



THE CITY OF SAN DIEGO

## Report to the Hearing Officer

DATE ISSUED: May 5, 2021 REPORT NO. HO-21-021

HEARING DATE: May 12, 2021

SUBJECT: ALAN'S MARKET CUP, Process Three Decision

PROJECT NUMBER: [675385](#)

OWNER/APPLICANT: TGSC, LLC/Alan Fatoohi

### SUMMARY

Issue: Should the Hearing Officer approve a Conditional Use Permit to allow the sale of a full-line of alcoholic beverages for off-site consumption within an existing 4,754 square-foot grocery market located at 5950 Santo Road, Units L-N in the CC-3-5 zone within the Tierrasanta Community Plan area?

#### Staff Recommendation:

Approve Conditional Use Permit No. 2483698.

Community Planning Group Recommendation: On November 21, 2020, the Tierrasanta Community Planning Group voted 10-1-0 to recommend approval of the proposed project without conditions/recommendations.

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA sections 15301, Existing Facilities, and section 15305, Minor Alterations in Land Use Limitations. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on March 16, 2021, and the opportunity to appeal that determination ended March 30, 2021.

### BACKGROUND

The project is an application for a Conditional Use Permit (CUP) for an Alcoholic Beverage Outlet to allow the sale of beer, wine and distilled spirits in accordance with a type 21 Alcohol Beverage Control (ABC) license in an existing 4,754 square-foot retail tenant space within an existing shopping center at 5950 Santo Road, Units L-N, adjacent to Santo Road to the East and San Clemente Canyon Freeway to the North (Attachment 1). The project currently has an active type 20 ABC license and is

in the process of acquiring the type 21 ABC license. The 5.2-acre project site is in the CC-3-5 Zone, Airport Land Use Compatibility (MCAS Miramar and Montgomery Field), Airport Influence Area (Review area 2 – MCAS Miramar and Montgomery), and Federal Aviation Administration (FAA) Part 77 Notification Area (MCAS Miramar and Montgomery) Overlay Zones. The site is designated as a Specialized Shopping Center in the Tierrasanta Community Plan (Community Plan) (Attachment 2). The project site is currently improved with a shopping center. Tenant spaces in the building include other retail, restaurants, service station, and car wash and the subject 4,754-square-foot retail space selling food items. Surrounding uses include residential development to the west, south and east, and SR 52 and open space to the north.

On November 19, 2020 the San Diego Police Department (SDPD) provided their recommendation to approve the project and provided conditions relating to the operation of the Alcoholic Beverage Outlet (Condition Nos. 28-33, Attachment 6).

## DISCUSSION

### Development Regulations and Location Criteria

The project proposes a CUP for an active Type 21 (General Liquor) ABC license. A Type 21 ABC license is an “off-sales” general liquor license, which does not allow alcohol sold at the store to be consumed on the premises. The underlying CC-3-5 Zone is intended to accommodate development with a high intensity, pedestrian orientation and community-serving commercial and residential uses and allows Alcoholic Beverage Outlets as a Limited Use subject to regulations set forth in San Diego Municipal Code (SDMC) section 141.0502(b). An Alcoholic Beverage Outlet that does not comply with these requirements, including certain location criteria per SDMC section 141.0502(b)(1), may still be permitted with a Process Three CUP, pursuant to SDMC section 141.0502(c), and requires a recommendation from the San Diego Police Department (SDPD).

The proposed Alcoholic Beverage Outlet at this location requires a CUP because the project site does not meet certain location criteria set forth in SDMC section 141.0502(b)(1) as explained below.

Alcoholic beverage outlets are not permitted in any of the following locations:

- 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 more than 20 percent.**

The premise is within Census Tract (CT) No. 95.02 and is within the Eastern Division’s patrolling responsibility. The reported crime rate for 2019 within CT No. 95.02 was 50.9 percent. A CT is considered to have “high crime” if the crime rate exceeds 120 percent of the city-wide average. The project is not located within a “high crime” CT.

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

The subject property is in CT No. 95.02, which based on the California Business and Professional Code Section 23958.4, permits two off-sale Alcoholic Beverage Outlets. There is currently two existing off-sale Alcoholic Beverage Outlets within CT No. 95.02, one of these being the subject project, as the premises currently has an active Type 20

ABC license (Attachments 10). This project would maintain the number of active licenses at two, and would not exceed the aforementioned standard in this CT.

**3. In an adopted Redevelopment Project Area.**

The subject property is not located within a Redevelopment Project Area.

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

The project site is located within 600 feet of a private accredited school, Bright Horizons, located at 6090 Santo Road. A CUP is required for the sale of alcoholic beverages for off-site consumption at this location based on the project's location within 600 feet of a public or private accredited school.

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

The project site abuts the RS-1-14 Zone to the West and south and is located within 100 feet of residentially zoned properties. Therefore, a CUP is required for the sale of alcoholic beverages for off-site consumption at this location.

Community Plan Consistency

The Tierrasanta Community Plan (Community Plan) designates the site as a specialized shopping center, which should include a combination of neighborhood and specialty retail uses, a theater, restaurants, office space and institutional uses to serve the residents of northern Tierrasanta. The proposal adds to this recommended mix of retail and neighborhood commercial uses and complies with this recommendation by providing a range of goods to fulfill the community's needs. The Community Plan also states that uses for this commercial center shall specify appropriate hours of operation to ensure compatibility with surrounding residential development and minimize potential nuisances to residents. The project is proposing daily hours of operation of 6 AM to 10 PM with alcohol sales also occurring within this timeframe, which are incorporated into the conditions of approval for this project to ensure compliance. The Community Plan does not specifically address the sale of alcohol or Alcoholic Beverage Outlets; however, the sale of alcohol products is defined as a commercial retail use in the Land Development Code and is permitted as a limited use or with approval of a CUP. The proposed sale of beer, wine and distilled spirits within the existing market is consistent with the underlying specialized shopping center land use designation and would provide the range of goods which will fulfill the community's needs.

The underlying CC-3-5 Zone is a Commercial-Community Zone intended to accommodate community-serving commercial services, retail uses, and limited industrial uses of moderate intensity and small to medium scale. The CC zones are intended to provide for a range of development patterns from pedestrian-friendly commercial streets to shopping centers and auto-oriented strip commercial streets. Alcoholic Beverage Outlets are allowed in the CC-3-5 Zones as a Limited Use subject to regulations set forth in SDMC Table 131-05B. The San Diego Police Department (SDPD) has provided their recommendation for the approval of the subject Conditional Use Permit and proposed conditions for the project that include, but are not limited to, hours of operation, advertising, and training for employees. The proposed Alcohol Beverage Outlet use is in conformance with the land use designation and the intent of the Community Plan.

### Alcohol Sales-Project Analysis

As explained above, the proposed Alcoholic Beverage Outlet at this location requires a CUP because the project site does not meet certain location criteria of SDMC section 141.0502(b)(1). Approval of this application would allow the sale of alcohol to be conditioned so that the alcohol sales would not have a negative impact on the surrounding neighborhood. The project has been reviewed by City staff and the SDPD for conformance to the applicable development regulations and land use policies. The SDPD supports the proposed CUP to allow the Alcoholic Beverage Outlet use, subject to conditions pertaining to the sale of alcohol and operations (Attachment 6, Conditions No. 28-33.) City staff supports the proposed Alcoholic Beverage Outlet at this location based on the commercial nature of the primary use of the site, and its location within a commercial building and shopping center. The operation of an Alcoholic Beverage Outlet within the retail store to provide the sale of beer, wine and distilled spirits for consumption off premises is consistent with the commercial use designated in the Community Plan and permitted by the underlying CC-3-5 Zone. Furthermore, both staff and SDPD concluded that if the permit were appropriately conditioned, the proposed alcohol sales would not have an adverse impact on the surrounding neighborhood (Attachment 6).

Staff is recommending approval of the project as conditioned by staff and the SDPD (Attachment 6). The CUP includes conditions that limit the hours of sales, limit advertising, prohibit machines or video game devices on the premises, prohibit loitering and graffiti, and provide for a well-lit area, with the objective to reduce the potential loitering and criminal activity on the property. Additionally, the CUP includes a 10-year expiration. The permit could be extended through the appropriate review and decision process and may be subject to additional conditions at that time.

### Conclusion

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

### ALTERNATIVES

1. Approve Conditional Use Permit No. 2483698 with modifications.
2. Deny Conditional Use Permit No. 2483698, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



