



THE CITY OF SAN DIEGO

## Report to the Hearing Officer

DATE ISSUED: October 14, 2020 REPORT NO. HO-20-046

MEETING DATE: October 21, 2020

SUBJECT: BURGEON BEER COMPANY CUP/NUP, PROCESS THREE

PROJECT NUMBER: [657689](#)

OWNER/APPLICANT: Bosa Development California II, Inc./Mathew Zirpolo

### SUMMARY

Issue: Should the Hearing Officer approve a Conditional Use Permit/Neighborhood Use Permit (CUP/NUP) to allow a *brewery tasting room*, with the sale of alcoholic beverages for off-site consumption, and a 400 square-foot (SF) street-level outdoor patio (“outdoor use area”) for a future restaurant and tasting room within an existing commercial tenant space at 1326 Kettner Boulevard in the Downtown Community Plan (DCP) area (“Downtown”)?

Staff Recommendation:

1. Approve CUP No. 2401015; and
2. Approve NUP No. 2409216.

Community Planning Group Recommendation: On May 20, 2020, the Downtown Community Planning Council voted 22-0 to recommend approval of the project, subject to conditions (Attachment 5).

Environmental Review: Development within the Downtown Community Planning area is covered under the following documents, all referred to as the “Downtown FEIR”: Final Environmental Impact Report (FEIR) for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and 10th Amendment to the Centre City Redevelopment Plan, certified by the former Redevelopment Agency (“Former Agency”) and the City Council on March 14, 2006 (Resolutions R-04001 and R-301265, respectively); subsequent addenda to the FEIR certified by the Former Agency on August 3, 2007 (Former Agency Resolution R-04193), April 21, 2010 (Former Agency Resolution R-04510), and August 3, 2010 (Former Agency Resolution R-04544), and certified by the City Council on February 12, 2014 (City

Council Resolution R-308724) and July 14, 2014 (City Council Resolution R-309115); and, the Final Supplemental Environmental Impact Report for the Downtown San Diego Mobility Plan certified by the City Council on June 21, 2016 (Resolution R-310561). Development within the Downtown Community Planning area is also covered under the following documents, all referred to as the "CAP FEIR": FEIR for the City of San Diego Climate Action Plan (CAP), certified by the City Council on December 15, 2015 (City Council Resolution R-310176), and the Addendum to the CAP, certified by the City Council on July 12, 2016 (City Council Resolution R-310595). The Downtown FEIR and CAP FEIR are both "Program EIRs" prepared in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15168. The information contained in the Downtown FEIR and the CAP FEIR reflects the independent judgement of the City of San Diego as the Lead Agency. The environmental impacts of the project were adequately addressed in the Downtown FEIR and CAP FEIR. Therefore, no further environmental documentation is required under CEQA.

## BACKGROUND

The project site is a 2,133-square-foot (SF) commercial tenant space on the ground-floor of the Savina development, a 36-story mixed-use development with 285 residential condominium units, approximately 11,550 SF of commercial space, and 533 subterranean parking spaces. The 1.05-acre site is located on the block bounded by Kettner Boulevard, Ash, A and California streets in the Core Land Use District of the Centre City Planned District ("Core") and the Airport Approach, Coastal, Parking Impact, Residential Tandem Parking, Transit Area, Limited Vehicle Access, and View Corridor overlay zones, and is within the Columbia neighborhood of the Downtown Community Plan area (Attachment 1 & 2).

Completed in June 2019, the Savina development was constructed in conformance with Centre City Development Permit/Coastal Development Permit No. 2011-14, and at the time of the entitlements, the commercial space was envisioned with active commercial uses such as the proposed establishment. The subject commercial tenant lease space, Unit #4, is located on the southeast corner of the building, with frontage on West A Street and Kettner Boulevard, and is one of four commercial tenant lease spaces on the ground floor of the building. The other three commercial tenant lease spaces, also on the ground floor, are occupied by fitness instruction studios. Surrounding land uses include a 10-story office building with ground floor retail to the north, the MTS railway and a 36-story residential high-rise (Bayside by Bosa) to the west, a 32-story residential high-rise (Sapphire Tower) to the south, and a surface parking lot and low-rise commercial buildings to the east.

## DISCUSSION

### Project Description

Abstract Ale Works, LLC, dba Burgeon Beer Company ("Applicant"), is requesting approval of the required permits to allow a *brewery tasting room*, with the sale of alcoholic beverages for off-site consumption and a 400 SF outdoor use area. The proposed uses will be accessory to the primary use of the establishment which is a restaurant and tasting room. Restaurants are permitted by right in the Core district and tenant improvement plans for the build-out of a full-service kitchen, bar, and dining areas are being processed concurrently under PTS No. 664137. If approved, the required

permits would allow the applicant to sell alcoholic beverages manufactured at their primary facility in Carlsbad, California, at their new sister location under a Type 23 Duplicate license from the State Department of Alcoholic Beverage Control, for on-site and off-site consumption.

The proposed hours of operation for the establishment are as follows:

Restaurant and Tasting Room

- 9:00 a.m. to 12:00 a.m. Sunday through Thursday; and
- 9:00 a.m. to 1:00 a.m. Thursday through Sunday.

Off-Site Alcoholic Beverage Sales

- 10:00 a.m. to 10:00 p.m., seven days a week

Outdoor Use Area

- 9:00 a.m. to 10:00 p.m. Sunday through Thursday; and
- 9:00 a.m. to 11:00 p.m. Friday and Saturday.

Required Permits: The Centre City Planned District Ordinance (CCPDO), San Diego Municipal Code Chapter 15, Article 6, Division 3, defines *brewery tasting rooms* as an establishment which is licensed by the California Department of Alcoholic Beverage Control under a Type 1 or Type 23 duplicate license to sell malt beverages the licensee produces for on-site and off-site consumption. Pursuant to the Centre City Planned District Ordinance (CCPDO) Separately Regulated Uses, Section 156.0315(b)(4), a CUP in accordance with Process Three is required for a *brewery tasting room* offering alcoholic beverages manufactured by the business for off-site consumption, subject to the following regulations:

- a. The gross floor area of the establishment shall not exceed 5,000 SF;
- b. The establishment shall provide for on-site consumption of the products manufactured by the business;
- c. No malt beverage shall be sold for off-site consumption in less than 16.9-ounce quantities; and
- d. Off-site sales under this provision shall be limited to between the hours of 10:00 a.m. and 10:00 p.m. unless an exception is granted.

In addition, CCPDO Section 156.0308 requires the approval of an NUP in accordance with Process Two for outdoor use areas associated with eating and drinking establishments. The proposed 400 SF street-level outdoor patio is located on West A Street within the property line and consists of a 3-foot-6-inch-tall non-fixed barrier and moveable furnishings as shown on the Project Plans (Attachment 7).

Per SDMC Section 112.0103, when an applicant applies for more than one permit for a single development, the applications shall be consolidated for processing and shall be reviewed by a single decision maker. The decision maker shall act on the consolidated application at the highest level of authority, and the findings required for approval of each permit shall be considered individually. A Process Three decision is made by the City of San Diego Hearing Officer at a noticed public hearing and the Hearing Officer's decision is appealable to the Planning Commission.

## Community Plan Analysis

Located between the Civic/Core neighborhood and the waterfront, the Columbia neighborhood caters to visitor-serving uses, large hotels, office buildings, and high-rise residential development. Situated on the western edge of Downtown, the Columbia neighborhood's most distinguishing characteristic is its waterfront orientation. The neighborhood is home to some of San Diego's tallest buildings and has a high-rise concentration nearing the adjacent Civic/Core neighborhood's intensity. It has evolved into a diverse neighborhood comprising of residential, office, hotel, cultural and visitor related uses; and serves as a transit hub with the Santa Fe Depot remaining an important transportation terminal for northbound Amtrak and Coaster trains and a major transfer point for transit buses and the San Diego Trolley.

The Columbia neighborhood offers the promise of a reinvigorated, connected waterfront; with improved waterfront connections as a major thrust in planning for the neighborhood. Activity and development is to be organized in the high-intensity inland area, a waterfront-oriented visitor-serving commercial area, and the waterfront itself, around the neighborhood's three major boulevards--Broadway, Harbor Drive, and Pacific Highway.

The project meets several goals and policies of the Downtown Community Plan for the Columbia neighborhood:

- 3.1-G-2: Provide for an overall balance of uses – employment, residential, cultural, government, and destination – as well as a full compendium of amenities and services.
- 4.1-P-15: Encourage the position of outdoor seating and/or cafes where appropriate.
- 6.2-G-1 Develop the Columbia neighborhood as a mixed-use district, with an energetic waterfront that serves local needs and has a regional draw, relating to both the San Diego Bay and the Civic/Core district.

## Project Analysis

Brewery Tasting Room: The Applicant is not requesting an exception to the standard hours for off-site alcohol sales and the project complies with the CCPDO's Separately Regulated Use regulations for *brewery tasting rooms*. As shown on the floor plan, the off-site alcohol display is behind the bar area and alcoholic beverages for off-site consumption will be sold from growlers filled to order and from a display case located behind the bar area. The CCPDO requirements for *brewery tasting rooms* have been incorporated into the Draft Permit as well as a condition limiting the size of the off-site alcohol display area to no more than 190 SF (20% of the retail/dining floor area). This will ensure that any proposed expansion due to a change in tenant, for example to a liquor store, would require a CUP amendment and reconsideration of the required findings. In addition, the San Diego Police Department (SDPD) has reviewed the project and SDPD recommended conditions of approval have been incorporated into the Draft Permit (Attachment 4).

