODE, TITLE 24, PART 2, VOLUME I  
 2016 CALIFORNIA BUILDING CODE, TITLE 24, PART 2, VOLUME II  
 2016 CALIFORNIA ELECTRICAL CODE, TITLE 24, PART 3  
 2016 CALIFORNIA MECHANICAL CODE, TITLE 24, PART 4  
 2016 CALIFORNIA PLUMBING CODE, TITLE 24, PART 5  
 2016 CALIFORNIA ENERGY CODE, TITLE 24, PART 6  
 2016 CALIFORNIA FIRE CODE, TITLE 24, PART 9  
 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE, TITLE 24, PART 11

### VICINITY MAP



### PROJECT DATA

PROJECT NAME: CITY LIQUOR HOUSE  
 LEASE SPACE ADDRESS: 1985 5TH. AVE. SAN DIEGO, CA. 92101  
 BUILDING ADDRESS: 1985 5TH. AVE. SAN DIEGO, CA. 92101  
 APN: 533-293-01  
 LEGAL DESC. THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CA. COUNTY OF SAN DIEGO, AND IS DESCRIBED AS FOLLOWS: LOT 'A' AND THE WEST SIX INCHES OF LOT 'L' IN BLOCK 229 OF HORTON'S ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF S.D. STATE OF CA. ACCORDING TO MAP THEREOF MADE BY L.L. LOCKLING FILED IN THE OFFICE OF THE COUNTY RECORDER OF S.D. COUNTY.

LESSOR: LEE J. SCHWARTZ  
 1975-C FIFTH AVE.  
 SAN DIEGO, CA. 92101  
 (619) 778-8888  
 LESSEE(APPLICANT): CHRISTOPHER KASID  
 11005 VIA MERIDA  
 LA MESA, CA. 91941  
 (619) 916-9676

ARCHITECT: HAGMAN & ASSOCIATES  
 1516 W. REDWOOD ST. # 205  
 SAN DIEGO, CA. 92101  
 TEL: (619) 298-8058  
 PARIS HAGMAN, ARCHITECT

BASE ZONE: CC-3-4  
 OVERLAY ZONE: TRANSIT AREA OVERLAY ZONE & TRANSIT PRIORITY ZONE

GENERAL PLAN: COMMERCIAL COMMUNITY

EXISTING USE: OFFICES

PROPOSED USE: MARKET AND LIQUOR

TYPE OF CONSTRUCTION: VB NON-SPRINKLERED, NO ALARM

OCCUPANCY: MERCANTILE M

OCCUPANT LOAD: 28

HOURS OF OPERATION: 24 HR. 7 DAYS/WEEK

AREAS: LOT AREA: 5,000 SF (APPROX.)

STORE AREAS:	EXISTING SUITE A	EXISTING SUITE C	TOTAL LEASE AREA
	2,200 SF	500 SF	2,700 SF (GROSS)

NUMBER OF STORIES: TWO-STORIES  
 ON-STREET PARKING:  
 # OF SPACES ON GRAPE ST. FRONTING STORE: 3  
 # OF SPACES ON 5TH. AVE. FRONTING: 1  
 # VAN ACCESSIBLE ADA PARKING: 1

MAX. HT. 22'-0"  
 TRANSIT STOP NONE

### REQUEST

CONDITIONAL USE PERMIT FOR AN ALCOHOLIC BEVERAGE OUTLET (OFF-SALE OF TYPES 20 BEER & WINE AND TYPE 21 DISTILLED SPIRITS) AT 1985 5TH. AVE. SAN DIEGO, CA. 92101.

THE APPLICANT IS PROPOSING PREMISES TO PREMISES TRANSFER OF EXISTING 'ABC' LICENSE FOR TYPES 20 & 21 FROM EXISTING LOCATION AT 1801 5TH. AVE. IN SAN DIEGO, CA. TO THE PROPOSED LOCATION SHOWN ON PLANS.

### ALLOWABLE AREA PER CBC TABLE 506.2

AREA ALLOWED BY TABLE 506.2 FOR OCCUPANCY CLASSIFICATION M & B, & TYPE 'VB' CONSTRUCTION IS 9,000 SF FOR NON-SPRINKLERED BUILDINGS