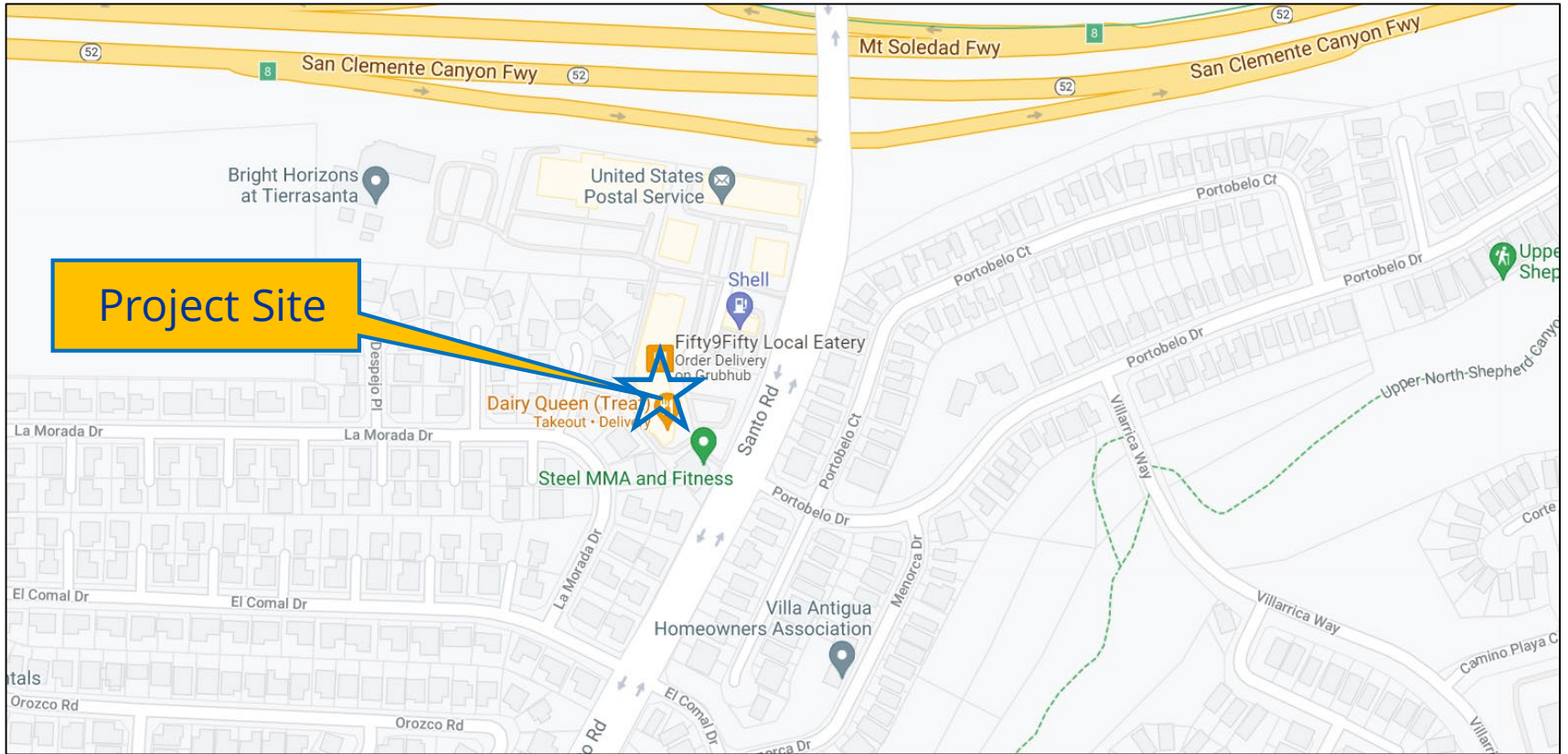
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Elisa Flores, Development Project Manager



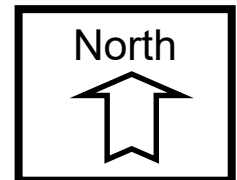
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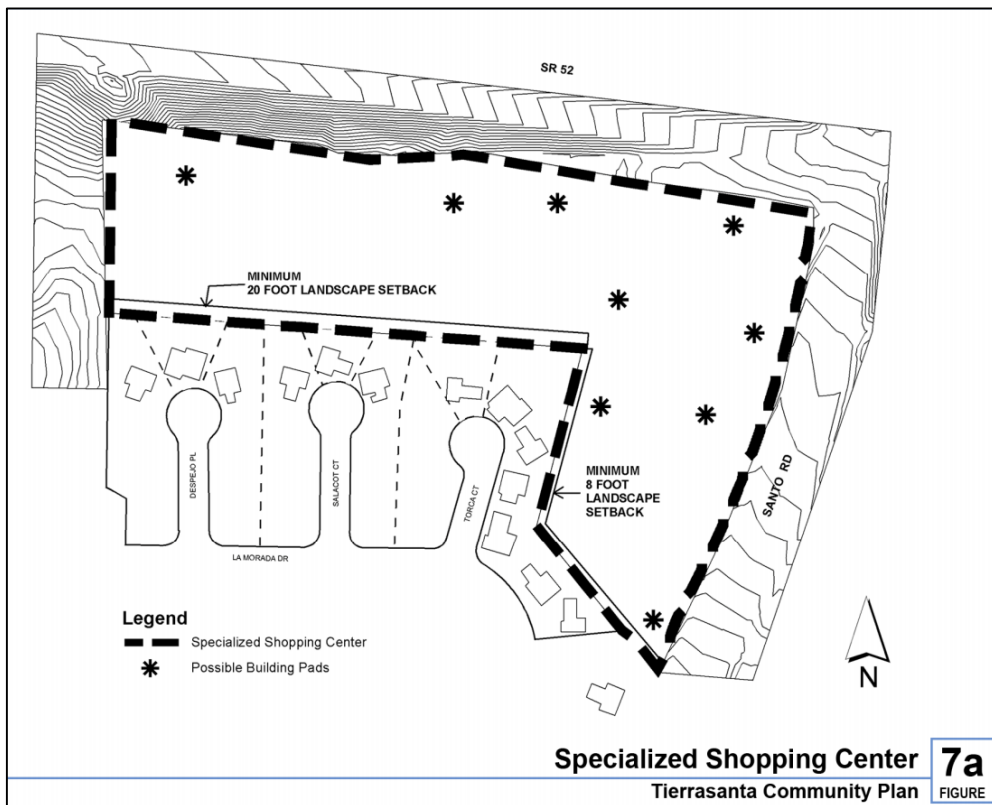
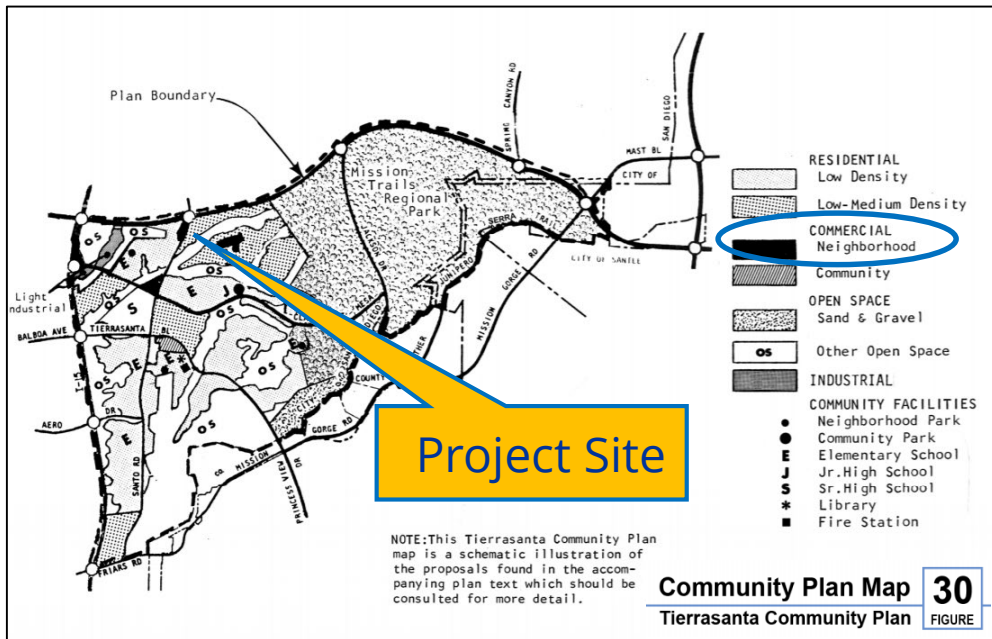
1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Project Data Sheet
5. Draft Resolution with Findings
6. Draft Permit with Conditions
7. Environmental Exemption
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement
10. Map with Census Tract and Alcohol Licenses
11. San Diego Police Department Recommendation
12. Project Plans