Outdoor Use Area: The proposed 400 SF outdoor use area is located on the ground floor of the Savina development, along the vacated portion of West A Street. When the development permit for

Savina was approved, outdoor dining and seating areas were envisioned to support the ground floor commercial uses and activate the public realm. The Applicant is requesting hours for the outdoor use area until 10:00 p.m. Sunday through Thursday, and until 11:00 p.m. Friday and Saturday. These hours are consistent with other NUPs that have been granted for outdoor use areas in the vicinity of the project, including: Portal Coffee (1495 Pacific Highway), Craft & Commercial (675 West Beech Street), and Queenstown Public House (1557 Columbia Street). The proposed hours are also consistent with the hours permitted by right for sidewalk cafes (in the public right-of-way) with a ministerial building permit. In addition to the outdoor use area hours, standard NUP conditions for outdoor use areas include restrictions on hours, conditions ensuring compliance with the Citywide Noise Ordinance, requiring the property owner/permittee to maintain the outdoor use area and adjacent public right-of-way free of debris and graffiti. In addition, a standard condition for revocation or modification of the permit in the event of multiple reported incidents of public nuisance has been included in the Draft Permit (Attachment 4).

Staff has reviewed the proposed project within the context of the neighborhood, considered potential impacts resulting from the proposed uses, and reviewed the project for compliance with the CCPDO, applicable Land Development Code, and DCP goals and policies. The proposed uses are permitted in the Core district (with approval of the required permits) and the project will provide additional services to the neighborhood. This supports the DCP's vision of the district as Downtown's employment hub and with the recommended conditions the project will not adversely affect the applicable land use plan or be determinantal to the public health, safety or welfare.

#### CONCLUSION

The project complies with the requirements of the CCPDO and all applicable sections of the Land Development Code, aligns with the goals and policies of the DCP, and no deviations are requested. Therefore, staff recommends the Hearing Officer adopts the Draft Findings (Attachment 3) and approves the project, subject to the conditions in the Draft Permit (Attachment 4).

#### ALTERNATIVES

1. Approve CUP No. 2401015 and NUP No. 2409216, with modifications.
2. Deny CUP No. 2401015 and NUP No. 2409216, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Nicole Paré  
Program Manager, Urban Division

Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Draft Resolution with Findings
4. Draft Permit with Conditions
5. Community Planning Group Recommendation
6. Ownership Disclosure Statement
7. Project Plans



**Project Location Map**  
BURGEON BEER COMPANY CUP/NUP  
PROJECT NO. 657689

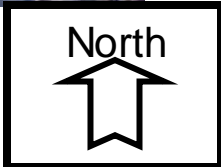
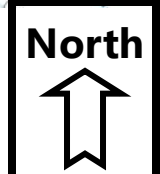


Figure 3-4  
Land Use



# Land Use Map

Burgeon Beer Company CUP/NUP  
PROJECT NO. 657689





DECISION MAKER HEARING OFFICER  
RESOLUTION NO. \_\_\_\_\_  
CONDITIONAL USE PERMIT NO. 2401015 and NEIGHBORHOOD USE PERMIT NO. 2409216  
**BURGEON BEER COMPANY CUP/NUP PROJECT NO. 657689**

WHEREAS, Bosa Development California II, Inc., Owner, and Abstract Ale Works, LLC, Permittee, filed an application with the City of San Diego for a Conditional Use Permit and Neighborhood Use Permit to allow a *brewery tasting room*, with the sale of alcoholic beverages for off-site consumption, and a 400 square-foot (SF) street-level outdoor patio ("outdoor use area") (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Conditional Use Permit No. 2401015 and Neighborhood Use Permit No. 2409216) on portions of a 1.05-acre site;

WHEREAS, the project site is located at 1326 Kettner Boulevard in the Core Land Use District of the Centre City Planned District, and the Airport Approach, Coastal, Parking Impact, Residential Tandem Parking, Transit Area, Limited Vehicle Access, and View Corridor overlay zones, and within the Columbia neighborhood of the Downtown Community Plan (DCP) area ("Downtown");

WHEREAS, the project site is legally described as: Parcel 1 of Parcel Map No. 20582 in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, September 23, 2008 as Instrument No. 2008-0504009 and amended pursuant to that certain certificate of correction recorded December 8, 2010 as Instrument No. 2010-0677212 of official records;

WHEREAS, Development within the DCP area is covered under the following documents, all referred to as the "Downtown FEIR": Final Environmental Impact Report (FEIR) for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and 10<sup>th</sup> Amendment to the Centre City Redevelopment Plan, certified by the former Redevelopment Agency ("Former Agency") and the City Council on March 14, 2006 (Resolutions R-04001 and R-301265, respectively);

subsequent addenda to the FEIR certified by the Former Agency on August 3, 2007 (Former Agency Resolution R-04193), April 21, 2010 (Former Agency Resolution R-04510), and August 3, 2010 (Former Agency Resolution R-04544), and certified by the City Council on February 12, 2014 (City Council Resolution R-308724) and July 14, 2014 (City Council Resolution R-309115); and, the Final Supplemental Environmental Impact Report for the Downtown San Diego Mobility Plan certified by the City Council on June 21, 2016 (Resolution R-310561). Development within the Downtown Community Planning area is also covered under the following documents, all referred to as the "CAP FEIR": FEIR for the City of San Diego Climate Action Plan (CAP), certified by the City Council on December 15, 2015 (City Council Resolution R-310176), and the Addendum to the CAP, certified by the City Council on July 12, 2016 (City Council Resolution R-310595). The Downtown FEIR and CAP FEIR are both "Program EIRs" prepared in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15168. The information contained in the Downtown FEIR and the CAP FEIR reflects the independent judgement of the City of San Diego as the Lead Agency and has been reviewed and considered by the decision maker before approving the project. The environmental impacts of the project were adequately addressed in the Downtown FEIR and CAP FEIR; the project is within the scope of the development program described in the Downtown FEIR and CAP FEIR and is adequately described within both documents for the purposes of CEQA; and, none of the conditions listed in CEQA Guidelines Section 15162 exist. Therefore, no further environmental documentation is required under CEQA;

WHEREAS, on October 21, 2020, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2401015 and Neighborhood Use Permit No. 2409216, 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. 2401015 and Neighborhood Use Permit No. 2409216:

**A. CONDITIONAL USE PERMIT [SDMC Section 126.0305]**

**1. Findings for all Conditional Use Permits:**

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

The proposed use, a brewery tasting room, with the sale of alcoholic beverages for off-site consumption, as an accessory use to a restaurant and tasting room, will not adversely affect the applicable land use plan as brewery tasting rooms allowed in the Core Land Use District with the approval of a CUP. The brewery tasting room is proposed in an existing building, and no new construction is proposed. The development complies with the Centre City Planned District Ordinance (CCPDO) (SDMC Chapter 15, Article 6, Division 3) regulations for brewery tasting rooms. The gross floor area of the establishment is less than 5,000 square feet (SF). The permit conditions require the establishment to provide on-site consumption of the products manufactured by the business, restrict the container size for malt beverages sold for off-site consumption to no less than 16.9-ounce quantities, and limit off-site sales to between the hours of 10:00 a.m. and 10:00 p.m.

In addition, the proposed brewery tasting room is consistent with the DCP goal of providing for an overall balance of uses, amenities, and services (3.1-G-2). The overall project (which includes a restaurant with outdoor seating) contributes to the variety of uses within the building and neighborhood and aligns with the DCP's goal of developing the Columbia neighborhood as a mixed-use district, with an energetic waterfront that services local needs and has a regional draw (6.2-G-1). The proposed use is in a land use district that accommodates a diverse array of uses. The development has no impact on the view corridor designation, and brewery tasting rooms are permitted in the CCPDO with a CUP. Therefore, the proposed use will not adversely affect the applicable land use plan.

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

The proposed use, a brewery tasting room with the sale of alcoholic beverages for off-site consumption, as an accessory use to a restaurant and tasting room, will not be detrimental to the public health, safety and welfare of the community when operated with the recommended conditions of approval. The sale of alcoholic beverages for off-site consumption will be an ancillary component of the overall project, which is a restaurant and tasting room with a full-service kitchen and

alcoholic beverages primarily sold for on-site consumption. The display area for alcoholic beverage for off-site consumption is conditioned to be no more than 20% of the dining floor area. Per the CCPDO, project applicants may request an exception to the standard hours for the sale of alcoholic beverages for off-site consumption, which are 10:00 a.m. to 10:00 p.m.; however, the Applicant is not requesting an exception to the standard hours and the permit has been conditioned as such. Additionally, conditions recommended by the San Diego Police Department (SDPD) that aim to address potential adverse impacts of the use on the health, safety, and welfare of the neighborhood are included in the permit. These conditions prohibit loitering, litter, and graffiti, and requires video surveillance and employee training to prevent theft and sales of alcohol to minors.