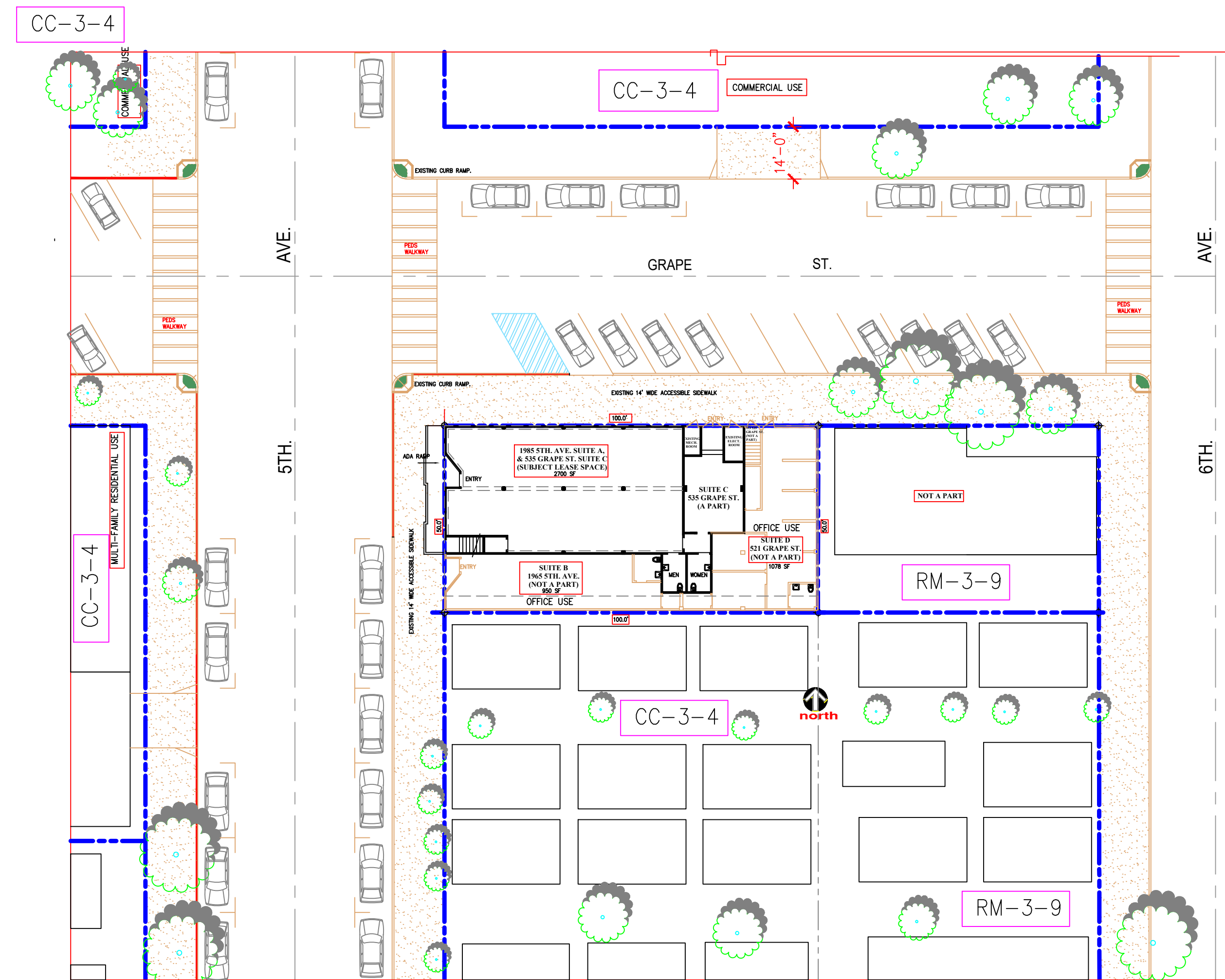
### TITLE BLOCK

REQUEST:  
 CONDITIONAL USE PERMIT FOR:  
 TYPE 20 & 21 ALCOHOLIC BEVERAGE  
 OUTLET FOR OFF-SALE OF BEER  
 & WINE & DISTILLED SPIRITS

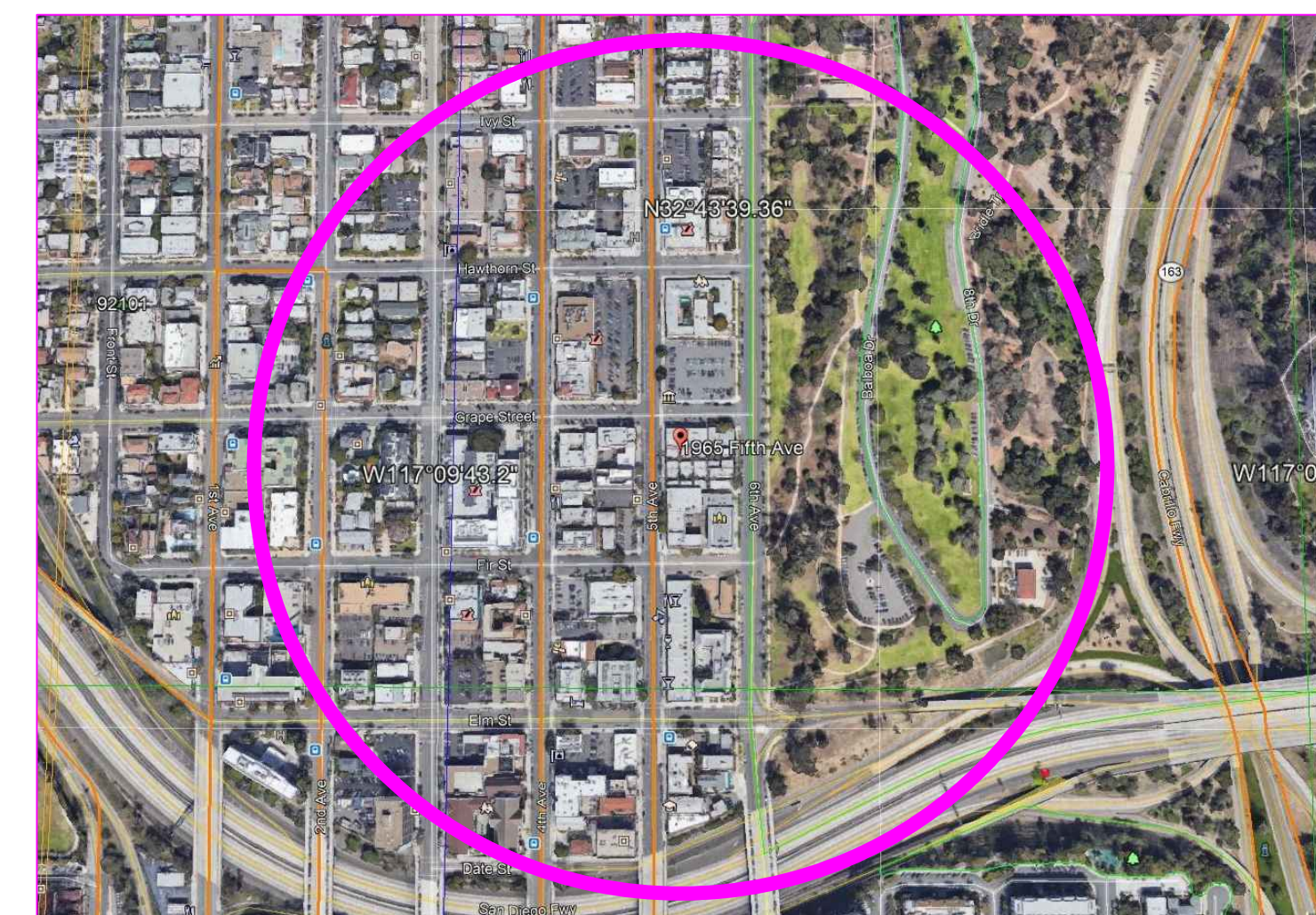
### TITLE SHEET

SHEET 1 OF 6  
 ORIGINAL DRAWING PREPARATION DATE: DECEMBER 17, 2018

REVISION DATE: MAY 24, 2019  
 REVISION DATE:  
 REVISION DATE:



