



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: February 26, 2020 REPORT NO. HO-20-011

HEARING DATE: March 4, 2020

SUBJECT: VALLEY MARKET CUP, Process Three Decision

PROJECT NUMBER: [647767](#)

OWNER/APPLICANT: 470 Nautilus LLC, Owner / Kimley Horn, Applicant

SUMMARY

Issue: Should the Hearing Officer approve an alcoholic beverage outlet within a 4,790 square-foot retail market at a site located at 6902 La Jolla Boulevard within the La Jolla Community Plan area?

Staff Recommendation: Approve Conditional Use Permit No. 2349951

Community Planning Group Recommendation: On November 7, 2019, the La Jolla Community Planning Association voted 12-0-1 to recommend approval of the project. (Attachment 8).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA section 15301 - Existing Facilities. The environmental exemption determination for this project was made on January 28, 2020, and the opportunity to appeal that determination ended February 11, 2020.

BACKGROUND

The project is located at 6902 La Jolla Boulevard, and is developed with a 21,531 square-foot, four-story, office and retail building within an urbanized area in the La Jolla Community Plan (Community Plan) area (Attachment 1). The 0.43-acre site is in the Windansea area (Subarea F) of the Community Plan, and is designated commercial/mixed use. In addition, the building is located in the La Jolla Planned District (LJPD) Zone 4, and the project's parking area is in the RM-1-1 Zone. The project site is adjacent to residential land uses to the west, and neighborhood commercial uses to the east, south, and north (Attachment 3).

DISCUSSION

The project is a Conditional Use Permit (CUP) to allow an alcohol beverage outlet with the off-sale of beer, wine, and distilled spirits through a State issued Alcohol Beverage Control (ABC) Type 21 License within a 4,790 square-foot retail market. The San Diego Municipal Code (SDMC) defines Type 21 Licenses as alcoholic beverage outlets, which are allowed in the LYPD Zone 4 as a Limited Use subject to the requirements of SDMC Section [141.0502\(b\)](#). An alcoholic beverage outlet that does not comply with these requirements, including the location criteria set forth in SDMC Section 141.0502(b)(1), may still be permitted with a Process Three, CUP pursuant to SDMC Section 141.0502(c). In addition, a recommendation from the San Diego Police Department (SDPD) is required. The proposed alcoholic beverage outlet at the site requires a CUP because the project site does not meet the location criteria set forth in SDMC Section 141.0502(b), 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 project site is located in Census Tract No. 81.01, which reported a crime rate of 69.1 percent of the city-wide average based on 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. Therefore, the project 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 alcohol beverage outlets exceeds the standards established by California Business and Profession Code section 23958.4.** The subject property is in Census Tract No. 81.01, which based on the California Business and Profession Code Section 23958.4 allows for two (2) off-sale ABC licenses. Currently there are seven (7) existing off-sale ABC licenses within Census Tract 81.01 and therefore, the project would increase the number of licenses to eight (8). The project requires a CUP to allow the alcohol beverage outlet where the ratio of alcohol beverage outlets exceeds the standards established by California Business and Profession Code section 23958.4.
3. **In an adopted Redevelopment Project Area.** The project site is not located within an adopted redevelopment project area.
4. **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 is located within 600 feet of the La Jolla Lutheran Church, located at 7111 La Jolla Boulevard and the La Jolla Community Center, located at 6811 La Jolla Boulevard. Therefore, the project requires a CUP to allow the alcohol beverage outlet.
5. **Within 100 feet of a residentially zoned property.** The project site is located within 80 feet of residentially zoned properties. Therefore, the project requires a CUP to allow the alcohol beverage outlet

The project has been reviewed by the SDPD and the Development Services Department (DSD) for conformance to the applicable development regulations and land use policies. City staff support of the alcoholic beverage outlet at this location is based on the commercial nature of the site, and its location within a commercial building within a neighborhood commercial core. The site is designated commercial/mixed use, and the project conforms with the goals of the Commercial Land

Use Element of the Community Plan, including maintaining a diversified land use pattern and revitalizing commercial retail areas within the Windansea area of the La Jolla community. In addition, the project is compatible with the allowed uses within the LJPD Zone 4, and no deviations or variances are required.

The SDPD and DSD have concluded that if the permit and ABC license were appropriately conditioned, then the project would not have an adverse impact on the surrounding neighborhood, and the public health, safety, or welfare. The SDPD has provided conditions and recommendations for the permit and the ABC license to include limiting the hours permitted for the sale of alcoholic beverages, prohibiting the sale of beer or malt beverages in kegs, maintaining quality signs for no loitering, littering and drinking of alcoholic beverages, prohibiting public pay phones and arcade games, requiring graffiti to be removed promptly, and requiring 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.

City staff has reviewed the proposal, including all the issues identified through the review process, and has determined that all project issues have been addressed. The project conforms with the Community Plan, and the adopted City Council policies and regulations of the Land Development Code. Therefore, draft findings and conditions to support project approval are presented to the Hearing Officer for consideration. Staff recommends that the Hearing Officer approve Conditional Use Permit No. 2349951 for the project.

ALTERNATIVES

1. Approve Conditional Use Permit No. 2349951 with modifications.
2. Deny Conditional Use Permit No. 2349951, if the findings required to approve the project cannot be affirmed.

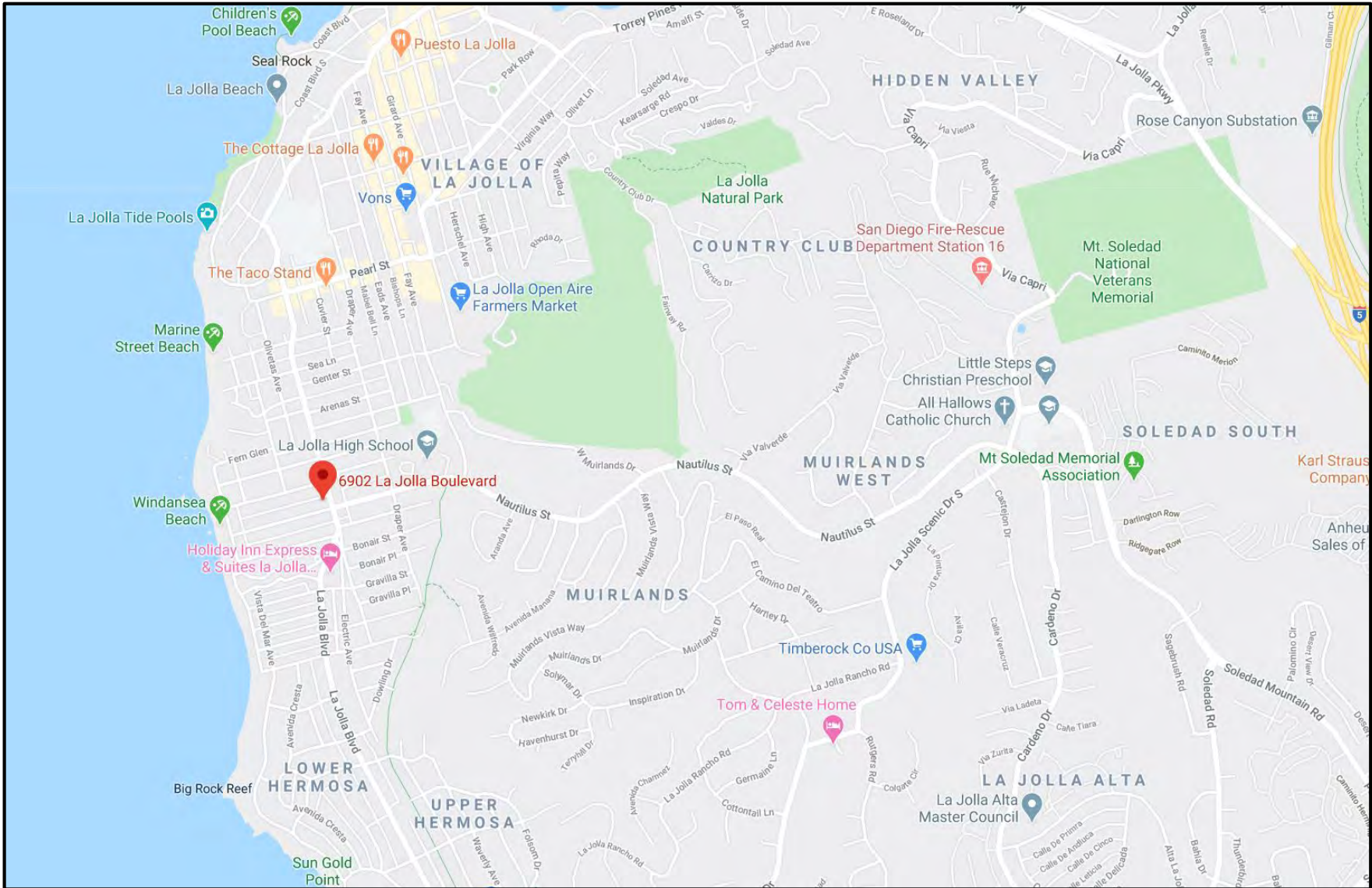
Respectfully submitted,



Xavier Del Valle, Development Project Manager

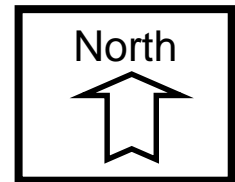
Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Draft Resolution with Findings
5. Draft Permit with Conditions
6. NORA Environmental Determination
7. Community Planning Association Recommendation
8. Ownership Disclosure Statement
9. San Diego Police Department Recommendation
10. Project Plans