When operated in compliance with the SDPD's recommended conditions of approval and the CCPDO regulations for brewery tasting rooms, which conditions in the permit, 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 proposed brewery tasting room, with the sale of alcoholic beverages for off-site consumption, as an accessory use to a restaurant and tasting room, complies with all applicable regulations, including those of the Core Land Use District. Brewery tasting rooms are permitted in the Core Land Use District with the approval of a CUP, subject to the CCPDO Separately Regulated Use Regulations for brewery tasting rooms (SDMC Section 156.0315(b)(4)). The CCPDO Separately Regulated Use Regulations for brewery tasting rooms include: the gross floor area of the establishment shall not exceed 5,000 SF; the establishment shall provide for on-site consumption of the products manufactured by the business; no malt beverage shall be sold for off-site consumption in less than 16.9-ounce quantities; and off-site sales under this provision shall be limited to between the hours of 10:00 a.m. and 10:00 p.m. unless an exception is granted.

The proposed brewery tasting room location is within a 2,311 SF restaurant, alcoholic beverages for off-site consumption will be sold in 72-ounce growler containers, six packs of malt beverages, and containers totaling no less than 16.9-ounces. The proposed hours for the sale of alcoholic beverages for off-site consumption are from 10:00 a.m. to 10:00 p.m.

The Project will comply with the regulations of the CCPDO for brewery tasting rooms with the approval of the CUP and when operated in compliance with the permit conditions. No deviations are proposed. Furthermore, the proposed use will be required to obtain all necessary governmental approvals and comply with the applicable requirements of the State Department of Alcoholic Beverage Control and the SDPD. Therefore, the proposed brewery tasting room complies with the regulations of the Land Development Code.

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

The proposed use, a brewery tasting room with the sale of alcoholic beverages for off-site consumption, as an accessory use to a restaurant and tasting room, is located within an existing commercial tenant space on the ground floor of an existing 36-story high-rise development at 1326 Kettner Boulevard. The high-rise development was planned with active commercial uses such as the proposed establishment and the Core Land Use District promotes a wide array of uses and amenities to service the districts projected employment and residential populations. The overall project will activate the Columbia neighborhood and provide tourists, nearby employees, and residents with a local service and gathering place; therefore, the proposed use is appropriate at the proposed location.

**B. NEIGHBORHOOD USE PERMIT [SDMC Section 126.0205]**

**1. Findings for all Neighborhood Use Permits:**

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

The proposed street-level outdoor use area will not adversely affect the applicable land use plan as outdoor use areas associated with eating and drinking establishments are permitted in the Core Land Use District with the approval of an NUP. The DCP designates West A Street as a view corridor street with a required building setback for new construction to preserve views of the San Diego Bay. The outdoor use area is proposed at an existing high-rise development, and no new construction is proposed; therefore, the use will have no impact on the view corridor.

The proposed outdoor use area is consistent with the goals and policies of the DCP, such as providing an overall balance of uses, encouraging outdoor seating when appropriate, developing the Columbia neighborhood as a mixed-use district with an energetic waterfront serving locals and visitors, and connecting the neighborhood to the Civic/Core. In addition, standard conditions of approval are included in the permit to restrict the hours of occupancy of the outdoor use area to no later than 10:00 p.m. Thursday through Sunday and no later than 11:00 p.m. Friday and Saturday, ensure compliance with the Citywide Noise Ordinance, and require the property Owner/Permittee to maintain the outdoor use area and adjacent public right-of-way free of debris and graffiti. Therefore, the proposed outdoor use area will not adversely affect the applicable land use plan.

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

The proposed outdoor use area will not be detrimental to the public health, safety and welfare when operated with the recommended conditions of approval, which include requirements regarding noise, hours of operation, and additional standard conditions to ensure that the use is compatible with the surrounding neighborhood.

In addition, the SDPD reviewed the outdoor use area and supports the restricted hours for occupancy of the outdoor use area. Therefore, the outdoor use area 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 proposed outdoor use area will comply with the regulations of the CCPDO and the Land Development Code with the approval of an NUP, as outdoor use areas associated with eating and drinking establishments are permitted in the Core Land Use District with the approval of an NUP. The CCPDO does not include additional regulations for outdoor use areas; however, the permit has been conditioned with standard conditions for NUPs for outdoor use areas, including hours for the outdoor use area that are consistent with the hours permitted by right for sidewalk cafes located in the public right of way. No deviations to the Land Development Code are proposed. Therefore, the proposed development will comply with the regulations of the Land Development Code.

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. 2401015 and Neighborhood Use Permit No. 2409216 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. 2401015 and Neighborhood Use Permit No. 2409216, a copy of which is attached hereto and made a part hereof.

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Nicole Paré  
Program Manager  
Urban Division

Adopted on: 10/21/2020

**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: 24008527

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT/NEIGHBORHOOD USE PERMIT  
**BURGEON BEER COMPANY CUP/NUP PROJECT NO. 657689**  
HEARING OFFICER

This Conditional Use Permit No. 2401015 and Neighborhood Use Permit No. 2409216 is granted by the Hearing Officer of the City of San Diego to Bosa Development California II, Inc., Owner, and Abstract Ale Works, LLC, Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0301 and 126.0201. The 1.05-acre site is located at 1326 Kettner Boulevard in the Core Land Use District of the Centre City Planned District (base zone) of the Downtown Community Plan area. The project site is legally described as: Parcel 1 of Parcel Map No. 20582 in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, September 23, 2008 as Instrument No. 2008-0504009 and amended pursuant to that certain certificate of correction recorded December 8, 2010 as Instrument No. 2010-0677212 of official records.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to allow a *brewery tasting room*, with the sale of alcoholic beverages for off-site consumption, and a 400 square-foot (SF) street-level outdoor patio (outdoor use area) conditioned upon the issuance of a license from the State Department of Alcoholic Beverage Control and subject to the City's land use regulations as described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated October 21, 2020, on file in the Development Services Department.

The project shall include:

- a. Operation of a *brewery tasting room* with the sale of alcoholic beverages for off-site consumption and a 400 square-foot street-level outdoor patio on private property ("outdoor use area") as accessory uses to the restaurant and tasting room within an existing 2,133 SF commercial tenant lease space, Suite #4;
- 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 November 4, 2023.
2. 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.
3. No permit for the 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.
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.

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

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

13. 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.

**PLANNING REQUIREMENTS FOR BREWERY TASTING ROOM:**

14. The primary use of the establishment shall be a 2,100 SF restaurant and tasting room. The brewery tasting room, with the sale of alcoholic beverages for off-site consumption, shall be accessory uses to the primary use. The intended uses must be in conformance with the permitted uses outlines in the Centre City Planned District Ordinance (CCPDO), SDMC Chapter 15, Article 6, Division 3, and all other applicable regulations of the SDMC. Any proposed change in use shall be reviewed and approved by the Development Services Department.

15. The business shall maintain a valid California Department of Alcohol Beverage Control liquor license to sell malt beverages the licensee produces for on-site or off-site consumption. The business shall be in compliance with all conditions of said license at all times.

16. Burgeon Beer Company employees shall be trained and certified in responsible alcoholic beverage service policies and practices.

17. The establishment shall provide for on-site consumption of the products manufactured by the business.

18. No malt beverage shall be sold for off-site consumption in less than 16.9-ounce quantities.

19. No more than 190 SF of the interior retail/service floor area shall be devoted to the display of alcoholic beverages available for off-site consumption.

20. No alcoholic beverages shall be sold for off-site consumption except between the hours of 10:00 a.m. to 10:00 p.m. each day of the week.

21. No more than 30% of the square footage of the windows and transparent doors of the premises shall bear advertising or signs of any sort, and all advertising and signage are placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the *brewery tasting room*.

22. Exterior advertising of alcoholic beverages, or interior advertising of alcoholic beverages that is visible from the exterior of the premises shall be prohibited.

23. The Permittee shall respond to complaints pertaining to this permit by members of the community within 24 hours of receiving the complaint. A current point of contact shall be provided to the Development Services Department for the premise to ensure full compliance with this condition.

**PLANNING REQUIREMENTS FOR OUTDOOR USE AREA:**

24. The outdoor use area shall be used for dining, drinking, and circulation only.

25. Full menu food service shall be available at all times the outdoor use area is occupied.

26. The hours of operation for the street-level outdoor use area shall be limited to Sunday through Thursday until 10:00 p.m. and Friday, Saturday, and Sunday before a holiday no later than 11:00 pm.

27. Ambient recorded music shall be permitted within the outdoor use area on private property only. The speakers shall be small, equally distributed and be pointed inward so as to not become a nuisance to any adjacent uses. Ambient recorded music shall not be audible from adjacent residential uses or the residential dwelling units located on the upper levels of Savina development.

28. Sound shall be monitored during and after business hours to ensure that audible noise remains at acceptable levels. Noise levels shall be in conformance with the Noise Abatement Standards of the SDMC and the City of San Diego Noise Ordinance, including that the sound shall not be audible at a distance of 50 feet from the source. In the event that a noise complaint is filed, the applicable decision maker shall evaluate the complaints and if it is determined that the business is potentially creating a nuisance to the neighborhood, a duly noticed hearing shall be scheduled. After receiving public testimony, the Hearing Officer may modify or revoke the permit.