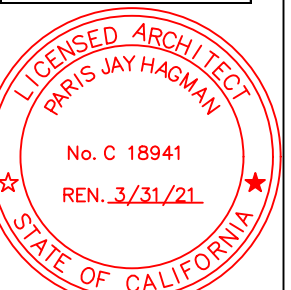
CONTEXTUAL SITE PLAN  
 WITHIN 100' OF SUBJECT PROPERTY



CONTEXTUAL SITE PLAN  
 AERIAL PHOTO WITHIN 1000'

REVISIONS	BY

HAGMAN & ASSOCIATES  
 ARCHITECTURE & PLANNING  
 1516 W. Redwood St., San Diego, Ca. 92101  
 (619) 298-8058



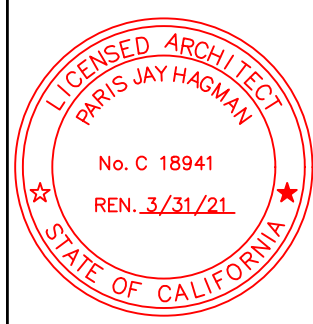
ALCOHOLIC BEVERAGE OUTLET C.U.P. @  
 1985 5th Avenue, Suite A, and  
 535 Grape Street, Suite C, San Diego, Ca. 92101

Date: \_\_\_\_\_  
 Scale: \_\_\_\_\_  
 Drawn: \_\_\_\_\_  
 Job: \_\_\_\_\_



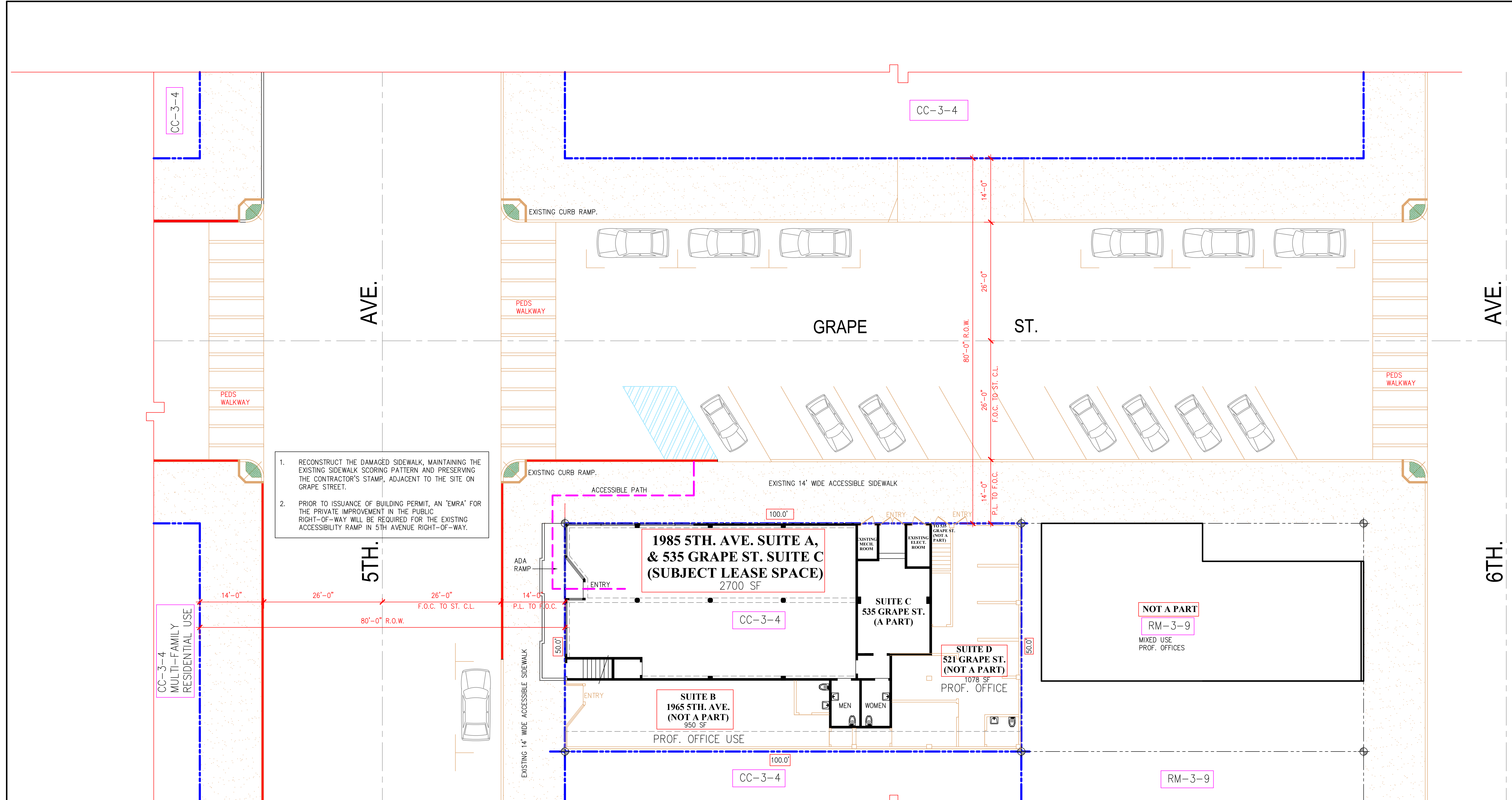
REVISIONS	BY

**HAGMAN & ASSOCIATES**  
 ARCHITECTURE & PLANNING  
 1916 W. Edgewood St., San Diego, Ca. 92101  
 (619) 295-8098



**ALCOHOLIC BEVERAGE OUTLET C.U.P. @**  
 1985 5th Avenue, Suite A, and  
 535 Grape Street, Suite C, San Diego, Ca. 92101

Date: \_\_\_\_\_  
 Scale: \_\_\_\_\_  
 Drawn: \_\_\_\_\_  
 Job: \_\_\_\_\_



1. RECONSTRUCT THE DAMAGED SIDEWALK, MAINTAINING THE EXISTING SIDEWALK SCORING PATTERN AND PRESERVING THE CONTRACTOR'S STAMP, ADJACENT TO THE SITE ON GRAPE STREET.
2. PRIOR TO ISSUANCE OF BUILDING PERMIT, AN 'EMRA' FOR THE PRIVATE IMPROVEMENT IN THE PUBLIC RIGHT-OF-WAY WILL BE REQUIRED FOR THE EXISTING ACCESSIBILITY RAMP IN 5TH AVENUE RIGHT-OF-WAY.