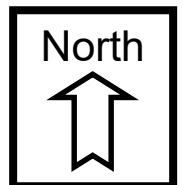
## Project Location Map

Alan's Market CUP / 5950 Santo Road, Units L-N  
PROJECT NO. 675385

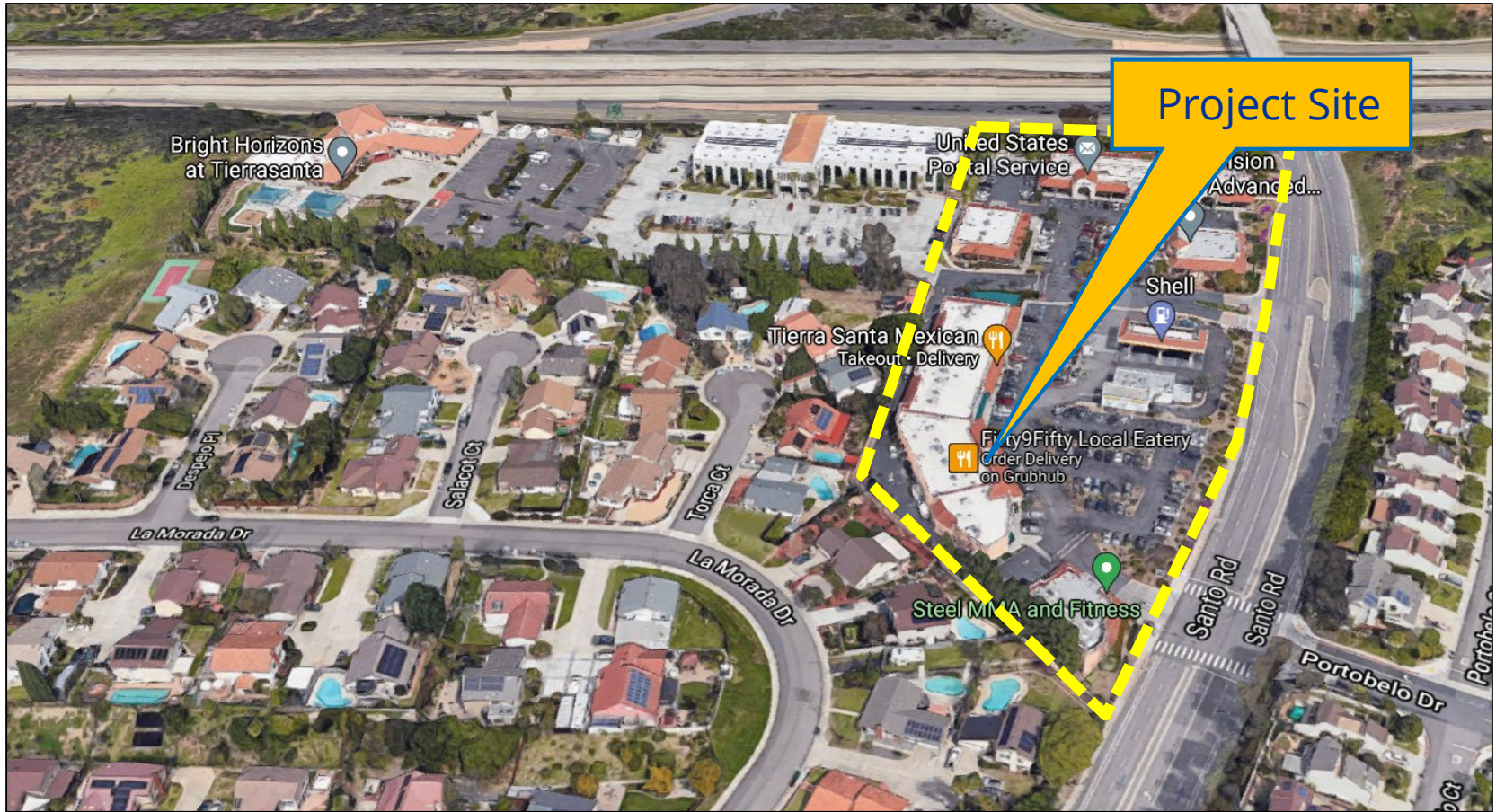




Alan's Market CUP / 5950 Santo Road, Units L-N  
PROJECT NO. 675385



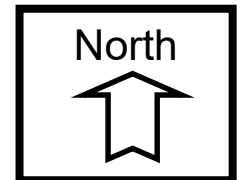




## Aerial Photo

Alan's Market CUP / 5950 Santo Road, Units L-N

PROJECT NO. 675385



PROJECT DATA SHEET		
<b>PROJECT NAME:</b>	Alan's Market CUP	
<b>PROJECT DESCRIPTION:</b>	Conditional Use Permit for the sale of a full-line of alcoholic beverages for off-site consumption in accordance with a Type 21 Alcoholic Beverage Control license, at an existing 4,754 square-foot grocery market.	
<b>COMMUNITY PLAN AREA:</b>	Tierrasanta Community Plan	
<b>DISCRETIONARY ACTIONS:</b>	Conditional Use Permit	
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	Specialized Shopping Center	
<p style="text-align: center;"><b>ZONING INFORMATION:</b></p> <p><b>ZONE:</b> CC-3-5</p> <p><b>HEIGHT LIMIT:</b> 100 feet</p> <p><b>LOT SIZE:</b> 5.2 acres</p> <p><b>FLOOR AREA RATIO:</b> 2.0</p> <p><b>FRONT SETBACK:</b> Max 10 feet (only for 70% of street frontage), Min 0 feet.</p> <p><b>SIDE SETBACK:</b> 10 feet</p> <p><b>STREETSIDE SETBACK:</b> Max 10 feet (only for 70% of street frontage)</p> <p><b>REAR SETBACK:</b> 10 feet</p> <p><b>PARKING:</b> One space per 1,000 square feet of floor area</p>		
<b>ADJACENT PROPERTIES:</b>	<b>LAND USE DESIGNATION &amp; ZONE</b>	<b>EXISTING LAND USE</b>
<b>NORTH:</b>	Commercial Neighborhood; CC-3-5	Shopping Center and Interstate-52
<b>SOUTH:</b>	Low Density; RS-1-14	Single-family residential
<b>EAST:</b>	Low-Medium Density; RM-1-1	Single-family residential
<b>WEST:</b>	Low Density; RS-1-14	Single-family residential
<b>DEVIATION REQUESTED:</b>	None.	
<b>COMMUNITY PLANNING GROUP RECOMMENDATION:</b>	On November 21, 2020, the Tierrasanta Community Planning Group voted 9-1-0 to recommend approval of the project without conditions.	

HEARING OFFICER RESOLUTION NO. [REDACTED]  
CONDITINAL USE PERMIT NO. 2483698  
**ALAN'S MARKET CUP - PROJECT NO. 675385**

WHEREAS, TGSC, LLC, a California limited liability company, Owner, and Alan Fatoohi, Permittee, filed an application with the City of San Diego for a permit to operate an Alcoholic Beverage Outlet within an existing 4,754-square-foot market, 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 Permit No. 2483698), on portions of a 5.2-acre site;

WHEREAS, the project site is located at 5950 Santo Road in the CC-3-5 Zone, Airport Land Use Compatibility (MCAS Miramar and Montgomery Field), Airport Influence Area (Review area 2 – MCAS Miramar and Montgomery), and Federal Aviation Administration (FAA) Part 77 Notification area (MCAS Miramar and Montgomery) Overlay Zones of the Tierrasanta Community Plan area;

WHEREAS, the project site is legally described as Parcel A: Lot 4 of Tierrasanta Gateway, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 12678, filed in the Office of the County Recorder of San Diego County, August 8, 1990. Excepting therefrom all minerals, coals, oils, petroleum, gas and other kindred substances under and in said land, but without the right of entry of the surface thereof, but with the right, however, to drill in, through or under said land or to explore, develop, or take all minerals, coals, oils, petroleum, gas and other kindred substances in and from said land, all such operations to be conducted below a depth of five hundred (500) feet below the surface thereof, as reserved by the Christiana Companies, Inc., in that certain deed on December 9, 1976 as File No. 76-412933 of Official Records; Parcel B: all that certain property located in the City of San Diego, County of San Diego, State of California, described as follows: Lot 1 of Tierrasanta Gateway as shown on Map No. 12678 recorded on August 8, 1990 in the

Office of the County Recorder of San Diego County. Excepting therefrom that certain portion of said Lot 1, described as follows: Beginning at the Southeast corner of the herein above said Lot 2; thence along the southerly line of said Lot 2, North 68' 26'52" West, 143.97 feet; thence, leaving southerly line, South 15' 08'05" West, 22.52 feet; thence South 75' 22' 43' East, 142.49 feet to the most Easterly line of said Lot 1, being a point on a non-tangent curve concave Westerly and having a radius of 1937.00 feet, a radial to said point bears South 68" 17' 41" East; Thence Northerly along the arc of said curve through central angle of 00" 09' 12", a distance of 5.18 feet to the point of beginning. Together with that certain portion of Lot 2 as shown on the hereinabove said Map No. 12678, lying Westerly of the following described line: commencing at the Northwest corner of said Lot 2; thence along the Northerly line of said Lot 2 South 73" 46'20" East, 5.12 feet of the true point of beginning; Thence leaving said Northerly line South 15" 08' 05" West, 166.41 feet to appoint on the Southerly line of said Lot 2, lying 11.03 feet Easterly thereon from the Southwest corner of said Lot 2. Excepting therefrom all minerals, coals, oils, petroleum, gas and other kindred substances under and in said land, but without right of entry of the surface thereof, but with the right, however, to drill in, through or under said land or to explore, develop or take all minerals, coals, oils, petroleum, gas and other kindred substances in and from said land, all such operations to be conducted below a depth of five hundred (500) feet below the surface thereof, as reserved by the Christiana Companies, Inc., in that certain deed on December 9, 1976 as File no. 76-412933 of Official Records; Parcel C: a nonexclusive easement in, to, over and across the pad a parcel common area (as defined in 2(B) of the agreement recorded April 10, 1996 as File No. 1996-0175792) for the limited purpose of providing (i) vehicular and pedestrian ingress, egress and access from adjacent public streets, over and through the curb cuts and established circulation elements and (ii) for purposes of installation and servicing of utilities as disclosed by "Restrictive Covenants, Grant of Easements,

Maintenance Agreement and Repurchase Option” recorded April 19, 1996 as File No. 1996-0175792 of Official Records, subject to the conditions and stipulations contained therein;

WHEREAS, on March 16, 2021 the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guidelines Section 15301, Existing Facilities, and Section 15305, Minor Alterations in Land Use Limitations, 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 May 12, 2021, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2483698 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. 2483698:

**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 proposes a Conditional Use Permit (CUP) to allow the operation of an Alcoholic Beverage Outlet for the sale of beer, wine and distilled spirits for off-site consumption in accordance with a Type 21 Alcoholic Beverage Control (ABC) license within an approximately 4,475-square-foot existing market located within a shopping center at 5950 Santo Road, Units L-N. The 5.2-acre site is in the CC-3-5 Zone, Airport Land Use Compatibility (MCAS Miramar and Montgomery Field), Airport Influence Area (Review area 2 – MCAS Miramar and Montgomery), and Federal Aviation Administration (FAA) Part 77 Notification area (MCAS Miramar and Montgomery) Overlay Zones of the Tierrasanta Community Plan area.

The Tierrasanta Community Plan (Community Plan) designates the site as a specialized shopping center, which should include a combination of neighborhood and specialty retail uses, a theater, restaurants, office space and institutional uses to



serve the residents of northern Tierrasanta. The proposal adds to this recommended mix of retail and neighborhood commercial uses and complies with this recommendation. The Community Plan also states that uses for this commercial center shall specify appropriate hours of operation to ensure compatibility with surrounding residential development and minimize potential nuisances to residents. The project is proposing daily hours of operation of 6 AM to 10 PM, which will be incorporated into any conditions of approval for this project to ensure compliance. The Community Plan does not specifically address the sale of alcohol or Alcoholic Beverage Outlets; however, the sale of alcohol products is defined as a commercial retail use in the Land Development Code and is permitted as a limited use or with approval of a CUP. The proposed sale of beer, wine and distilled spirits within the existing convenience store is consistent with the underlying specialized shopping center land use designation and would provide the range of goods which will fulfill the community's needs.