29. No live entertainment or dancing shall be permitted in the outdoor use areas at any time.

30. Patrons leaving the establishment shall be monitored as to not create a nuisance by obstructing the sidewalk in the area of the business or adjacent businesses or being publicly inebriated, noisy or rowdy.

31. No smoking shall be allowed in the outdoor use area.

32. No tables, chairs, A-frame signs, or any other furnishings or decorative displaces shall be located in the public right-of-way in front of or adjacent to the street-level outdoor use area.

33. No signs (including banners and/or pennants, and/or off-site advertising signs) are permitted on or within the street-level outdoor use area.

34. The outdoor use areas shall meet all applicable disabled accessibility codes.

**POLICE DEPARTMENT RECOMMENDATIONS FOR ABC LICENSE:**

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

**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 and HO-20-046.

DRAFT

CUP No. 2401015 & NUP No. 2409216  
Date of Approval: October 21, 2020

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

\_\_\_\_\_  
Nicole Paré  
Program Manager  
Urban Division

**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.

**Bosa Development California II, Inc.**  
Owner

By \_\_\_\_\_  
NAME  
TITLE

**Abstract Ale Works, LLC**  
Permittee

By \_\_\_\_\_  
NAME  
TITLE

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

**DOWNTOWN COMMUNITY PLANNING COUNCIL  
MINUTES OF THE MEETING OF MAY 20, 2020  
Zoom Meeting 875 0874 8642 (recorded)**

**Call to Order:** Chair Bill Orabone (President) @ 5:30 pm.

1. **Roll Call:** Noted that 24 of 27 current members were present, constituting a quorum.
  - **Members Present @ Call to Order:** Ahmed, Baker, Barbano, Collin, DiFrancesca, Dion, Duke, Eddy, Egan, Gattley, Hunt, Link, Maliepaard, Moore, Orabone, Pensabene, Priver, Ramos, Russell, Swearingen, Takara, Trimble, Wery, Wilson-Ramon
  - **Late Arrival:** none
  - **Members Absent:** Blair, Meloncelli, Segal
  - **Early Departure:** Hunt, Priver
  
2. **Public Comments on Non-Agenda Items –**
  - None
  
3. **Elected Representative Comments**
  - Chevelle Tate ([Chevelle.Tate@sen.ca.gov](mailto:Chevelle.Tate@sen.ca.gov)) on behalf of State Senator Toni Atkins.
    - Focusing on COVID. Physical offices open.
    - \$54B budget deficit. Rainy day funds to minimize cuts, details available on line
    - Ahmed question – Restaurants are suffering - Is State evaluating intangible losses? CT - Yes.
  - Randy Wilde ([Randy.Wilde@asm.ca.gov](mailto:Randy.Wilde@asm.ca.gov)) On behalf of State Rep Todd Gloria.
    - Permits are being issued external to normal Restaurant facilities to help with social separating, seating capacity
    - Highlighted Gov Newsom Great Plates Food Delivery for Seniors <https://covid19.ca.gov/restaurants-deliver-home-meals-for-seniors/>
    - Budget available at [www.ebudget.ca.gov](http://www.ebudget.ca.gov)
    - Trimble questions: 501(c)6 relief in next round – RW – not known
    - Question 2 – RW – No specific known, will reply
  - Brittany Bailey ([BNBailey@sandiego.gov](mailto:BNBailey@sandiego.gov)) On behalf of City Councilmember Chris Ward
    - City budget Money is available to stabilize expenses
    - Revenues disrupted, e.g TOT from hotels and restaurants
    - Final budget discussions upcoming next two weeks
    - City has some access/flexibility with Federal CAREs act monies Ward proposes \$85M rental subsidy fund
    - \$12.5M round of funding – Ward is looking for examples of best use
    - Board member questions:

- (Egan) Convention Center population plans BB: objective is to move everyone strategically to permanent housing
- (Egan) will failure cause parts of downtown to not open, eg - convention center BB: Intent is not to keep closed.
- (Ahmed) concerned with inappropriate use of convention center BB: realize it needs to be reopened, keenly aware we need to balance County/State orders.

#### 4. Approval of 15 APR 2020 Meeting Minutes

- No questions. Minutes approved unanimously

#### 5. Chairpersons, Subcommittee, Liaison reports

### Information Items

#### 6. Project Updates (Brad Richter)

- Brad Provided COW (ZOOM) training 4:30 – 5:30 prior to this evening DCPC meeting
- For alternative on line interactive powerpoint training - Please follow the link for the eCOW training in the Planning department website:  
<https://www.sandiego.gov/planning/community/resources>
  - In the middle of the page please follow the instructions for the interactive training and completion form submission instructions:
  - [Electronic Community Orientation Workshop \(E-COW\)](#)
  - [Community Planning Group members can take the !\[\]\(00454fbbe8db418db0de5eebfa916a08\_img.jpg\) \[Electronic Community Orientation Workshop\]\(#\) online at their convenience. If you do not already have Adobe Reader, please download \[here\]\(#\) \(This will assist with the E-COW Completion Form\)](#)
- Final Action heard by Civic San Diego is week of 25 May. Following that hearing Civic is out of the Development business
  - Projects to be considered:
    - Park & Broadway
    - 1425 Market highrise
    - Pacific & Grape
    - CA Theater
    - 9<sup>th</sup> & G
  - 14<sup>th</sup> Street Promenade at Albertson's has started. Will include Bob Sinclair artifacts
  - Children's Park funded and moving forward (5/20/20 out for bids). 1 year completion
  - EV Green funding and moving forward (6/20/20 out for bids). 2 years completion
  - Campus @ Horton – financing, construction is progressing
  - Downtown Mobility Plan progressing

- Beech & 6<sup>th</sup>
- C Street cycle track
- Pacific Highway south of Laurel
- Parking Projects
- Board Member Questions
  - (Leah) Excited with absence of Lime Bikes and Scooters. BR: Some companies pulled out due to rules, impound expenses. Unsure when return or new companies
  - (Gatley) Horton Plaza is fenced with signs pointing to Jimbos
  - (Maliepaard) what is going in across from Smart and Final

**7. Smart Streets Update (Nicole Burgess, Slow Streets Coalition (12 organizations with the City))**

- Safe ways and safe movement for essential workers overview
- (DCPC member Hunt (Bicycle Coalition)) expressed appreciation

**Consent Items – None**

**Action Items**

**8. Burgeon Beer, 1326 Kettner Ave – CUP for brewer tasting room with the sale of alcoholic beverages for off-site consumption and 400sf street level outdoor patio**

- Representing Staff Report – Nicole Pare
- Representing Developer – Matthew Zirpolo
- Bill Orabone referred to Staff Report
- Board Member Ahmed reported that he attempted to visit location and was unsuccessful finding the reported address. Dion offered that City policy is to issue new addresses to locations incorporated with existing complexes. The location is within the Savina High Rise building. No further questions.
- Orabone noted that SDDRG voted in favor of the project.
- There were no further issues.
- **Motion made (Russell) to accept the Staff Report and recommendations and seconded (Ahmed). DCPC unanimous vote in favor, 22-0.**

**9. AC Hotel CUP, 743 5<sup>th</sup> Ave – CUP for live entertainment on 1<sup>st</sup> floor and roof deck**

- Representing Staff Report – Nicole Pare
- Bill Orabone referred to Staff Report
- Supporting Developer – Bill Adams (attorney),
  - i. Replacing TGI Fridays, Deccos, McFaddens



- ii. Marriott Hotel similar to Pendry (upscale)
  - iii. Represented “Love Story” to be upscale lounge experience
  - iv. Commitment not to lease venues
  - v. (Trimble question) Hours of rooftop request consistent with neighborhood, Gaslamp? (Ardizzone) – pushed noise to 5<sup>th</sup> Ave and other acoustics
  - vi. (Trimble) Outreach to neighbors. Reply – continuing
- Sound Study presentation (Sanavi, History: SDSU Grad, City Noise Advisory Board, Code Enforcement (1980’s))
    - i. Presented Ambient noise results
    - ii. Highlighted noise abatement to 6<sup>th</sup> including AC equipment, plants, canopies
    - iii. Explained sound level, audio designed for project at various heights, recognized that main control is volume control
    - iv. (Ramos) concern with conflicting noise compared with Theater Box. (Ardizzone reply) AC Hotel is 15-20’ higher, should be user focused sound, not “dueling pianos”.
    - v. (Nicole Pare) clarified that Theater Box has no roof top live entertainment, recorded only.
    - vi. (Link) repeated concern with noise to 6<sup>th</sup> (Adams reply) – only 4 residences
    - vii. (Orabone) Noted SDDRG asks for standard hours. 10 pm weekdays, 11 weekends
    - viii. (Nicole Pare) recommended additional sound study after construction to verify noise levels
    - ix. (Ardizzone) Amplification Design is directed away from residential
    - x. (Adams) offered that there are no residences within 300’.
      - x.1. None in a straight line.
      - x.2. Roof top design has no history of noise complaints
      - x.3. Smaller than Pendry, Hard Rock
      - x.4. Better operator for this unique site, extra effort to get it right
      - x.5. To 1:30 am limited use permit and require continuous monitoring and record keeping for review period.
- Board Discussion:
    - i. (Wery) Require applicant to pay for enforcement if neighbor noise complaints?
    - ii. (Orabone) continuous monitoring, post approval sound study as offered by applicant
    - iii. (Baker) Is 1:30 opening the door to prior 11:00 approvals to extend their hours?
      - iii.1. (Adams reply) already uneven landscape, some already to 1:30
      - iii.2. (Nicole) – no other to outdoor entertainment to 1:30. Reconfirmed need for second sound study.
- **Motion to Approve requested hours 1<sup>st</sup> (Gathey), 2<sup>nd</sup> (DeFrancesca)**
    - i. (Trimble) abstained as Director of Gaslamp Org. but noted in favor