**ADJACENT USES:**

<b>FIRST FLOOR USES:</b>	SUBJECT LEASE SPACE
SUITE A & SUITE C	PROFESSIONAL OFFICE
SUITE B, ADJACENT USE	PROFESSIONAL OFFICE
SUITE D, ADJACENT USE	PROFESSIONAL OFFICE
<b>SECOND FLOOR USES:</b>	HAIR SALON
SUITE A & SUITE B	PROFESSIONAL OFFICE
SUITE C	PROFESSIONAL OFFICE

**EXISTING & PROPOSED SITE PLAN**  
 1"=10'



NOTE:  
 BUILDING ADDRESS NUMBERS TO BE VISIBLE AND LEGIBLE FROM THE STREET FRONTING THE PROPERTY PER FHPS POLICY P-00-6 (UFC 901.4.4)

**TITLE BLOCK**

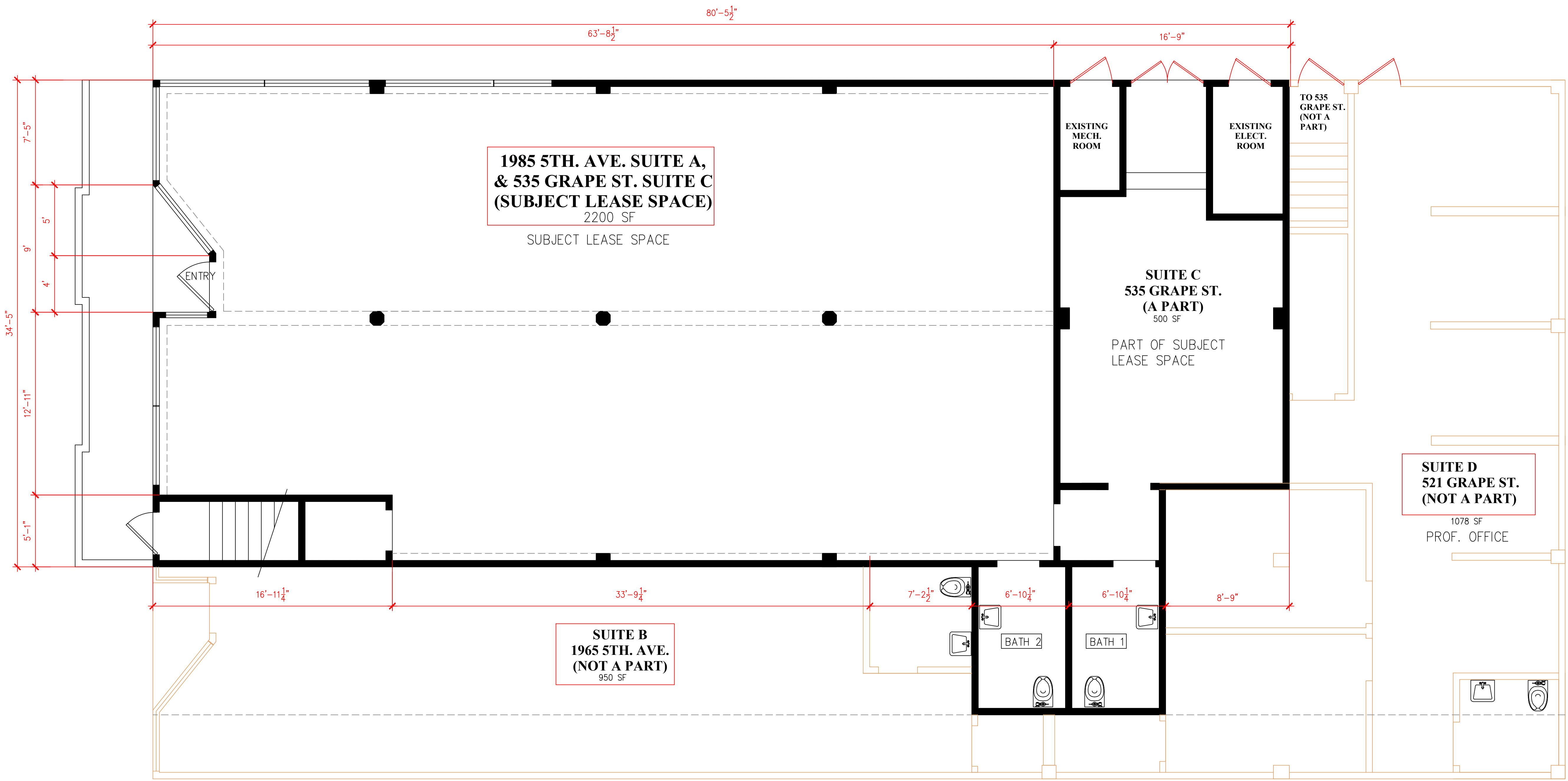
**REQUEST:**  
 CONDITIONAL USE PERMIT FOR:  
 TYPE 20 & 21 ALCOHOLIC BEVERAGE  
 OUTLET FOR OFF-SALE OF BEER  
 & WINE & DISTILLED SPIRITS

**SITE PLAN**  
 SHEET 2 OF 6

ORIGINAL DRAWING PREPARATION DATE: DECEMBER 17, 2018

REVISION DATE: MAY 24, 2019

REVISIONS	BY

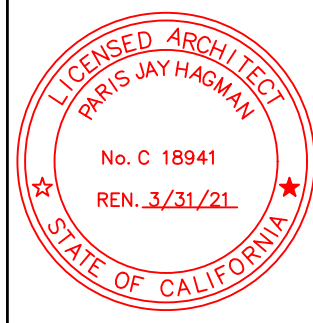


**ADJACENT USES:**  
**FIRST FLOOR USES:**  
 SUITE A & SUITE C      SUBJECT LEASE SPACE  
 SUITE B, ADJACENT USE      PROFESSIONAL OFFICE  
 SUITE D, ADJACENT USE      PROFESSIONAL OFFICE  
**SECOND FLOOR USES:**  
 SUITE A & SUITE B      HAIR SALON  
 SUITE C                      PROFESSIONAL OFFICE