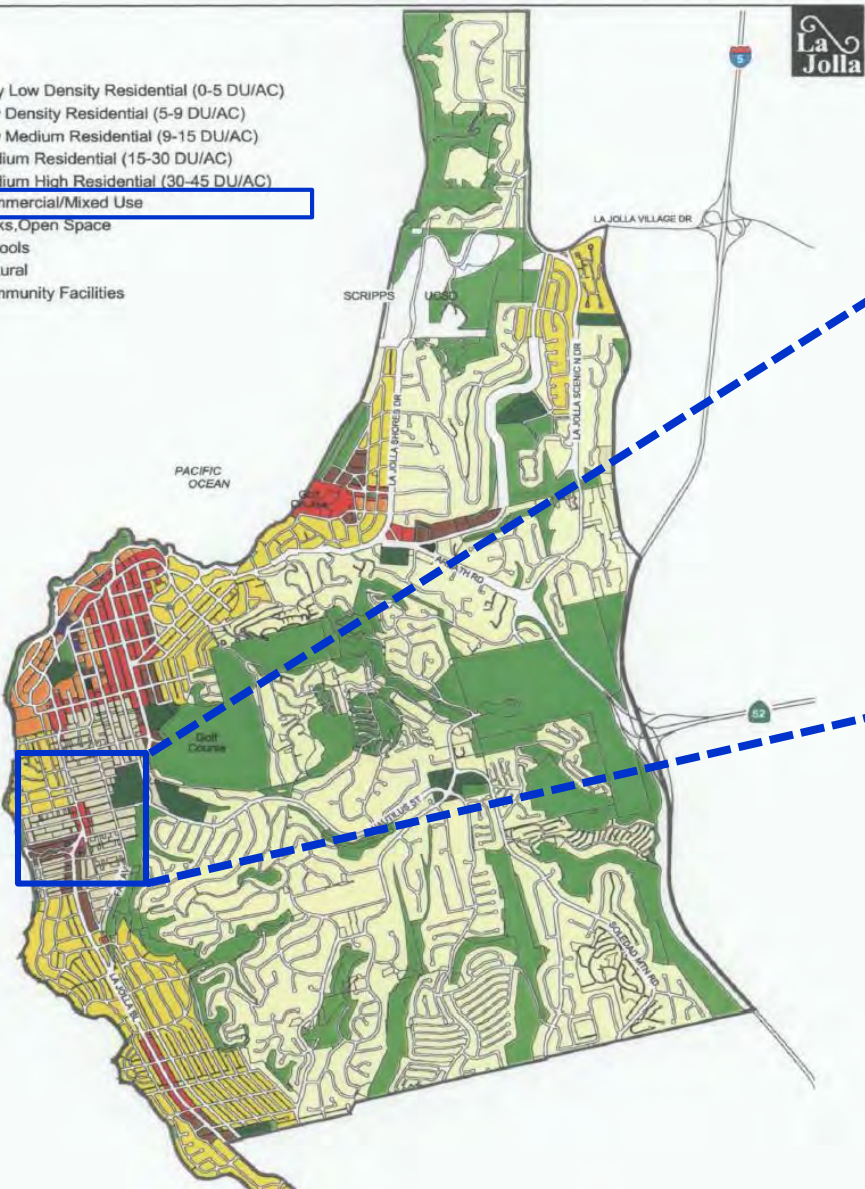


Project Location Map

Valley Market CUP
 Project No. 647767 – 6902 La Jolla Boulevard



- Legend
- Very Low Density Residential (0-5 DU/AC)
 - Low Density Residential (5-9 DU/AC)
 - Low Medium Residential (9-15 DU/AC)
 - Medium Residential (15-30 DU/AC)
 - Medium High Residential (30-45 DU/AC)
 - Commercial/Mixed Use**
 - Parks, Open Space
 - Schools
 - Cultural
 - Community Facilities

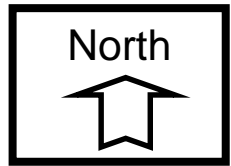


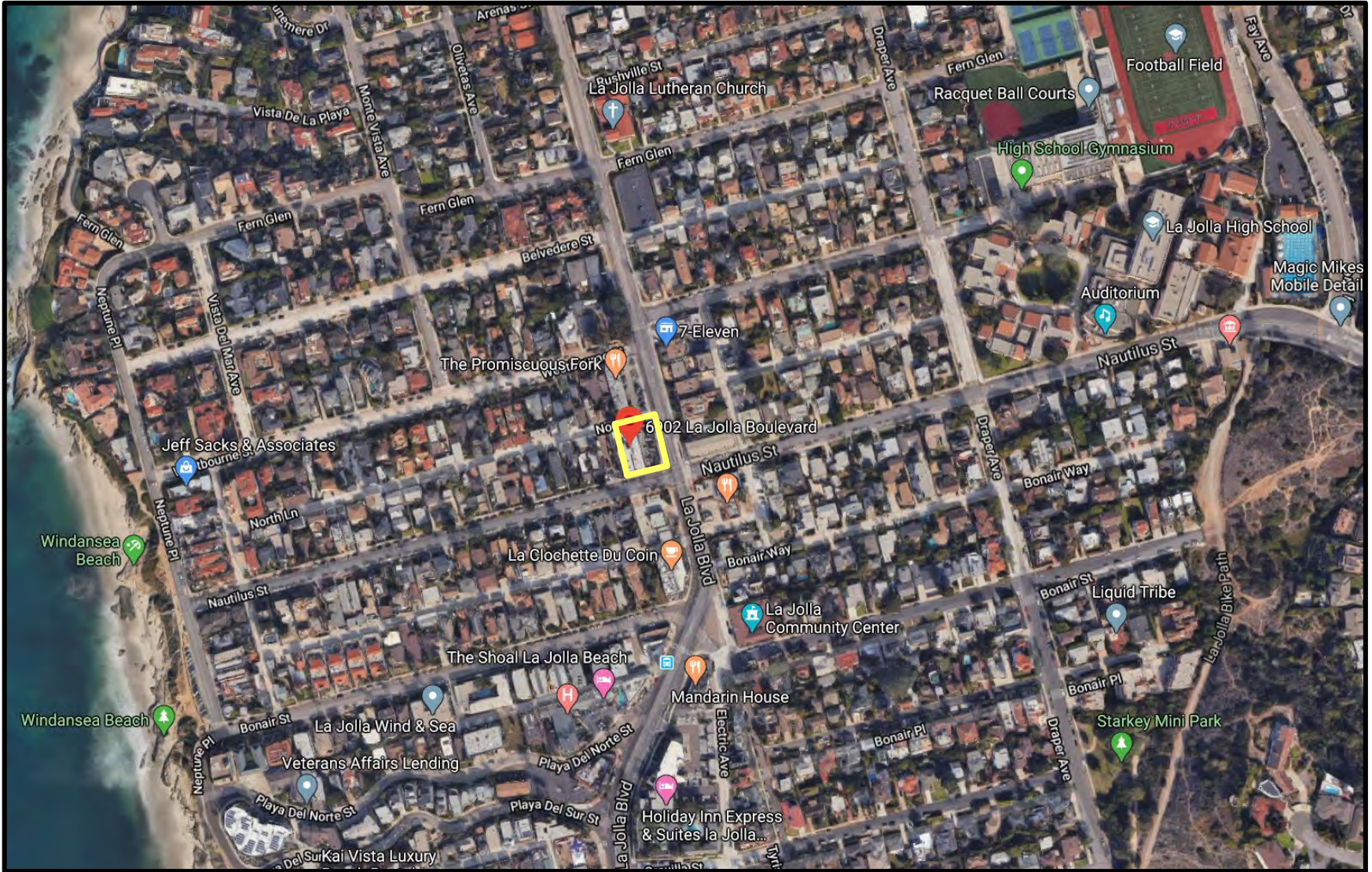
Project Site



Land Use Map

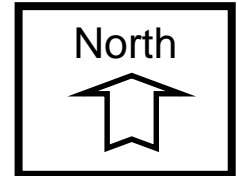
Valley Market CUP
 Project No. 647767 - 6902 La Jolla Boulevard





Aerial Photograph

Valley Market CUP
Project No. 647767 - 6902 La Jolla Boulevard



HEARING OFFICER RESOLUTION NO. _____
CONDITIONAL USE PERMIT NO. 2349951
VALLEY MARKET CUP - PROJECT NO. 647767

WHEREAS, 470 NAUTILAS LLC, a California Limited Liability Company, Owner/Permittee, filed an application with the City of San Diego for a permit to operate an alcoholic beverage outlet conditioned upon the issuance of a Type 21 license from the State Department of Alcoholic Beverage Control (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Conditional Use Permit No. 2349951), on portions of a 0.43-acre site;

WHEREAS, the project site is located at 6902 La Jolla Boulevard, and is in the La Jolla Planned District and the Coastal (Non-Appealable 2) Overlay Zone within the La Jolla Community Plan area;

WHEREAS, the project site is legally described as Lots 39 to 44 inclusive on Block E of South La Jolla, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 887, filed in the Office of the County Recorder of San Diego County, on August 9, 1902;

WHEREAS, on January 28, 2020, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guideline Section 15301 – Existing Facilities and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

WHEREAS, on March 4, 2020, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2349951 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. 2349951:

A. CONDITIONAL USE PERMIT [SDMC Section 126.0305]

1. Findings for all Conditional Use Permits:

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

The project site is located at 6902 La Jolla Boulevard, and is developed with a 21,531 square-foot, four-story, office and retail building within an urbanized area in the La Jolla Community Plan (Community Plan) area. The 0.43-acre site is within the Windansea area (Subarea F) of the Community Plan, and is designated commercial/mixed use. In addition, the building is located within the La Jolla Planned District (LJPD) Zone 4, and the parking area is in the RM-1-1 Zone, adjacent to residentially zoned land uses within 80 feet of the premises.

The project is a Conditional Use Permit to allow the sale of alcoholic beverages through issuance of a State Department of Alcoholic Beverage Control (ABC) Type 21 License within a 4,790 square-foot retail market. Pursuant to Chapter 15 of the San Diego Municipal Code (SDMC), alcoholic beverage outlets or liquor stores are permitted in the LJPD Zone 4 as a limited use subject to the regulations in SDMC Section 141.0502(b). However, pursuant to SDMC Section 141.0502(b), alcoholic beverage outlets are not permitted as a limited use within 100 feet of a residentially zoned property, or within 600 feet of a church and community center. Proposals for alcoholic beverage outlets that do not comply with the regulations in SDMC Section 141.0502(b) may be permitted with a Conditional Use Permit, subject to the regulations in SDMC Section 141.0502(c).

In addition, the subject property is in Census Tract No. 81.01, which based on the California Business and Profession Code Section 23958.4 allows for two (2) off-sale ABC licenses. Currently there are seven (7) existing off-sale ABC licenses within Census Tract 81.01 and therefore, this project would increase the number of licenses to eight (8). The project requires a CUP to allow the alcohol beverage outlet where the ratio of alcohol beverage outlets exceeds the standards established by California Business and Profession Code section 23958.4.