- ii. (Eddy) request for friendly amendment:
  - ii.1. 1:30 live entertainment
  - ii.2. ABC Acoustics conditions
  - ii.3. Continuous Monitoring / Record Keeping
  - ii.4. Review Period
  - ii.5. (Ramos) expressed concern that 1:30 would be precedent setting
  - ii.6. (Wilson-Ramon) concern with lack of code enforcement at 1:30, fact that other venues would ask for 1:30
  - ii.7. (James Alexander) suggested moving entertainment indoors after normal closing hours
  - ii.8. (Link) opposed unless friendly amendment accepted.
  - ii.9. Gattey accepted friendly amendment. Orabone clarified that monitoring period is typically 6 months.
- **Vote called and failed 4-16 with Gattey, DiFrancesca, Maliepaard, Russell voting for, Trimble abstained, Hunt and Priver departed meeting prior to vote.**
- **Second motion presented by 1<sup>st</sup> (Wery) 2<sup>nd</sup> (Wilson-Ramon)**
  - i. **To 10pm weekdays, 11 pm weekend**
  - ii. **(Pablo) described both 11 pm and 1:30 am as extremes for Gaslamp Quarter and offered a friendly amendment of Sunday – Thursday 11 pm, Fri, Saturday, Sunday followed by holiday, 12 midnight. Friendly amendment accepted by Wery**
  - iii. **(Eddy) requested clarification that it included ongoing monitoring – yes**
- **Motion with friendly amendment passed 17-2 with no votes by Takara, Ahmed**

**10. Cedar Park, 1565 India – PDP, NUP for new restaurant with outdoor seating**

- Representing Staff Report – James Alexander (process 4 permit)
- Representing Developer – Marin Gertler
- Bill Orabone referred to Staff Report
- Gertler described as no major design change since 2019 DCPC review/approval
- Sliding doors installed to enclose rooftop deck
- (Barbano) reported that PreDesign is in favor of approval
- No further discussion
- Motion (Barbano), 2<sup>nd</sup> (Takara) – move in favor of approval of staff report recommendation
  - i. (Eddy) – good addition to design
  - ii. (Orabone) Last revisions cleaned up Cedar encroachment.
  - iii. (Orabone) shared SDDRG concerns re Trash Pickup, Exhaust Fumes, noted no residential in immediate area.

- **Vote called after no further discussion – motion passed unanimously 17-0. Early Departures other than Hunt, Priver not recorded. 5 missing votes noted.**

**MISCELLANEOUS**

**11. Potential Agenda Items and Member Comments –**

- (Ahmed) requested Convention Center Item for next meeting re resolution of its use as homeless shelter with deadline for homeless evacuations
  - i. (Ramos) recommended that issue be referred to Social Committee. Orabone concurred and will follow up.

**15. Urgent Non-Agenda Items – none noted.**

**Meeting Adjourned 7:57pm.** Next meeting Wednesday 17 JUN 2020 (Zoom)



**City of San Diego  
Development Services**  
1222 First Ave., MS 302  
San Diego, CA 92101  
(619) 446-5000

# 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:** Burgeon Beer Company Tasting Room **Project No. For City Use Only:** \_\_\_\_\_

**Project Address:** 1326 Kettner Boulevard, Suite A, San Diego CA 92101

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

Corporation  Limited Liability -or-  General - What State? CA Corporate Identification No. C2547294  
 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: BOSA DEVELOPMENT CALIFORNIA II, INC  Owner  Tenant/Lessee  Successor Agency  
 Street Address: 121 W MARKET ST  
 City: SAN DIEGO State: CA Zip: 92101  
 Phone No.: 604-294-0666 Fax No.: N/A Email: RWEIR@THINKBOSA.COM  
 Signature: [Signature] Date: JAN 29, 2020  
 Additional pages Attached:  Yes  No

**Applicant**

Name of Individual: Matthew Zrpolo - Abstract Ale Works, LLC. (DBA Burgeon Beer Company)  Owner  Tenant/Lessee  Successor Agency  
 Street Address: 6350 Yarrow Drive, Suite C  
 City: Carlsbad State: CA Zip: 92011  
 Phone No.: 760-814-2548 Fax No.: \_\_\_\_\_ Email: matthew@burgeonbeer.com  
 Signature: [Signature] Date: 1/30/20  
 Additional pages Attached:  Yes  No

**Other Financially Interested Persons**

Name of Individual: NONE  Owner  Tenant/Lessee  Successor Agency  
 Street Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_ Email: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Additional pages Attached:  Yes  No

**APPLICANT OWNERSHIP INFORMATION**

**Supplemental Sheet to Ownership Disclosure Statement (DS-318)**

**OWNER 1**

**Name:** Matthew Zirpolo

**Title:** Managing Member

**Address:** 1592 Chert Drive San, Marcos, CA 92078

**OWNER 2**

**Name:** Anthony Tallman

**Title:** Managing Member

**Address:** 3410 Garfield St. Carlsbad, CA 92008

**OWNER 3**

**Name:** Derek van Leeuwen

**Title:** Managing Member

**Address:** 918 Bloomfield Ave. San Marco, CA 92078

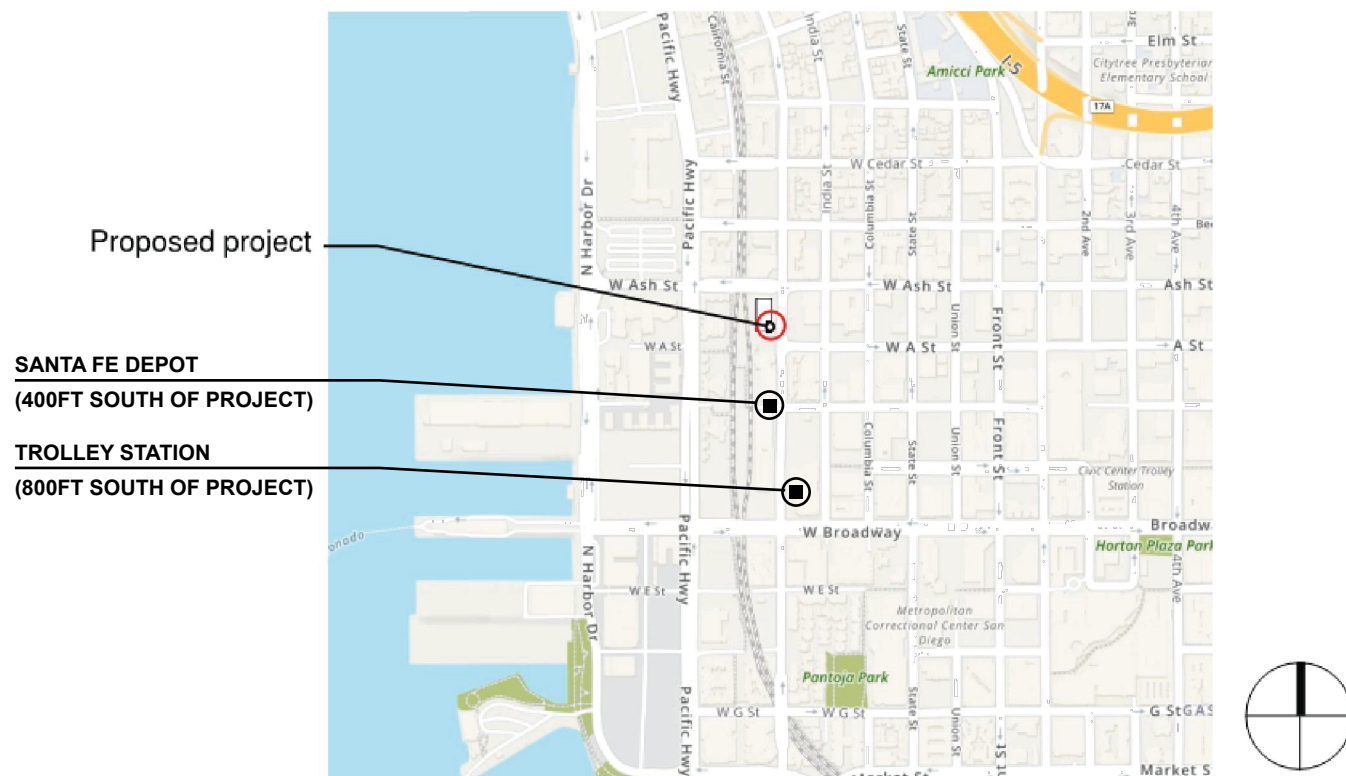
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# Burgeon Beer Co. Tasting Room