**EXISTING FIRST FLOOR PLAN**  
 1/4" = 1'-0"



**HAGMAN & ASSOCIATES**  
 ARCHITECTURE & PLANNING  
 1916 W. Railroad St., San Diego, Ca. 92101  
 (619) 295-8098



**ALCOHOLIC BEVERAGE OUTLET C.U.P. @**  
 1985 5th Avenue, Suite A, and  
 535 Grape Street, Suite C, San Diego, Ca. 92101

**TITLE BLOCK**  
**REQUEST:**  
 CONDITIONAL USE PERMIT FOR:  
 TYPE 20 & 21 ALCOHOLIC BEVERAGE  
 OUTLET FOR OFF-SALE OF BEER  
 & WINE & DISTILLED SPIRITS

**EXISTING FIRST FLOOR PLAN**  
 SHEET 3 OF 6

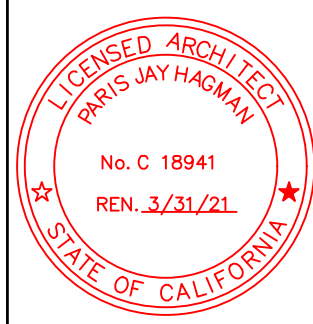
ORIGINAL DRAWING PREPARATION DATE: DECEMBER 17, 2018

REVISION DATE: MAY 24, 2019  
 REVISION DATE: \_\_\_\_\_  
 REVISION DATE: \_\_\_\_\_

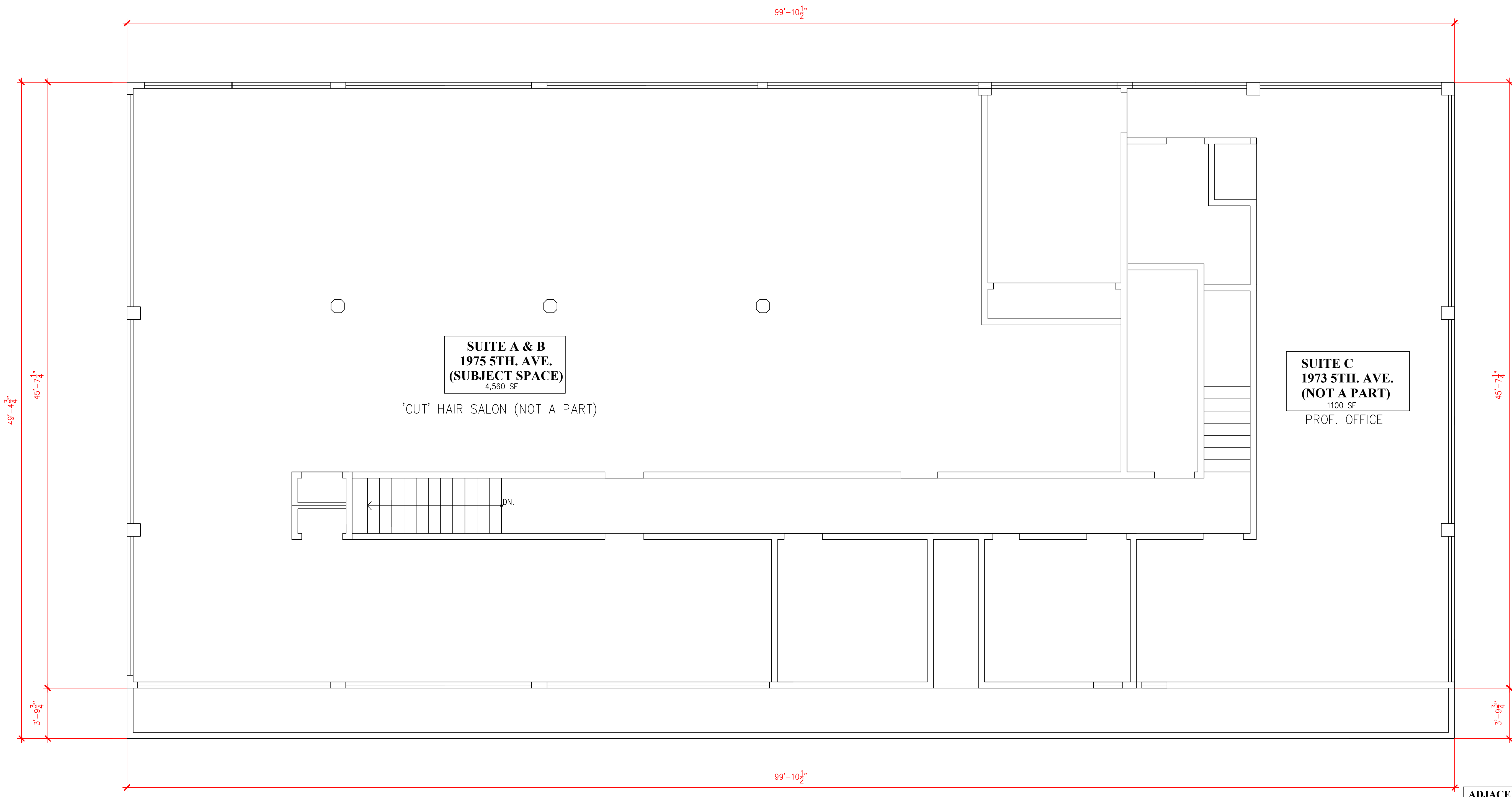
Date \_\_\_\_\_  
 Scale \_\_\_\_\_  
 Drawn \_\_\_\_\_  
 Job \_\_\_\_\_

REVISIONS	BY

**HAGMAN & ASSOCIATES**  
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 (619) 296-8098



**ALCOHOLIC BEVERAGE OUTLET C.U.P. @**  
 1985 5th Avenue, Suite A, and  
 535 Grape Street, Suite C, San Diego, Ca. 92101