The project will not adversely affect the applicable land use plan. The project is located in a commercial building within a neighborhood commercial core. The site is designated commercial/mixed use, and the project conforms with the goals of the Commercial Land Use Element of the Community Plan, including maintaining a diversified land use pattern and revitalizing commercial retail areas in the Windansea area of the La Jolla community. In addition, the project is compatible with the allowed uses within the LJPD Zone 4, and no deviations or variances are required. Therefore, the project 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 project is a Conditional Use Permit to allow the sale of alcoholic beverages through issuance of a ABC Type 21 License within a 4,790 square-foot retail market. Pursuant to Chapter 15 of the San Diego Municipal Code (SDMC), alcoholic beverage outlets or liquor stores are permitted in the LJPD Zone 4 as a limited use subject to the regulations in SDMC Section 141.0502(b). However, pursuant to SDMC Section 141.0502(b), alcoholic beverage outlets are not permitted as a limited use within 100 feet of a residentially zoned property, or within 600 feet of a church and community center. Proposals for alcoholic beverage outlets that do not comply with the regulations in SDMC Section 141.0502(b) may be permitted with a Conditional Use Permit in accordance with a Process Three level decision subject to the regulations in SDMC Section 141.0502(c).

In addition, the subject property is in Census Tract No. 81.01, which based on the California Business and Profession Code Section 23958.4 allows for two (2) off-sale ABC licenses. Currently there are seven (7) existing off-sale ABC licenses within Census Tract 81.01 and therefore, this project would increase the number of licenses to eight (8). The project requires a CUP to allow the alcohol beverage outlet where the ratio of alcohol beverage outlets exceeds the standards established by California Business and Profession Code section 23958.4.

The project will not be detrimental to the public health, safety, and welfare. The City has provided conditions and recommendations for the project permit and the ABC license to include limiting the hours permitted for the sale of alcoholic beverages, prohibiting the sale of beer or malt beverages in kegs, maintaining quality signs for no loitering, littering and drinking of alcoholic beverages, prohibiting public pay phones and arcade games, requiring graffiti to be removed promptly, and requiring 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. Therefore, the proposed development will not be detrimental to 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 site is located at 6902 La Jolla Boulevard, and is developed with a 21,531 square-foot, four-story, office and retail building within an urbanized area in the La Jolla Community Plan (Community Plan) area. There is no new development associated with the project.

The project is a Conditional Use Permit to allow the sale of alcoholic beverages through issuance of a ABC Type 21 License within a 4,790 square-foot retail market. Pursuant to Chapter 15 of the San Diego Municipal Code (SDMC), alcoholic beverage

outlets or liquor stores are permitted in the LJPD Zone 4 as a limited use subject to the regulations in SDMC Section 141.0502(b). However, pursuant to 141.0502(b), alcoholic beverage outlets are not permitted as a limited use within 100 feet of a residentially zoned property, or within 600 feet of a church and community center. Proposals for alcoholic beverage outlets that do not comply with the regulations in SDMC Section 141.0502(b) may be permitted with a Conditional Use Permit in accordance with a Process Three level decision subject to the regulations in SDMC Section 141.0502(c).

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

The project site is located at 6902 La Jolla Boulevard, and is developed with a 21,531 square-foot, four-story, office and retail building within an urbanized area in the La Jolla Community Plan (Community Plan) area. The 0.43-acre site is in the Windansea area (Subarea F) of the Community Plan, and is designated commercial/mixed use. In addition, the building is located in the La Jolla Planned District (LJPD) Zone 4, and the parking area is in the RM-1-1 Zone, adjacent to residentially zoned land uses within 80 feet of the premises.

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the ratio of alcohol beverage outlets exceeds the standards established by California Business and Profession Code section 23958.4.

The proposed use is appropriate at the proposed location. The project is located in a commercial building within a neighborhood commercial core. The site is designated commercial/mixed use, and the project conforms with the goals of the Commercial Land Use Element of the Community Plan, including maintaining a diversified land use pattern and revitalizing commercial retail areas in the Windansea area of the La Jolla community. In addition, the project is compatible with the allowed uses within the LJPD Zone 4, and no deviations or variances are required. Therefore, the proposed use is 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. 2349951 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Conditional Use Permit No. 2349951, a copy of which is attached hereto and made a part hereof.

Xavier Del Valle
Development Project Manager
Development Services

Adopted on: March 4, 2020

IO#: 24008397

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION ASH-16

INTERNAL ORDER NUMBER: 24008397

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2349951
VALLEY MARKET CUP - PROJECT NO. 647767
HEARING OFFICER

This Conditional Use Permit No. 2349951 [Permit] is granted by the Hearing Officer of the City of San Diego to 470 NAUTILAS LLC, a California Limited Liability Company, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 0.43-acre site is located at 6902 La Jolla Boulevard and is in the La Jolla Planned District Zone 4, the Coastal (Non-Appealable 2 Area) Overlay Zone, the Coastal Height Overlay Zone, the Transit Priority Area, and the Coastal and Beach Parking Impact Overlay Zone within the La Jolla Community Plan area. The project site is legally described as Lots 39 to 44 inclusive on Block E of South La Jolla, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 887, filed in the Office of the County Recorder of San Diego County, on August 9, 1902.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate an alcoholic beverage outlet conditioned upon the issuance of a Type 21 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 March 4, 2020, on file in the Development Services Department.

The project shall include:

- a. A permit to operate an alcoholic beverage outlet within a 4,790 square-foot retail market; 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 March 18, 2023.
2. The utilization of this Permit 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 Permit does not guarantee that the ABC will grant an alcoholic beverage license for this location.
3. 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 the Owner/Permittee signs and returns the Permit to the Development Services Department, and the Permit is recorded in the Office of the San Diego County Recorder.
4. 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.
5. 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.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. 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.).
8. 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.
9. 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.
10. 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.

11. 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.

CLIMATE ACTION PLAN REQUIREMENTS:

12. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

PLANNING/DESIGN REQUIREMENTS:

13. 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.

14. 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.

POLICE DEPARTMENT REQUIREMENTS:

15. Sales of alcoholic beverages shall be permitted only between the hours of 6:00 AM to midnight each day of the week.
16. The petitioner(s) shall post and maintain professional quality signs 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 square feet with two-inch block lettering. The sign shall be in English and Spanish.
17. Loitering will be prohibited.
18. No public pay phones will be permitted on the premise or adjacent and under the control of the applicant.
19. No arcade games of any type will be allowed/maintained inside the premise.
20. Litter and any unauthorized graffiti will be removed promptly.

POLICE DEPARTMENT RECOMMENDATIONS FOR ABC LICENSE:

21. No wine or distilled spirits shall be sold in containers of less than 375 milliliters.
22. The sale of beer or malt beverages in kegs is prohibited.
23. All retail employees 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 individuals.

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 March 4, 2020 and [Approved Resolution Number].

Permit Type/PTS Approval No.: Conditional Use Permit No. 2349951
Date of Approval: March 4, 2020

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Xavier Del Valle
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.

470 NAUTILAS, LLC
Owner/Permittee

By _____
Russell C. Murfey
Manager

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



THE CITY OF SAN DIEGO

Date of Notice: January 28, 2020

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24008397

PROJECT NAME/NUMBER: Valley Market CUP/647767

COMMUNITY PLAN AREA: La Jolla Community Planning Area

COUNCIL DISTRICTS: 1

LOCATION: The project is located at 6902 La Jolla Boulevard, La Jolla California CA 92037.

PROJECT DESCRIPTION: Conditional Use Permit (CUP) to allow the sale of alcoholic beverages through a Type 21 License at a 4,790-square-foot retail market located at 6902 La Jolla Boulevard. The existing site consists of the Valley Farm Market and deli which is located within a 21,531 square-foot 4-story Mixed-use building. The 0.43-acre site is in the La Jolla Planned District and the Coastal (Non-Appealable 2) Overlay Zone within the La Jolla Community Plan area, and Council District 1. The project complies with all height and bulk regulations and is located on a site that is currently developed with public utilities in place to serve the facility.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Hearing Officer

ENVIRONMENTAL DETERMINATION: Section 15301 (Existing Facilities)

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

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: The City of San Diego conducted an environmental review that determined that the project would not have the potential to cause a significant effect on the environment. Since the project would operate within an existing space, is not expanding a use, and would only make minor modifications the project meets the criteria set forth in CEQA Section 15301 and the exceptions listed in CEQA Section 15300.2 would not apply.

DEVELOPMENT PROJECT MANAGER: Xavier Del Valle
MAILING ADDRESS: 1222 First Avenue, MS 501, San Diego, CA 92101-4153
PHONE NUMBER/EMAIL: (619) 446-5356/XDELVALLE@SANDIEGO.GOV

On January 28, 2020 the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk within 10 business days from the date of the posting of this Notice and therefore the appeal would end on February 11, 2020. The appeal application can be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101.

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

La Jolla Community Planning Association

Regular Meetings: 1st Thursday of the Month | La Jolla Recreation Center, 615 Prospect Street

Contact Us:

Mail: PO Box 889, La Jolla, CA 92038

Web: www.lajollacpa.org

info@lajollacpa.org

President: Tony Crisafi

Vice President: Matt Mangano

2nd Vice President: Dave Gordon

Secretary: Suzanne Weissman

Treasurer: Mike Costello

FINAL MINUTES—

Regular Meeting | Thursday, 07 November 2019 – 6 p.m.

1.0 Welcome and Call to Order: Dave Gordon 2nd Vice President

This is a full agenda, recorded meeting therefore, the following rules will be enforced:

- Mobile devices off or on silent mode.
- All public and trustee comment will be addressed to the chair. Public & trustee comment will be limited to 2 minutes.
- Comments will be directed to the project or matter stated in third person for the purpose of respect & clarity
- Chair may ask for member votes. Please keep hands raised until the vote tally is announced.
- Chair will alternate order of trustee comment. Upon consensus, Chair will close discussion and call for a motion.
- Please notify chair of any organized public presentation requests prior to meeting

Quorum present: Brady, Costello, Fitzgerald, Fremdling, Gordon, Ish, Jackson, Kane, Little, Mangano, Neil, Weissman

2.0 Adopt the Agenda

Motion: Adopt agenda, (Jackson/Brady), **Vote:** Unanimous, no abstention. Motion passes

3.0 Meeting Minutes Review and Approval:

3.1 03 October 2019 – Regular meeting minutes

Motion: approve minutes, (Mangano/Fremdling), **Vote:** Unanimous. Chair abstains. Motion passes.