The underlying CC-3-5 Zone is a Commercial-Community Zone intended to accommodate community-serving commercial services, retail uses, and limited industrial uses of moderate intensity and small to medium scale. The CC zones are intended to provide for a range of development patterns from pedestrian-friendly commercial streets to shopping centers and auto-oriented strip commercial streets. Alcoholic Beverage Outlets are allowed in the CC-3-5 Zones as a Limited Use subject to regulations set forth in SDMC Table 131-05B. The San Diego Police Department (SDPD) has provided their recommendation for the approval of the subject Conditional Use Permit and proposed conditions for the project that include, but are not limited to, hours of operation, advertising, and training for employees. The proposed Alcohol Beverage Outlet use is in conformance with the land use designation and the intent of the Community Plan. Therefore, based on the above, the proposed development will not adversely affect the applicable land use plan.

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

The primary use on the site is a market, which is a commercial development. The operation of an Alcoholic Beverage Outlet within the market is consistent with the specialized shopping center use designated in the Community Plan and allowed in the CC-3-5 Zone with a CUP at this location. The proposed Alcoholic Beverage Outlet at this location requires a CUP because the project site does not meet certain location criteria set forth in SDMC section 141.0502(b)(1), as the project site is within 600 feet of a private school and is within 100 feet of a residential zoned property. However, approval of this application would allow the sale of beer, wine and distilled spirits for off-site consumption to be conditioned so that the alcohol sales would not have a negative impact on the surrounding neighborhood. These include, but are not limited to, hours of operation, advertising, and loitering. The conditions stipulated as part of the CUP minimize any potential harm to public health, safety and welfare.

The CUP includes conditions that prohibit arcade games or video game devices on the premises, prohibit loitering and graffiti, and prohibit public pay phones.

Additionally, all retail employees are to be trained in ABC regulations through the Licensee Education on Alcohol and Drugs (LEAD) program and theft deterrence policies against the sale of alcoholic beverages to those under 21 years of age or intoxicated. The CUP also includes recommendations from the San Diego Police Department for the ABC license that limits the sale of budget alcohol items by having restrictions on container size and packaging. Furthermore, the project is subject to all federal, state, and other local codes related to alcohol beverage sales, which would further ensure that the subject Alcoholic Beverage Outlet would not have an adverse impact on the public health, safety, and welfare. Based on the above, 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 is a request for a CUP to allow the operation of an Alcoholic Beverage Outlet in accordance with an ABC Type 21 license, in an existing market. The 5.2-acre site is located at 5950 Santo Road, Units L-N, in the CC-3-5 Zone, Airport Land Use Compatibility (MCAS Miramar and Montgomery Field), Airport Influence Area (Review area 2 – MCAS Miramar and Montgomery), and Federal Aviation Administration (FAA) Part 77 Notification area (MCAS Miramar and Montgomery) Overlay Zones of the Tierrasanta Community Plan area.

A Type 21 ABC license is defined as Off-Sale General, which authorizes the sale of beer, wine and distilled spirits for off-site consumption. The underlying CC-3-5, which is a Commercial-Community Zone intended to accommodate community-serving commercial services, retail uses, and limited industrial uses of moderate intensity and small to medium scale, allows Alcoholic Beverage Outlets as a Limited Use subject to regulations set forth in SDMC Table 131-05B and SDMC Section 141.0502, and may be approved with a CUP if certain limited use location criteria are not met.

The CUP for the project includes various conditions and corresponding exhibits of approval relevant to achieve compliance with the SDMC relative to lighting, loitering, litter, graffiti, and advertising. Although the project site does not meet certain location criteria set forth in SDMC section 141.0502(b)(1) because the project site is within 600 feet of a private school and within 100 feet of a residential zoned property, the conditions of approval minimize any potential harm to public health, safety, and welfare. No variance or deviations are requested as part of this application. Therefore, the proposed development will comply with the regulations of the Land Development Code.

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

The project is a request to allow the operation of an Alcoholic Beverage Outlet for the sale of beer, wine and distilled spirits for off-site consumption with a Type 21

ABC license within an approximately 4,475-square-foot existing market located in a shopping center at 5950 Santo Road, Units L-N.

The project site is within the CC-3-5 Zone and designated specialized shopping center in the Community Plan. The Community Plan land use designation is intended to encourage a combination of neighborhood and specialty retail uses, a theater, restaurants, office space and institutional uses to serve the residents of northern Tierrasanta. The underlying CC-3-5 Zone, which is a Commercial-Community Zone intended to accommodate community-serving commercial services, retail uses, and limited industrial uses of moderate intensity and small to medium scale, allows Alcoholic Beverage Outlets as a Limited Use subject to regulations set forth in SDMC Table 131-05B and SDMC Section 141.0502, and may be approved with a CUP if certain limited use location criteria are not met. The proposed Alcoholic Beverage Outlet is allowed at this location with a CUP. The use of the site as a retail establishment is consistent with the commercial designation in the Community Plan and the CC-3-5 Zone.

Approval of this application would allow the sale of beer, wine and distilled spirits to be conditioned so that alcohol sales would not have a negative impact on the surrounding neighborhood. Although the project site does not meet certain location criteria set forth in SDMC section 141.0502(b)(1), such as the project site being within 600 feet of a private school and being within 100 feet of a residential zoned property, the conditions of approval as part of the CUP minimize any potential harm to public health, safety and welfare. The CUP includes conditions that prohibit machines or video game devices on the premises, prohibit loitering and graffiti, prohibit public pay phones, and limit advertising. Additionally, all retail employees are to be trained in ABC regulations (LEAD), theft deterrence policies against the sale of alcoholic beverages to those under 21 years of age or intoxicated. The CUP also includes recommended conditions for the ABC license that limits the sale of budget alcohol items by having restrictions on container size and packaging.

The sale of beer, wine and distilled spirits within the market expands the retail merchandise and is consistent with the commercial nature of the primary use. The proposed Alcoholic Beverage Outlet is consistent with the underlying commercial designation per the Community Plan and the CC-3-5 Zone and is allowed at this location with a CUP. Therefore, based on the commercial retail nature of the market's primary use within the existing shopping center, and conditions of approval, the proposed development would be appropriate at the proposed location.

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

## ATTACHMENT 5

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 2483698 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 2483698, a copy of which is attached hereto and made a part hereof.

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Elisa Flores  
Development Project Manager  
Development Services

Adopted on: May 12, 2021

IO#: 24008748

**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: 24008748

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITINAL USE PERMIT NO. 2483698

**ALAN'S MARKET CUP - PROJECT NO. 675385**

HEARING OFFICER

This Conditional Use Permit No. 2483698 is granted by the Hearing Officer of the City of San Diego to TGSC, LLC, a California limited liability company, Owner, and Alan Fatoohi, Permittee, pursuant to San Diego Municipal Code [SDMC] section 141.0502 and 126.0305. The 5.2-acre site is located at 5950 Santo Road, Units L-N, in the CC-3-5 Zone, Airport Land Use Compatibility (MCAS Miramar and Montgomery Field), Airport Influence Area (Review area 2 – MCAS Miramar and Montgomery), and Federal Aviation Administration (FAA) Part 77 Notification area (MCAS Miramar and Montgomery) Overlay Zones of the Tierrasanta Community Plan area. The project site is legally described as: Parcel A: Lot 4 of Tierrasanta Gateway, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 12678, filed in the Office of the County Recorder of San Diego County, August 8, 1990. Excepting therefrom all minerals, coals, oils, petroleum, gas and other kindred substances under and in said land, but without the right of entry of the surface thereof, but with the right, however, to drill in, through or under said land or to explore, develop, or take all minerals, coals, oils, petroleum, gas and other kindred substances in and from said land, all such operations to be conducted below a depth of five hundred (500) feet below the surface thereof, as reserved by the Christiana Companies, Inc., in that certain deed on December 9, 1976 as File No. 76-412933 of Official Records; Parcel B: all that certain property located in the City of San Diego, County of San Diego, State of California, described as follows: Lot 1 of Tierrasanta Gateway as shown on Map No. 12678 recorded on August 8, 1990 in the Office of the County Recorder of San Diego County. Excepting therefrom that certain portion of said Lot 1, described as follows: Beginning at the Southeast corner of the herein above said Lot 2; thence along the southerly line of said Lot 2, North 68° 26'52" West, 143.97 feet; thence, leaving southerly line, South 15° 08'05" West, 22.52 feet; thence South 75° 22' 43" East, 142.49 feet to the most Easterly line of said Lot 1, being a point on a non-tangent curve concave Westerly and having a radius of 1937.00 feet, a radial to said point bears South 68° 17' 41" East; Thence Northerly along the arc of said curve through central angle of 00° 09' 12", a distance of 5.18 feet to the point of beginning. Together with that certain portion of Lot 2 as shown on the hereinabove said Map No. 12678, lying Westerly of the following described line: commencing at the Northwest corner of said Lot 2; thence along the Northerly line of said Lot 2 South 73° 46'20" East, 5.12 feet of the true point of beginning; Thence leaving said Northerly line South 15° 08' 05" West, 166.41 feet to appoint on the Southerly line of said Lot 2, lying 11.03 feet Easterly thereon from the Southwest corner of said Lot 2. Excepting therefrom all minerals, coals,

oils, petroleum, gas and other kindred substances under and in said land, but without right of entry of the surface thereof, but with the right, however, to drill in, through or under said land or to explore, develop or take all minerals, coals, oils, petroleum, gas and other kindred substances in and from said land, all such operations to be conducted below a depth of five hundred (500) feet below the surface thereof, as reserved by the Christiana Companies, Inc., in that certain deed on December 9, 1976 as File no. 76-412933 of Official Records; Parcel C: a nonexclusive easement in, to, over and across the pad a parcel common area (as defined in 2(B) of the agreement recorded April 10, 1996 as File No. 1996-0175792) for the limited purpose of providing (i) vehicular and pedestrian ingress, egress and access from adjacent public streets, over and through the curb cuts and established circulation elements and (ii) for purposes of installation and servicing of utilities as disclosed by "Restrictive Covenants, Grant of Easements, Maintenance Agreement and Repurchase Option" recorded April 19, 1996 as File No. 1996-0175792 of Official Records, subject to the conditions and stipulations contained therein.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner to operate an alcoholic beverage outlet conditioned upon the issuance of a license from the State Department of Alcoholic Beverage Control and subject to the City's land use regulations] described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated May 12, 2021, on file in the Development Services Department.