**EXISTING SECOND FLOOR PLAN**  
 1/4" = 1'-0"



**ADJACENT USES:**

<u>FIRST FLOOR USES:</u>	
SUITE A & SUITE C	SUBJECT LEASE SPACE
SUITE B, ADJACENT USE	PROFESSIONAL OFFICE
SUITE D, ADJACENT USE	PROFESSIONAL OFFICE
<u>SECOND FLOOR USES:</u>	
SUITE A & SUITE B	HAIR SALON
SUITE C	PROFESSIONAL OFFICE

**TITLE BLOCK**  
**REQUEST:**  
 CONDITIONAL USE PERMIT FOR:  
 TYPE 20 & 21 ALCOHOLIC BEVERAGE  
 OUTLET FOR OFF-SALE OF BEER  
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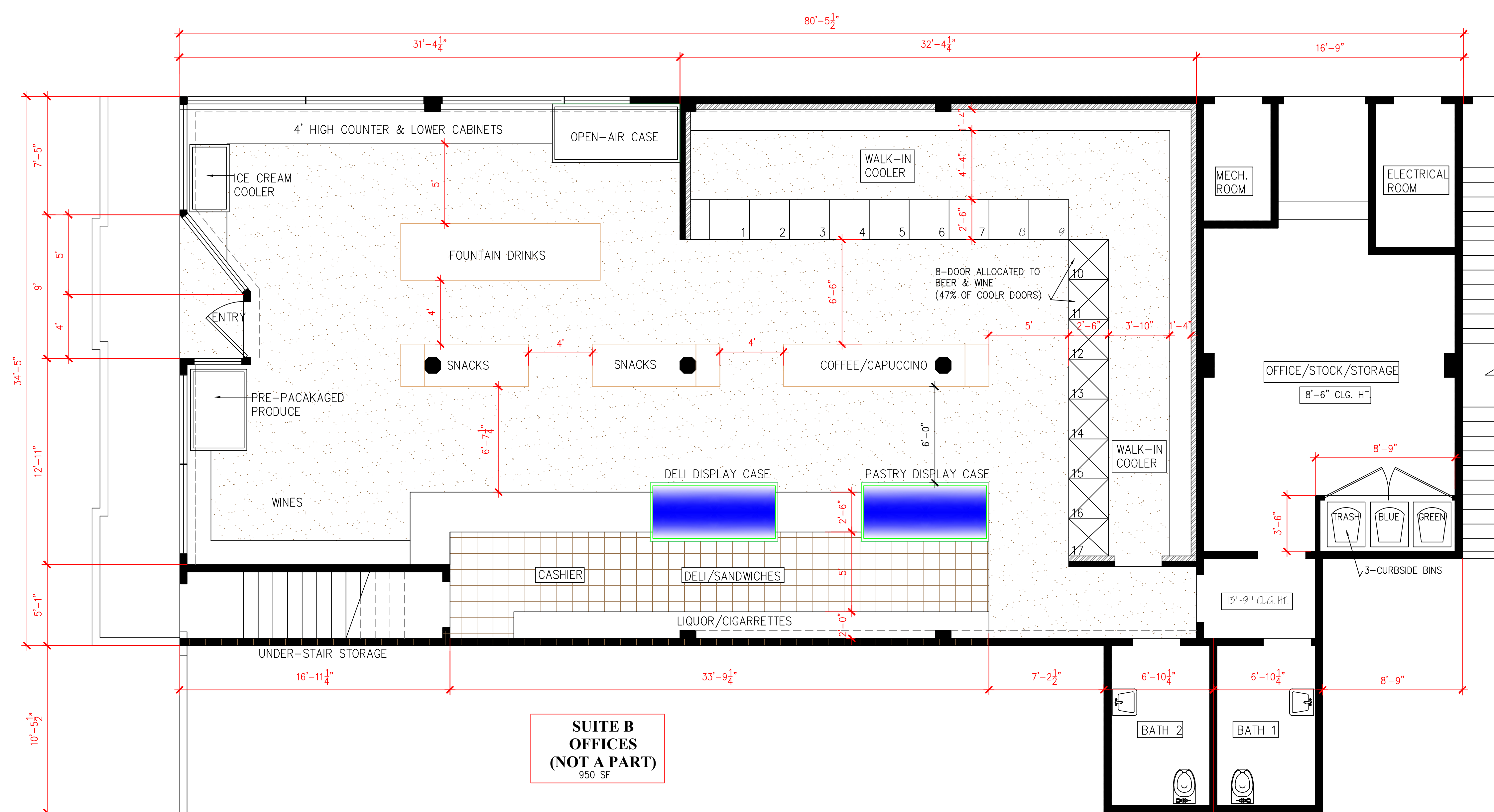
**EXISTING SECOND FLOOR PLAN**  
 SHEET 4 OF 6

ORIGINAL DRAWING PREPARATION DATE : DECEMBER 17, 2018

REVISION DATE:	MAY 24, 2019
REVISION DATE:	_____
REVISION DATE:	_____

Date	_____
Scale	_____
Drawn	_____
Job	_____





OCCUPANCY AREA CALCULATION			
SPACE	AREA (SF)	O.L. FACTOR	OCCUPANT LOAD
CUSTOMER AREA	1238	60	21
CASHIER	224	200	2
OFFICE/STOCK	500	200	3
BATHROOMS			2
TOTAL OCCUPANT LOAD FOR FOOD MART			28

**PROPOSED TI @ EXISTING FIRST FLOOR**  
 1/4" = 1'-0"



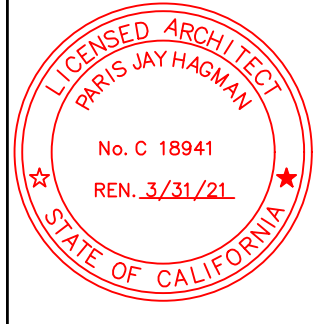
STORE NET AREA	1200 SF SUITE A 354 SF SUITE C
TOTAL NET AREA	1554 SF
AREA DEDICATED TO ALCOHOLIC BEVERAGES 30%	1554 SF X 30% = 466 SF