4.0 Consent Agenda – 4.1 – 4.5

The Consent Agenda allows the LJCPA to ratify recommendations of the community joint committees and boards in a single vote with no presentation or debate. It is not a decision regarding the item but a decision whether to accept the recommendation of the committee/board as the recommendation of the LJCPA. Projects may be pulled from consent agenda by anyone present. Items will be moved to full review at the present of following regular LJCPA meeting.

The public is encouraged to attend and participate in Community Joint Committee & Board meetings before the item/project is considered by the LJCPA.

PDO – Planned District Ordinance Committee, Chair Deborah Marengo, 2nd Monday, 4:00 pm

DPR – Development Permit Review Committee, Chair Brian Will, 2nd & 3rd Tuesday, 4:00 pm

PRC – La Jolla Shores Permit Review Committee, Chair David Gordon, 3rd Monday, 4:00 pm

T&T – Traffic & Transportation Board, Chair David Abrams, 3rd Wednesday, 4:00 pm

4.1 – Request for temporary street closure and ‘No Parking’ areas related to the 16th annual La Jolla Historical Society/La Jolla Concours d’Elegance event at Scripps Park on April 18 and 19, 2020

T&T motion to approve 8-0-0

4.2 – Request for temporary street closures and ‘No Parking’ areas related to the 39th annual Kiwanis-sponsored La Jolla half marathon based at Scripps Park on Sunday, April 26, 2020.

T&T motion to approve 8-0-0

4.3 – Request Stop Sign on Arenas St. @ Monte Vista Ave. – city endorsed sign for approaching three-way intersection.

T&T motion to approve City recommendation 8-0-0

4.4 – 6515 Neptune Place – Project No. 640816 Process 3, final review, CDP to demolish an existing single family residence & construct a new 3,960 s.f. two story, single family residence over basement with a roof terrace, site retaining walls, pool & spa and additional site improvements. The .12 acre site is in the RM-1-1 zone and coastal (appealable) overlay zone within the La Jolla Community Plan area council district 1.

DPR motion: Findings can be made to pass 5-2-1

4.5 – 5522 Beaumont St. – Project No. 645977, Process 2, preliminary review, CDP to demolish an existing 1,564 s.f. two story residence and 295 s.f. detached garage and construct a 2,500 s.f. new single family residence with garage and basement located @ 5522 Beaumont Ave. The .10 acre site is in the RS-1-7 and coastal (appealable) overlay zone of the La Jolla Community plan area, council district 1.

DPR motion: Findings can be made to approve 7-0-1

See Committee minutes and/or agenda for description of projects, deliberations, and vote.

Anyone may request a consent item be pulled for full discussion by the LJCPA.

None pulled. **Motion:** approve consent agenda, (Fitzgerald/Brady) **Vote:** unanimous, chair abstains. Motion passes

5.0 Officer Reports:

5.1 Treasurer - Mike Costello’s report –

La Jolla Community Planning Association

Treasurer’s Report for November 7, 2019 Regular Meeting

Beginning Balance as of October 1, 2019	\$482.33
Income	
Collections, Oct. 3, 2019	\$138.00
CD Sales	\$ 0.00
Total Income	\$138.00
Expenses	
Agenda printing, Oct. 1, 2019	\$67.49

Post Office Box, Oct. 3, 2019	\$154.00
Total Expenses	\$221.49
Net Income/(Loss)	(-) \$83.49
Ending Balance of October 31, 2019	\$398.84

5.2 Secretary -

If you want your attendance recorded today, you should sign in at the back of the room or let me know that you want your attendance recorded. You are welcome to attend without signing in or joining.

LJCPA is a membership organization open to La Jolla residents, property owners and local business and non-profit owners at least 18 years of age.

Eligible visitors wishing to join the LJCPA need to submit an application, copies of which are available at the sign-in table or on-line at the LJCPA website: www.lajollacpa.org/.

We encourage you to join so that you can vote in the Trustee elections and at the Annual Meeting in March.

You can become a Member after completing the application and attending one meeting. You can maintain your membership by documented attendance at one meeting per year. If you do not attend one meeting per year, your membership will expire.

To qualify as a candidate in an election to become a Trustee, a Member must have documented attendance at **three** LJCPA meetings in the preceding 12-month period.

We are now in process to update our attendance and membership records and I call on Kathleen Neil to explain the process.

Gordon: One of the reasons we are updating now is that we have a vacancy to fill and will have an election soon.

5.2.1 Membership committee report – Neil.

The Membership committee met on Nov. 5. Our roster was last updated after the Feb. 2019 meeting and will be reviewed again in Feb. 2020.

We are trying to establish practical guidelines for implementing membership requirements according to the bylaws to assist us now and for the benefit of future members of the committee. We expect to post attendance and membership records on the website so that you can monitor your membership status and attendance. We are also an internal audit of membership application and records early in 2020 as part of good organizational practices. Your participation in the planning group helps our voices to be heard at the City and I cannot emphasize enough that your membership here is valuable. Please join if eligible. You will hear about development and city services in our community and will be able to vote in trustee elections happening soon. Applications are available in the back of the room and online.

Gordon: Keep in mind the only way we can keep track of membership is for you to sign in at the back of the room. If you don't want to use the public sign in sheet, let Donna know. We will keep your information private.

6.0 Elected Officials – Information Only

6.1 Council District 1: Councilmember Barbara Bry.

Rep: Mauricio Medina, 619-236-6611, mauriciom@sandiego.gov

Medina:

- o Passed out Bry Bulletin for November.

- The big ticket item in Nov. is the sale of Qualcomm Stadium to SDSU. You are all encouraged to participate in this process.
- An update: the San Diego fire department will inspect the bike path for brush overgrowth. They have issued notice to comply with transportation and storm water requirements and are working on getting a contract out to perform the work.
- Fire safety is important to Council President pro tem, Bry and staff went out with Ready, Set, Go guys from the fire department brush management to checkout areas around Mt. Soledad and LJ Mesa Dr.
- Contact our office for more information.
- This is my last meeting with LJCPA; I will assume a new role as Budget Committee consultant.
- The new 'bow tie' guy will be Steve Hadley.

Kane: I have noticed lots of new slurry seal done, but Hillside Dr. was skipped. I want to make sure that is still on the agenda. The other thing is that I haven't heard any more about signs on Hillside Dr. for truck weight at Soledad and Via Sienna. Don't drop those items off the agenda.

Medina: I will work with Steve to make sure things don't fall through the cracks. Some streets need more substantial treatment and is in process.

Hadley: We have been talking with City Chief Operating officer; they are working with T & T about numerous signs on Torrey Pines Rd. and want to add length of truck to weight restrictions on the signs and to add more signs on the top of the hill. They are also encouraging more tickets.

6.2 78th Assembly District: Assembly member Todd Gloria

Rep: Mathew Gordon 619-645-3090, mathew.gordon@asm.ca.gov Not present

6.3 39th Senate District: State Senator Toni Atkins, Senate President pro Tempore Rep: Miller Saltzman, 619-518-8188, MillerSaltzman@sen.ca.gov

Saltzman: I am the representative from Toni Atkin's office replacing Chevelle Tate. The big legislative issues for the year just completed are:

- The January budget has allocated \$2.5 billion for homelessness, affordable housing and infrastructure including \$100 million here is San Diego plus another \$1.5 million from a bill in 2017 bringing funds to the county for homeless issues.
- Another big item: AB 1482 requiring landlords to provide a just cause for eviction, also rent increases capped at 5% + inflation.
- Also included are millions for disaster relief efforts as fires are now year-round events impacting everyone.
- AB 5 makes independent contractors employees clarifying a 2018 Supreme Court decision.
- College athletes can now be paid and the NCAA has decided to go along with this change.
- Reminder that the "Real ID's" are required in 2020; the Governor has hired new employees at DMV to implement this process.
- Covered California open for enrollment. Flyers in back of room.
- Community College is now free for 2 years.
- The annual pet food drive is held during the 1st half of November.

Costello: The 1970's efforts to reduce fuel for fires, brush clearing have been ignored. What happened to those efforts: **Reply:** a part of the budget included a lot of money for brush management.

Gordon: Would you come back next month with more information?

Kane: Please thank Toni Atkins for the Historic Tax Credit Bill.

7.0 President's Report – Information only unless otherwise noted

7.1 The City Council unanimously approved the Bernate/Ticino Environmental document on October 7, 2019

7.2 The City Council denied the Hershfield Residence Environmental Appeal on October 14, 2019.

7.3 Brown Act Workshop Announcement: Date: November 14, 2019

Little: Is there any news on the CCR's on Prestwick Drive expiring regarding the Hershfield agreement?

Gordon: CCR's are not something we consider. As far as I know all deadlines for extension have passed.

8.0 Public Comment

Opportunity for public to speak on matters not on the agenda, 2 minutes or less.

8.1 City of San Diego – Community Planner: Marlon Pangilinan, mpangilinan@sandiego.gov Not present.

Courtney arrives; reflected in vote count

8.2 UCSD - Planner: Anu Delouri, adelouri@ucsd.edu

Delori:

- Introduce assistant: Alyssa Helper, new member of UCSD Community Planning Team.
- Updates available on plandesignbuild@ucsd.edu
- New Design and Innovation Building broke ground last month, located adjacent to new trolley stop on campus in Pepper Canyon. It is a center for design and innovation activities previously distributed across campus and will serve as a unique entrance to campus.
- Planned to open spring 2021 along with the trolley stop later that year.
- Economic Impact recently released available online.

Gordon: I attended the Chancellor's economic impact presentation; a startling fact is that the annual economic impact from UC San Diego to the San Diego area is \$16.5 billion, greater than the entire state of Arizona. UC San Diego does a good job of reaching out to the community. They always listen even if they aren't always able to comply with our requests. I appreciate the efforts of Anu and the University.