The project shall include:

- a. The operation of an Alcoholic Beverage Outlet within an existing 4,754 square-foot market, conditioned upon the issuance of a Type 21 license from the State Department of Alcoholic Beverage Control;
- b. Off-street parking;
- c. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by May 27, 2024.

2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on May 27, 2031. The Owner/Permittee may request that the expiration date be extended in accordance with SDMC section 141.0502(c)(7).

3. The utilization of this CUP is contingent upon the approval of a license to sell alcohol at this location by the California Department of Alcoholic Beverage Control [ABC]. The issuance of this CUP does not guarantee that the ABC will grant an alcoholic beverage license for this location.
4. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
5. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
6. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
7. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
8. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
9. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
10. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
11. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this

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

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

**PLANNING/DESIGN REQUIREMENTS:**

13. The automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing authorized by the appropriate City decision maker in accordance with the SDMC.

14. Owner/Permittee shall post a copy of the Conditional Use Permit conditions in the licensed premises in a place where they may be readily viewed by any member of the general public or any member of a government agency.

15. The sale of alcoholic beverages shall be accessory and limited to a maximum of 10% of the gross floor area of the market as shown on Exhibit "A".

16. 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.

17. Pool or billiard tables, foosball or pinball games, arcade style video and electronic games, or coin-operated amusement devices are not permitted on the premises.



18. Exterior public pay phones that permit incoming calls are not permitted on the premises, adjacent public sidewalks, or areas under the control of the Owner/Permittee.
19. The Owner/Permittee shall provide illumination, at a minimum level of 0.4-foot candles per square foot, on the exterior of the alcoholic beverage outlet, including adjacent public sidewalks and areas under the control of the Owner/Permittee. The illumination shall be in operation during all hours of darkness while the outlet is open for business so that persons standing on or near the premises at night are identifiable by law enforcement personnel. The required illumination shall be shielded and directed so that it does not shine on adjacent properties.
20. A maximum of 33 percent of the square footage of the windows and doors of the premises may bear advertising or signs of any sort, except for any advertising prohibited by law. All advertising and signs shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the outlet.
21. The Owner/Permittee of the alcoholic beverage outlet shall post a prominent, permanent sign or signs stating, "No loitering, consumption of alcoholic beverages, or open alcoholic beverage containers are allowed inside the premises, in the parking area, or on the public sidewalks adjacent to the premises, violators are subject to arrest." The sign shall be at least two square feet with two-inch block lettering. The sign shall be in English and Spanish.
22. The Owner/Permittee shall list a business address and telephone number in the Pacific Bell/San Diego telephone directory or other similarly distributed directory.
23. The Owner/Permittee shall provide trash receptacles, conveniently located for use by patrons, inside and outside the alcoholic beverage outlet, including adjacent public sidewalks and areas under the control of the Owner/Permittee. At least one 13-gallon trash receptacle shall be located inside the premises. At least one 32-gallon trash receptacle shall be located outside the alcoholic beverage outlet, and at least one additional 32-gallon trash receptacle shall be located in the parking areas under the control of the Owner/Permittee.
24. 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.
25. The hours of operation for the market shall be between 6 AM and 10 PM.
26. The Conditional Use Permit shall include a date on which the permit will expire and become void. This date shall not be less than 10 years from the approval date of the Conditional Use Permit.

**POLICE DEPARTMENT REQUIREMENTS:**

27. The sales of alcoholic beverage shall be permitted between the hours of 6 AM to midnight each day of the week.

28. Exterior advertising of alcoholic beverages, or interior advertising of alcoholic beverages that is visible from the exterior of the premises shall be prohibited.
29. No wine or distilled spirits shall be sold in containers of less than 200 milliliters.
30. Beer, malt beverage products or wine cooler products, regardless of container size, must be in manufacturer pre-packaged multi-unit quantities. No singles.
31. The sale of beer or malt beverages in kegs is prohibited.
32. All retail employees are trained in ABC regulations (LEAD), theft deterrence and policies against the sale of alcoholic beverages to those under 21 years of age, transient and/or intoxicated.

**INFORMATION ONLY:**

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

APPROVED by the Hearing Officer of the City of San Diego on May 12, 2021 and [Approved Resolution Number].

## ATTACHMENT 6

Permit Type/PTS Approval No.: Conditional Use Permit No. 2483698  
Date of Approval: May 12, 2021

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

\_\_\_\_\_  
Elisa Flores  
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.

**TGSC LLC,  
a California limited liability company**  
Owner

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

Permittee

By \_\_\_\_\_  
Alan Fatoohi  
Tenant/Lessee

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

## NOTICE OF EXEMPTION

*(Check one or both)*

TO: ☒ Recorder/County Clerk  
 P.O. Box 1750, MS A-33  
 1600 Pacific Hwy, Room 260  
 San Diego, CA 92101-2400

From: City of San Diego  
 Development Services Department  
 1222 First Avenue, MS 501  
 San Diego, CA 92101

☐ Office of Planning and Research  
 1400 Tenth Street, Room 121  
 Sacramento, CA 95814

**Project Name/Number:** Alan's Market CUP / 675385

**SCH No.:** N/A

**Project Location-Specific:** 5950 Santo Road, San Diego, CA 92124

**Project Location-City/County:** San Diego/San Diego

**Description of nature and purpose of the Project:** Conditional Use Permit (CUP) to allow the sale of a full-line of alcoholic beverages for off-site consumption, at an existing 4,754 square-foot grocery market located at 5950 Santo Road, Units L-N. The 5.2-acre site is in the CC-3-5 Zone, ALUC (MCAS Miramar and Montgomery Field), AIA (Rev 2 - MCAS and Montgomery), FAA (MCAS and Montgomery) Overlay Zones within the Tierrasanta Community Plan area in Council District 7.

**Name of Public Agency Approving Project:** City of San Diego

**Name of Person or Agency Carrying Out Project:** 1801 Teton Pass, El Cajon, CA 92019, 626-683-9777

**Exempt Status:** (CHECK ONE)

- ☐ Ministerial (Sec. 21080(b)(1); 15268)  
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a))  
☐ Emergency Project (Sec. 21080(b)(4); 15269 (b)(c))  
☒ Categorical Exemption: Section 15301, Existing Facilities and 15305, Minor Alterations in Land Use Limitations.  
☐ Statutory Exemptions:  
☐ Other:

**Reasons why project is exempt:** The City of San Diego determined that the project would qualify to be categorically exempt from CEQA pursuant to Section 15301, Existing Facilities and 15305, Minor Alterations in Land Use Limitations; and where the exceptions listed in Section 15300.2 would not apply.

**Lead Agency Contact Person:** Courtney Holowach

**Telephone:** 619-446-5187

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? ☐ Yes ☐ No

It is hereby certified that the City of San Diego has determined the above activity to be exempt from CEQA



for Jeff Szymanski, Senior Planner

Signature/Title


4/13/21

Date

**Check One:**

- ☒ Signed By Lead Agency  
☐ Signed by Applicant

Date Received for Filing with County Clerk or OPR:

Page 3		City of San Diego • Information Bulletin 620		May 2020	
		<b>City of San Diego Development Services</b>		<b>Community Planning Committee Distribution Form</b>	
Project Name: Digital-Alan's Market CUP			Project Number: 675385		
Community: Tierrasanta					
<p>For project scope and contact information (project manager and applicant), log into OpenDSD at <a href="https://aca.accela.com/SANDIEGO">https://aca.accela.com/SANDIEGO</a>.</p> <p>Select "Search for Project Status" and input the Project Number to access project information.</p>					
<input checked="" type="checkbox"/> Vote to Approve <input type="checkbox"/> Vote to Approve with Conditions Listed Below <input type="checkbox"/> Vote to Approve with Non-Binding Recommendations Listed Below <input type="checkbox"/> Vote to Deny					
# of Members Yes 9		# of Members No 1		# of Members Abstain 0	
Conditions or Recommendations:					
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)					
NAME: Stephen Muckle					
TITLE: Chair				DATE: November 21, 2020	
<i>Attach additional pages if necessary (maximum 3 attachments).</i>					

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

**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:** Alan's Market **Project No. For City Use Only:** \_\_\_\_\_

**Project Address:** 5950 Santo Rd., suites L-N, San Diego, CA 92124

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

☒ Corporation ☐ Limited Liability -or- ☐ General - What State? California Corporate Identification No. 200206810307  
☐ 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: TGSC LLC ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency  
 Street Address: PO Box 181977  
 City: CORONADO State: CA Zip: 92178  
 Phone No.: 619 342 7207 Fax No.: 619 342 7207 Email: Help@smiser.net  
 Signature: [Signature] Date: 9/6/20  
 Additional pages Attached: ☐ Yes ☒ No