- SAN DIEGO VICE CONDITIONS OF APPROVAL:
- NO WINE OR DISTILLED SPIRITS SHALL BE SOLD IN CONTAINERS OF LESS THAN 375 MILLILITERS.
  - THE PETITIONER SHALL POST AND MAINTAIN PROFESSIONAL QUALITY SIGNS FACING ON THE NORTH AND WEST SIDES OF THE PREMISES THAT READ:  
 "NO LOITERING, NO LITTERING, NO DRINKING OF ALCOHOLIC BEVERAGES. VIOLATORS ARE SUBJECT TO CRIMINAL PROSECUTION AND/OR ARREST."  
 THE SIGNS SHALL BE AT LEAST TWO FEET SQUARE WITH TWO INCH BLOCK LETTERING. THE SIGNS SHALL BE IN ENGLISH AND SPANISH.
  - WINDOWS WILL HAVE MINIMUM OF 67% CLEAR VIEW FROM THE EXTERIOR TO PROVIDE INTERIOR VIEW FOR LAW ENFORCEMENT.
  - LOITERING WILL BE PROHIBITED.
  - NO ALCOHOL CONSUMPTION WILL BE ALLOWED ON PREMISES OR ADJACENT AND UNDER THE CONTROL OF THE APPLICANT.
  - NO PUBLIC PAY PHONES WILL BE PERMITTED ON THE PREMISE OR ADJACENT AND UNDER THE CONTROL OF THE APPLICANT.
  - NO ARCADE GAMES OF ANY TYPE WILL BE ALLOWED/MAINTAINED INSIDE THE PREMISE
  - SECURITY CAMERAS WILL BE POSTED THROUGHOUT THE PROPERTY, BOTH INSIDE AND OUTSIDE.
  - LITTER AND ANY UNAUTHORIZED GRAFFITI WILL BE REMOVED PROMPTLY.
  - ALL RETAIL EMPLOYEES ARE TRAINED IN ABC REGULATIONS (LEAD), THEFT DETECTION AND POLICIES AGAINST THE SALES OF ALCOHOLIC BEVERAGES TO THOSE UNDER 21 YEARS OF AGE, TRANSIENT AND/OR INTOXICATED.

- ENGINEERING CONDITIONS OF APPROVAL:
- RECONSTRUCT THE DAMAGED SIDEWALK, MAINTAINING THE EXISTING SIDEWALK SCORING PATTERN AND PRESERVING THE CONTRACTOR'S STAMP, ADJACENT TO THE SITE ON GRAPE STREET.
  - PRIOR TO ISSUANCE OF BUILDING PERMIT, AN 'EMRA' FOR THE PRIVATE IMPROVEMENT IN THE PUBLIC RIGHT-OF-WAY WILL BE REQUIRED FOR THE EXISTING ACCESSIBILITY RAMP IN 5TH AVENUE RIGHT-OF-WAY.

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**REQUEST:**  
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 TYPE 20 & 21 ALCOHOLIC BEVERAGE  
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 & WINE & DISTILLED SPIRITS

**PROPOSED TI @**  
**FIRST FLOOR PLAN**  
 SHEET 5 OF 6

ORIGINAL DRAWING PREPARATION DATE : DECEMBER 17, 2018

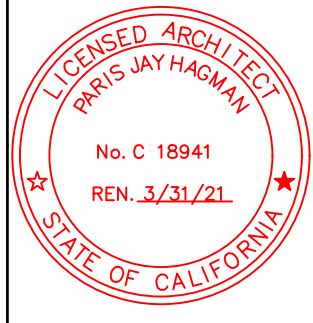
REVISION DATE: MAY 24, 2019  
 REVISION DATE: \_\_\_\_\_  
 REVISION DATE: \_\_\_\_\_