## 1326 Kettner Blvd. San Diego , CA 92101

ATTACHMENT 7

### Vicinity Map



### Project Data

Address: 1326 Kettner Blvd San Diego Ca 92101  
 Parcel #: 5333920804  
 Geologic Hazard Category: 13 Downtown special fault zone  
 Zone: CCPD-C (Coastal Zone Overlay)  
 Year: Built 2019  
 Construction : Type 1A  
 Governing Agency: City of San Diego  
 Occupancy : A-2  
 Stories: 36 stories (existing building )  
 Sprinklers: Yes  
 Primary Use: Residential  
 Accessory Use: Commercial ( proposed project )  
 Floor Area: Tasting Room / Resturant = 2,100 sf  
 Patio = 400 sf  
 Total = 2,500 sf  
 Gross Site Plan Area: 45,748 sf

### Project Directory

**Owner:**  
 Bosa Development California II, Inc.  
 151 W Market St, San Diego, CA 92101  
 Contact Richard Weir (604) 294-0660

**Tenant:**  
 Burgeon Beer Co. Tasting Room  
 1326 Kettner Blvd. San Diego , CA 92101  
 Contact:  
 Matthew Zirpolo  
 (760) 473-5403

**Land Use Consultant:**  
 Howes Weiler Landy – Planning and Engineering  
 2888 Loker Ave, East #217, Carlsbad Ca 92010  
 Contact: Patrick Zabrocki  
 760-929-2288 ex: 407

### Sheets

TS	TITLE SHEET
01	SITE PLAN
02	FLOOR PLAN
03	ELEVATIONS
04	PATIO SITE PLAN

### Scope

Conditional Upse Permit (CUP) and Neighborhood Use Permit (NUP) to allow for Brewery (Type 23) future tasting room / future restaurant as the first-generation tenants in the Savina Towers First commercial space.

### Legal

AN UNDIVIDED INTEREST (TO BE DETERMINED) IN AND TO THE COMMERCIAL COMMON AREA, SHOWN ON THE CONDOMINIUM PLAN CERTIFICATE FOR COMMERCIAL CONDOMINIUMS AT SAVINA, RECORDED OCTOBER 9, 2018 AS INSTRUMENT NO. 2018-0419565 OFFICIAL RECORDS OF SAN DIEGO COUNTY, AND ANY AMENDMENTS OR SUPPLEMENTS THERETO AS SITUATED WITHIN PARCEL 1 OF PARCEL MAP NO. 20582 IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN COUNTY SEPTEMBER 23, 2008 AND AMENDED PURSUANT TO THAT CERTAIN CERTIFICATE OF CORRECTION RECORDED DECEMBER 8, 2010 AS INSTRUMENT NO. 2010-0677212 OFFICIAL RECORDS.

RICHARD & RICHARD  
 CONSTRUCTION COMPANY, INC.  
 COMMERCIAL RESIDENTIAL DEVELOPER  
 234 VENTURE ST., STE 100  
 SAN MARCOS, CA 92078  
 760-760-2200 FAX 760-760-2200

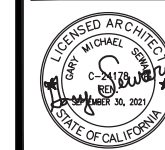


**Burgeon Beer Co.**  
 Tasting Room - Conditional Use Permit  
 1326 Kettner Blvd., San Diego Ca. 92101

This drawing is a tool of service and as such remains the exclusive property of Richard & Richard Construction Company, whether used for which it was intended or not. It is not to be used for any other purpose without the prior written consent of Richard & Richard Construction Company.

NO.	REVISION	DATE
1	CUP SUBMITAL	01-30-20

DATE: 01-30-2020  
 JOB #: 2002



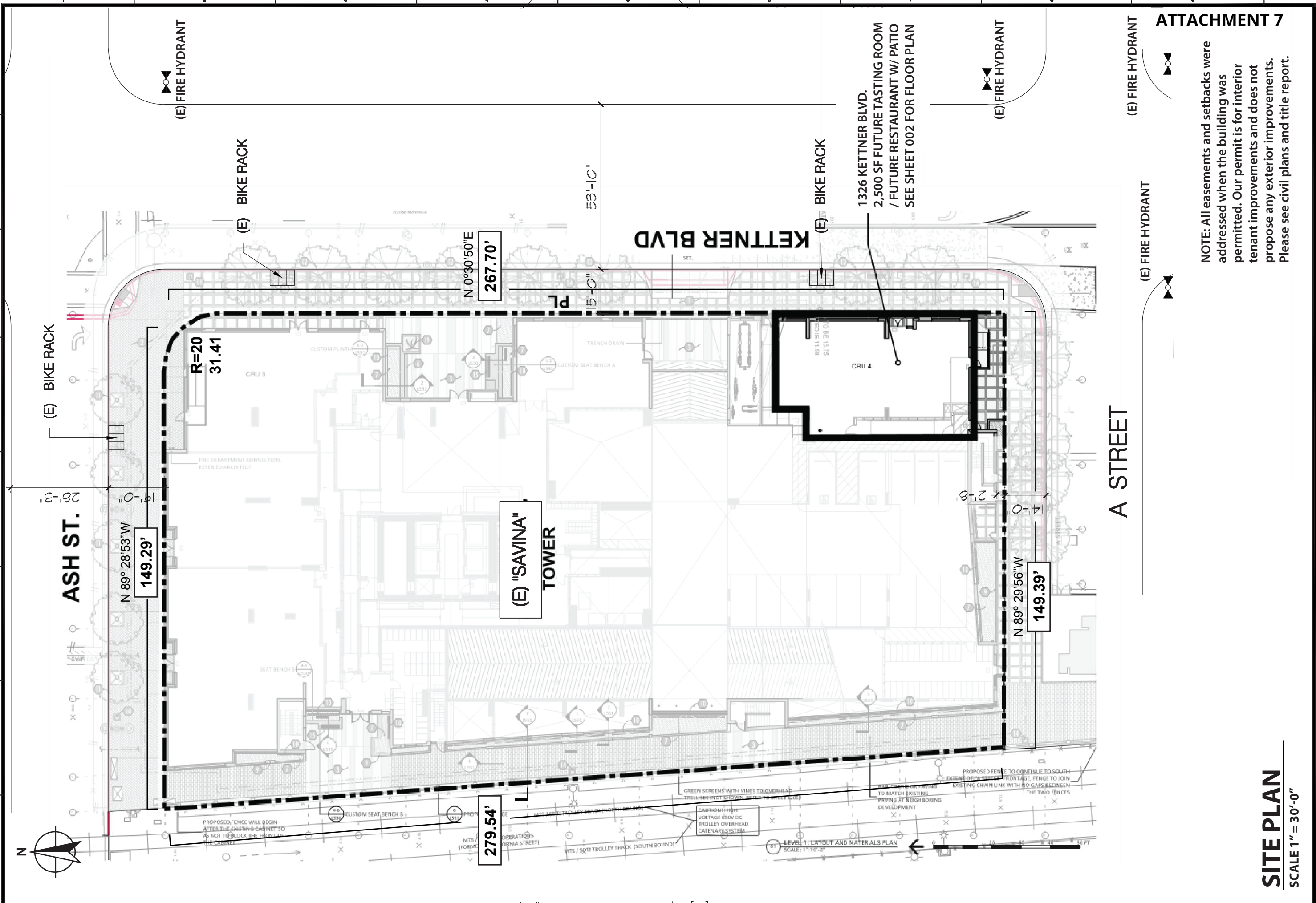
TITLE SHEET

SHEET NUMBER

TS

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ALL DESIGN DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE ORIGINAL UNPUBLISHED WORK OF RICHARD & RICHARD CONSTRUCTION CO. INC. AND MAY NOT BE DUPLICATED, REPRODUCED OR DISCLOSED WITHOUT THE WRITTEN CONSENT OF RICHARD & RICHARD CONSTRUCTION CO. INC.



**SITE PLAN**  
SCALE 1" = 30'-0"

**NOTE:** All easements and setbacks were addressed when the building was permitted. Our permit is for interior tenant improvements and does not propose any exterior improvements. Please see civil plans and title report.