8.3 General Public

Brian Curry: I am a long time coastal resident speaking for Barbara Bry. Are you tired of being ignored? Barbara Bry understands; she is tired of being ignored also. She is the best choice for mayor. She believes in and supports Community Planning Groups while some in the City of SD want to end them. She will protect our neighborhoods from STVR's by enforcing the Code; she has called for a temporary moratorium on scooters; demanded transparency. She is a problem solver, not a career politician. It is time for a change; she needs your help. A sign- up sheet is going around.

Sharon Wampler: I am letting you now about 2 projects:

1. 5610 Bellview: a 50% project that is a total tear down. Neighbors have reported all walls removed with some attempt to add fake new walls. A senior building inspector will require a CDP. This will be coming before you.
2. 427 Sea Ridge: blocking public view corridor; the code requires view corridor on ocean front properties. After approval they moved the view corridor to the other side. The city changed after approval. Also the structure is actuals 2 complete living units separated by a wall & door. The building inspector thought this was not proper, but the ADU law has been interpreted to allow an ADU inside the house. Also this is a business; the owner is an LLC.

Ray Weiss: 1228 Park Row was heard once by DPR in Feb. 2019; they were asked to return with more information. Since then nothing has happened. They are building a concrete wall, iron fences within the PROW. There has to be a way for DPR to require and penalize those who are not responsive or don't follow up.

Dave Gordon: PRC project after one presentation the Project Manager said the project was turned off. Now DSD is letting it go through.

John Keys: 7819 Lookout Dr. The permit was issued in 2005 and has expired. Nothing has happened on the property since then – 15 years. Now the project is starting up with no evidence of a new permit. It significantly changed – 22% larger, FAR and lot coverage in excess on neighborhood norms with a pool in the front yard. How can this come to the CPA for review?

Diane Kane: I am also involved with this project and can clarify:

- It is a vacant lot; nothing done since permit in 2005.
- We suspect the permit has expired, but the City is continuing to act on it.
- None of requirements in the municipal code to activate a permit have occurred.
- No progress toward building a home for 15 years; City staff keeps extending the permit.
- We keep getting projects in LJ built years after the permit.
- With each revision the project gets bigger.
- No Substantial Conformance Review required.
- These projects never come back for community review.
- This group needs to raise these issues.
- There is no Project Manager.

Gordon: Will put on agenda for next month

Bill Robbins: The appeal for the Map project was denied, so Map will go on in La Jolla Shores. The rehab of the Rec Center playground will begin Tuesday. First the tree must be torn down to enable the basketball courts to be rebuilt. New base, concrete and surface. Should be done by Christmas Parade. We may lose bathrooms temporarily.

Harid Puentes: Running for San Diego Council District 1 because we need innovative leadership. Formerly a management consultant, did marketing for a start-up using technology to address student loan debt and as an executive with San Diego Connect. District 1 is at the core of innovation with world class research, academia; it needs innovative leadership to maintain that representation at city hall. My platform:

- Create jobs
- Address the environment
- Make the community stronger by investing and supporting groups like yours.

Steve Hadley: If you have development that has come before one of your committees and that has gone dormant and is not proceeding without coming back without finishing its work with your committees, I and the council member need to know that so that we can inquire and demand that the work be finished with due process before it proceeds on. We are strong believers in working with community groups. In establishing and finishing that work we may not be able to get the correct reading you want, but at least, can help you find out who is responsible overseeing the projects and get answers. We may not be able to get projects to move along as fast as you'd like.

Weiss: How about projects that move along faster than they should; things happening without following the code?

Hadley: Please send me the projects you have mentioned tonight so we can follow up.

9.0 Non-Agenda Trustee Comment

Opportunity for trustees to comment on matters not on the agenda, 2 minutes or less

Jackson: The website will transition within next 24 hours without changing anything. Let me know if you can't find something. The pictures will change.

Costello: Dr. Weiss, please come to DPR, we will consider your requests.

Kane: Follow up on issues raised on Sea Ridge project:

- We have a gap in this community knowing where view corridors across private property that are required for a CDP.
- We collect them; they go to city hall; they are recorded and then fall into the ether.
- I propose to establish a new committee in LJ comprised of membership from the 4 groups that are directly concerned with this issue.
- Bird Rock Community Council: John Newsome is supportive and has provided volunteers.
- La Jolla Parks and Beaches, Ann Dynes will supply Melinda Merryweather.
- La Jolla Shores Association President, Janie Emerson is supportive.
- I am asking this group to be involved. Tony Crisafi has joined the discussion; his concern is indemnification.
- Per Tom Tomlinson, Planning Director, response from City Attorney was that as long as members of the group have attended COW workshops they are indemnified.
- I would like to come back next month with a proposal looking at how other joint committees are structured and see if we can establish this committee.

Neil: Be sure to illustrate how that committee will fit in with the bylaws.

Gordon: Put in writing to get on agenda.

10.0 Reports from Ad Hoc and non-LJCPA Committees - Information only unless noted.

10.1 Community Planners Committee - Dave Gordon

This committee (CPC) is made up of representatives from every planning group in San Diego. It is an interesting diverse group of people. Things get put on the agenda that we often don't have time to bring back to the local planning groups. At this last meeting we had 2 major items on the agenda: the 12th update to the Land Development Code and a several page list of recommendations from the task force committee, headed by Scott Sherman, addressing an audit by the City and the Grand Jury investigation about planning group reforms.

The update to the LDC was given to the CPC only a few days before the meeting. The Planning Commission asked for a decision on Oct 24, not allowing any time to bring it back to the local groups. The CPC passed a motion to delay the decision to January, but it was denied, the update passed on Oct. 24 with only a few items related to cannabis businesses left open.

The recommendations of the task force were reviewed and commented on by the CPC and the City is moving ahead with these now. One item on the list was that planning group members participate in training workshops, COW plus Brown Act, CEQA, once a year on site, not online. I commented that we are volunteers and have limited time.

Both of these items are available in detail on our website.

10.2 Coastal Access & Parking Board – didn't meet

10.3 UC San Diego advisory Committee – didn't meet.

10.4 Hillside Drive Ad Hoc Committee – Diane Kane, Chair - didn't meet

10.5 Airport Noise Advisory Committee – Matthew Price - not present

10.6 Playa Del Norte Stanchion Committee -

Courtney: Crosswalks shown on diagram requested earlier will be installed.

The following agenda items are ACTION ITEMS unless otherwise noted and may be *de novo* considerations. Prior actions by committees/boards are listed for information only.

11.0 – LCPA Review and Action Matter 11.1 – 11.3

11.1 – Valley Farm Market: Recommendations to CPA committee from PDO: Valley Farm Market – 6902 La Jolla Blvd. Project No. 647767, zone 4, CUP pursuant to SDMC 126.0303(a) for a Type 21 Off-Site General liquor License (no consumption on site) for Valley Farms Market located at 6902 La Jolla Blvd. Full hearing @ applicant’s request.

Russ Murfey: Murfey Co. native La Jollan. I bought the building 2 years ago, renovated it and it is completely leased. For 15 years the community has been asking for a specialty market; we now have Valley Farms here. The permits are almost processed and it is ready for opening. We are requesting approval for Conditional Use Permit for off- site sale of alcohol. It was approved by PDO committee unanimously as well as the ABC, Police and DPR.

Steve Pollock: We have submitted the CUP to the City and are at the final step now. First Assessment letter and 1st Cycle Issues reports were included in trustee packet.

Derek Marso: owner, Valley Farms Market. Valley Farms has been open since 1956; I’m the 3rd generation. It is my goal to be part of the community and give back as much as I can. I previously played professional football. To answer why I chose La Jolla, I had coached little league in Mission Bay, and met several local families. I was already familiar with the area as a surfer as my father lived in LJ. When this spot opened, several families I had remained in contact with suggested I would be a good fit for this community as a hands-on owner. After meeting Russ I believed our like-minded, local, family owned companies would work well together and continued with the plans.

Neil: I attended the PDO meeting and was impressed by the thorough presentation and will support.

Motion: Approve Conditional Use Permit for Valley Farms, (Brady/Mangano) Vote: Unanimous, chair abstains.

11.2 – Beach groins: Misleading advertisement in the San Diego Union Tribune and La Jolla Light calling for support for groins (i.e. breakwaters) to be built along beaches. Included a call to action to send a pre-written letter to government officials. Identity of who placed the ad is mysterious.

Suggested Action: Authorize Chairman to send letters to the Editors and Advertising Directors of the San Diego Union Tribune and La Jolla Light relaying the concerns of the La Jolla Community Planning Association regarding the misinformation and lack of transparency of these ads and request complete disclosure as to who placed the ads, their affiliation and, if necessary since the ad is of a political nature, a disclaimer.

Dave Ish presentation: Showed copies of ads running in San Diego Union Tribune 8 times in Aug/Sept, 2019 and 3 times in the La Jolla Light. Passed out a draft of letter.

This ad has stated erroneously, *“For years the California Coastal Commission has dredged sand and replaced it on our beaches as a way of dealing with beach erosion.”* It appears to be intended to rile up the public. I have traced the Text number included in the ad which led to a webpage asking for personal information and a click to send a letter supporting the building of groins along our coast to political representatives.

I tried to trace each reference in the ad (detailed in the letter) and could not find the source or any information about who is promoting and paying for these ads or what their purpose is.

Brady: Parks & Beaches approved this request to send this letter unanimously.

Mangano: Your extensive research leaves no doubt. Thank you for all your work.

Kane: Asked LJ Light reporter what type of due diligence is done for ads?

Claudia Baranowski: Freelance reporter can’t answer.

Fitzgerald: What are we asking? Misinformation or misleading information is legitimate criticism; a lot of organizations maintain their anonymity. Do these ads have any meaningful impact? **Reply:** There is misinformation here.

Motion: CPA send letter to SD Union and La Jolla Light about the misleading ads about the groins. (Neil/Fremdling) **Vote:** Unanimous, chair abstains. Motion passes

Costello: Put on next month's agenda to send letter to Barbara Bry about CPC items not going to local planning groups.