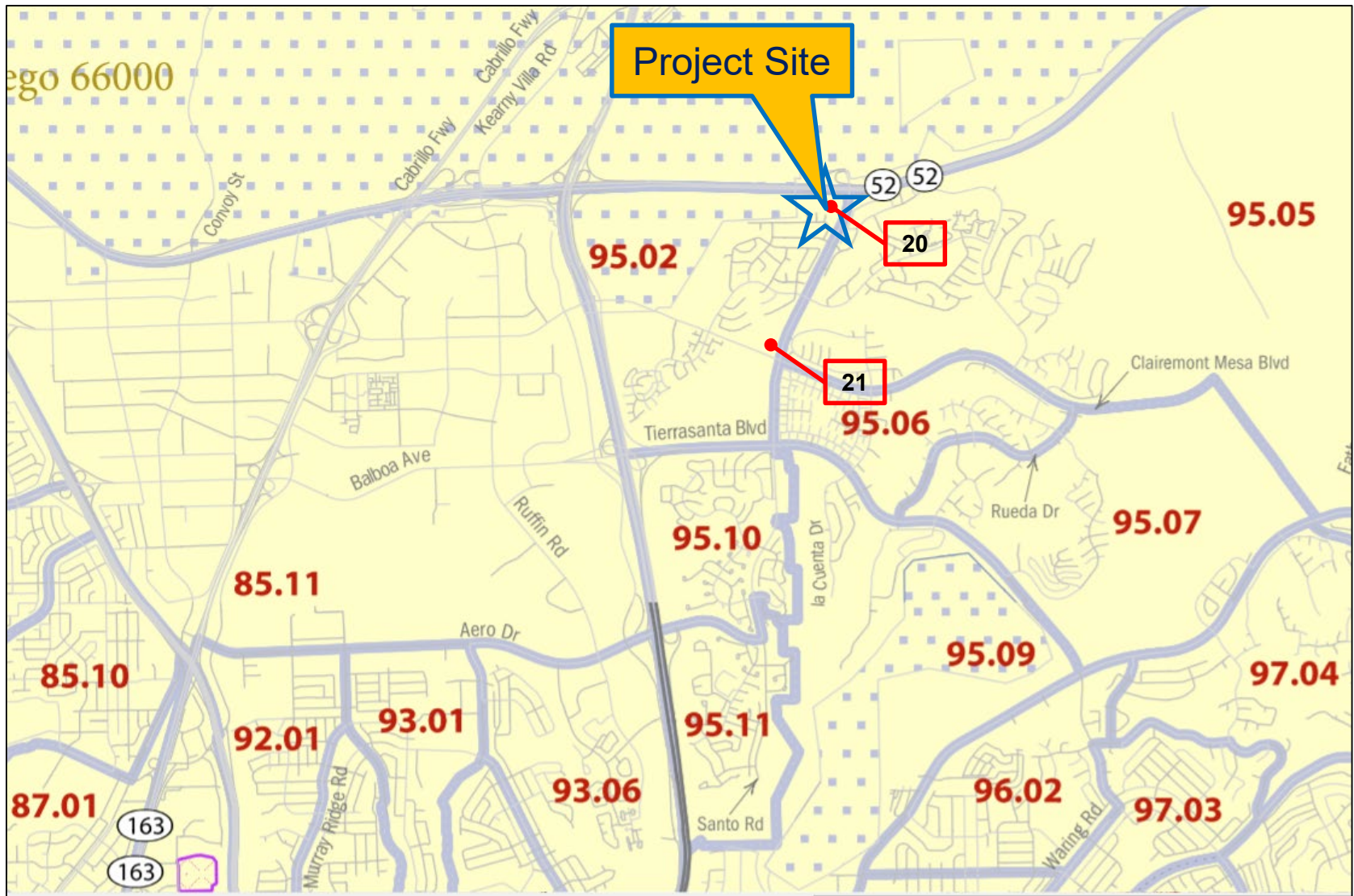
**Applicant**

Name of Individual: ALAN Fatoohi ☐ Owner ☒ Tenant/Lessee ☐ Successor Agency  
 Street Address: 1801 Teton pass st  
 City: EL Cajon State: CA Zip: 92019  
 Phone No.: 619 972 1516 Fax No.: \_\_\_\_\_ Email: Alan.Fatoohi@cox.net  
 Signature: Alan Fatoohi Date: Sep 6, 2020  
 Additional pages Attached: ☐ Yes ☐ No

**Other Financially Interested Persons**

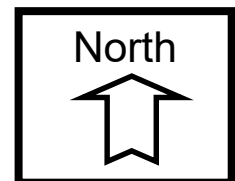
Name of Individual: \_\_\_\_\_ ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency  
 Street Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_ Email: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Additional pages Attached: ☐ Yes ☐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





## Liquor Licenses within Census Tract 95.02

Alan's Market CUP / 5950 Santo Road, Unit L-N  
PROJECT NO. 675385







CALIFORNIA DEPARTMENT OF

# Alcoholic Beverage Control

[Having trouble viewing the report?](#)

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**Results for:** License Type

**County:** SAN DIEGO County

**Census Tract:** 95.02

**Report Date:** Thursday, April 22, 2021

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## Search

*Results will be filtered as you type*

0 Results

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**License Number: 614545**

**Status:**ACTIVE **License Type:**20 **Orig. Iss. Date:**03/23/2020 **Expir. Date:**02/28/2022

5950 SANTO RD, STES L-N,  
SAN DIEGO, CA 92124-1197

**Primary Owner:**ALAN'S LIQUOR **Premises Addr.:**Census Tract: 0095.02

**Business Name:** **Geo Code:**3710

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CALIFORNIA DEPARTMENT OF

# Alcoholic Beverage Control

[Having trouble viewing the report?](#)

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**Results for:** License Type

**County:** SAN DIEGO County

**Census Tract:** 95.02

**Report Date:** Thursday, April 22, 2021

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## Search

*Results will be filtered as you type*

0 Results

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## License Number: 27357

**Status:**ACTIVE **License Type:**21 **Orig. Iss. Date:**02/01/1975 **Expir. Date:**06/30/2021

**Primary Owner:**VONS COMPANIES INC THE **Premises Addr.:**

10460 CLAIREMONT MESA BLVD,  
SAN DIEGO, CA 92124

Census Tract: 0095.02

**Business Name:** VONS 2134 **Geo Code:**3710

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## SAN DIEGO POLICE DEPARTMENT CONDITIONAL USE PERMIT RECOMMENDATION

PREMISE ADDRESS: 5950 Santo Road Suites L-N, San Diego CA 92124

TYPE OF BUSINESS: Market

FEDERAL CENSUS TRACT: 95.02

NUMBER OF ALCOHOL LICENSES ALLOWED: 2

NUMBER OF ALCOHOL LICENSES EXISTING: 2

CRIME RATE IN THIS CENSUS TRACT: 50.9  
(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 675385

This premise falls within Census Tract 95.02 and is within Eastern Division's patrolling responsibility. The reported crime rate for 2019 within CT 95.02 was 50.9% and alcohol crime rate of 9.6%. Anything above 120% is considered high crime. The census tract has 2 active Off-Sale licenses where the ABC authorizes 2.

5950 Santo Road Suits L-N are located within 600 feet of an incompatible facilities. Bright Horizons at Tierrasanta day care facility is located at 6090 Santo Road. To get to Bright Horizons day care you must travel through the parking lot of 5950 Santo Road. Per Google Earth Bright Horizons is located approximately 520 feet from 5950 Santo Road.

5950 Santo Road has residential properties to the south and east of the building. The shopping center is located in a residential area to the south, east, and west and is bordered by California State Route 52.

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

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 200 milliliters.

1/7/19

3. Beer, malt beverage products or wine cooler products, regardless of container size, must be sold in manufacturer pre-packaged multi-unit quantities. No singles.
4. The sale of beer or malt beverages in kegs is prohibited.
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, transient and/or intoxicated.
10. There shall be no exterior alcoholic advertising or signage of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of these conditions.

## SAN DIEGO POLICE DEPARTMENT RECOMMENDATION:

APPROVE ✓

DENY \_\_\_\_\_

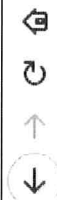
Benjamin M'Curry  
Name of SDPD Vice Sergeant (Print)

(619) 531-2973  
Telephone Number

*Ben M'Curry*  
Signature of SDPD Vice Sergeant

11-19-20  
Date of Review





https://earth.google.com/web/@32.83986111,-117.09928172,129.93392071a,686.79644553d,35y,0h,0t,0r



You are currently running an experimental version of Earth.