**R&R**  
RICHARD & RICHARD  
CONSTRUCTION COMPANY, INC.  
COMMERCIAL RESIDENTIAL DESIGN BUILD  
234 VENTURE ST., STE 100  
SAN MATEO, CA. 94078  
700-780-2280 FAX 700-780-2280

**Burgeon Beer Co.**  
Tasting Room - Conditional Use Permit  
1326 Kettner Blvd., San Diego Ca. 92101

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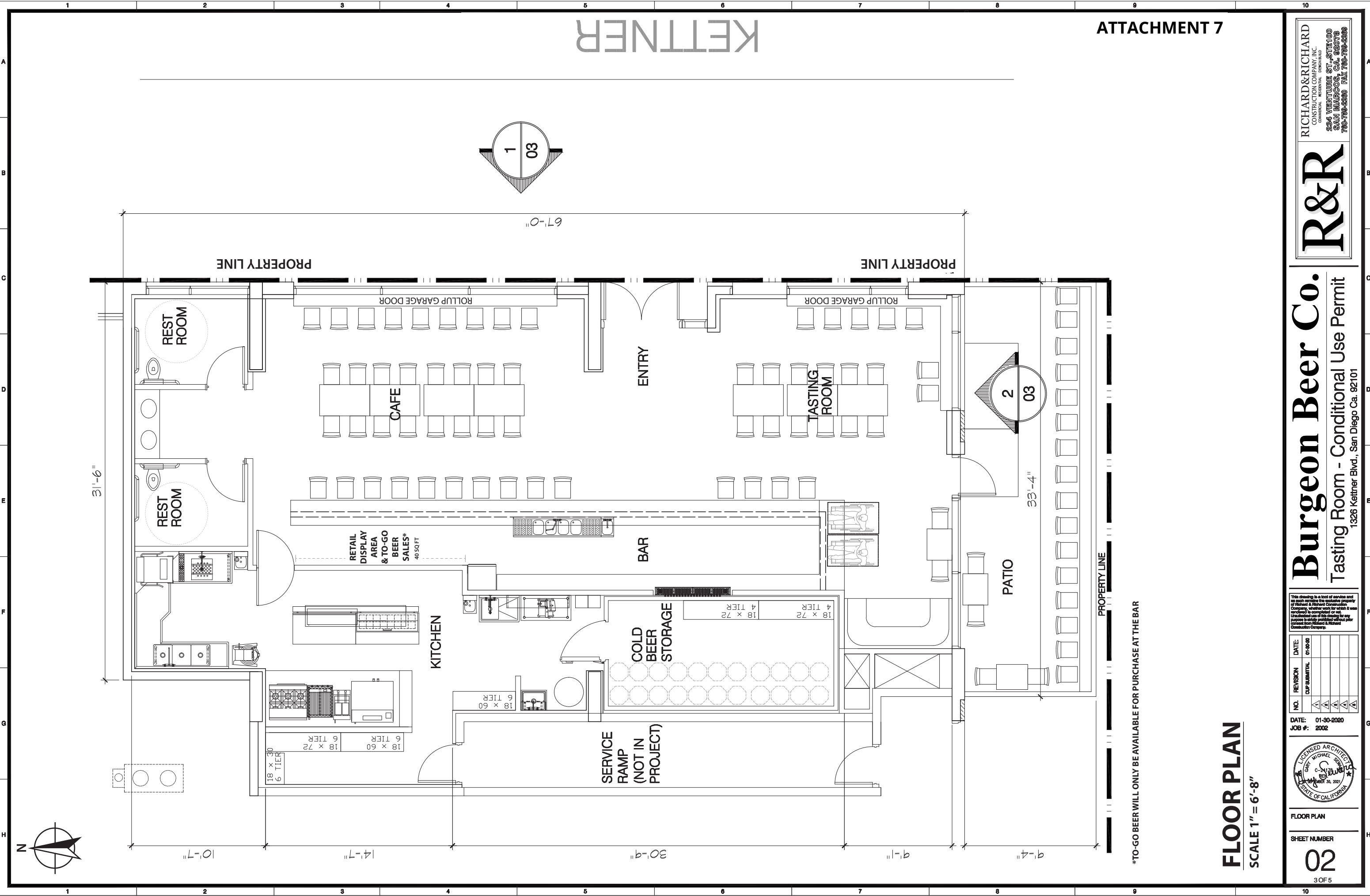
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4	01-30-2020
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6	01-30-2020
7	01-30-2020
8	01-30-2020
9	01-30-2020
10	01-30-2020

DATE: 01-30-2020  
JOB #: 2002



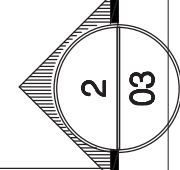
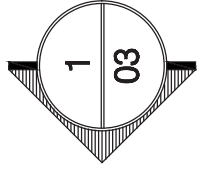
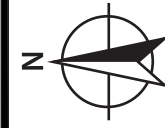
SITE PLAN  
SHEET NUMBER  
**01**  
2 OF 5

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KETTNER

ATTACHMENT 7



\*TO-GO BEER WILL ONLY BE AVAILABLE FOR PURCHASE AT THE BAR

# FLOOR PLAN

SCALE 1" = 6'-8"

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NO.	REVISION	DATE
1	CIP SUBMITTAL	01-30-20

DATE: 01-30-2020  
JOB #: 2002

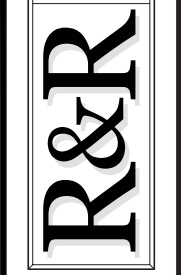


FLOOR PLAN

SHEET NUMBER

02  
3 OF 5

RICHARD & RICHARD  
CONSTRUCTION COMPANY, INC.  
COMMERCIAL RESIDENTIAL DESIGN/BUILD  
234 VENTURE ST., STE 1100  
SAN MARCOS, CA 92078  
700-790-2200 FAX 700-790-2200



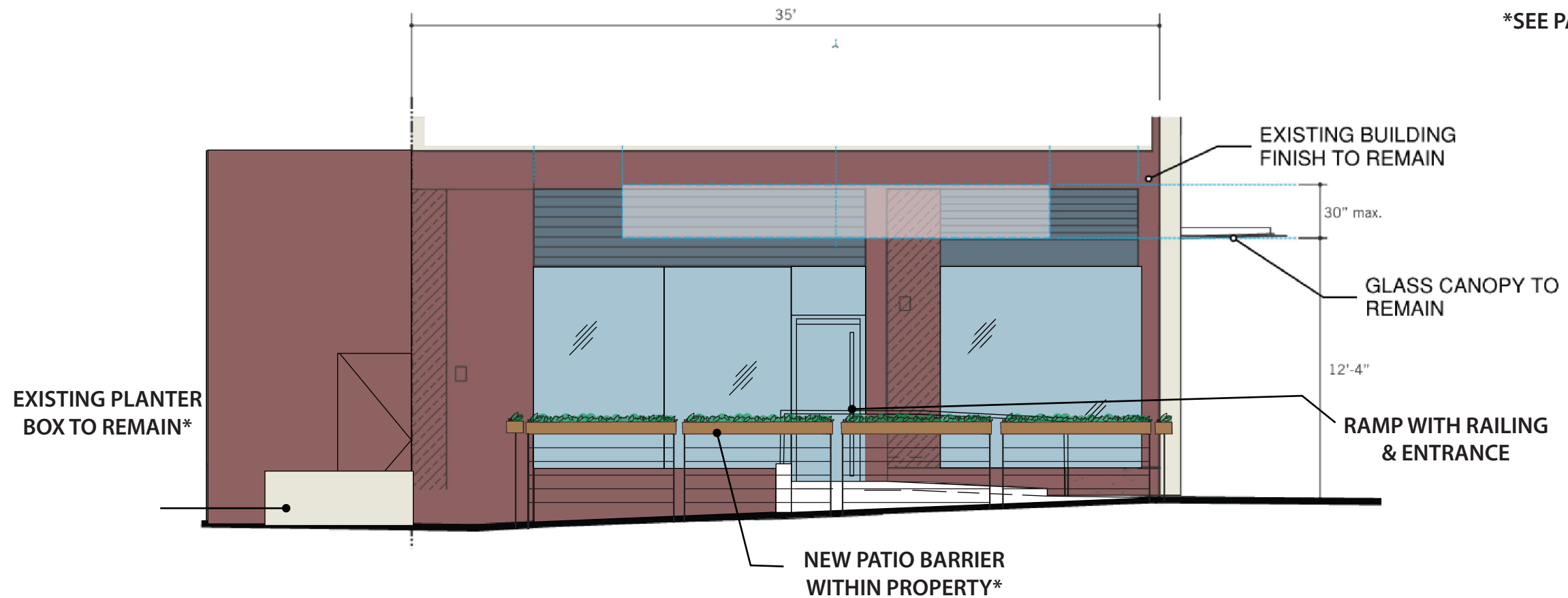
## Burgeon Beer Co.