11.3 - Approve the Children's Pool SCR Appeal to the Coastal Commission


Motion: Approve Children's Pool SCR Appeal to the Coastal Commission: (Mangano/Brady) **Vote:** 10-1-2, Motion Passes

In Favor: Brady, Costello, Courtney, Fremdling, Ish, Kane, Little, Mangano, Neil, Weissman

Opposed: Fitzgerald

Abstain: Jackson, Gordon (chair)

XX. Adjourn at 7:28 pm. to next regular LJCPA Meeting: Thursday, December 5, 2019 at 6:00 pm.

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

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

Project Title: Valley Farm Market - CUP **Project No. For City Use Only:** 647767
Project Address: 6902 La Jolla Blvd, La Jolla, CA 92037

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: 470 Nautilus LLC Owner Tenant/Lessee Successor Agency
 Street Address: 2050 Hancock St, Suite 5
 City: SAN DIEGO State: CA Zip: 92110
 Phone No.: 619-857-1579 Fax No.: _____ Email: russ@murfeycompany.com
 Signature: [Signature] Date: 10/7/19
 Additional pages Attached: Yes No

Applicant

Name of Individual: Steven Pollock Owner Tenant/Lessee Successor Agency
 Street Address: 401 B Street, Suite 600
 City: San Diego State: CA Zip: 92101
 Phone No.: (619) 272-7112 Fax No.: _____ Email: steven.pollock@kimley-horn.com
 Signature: [Signature] Date: 10/7/19
 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

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

PREMISE ADDRESS: 6902 La Jolla Boulevard

TYPE OF BUSINESS: Valley Farms Market

FEDERAL CENSUS TRACT: 81.01

NUMBER OF ALCOHOL LICENSES ALLOWED: 2

NUMBER OF ALCOHOL LICENSES EXISTING: 7

CRIME RATE IN THIS CENSUS TRACT: 69.1
(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: Conditional Use Permit Number 647767

This premise falls within Census Tract 81.01 and is within the Northern Division's patrolling responsibility. The reported crime rate for 2018 within CT 81.01 was 69.1% and alcohol crime rate of 173.7%. The census tract has 7 active Off-Sale licenses where the ABC authorizes only 2 based on residential population ratio.

The premise was not previously licensed to sell alcohol.

6902 La Jolla Boulevard is within 600 feet of two incompatible facilities. The first is the La Jolla Lutheran Church located at 7111 La Jolla Boulevard. I spoke to the Pastor of the church who told me that he and the church do not oppose Valley Farms Market selling alcohol. The second is the La Jolla Community Center located at 6811 La Jolla Boulevard. I spoke to the Executive Director who told me that she and the community center do not oppose Valley Farms Market selling alcohol.

6902 La Jolla Boulevard is within 100 feet of residence to the north, south, and west of the location.

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. Sales of alcoholic beverages shall be permitted only between the hours of 6AM to Midnight each day of the week.
2. No wine or distilled spirits shall be sold in containers of less than 375 milliliters.
3. The sale of beer or malt beverages in kegs is prohibited.
4. The petitioner(s) shall post and maintain professional quality signs 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.
5. Loitering will be prohibited.
6. No public pay phones will be permitted on the premise or adjacent and under the control of the applicant.
7. No arcade games of any type will be allowed/maintained inside the premise.
8. Litter and any unauthorized graffiti will be removed promptly.
9. 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, and/or intoxicated.


SAN DIEGO POLICE DEPARTMENT RECOMMENDATION:

APPROVE

DENY

Benjamin McCune
Name of SDPD Vice Sergeant (Print)

(619) 531-2973
Telephone Number


Signature of SDPD Vice Sergeant

11-1-19
Date of Review

VALLEY FARMS MARKET

CONDITIONAL USE PERMIT FOR TYPE 21 (BEER / WINE / LIQUOR) ALCOHOLIC BEVERAGE OUTLET

6902 LA JOLLA BLVD
LA JOLLA, CA 92037

SHEET INDEX

SHEET NUMBER	SHEET TITLE
1	COVER SHEET
2	SITE PLAN
3	FLOOR PLAN
4	ELEVATIONS

REQUEST

A CONDITIONAL USE PERMIT (CUP) PURSUANT TO SDMC 126.0303(a) FOR A TYPE 21 ALCOHOLIC BEVERAGE OUTLET FOR VALLEY FARMS MARKET LOCATED AT 6902 LA JOLLA BLVD, LA JOLLA, CA.

DEVELOPMENT SUMMARY

YEAR CONSTRUCTED: CURRENTLY IN CONSTRUCTION
ZONING DISTRICT: LJPD-4
VALLEY FARM MARKET TENANT IMPROVEMENT PLANS: PTS 627921
APN: 351-270-21-00
LEGAL DESCRIPTION: LOTS 39 TO 44 INCLUSIVE IN BLOCK E OF SOUTH LA JOLLA, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO.887 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, ON AUGUST 9, 1902.
DEVELOPMENT OF SITE UNDER PER SEPARATE BUILDING PERMIT NUMBER 627921, MARKET SPACE ON FIRST FLOOR OF MIXED USE DEVELOPMENT.

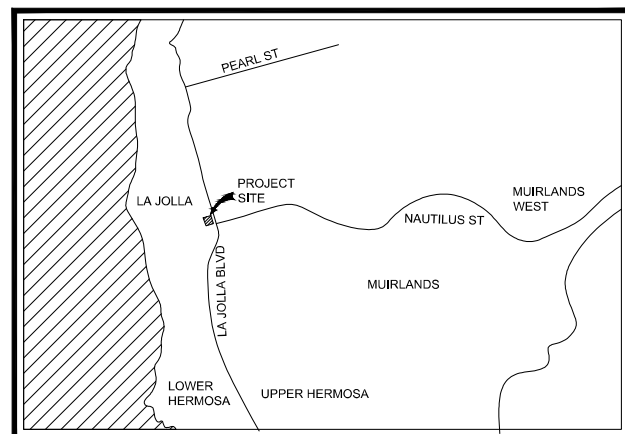
PROJECT DIRECTORY

PERMIT CONSULTANT/APPLICANT
STEVEN POLLOCK
KIMLEY+HORN AND ASSOCIATES, INC.
401 B ST #600
SAN DIEGO, CA 92101
STEVEN.POLLOCK@KIMLEY-HORN.COM
619.272.7112

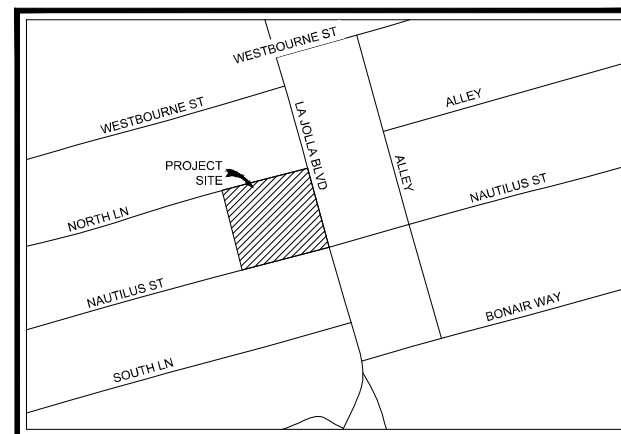
ALCOHOLIC BEVERAGE CONSULTANT
MATT FRIEDRICH
WINSHIP LAW
591 CAMINO DE LA REINA
SAN DIEGO CA, 92108
619-297-0066

LAND OWNER
470 NAUTILUS LLC
2050 HANCOCK ST. #B
SAN DIEGO CA, 92110

VICINITY MAP



SITE LOCATION MAP



PROJECT DATA

BUILDING CODE: 2016 CALIFORNIA BUILDING CODE
MECHANICAL CODE: 2016 CALIFORNIA MECHANICAL CODE
PLUMBING CODE: 2016 CALIFORNIA PLUMBING CODE
ELECTRICAL CODE: 2016 CALIFORNIA ELECTRICAL CODE
ENERGY CODE: 2016 CALIFORNIA ENERGY CODE
GAS CODE: 2016 CALIFORNIA GAS CODE

BUILDING OCCUPANCY: M-MERCANTILE

CONSTRUCTION TYPE: PER SEPARATE BUILDING PLANS

PROPERTY AREA: ±18,786 SF
TOTAL BUILDING AREA: ±4,790 SF

PARKING REQUIREMENTS (SDMC TABLE 142-05G)

RETAIL PARKING 1.7/1000 X 4790 = 8.14 STALLS
COMMERCIAL PARKING 1.7/1000 X 1565 = 2.66 STALLS
TOTAL PARKING
REQUIRED 11 STALLS
PROVIDED 11 STALLS
ACCESSIBLE PARKING
REQUIRED 2 STALLS
PROVIDED 2 STALLS

ZONING
ZONE LJPD - 4
BUILDING PERMIT 468207/ APPROVAL 2247201

EXCLUDED IN SUBMITTAL

ALL SPECIFIC DEVELOPMENT PLANS REGARDING THE CONSTRUCTION OF THE SHELL OF THE BUILDING ARE NOT INCLUDED AND ONLY SHOWN FOR REFERENCE. THE CONSTRUCTION OF THE SITE IS UNDER SEPARATE BUILDING PERMIT ISSUED THROUGH THE CITY OF SAN DIEGO, APPROVAL NUMBER 2247201. THE APPLICATION FOR CONDITIONAL USE ONLY INVOLVES THE SALE OF BEER / WINE / LIQUOR (TYPE 21) INSIDE THE MARKET SPACE.