Learn more

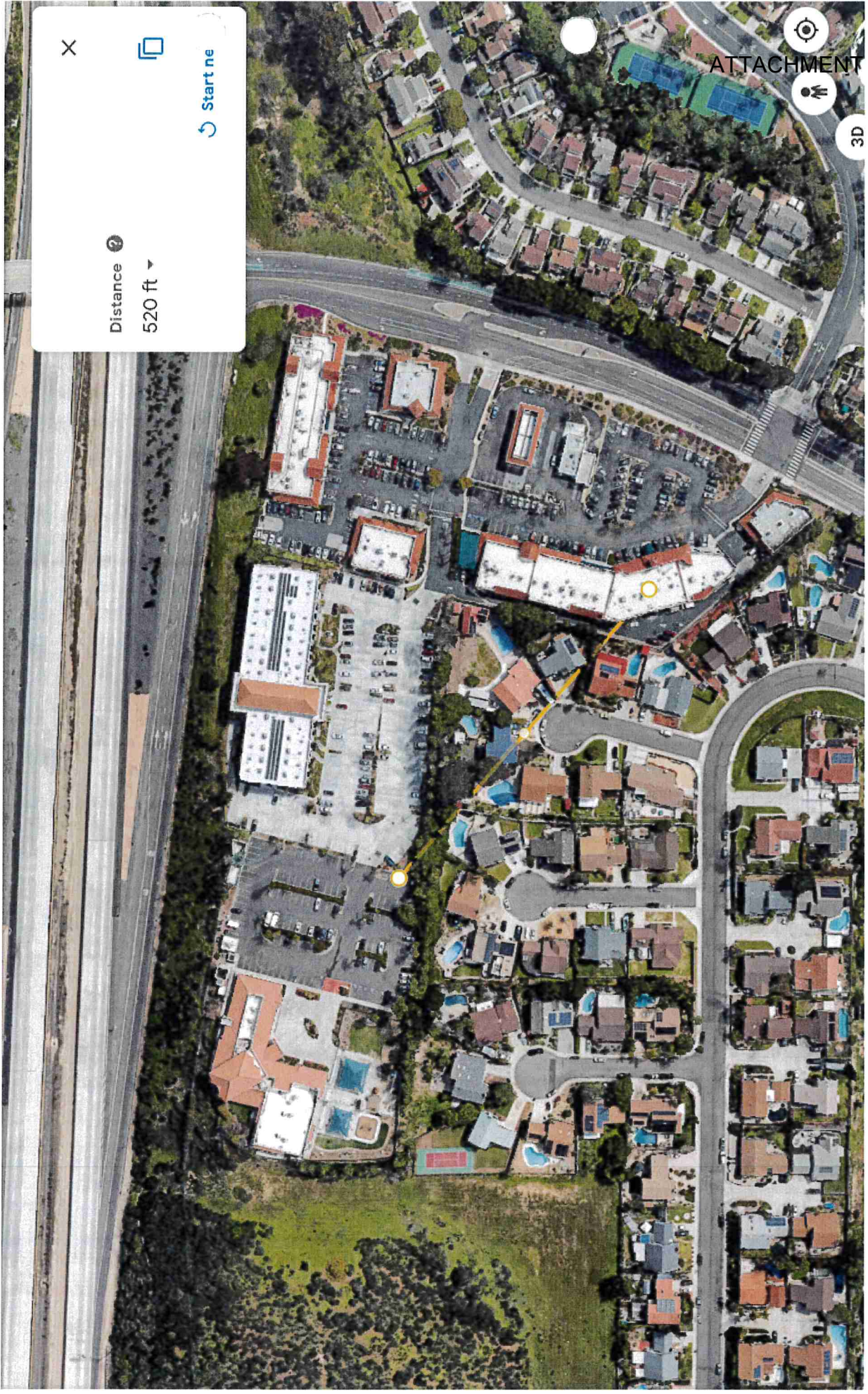
Send feedback



Distance

520 ft

Start ne







# Bright Horizons at Tierrasanta

5.0 ★★★★★ (10)  
Day care center

- Directions
- Save
- Nearby
- Send to your phone
- Share

6090 Santo Rd, San Diego, CA 92124

Open now: 6:30AM–6PM

brighthorizons.com

brighthorizons.com

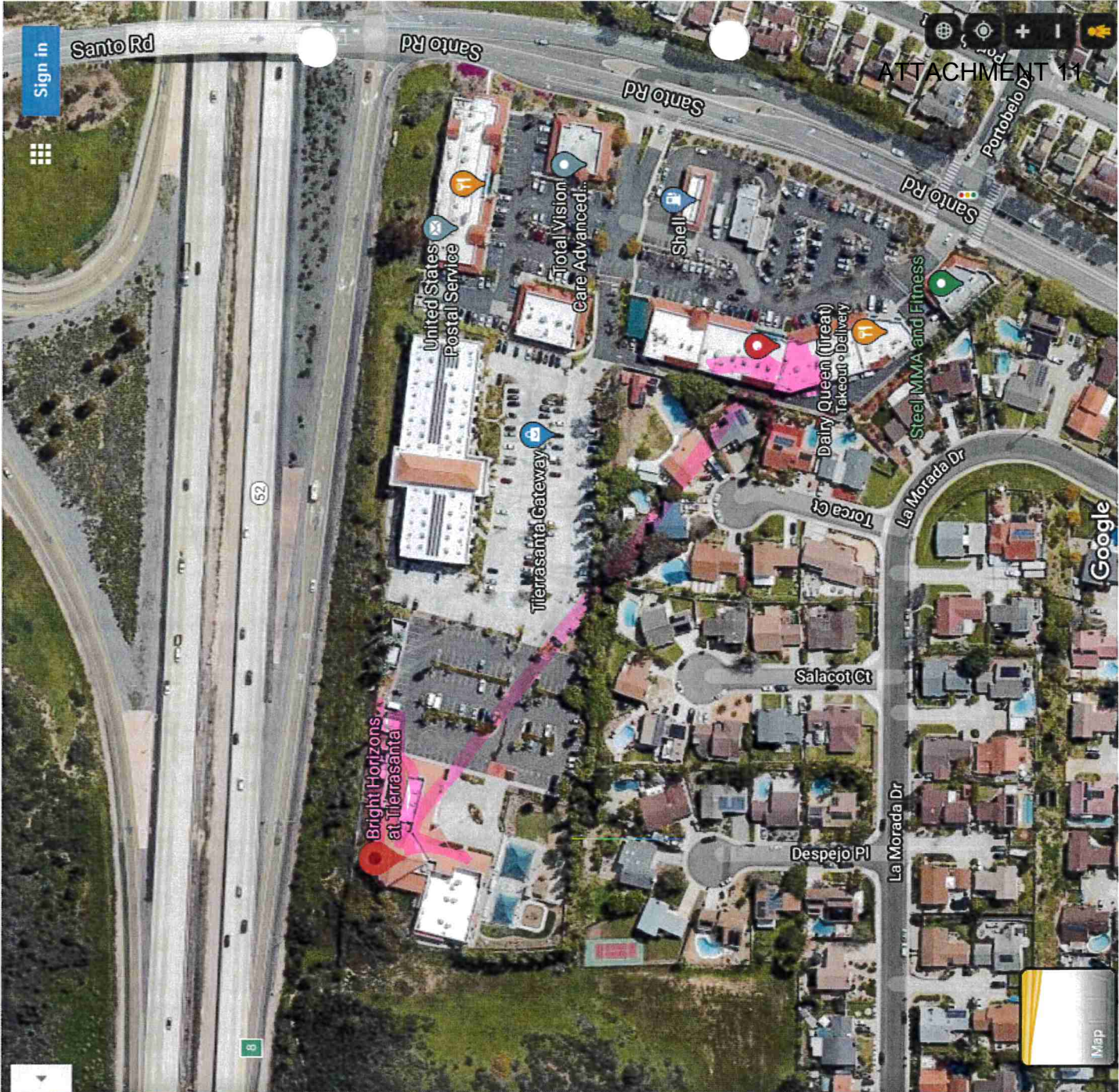
(858) 467-1800

RVRX+7M San Diego, California

Manage this listing

Suggest an edit

From the owner





Census Demographic Data

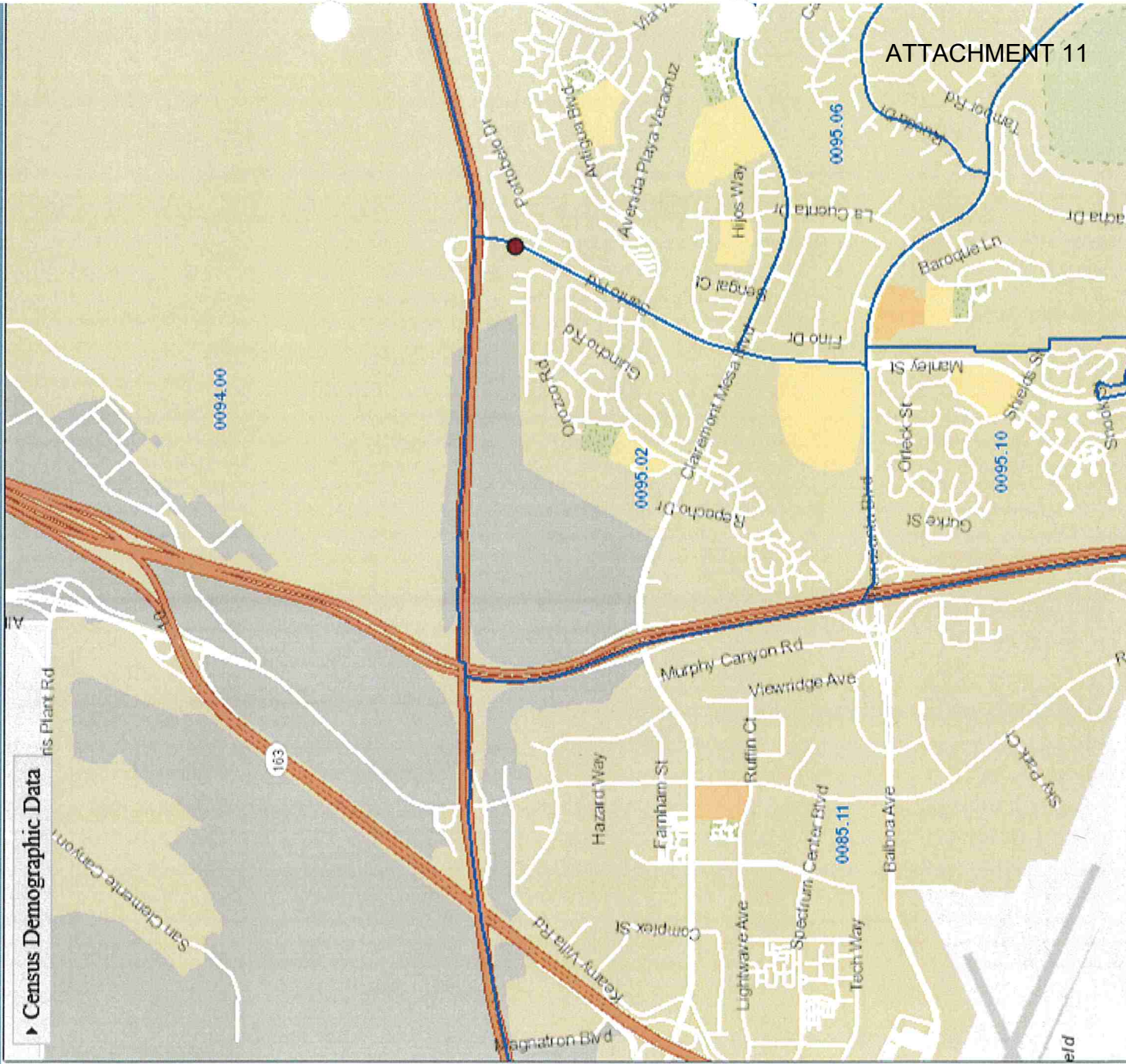
Matched Address

Address	5950 SANTO RD, SAN DIEGO, CA, 92124
MSAMD Code	41740
State Code	06
County Code	073
Tract Code	0095.02
MSAMD Name	SAN DIEGO-CHULA VISTA-CARLSBAD, CA
State Name	CALIFORNIA
County Name	SAN DIEGO COUNTY