Tasting Room - Conditional Use Permit  
1326 Kettner Blvd., San Diego Ca. 92101

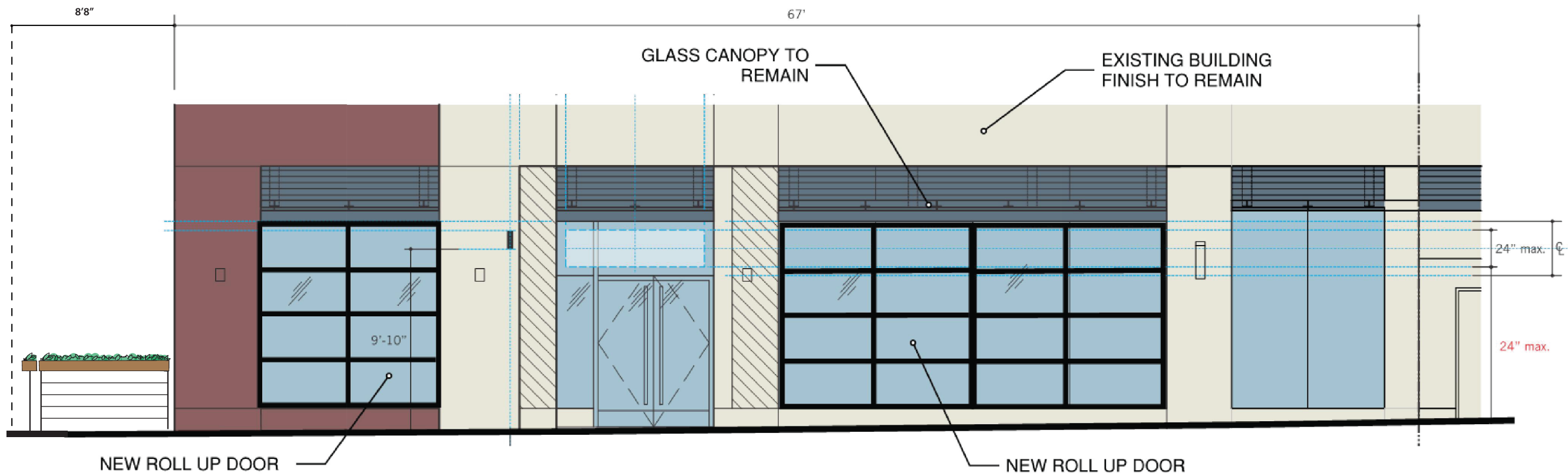


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\*SEE PATIO SITE PLAN FOR DETAILS



2. SOUTH ELEVATION



1. EAST ELEVATION

RICHARD & RICHARD  
CONSTRUCTION COMPANY, INC.  
224 VENTURE ST., STE 100  
SAN MARGO, CA. 92078  
760-759-2200 FAX 760-759-2200

**R&R**

**Burgeon Beer Co.**  
Tasting Room - Conditional Use Permit  
1326 Kettner Blvd., San Diego Ca. 92101

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1	CUP SUBMITTAL	01-30-20

DATE: 01-30-2020  
JOB #: 2002



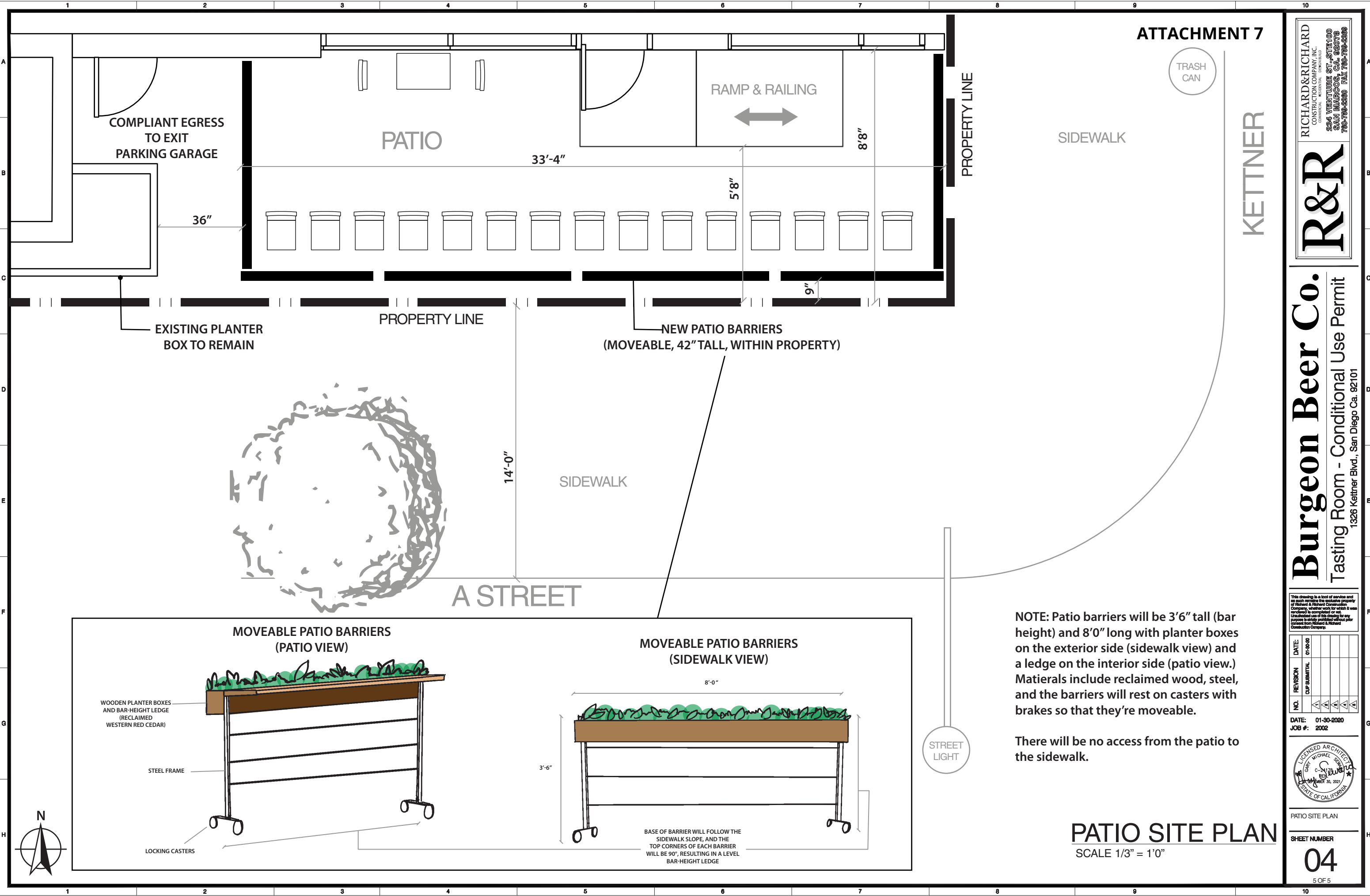
ELEVATIONS

SHEET NUMBER

03  
4 OF 5

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ATTACHMENT 7

TRASH CAN

SIDEWALK

PROPERTY LINE

KETTNER

NEW PATIO BARRIERS  
(MOVEABLE, 42" TALL, WITHIN PROPERTY)

EXISTING PLANTER  
BOX TO REMAIN

A STREET

SIDEWALK

PROPERTY LINE

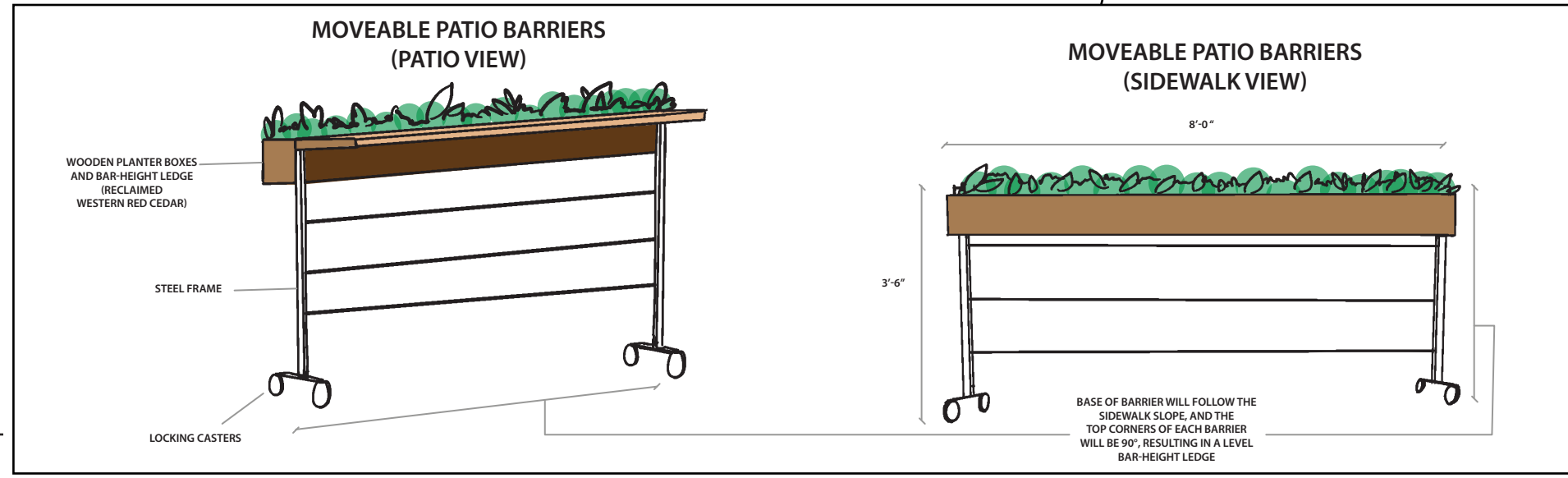
PATIO

RAMP & RAILING

COMPLIANT EGRESS  
TO EXIT  
PARKING GARAGE

NOTE: Patio barriers will be 3'6" tall (bar height) and 8'0" long with planter boxes on the exterior side (sidewalk view) and a ledge on the interior side (patio view.) Materials include reclaimed wood, steel, and the barriers will rest on casters with brakes so that they're moveable.

There will be no access from the patio to the sidewalk.



STREET LIGHT

PATIO SITE PLAN  
SCALE 1/3" = 1'0"

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234 VENTURE ST., STE 1100  
SAN MARCOS, CALIF. 92078  
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JOB #: 2002



PATIO SITE PLAN

SHEET NUMBER

04

5 OF 5

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