Kimley»Horn

401 B STREET, SUITE 600, SAN DIEGO, CA 92101
PHONE: 619-234-9411
WWW.KIMLEY-HORN.COM

LICENSED PROFESSIONAL

DATE:

VALLEY FARM MARKET
6902 LA JOLLA BLVD
LA JOLLA, CA 92037

PTS:
647767
DATE
12/20/2019
SCALE AS SHOWN
DESIGNED BY: SH
DRAWN BY: SH
CHECKED BY: SP

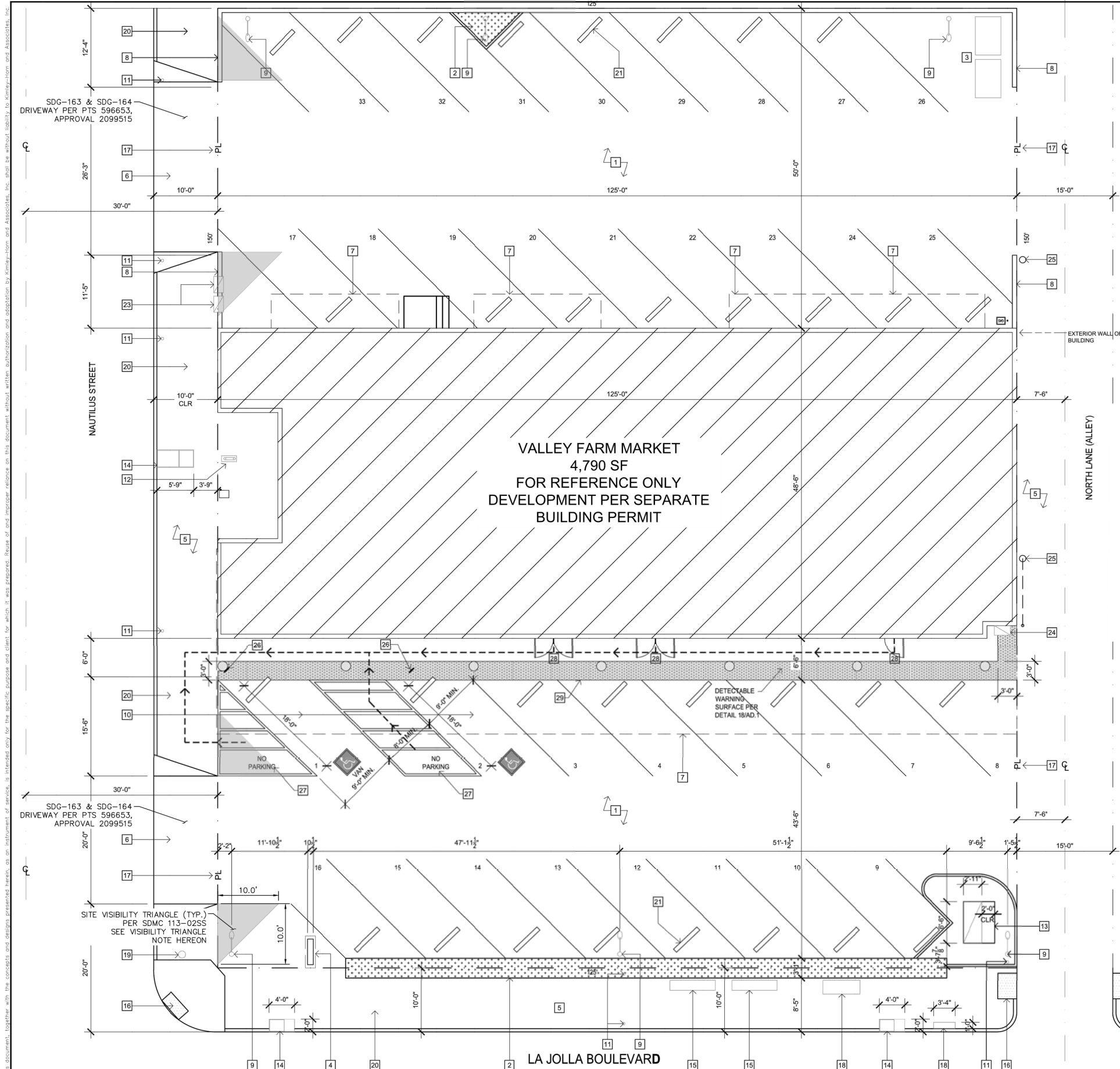
COVER SHEET

SHEET NUMBER

1
OF
4

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No.	REVISIONS	DATE	BY



SITE PLAN KEYNOTES

- | | |
|---|--|
| 1 EXISTING PARKING LOT LAYOUT | 16 EXISTING TRUNCATED DOMES |
| 2 EXISTING PLANTING STRIP | 17 PROPERTY LINE |
| 3 EXISTING TRASH/RECYCLE | 18 EXISTING ELECTRICAL VAULT |
| 4 EXISTING SIGNAGE MONUMENT TO REMAIN U.N.O. | 19 EXISTING TRAFFIC LIGHT |
| 5 EXISTING PUBLIC WAY | 20 EXISTING SIDEWALK |
| 6 EXISTING CURB-CUT | 21 EXISTING CURB STOP, TYP. |
| 7 LINE OF BUILDING ABOVE | 22 EXISTING ADJACENT BUILDING |
| 8 EXISTING CMU SITE WALL | 23 EXISTING MAILBOX & PARCEL UNIT. |
| 9 EXISTING PARKING LIGHT | 24 EXISTING RETAIL MAILBOX & PARCEL UNIT. |
| 10 EXISTING ACCESSIBLE PARKING STALLS | 25 EXISTING TELEPHONE POLE WITH STREET LIGHT |
| 11 EXISTING STREET SIGN | 26 EXISTING ACCESSIBLE PARKING STALL SIGN |
| 12 EXISTING BACKFLOW PREVENTER. | 27 NO PARKING PAINTED ON THE SURFACE WITHIN EACH AND AT THE BOTTOM OF ACCESS AISLE IN WHITE LETTERS OF MINIMUM OF 12 INCHES IN HEIGHT. |
| 13 EXISTING ELECTRICAL TRANSFORMER WITH CONCRETE PAD. | 28 MANEUVERING CLEARANCE SURFACE NOT TO EXCEED 2% SLOPES IN ANY DIRECTION. |
| 14 EXISTING WATER METER | 29 EXISTING 0" CURB ALONG ENTIRE BUILDING FRONTAGE. |
| 15 EXISTING BUS-STOP BENCH PUBLIC TRANSPORTATION | |

I AM THE DESIGNER/OWNER IN RESPONSIBLE CHARGE OF THIS TENANT IMPROVEMENT PROJECT. I HAVE INSPECTED THE SITE/PREMISES AND DETERMINED THAT EXISTING CONDITIONS ARE IN FULL COMPLIANCE WITH CURRENT SITE ACCESSIBILITY REQUIREMENTS TO THE EXTENT REQUIRED BY LAW.

PRINT NAME: Luis Delgado SIGNATURE: *[Signature]* DATE: 4/29/19

I AM THE DESIGNER/OWNER IN RESPONSIBLE CHARGE OF THIS TENANT IMPROVEMENT PROJECT. I HAVE INSPECTED THE TOILET AND BATHING FACILITIES FOR MEN AND WOMEN AND DETERMINED THAT EXISTING CONDITIONS ARE IN FULL COMPLIANCE WITH CURRENT SITE ACCESSIBILITY REQUIREMENTS TO THE EXTENT REQUIRED BY LAW.

PRINT NAME: Luis Delgado SIGNATURE: *[Signature]* DATE: 4/29/19

IF THE CITY BUILDING INSPECTOR DETERMINES NON-COMPLIANCE WITH ANY ACCESSIBILITY PROVISIONS, A COMPLETE AND DETAILED REVISED PLANS CLEARLY SHOWING ALL EXISTING NON-COMPLYING CONDITIONS AND THE PROPOSED MODIFICATIONS TO MEET CURRENT ACCESSIBILITY REQUIREMENTS (INCLUDING SITE PLAN, FLOOR PLANS, DETAILS, ETC.) WILL BE SUBMITTED TO THE DEPARTMENT FOR REVIEW AND APPROVAL.

SITE PLAN LEGEND

- ACCESSIBLE PATH OF TRAVEL TO ACCESSIBLE PARKING STALLS AND PUBLIC RIGHT-OF-WAY
- DETECTABLE WARNING SURFACE REFER TO DETAIL 18/AD.1

PARKING REQUIREMENTS

BASED ON CHAPTER 14: TABLE 142-05C, TRANSIT AREA

RESIDENTIAL PARKING:
 1-BED UNITS @ 1.25 STALLS/UNIT 11 UNITS X 1.25 = 13.75 STALLS
 2-BED UNITS @ 1.75 STALLS/UNIT 4 UNITS X 1.75 = 7.00 STALLS
TOTAL STALLS = 21 STALLS

BASED ON CHAPTER 14: TABLE 142-05E, LA JOLLA PLANNED DISTRICT, TRANSIT AREA

RETAIL/COMMERCIAL PARKING:
 1.7/1000 SF OF RETAIL SPACE 4,790/1000 X 1.7 = 8.14 STALLS
 1.7/1000 SF OF COMMERCIAL 1,565/1000 X 1.7 = 2.66 STALLS
TOTAL STALLS = 11 STALLS

PARKING REQUIRED:
 RESIDENTIAL 21 STALLS
 COMMERCIAL/RETAIL 11 STALLS
TOTAL 33 STALLS

PARKING PROVIDE:
TOTAL 33 STALLS

ACCESSIBLE STALLS
 REQUIRED: 2 STALLS
 PROVIDED: 2 STALLS

- NOTES:
1. AT HAZARDOUS VEHICULAR AREAS, DETECTABLE WARNING SURFACES SHALL BE YELLOW CONFORMING TO FS 33538 OF FEDERAL STANDARD 595C.
 2. AT LOCATIONS OTHER THAN VEHICULAR HAZARDOUS AREAS, DETECTABLE WARNING SURFACES SHALL CONTRAST VISUALLY WITH ADJACENT WALKING SURFACES EITHER LIGHT-ON-DARK OR DARK-ON-LIGHT. THE MATERIAL USED TO PROVIDE CONTRAST SHALL BE AN INTEGRAL PART OF THE SURFACE.
 3. ONLY APPROVED DSA-AC DETECTABLE WARNING PRODUCTS AND DIRECTIONAL SURFACES SHALL BE INSTALLED AS PROVIDED IN THE CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 24, PART 1, CHAPTER 5, ARTICLE 2, 3 AND 4.