Date	
Scale	
Drawn	
Job	

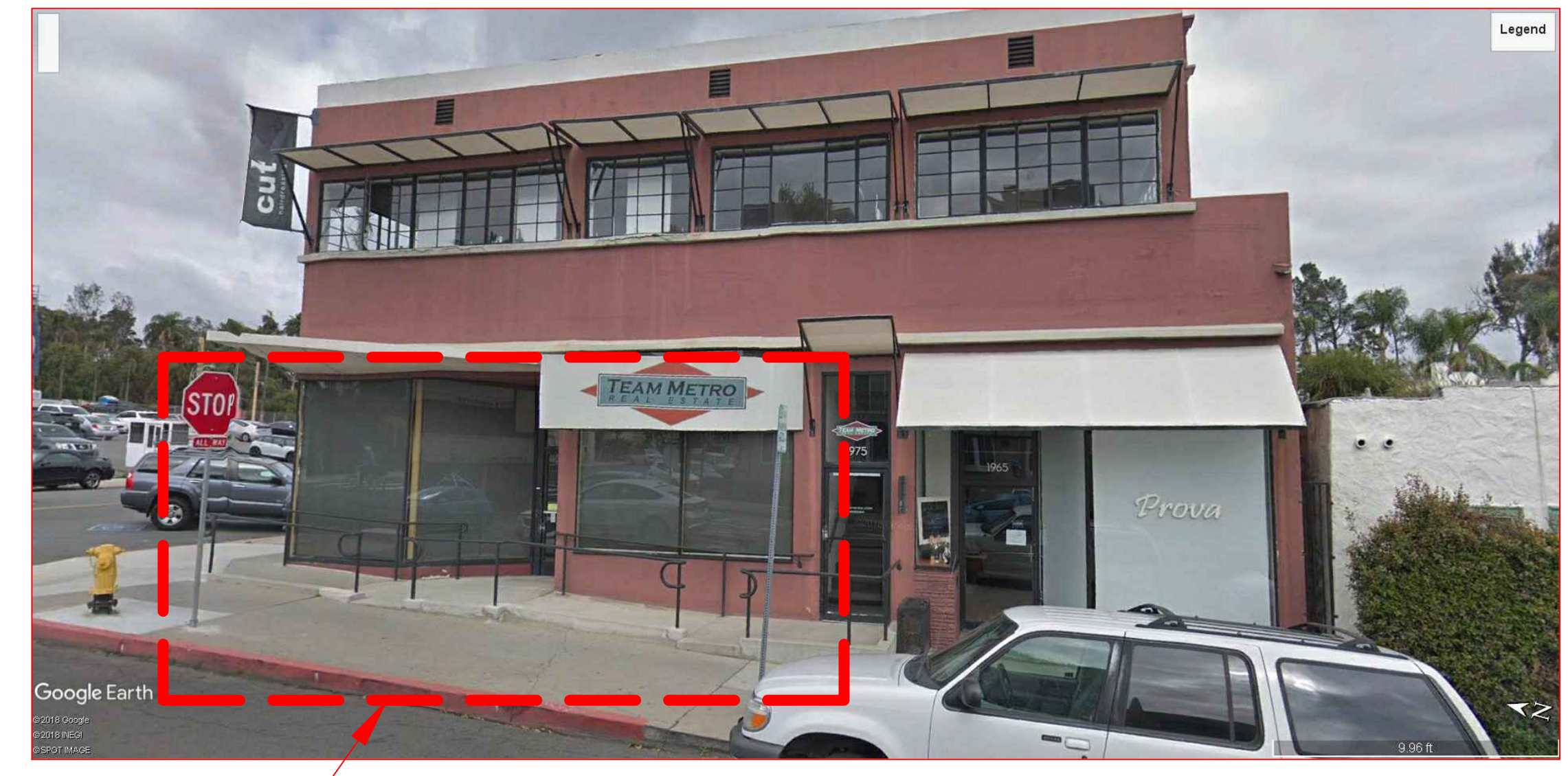


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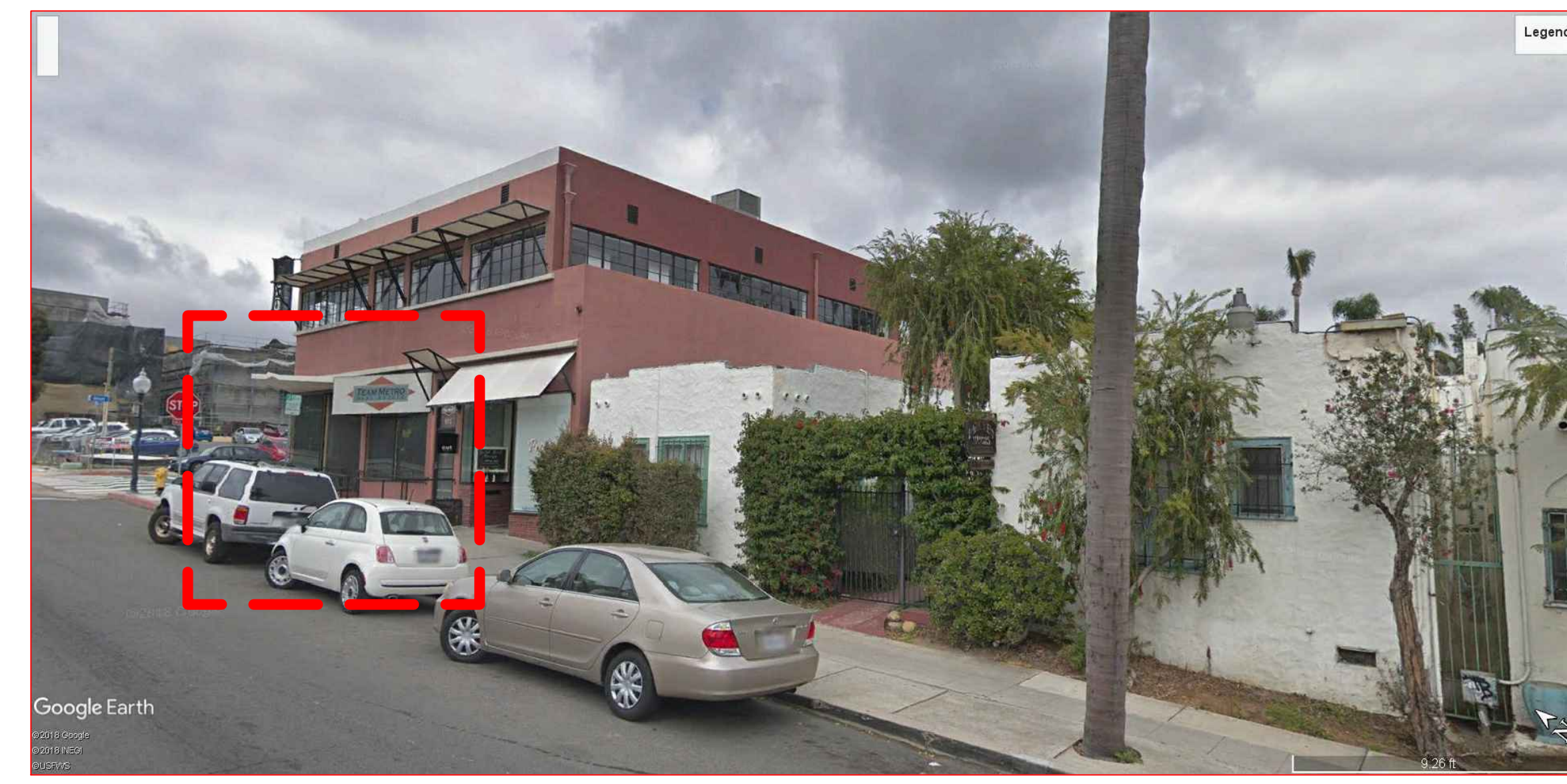
**ALCOHOLIC BEVERAGE OUTLET C.U.P. @**  
 1985 5th Avenue, Suite A, and  
 535 Grape Street, Suite C, San Diego, Ca. 92101



**FRONT (WEST) ELEVATION**



**LEFT SIDE (NORTH) ELEVATION**



**RIGHT SIDE (SOUTH) ELEVATION**

**TITLE BLOCK**  
**REQUEST:**  
 CONDITIONAL USE PERMIT FOR:  
 TYPE 20 & 21 ALCOHOLIC BEVERAGE  
 OUTLET FOR OFF-SALE OF BEER  
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**BUILDING ELEVATIONS**  
 SHEET 6 OF 6

ORIGINAL DRAWING PREPARATION DATE : DECEMBER 17, 2018

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 REVISION DATE: \_\_\_\_\_

Date	
Scale	
Drawn	
Job	