SCALE: 1/16" = 1' - 0"

No.	REVISIONS	DATE	BY

Kimley»Horn

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LICENSED PROFESSIONAL

 DATE: _____

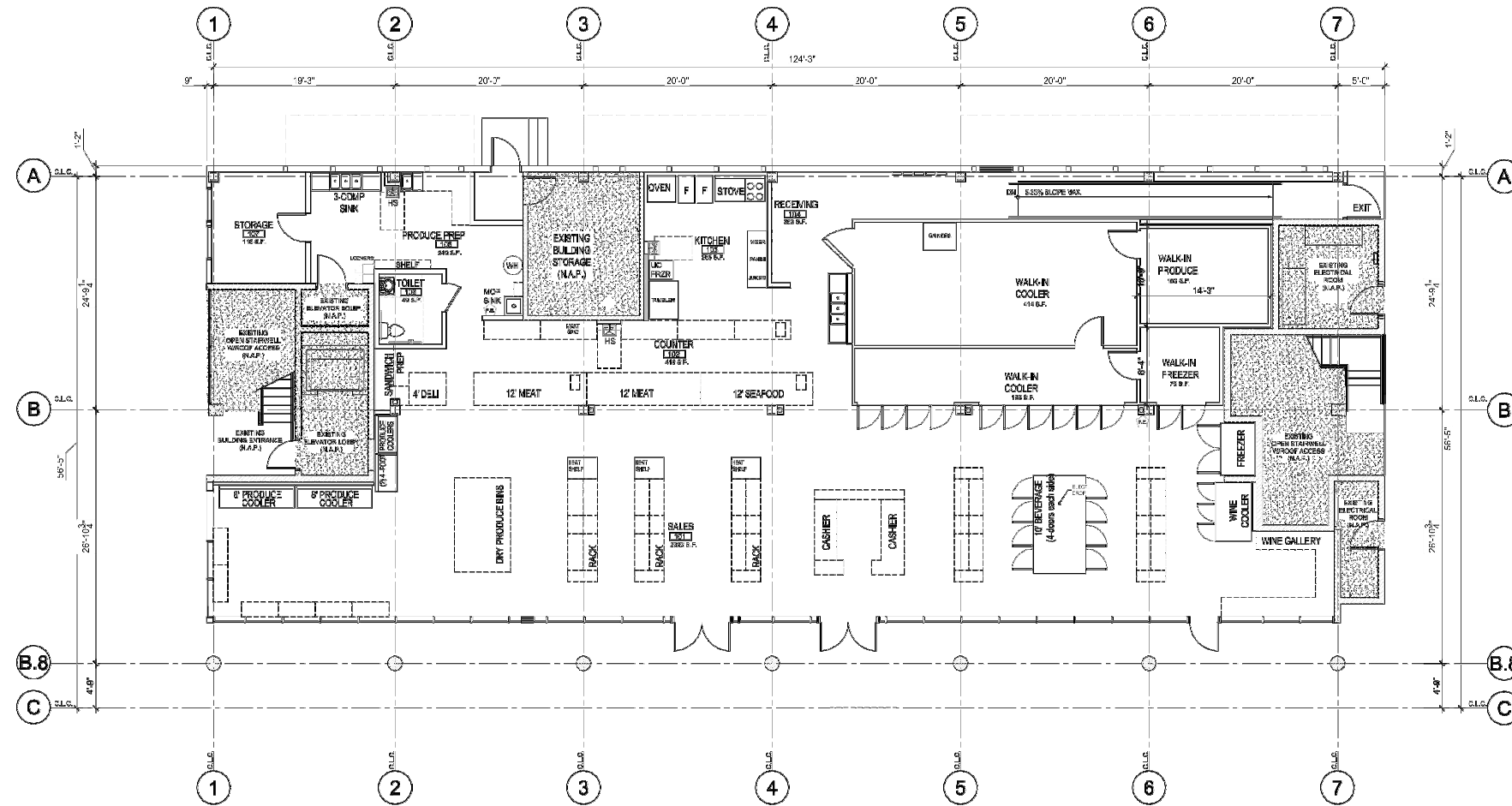
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SITE PLAN

SHEET NUMBER
2
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NOTES

PLANS SHOWN FOR REFERENCE ONLY. DEVELOPMENT PER SEPARATE BUILDING PERMIT.



SCALE: 1/16" = 1' - 0"

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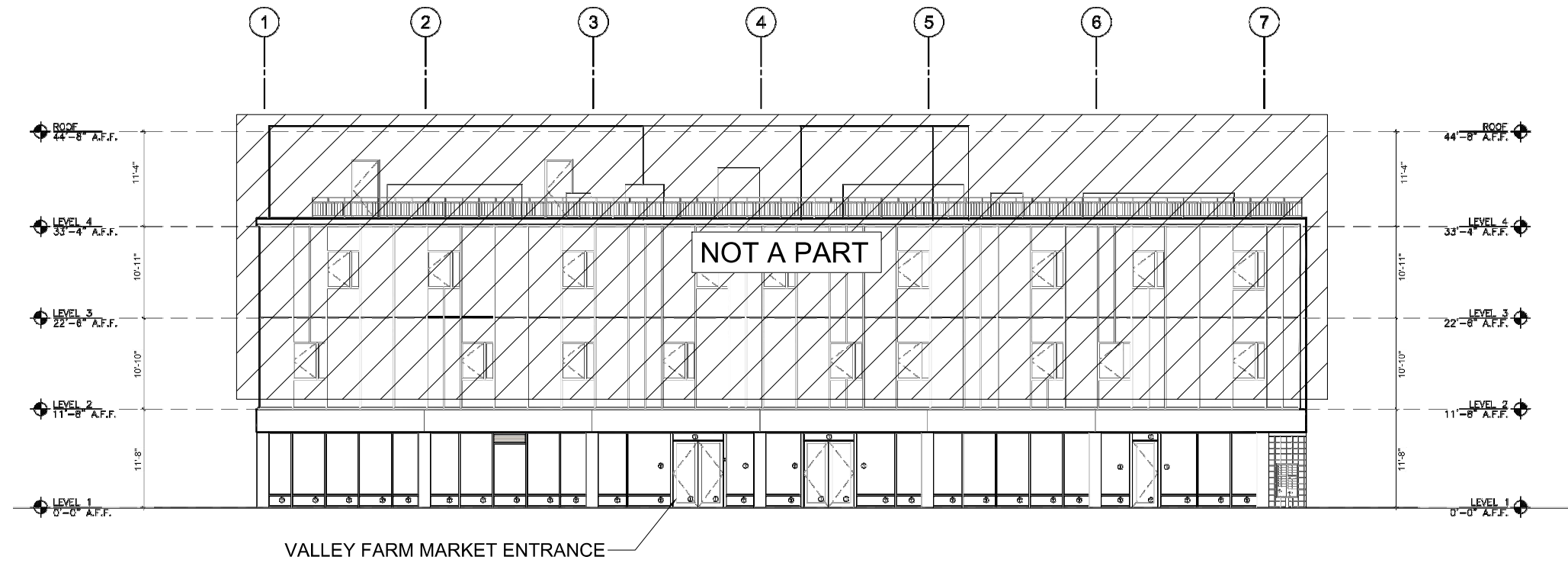
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DATE 12/20/2019
SCALE AS SHOWN
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FLOOR PLAN

SHEET NUMBER

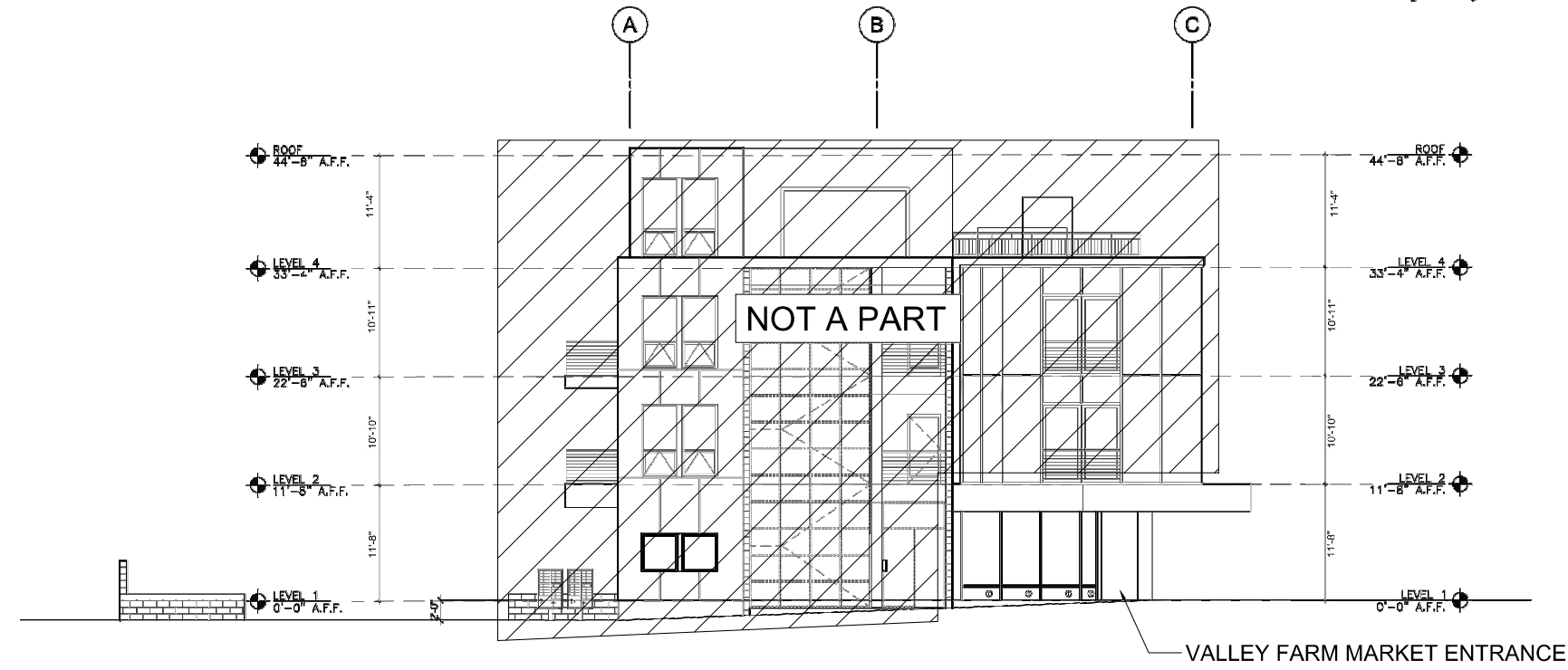
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LA JOLLA BOULEVARD ELEVATION (EAST-EXISTING)

1/8" = 1'-0"



NAUTILUS STREET ELEVATION (SOUTH-EXISTING)

1/8" = 1'-0"



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ELEVATIONS

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