Census Demographic Data

☐ User Select Tract

ATTACHMENT 11





PROJECT NAME:	ALAN'S MARKET
PROJECT ADDRESS:	5950 SANTO RD, SUITES L-N, SAN DIEGO, CA 92124
PROJECT AREA:	4,754 SQ FT
SITE AREA:	5.2 ACRES
LEGAL DESCRIPTION:	TR 12678 LOTS 1 & 2
ASSESSOR PARCEL NO.:	372-300-09-00
ZONE:	CC-3-5 (COMMERCIAL COMMUNITY)
APPROVAL TYPE:	CONDITIONAL USE PERMIT
PROPERTY OWNER:	TGSL, LLC 1473 STANISLAUS DR., CHULA VISTA, CA 91913
PARKING PROVIDED:	450 STALLS
HANDICAP PARKING:	22 STALLS

PROJECT INFORMATION

TOTAL BUILT AREA:	109,561 SQ FT
PARKING RATIO*:	1/1000
PARKING REQUIRED:	110 SPACES
TOTAL PARKING PROVIDED:	450 STALLS (SHARED)
TOTAL HANDICAP PARKING:	22 STALLS (SHARED)

\* Per Table 142-05E, minimum of one space per 1,000 square feet is required for non-residential uses

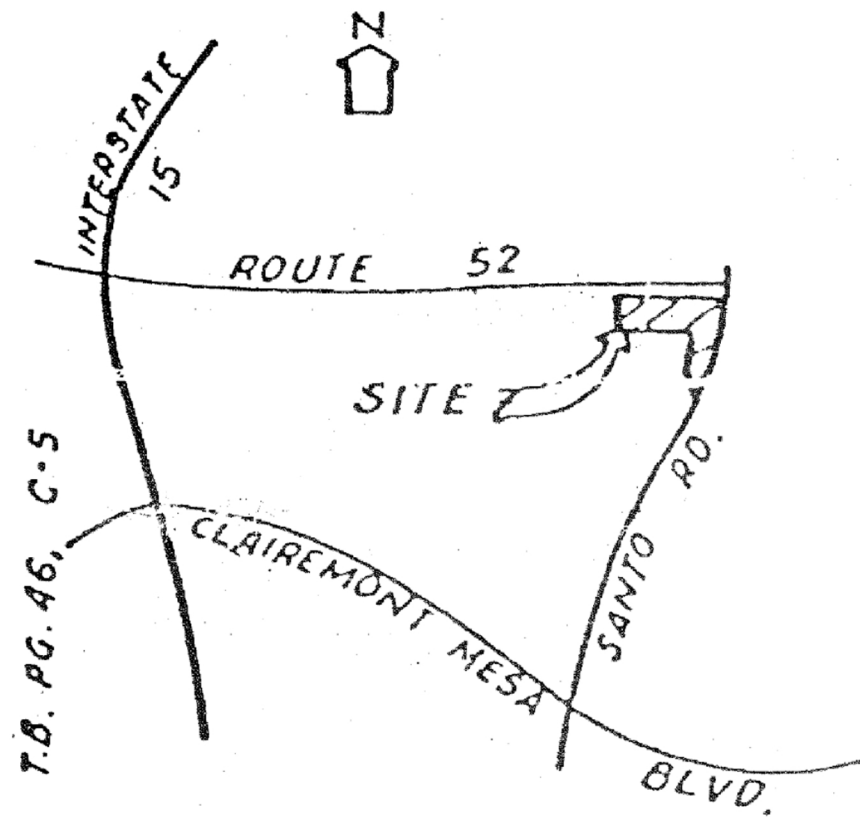
AREA AND PARKING SUMMARY

SITE PLAN AND PEDESTRIAN ACCESS  
SCALE: 1/40" = 1'-0"

0 40 80 160



VICINITY MAP



ALAN'S MARKET  
5950 SANTO ROAD  
SAN DIEGO, CA 92124

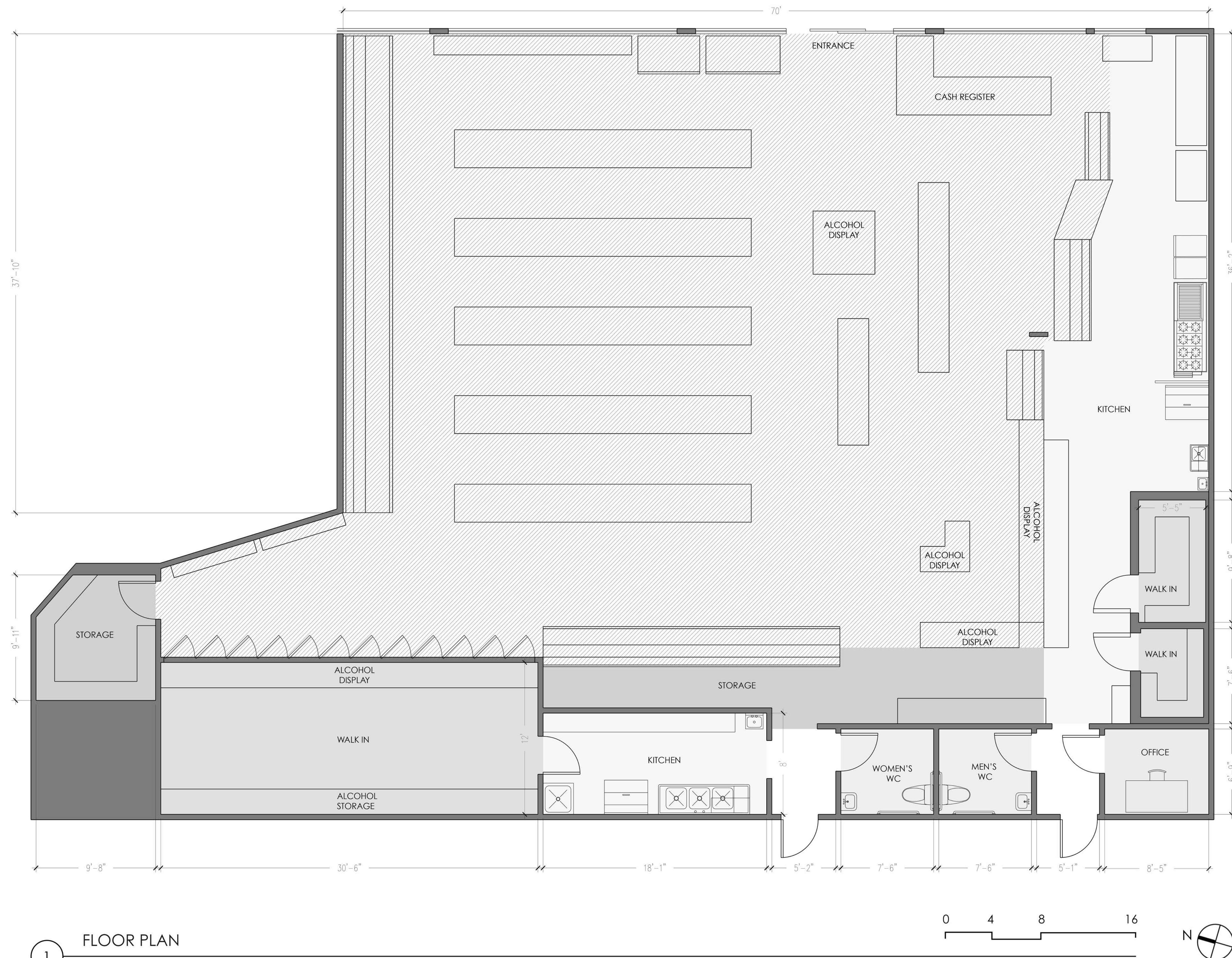
APPLICANT:  
ALAN FATOCHI  
5950 SANTO ROAD  
SAN DIEGO, CA 92124  
(619) 972-1516

CONSULTANT:  
ART RODRIGUEZ ASSOCIATES  
444 E HUNTINGTON DR  
ARCADIA, CA 91006  
(626) 683-9777

SHEET DESCRIPTION:  
SITE PLAN  
09/22/2020

SHEET NUMBER:  
A0  
1 OF 2 SHEETS












## ALCOHOLIC BEVERAGE AREA CALCULATIONS

GROSS FLOOR AREA = 4,754 SF  
ALCOHOL SALES AREA = 232 SF

% OF ALCOHOL SALES AREA  
=  $232 \div 4,754$

**= 4.8%**

	<u>ROOM</u>	<u>AREA (SF)</u>
	MARKET	3055
	KITCHEN	499
	WOMEN'S WC	51
	MEN'S WC	51
	OFFICE	57
	WALK IN	462
	STORAGE	278
	OTHER	301
	<b>TOTAL</b>	<b>4,754</b>

## 2 AREA SUMMARY

1 FLOOR PLAN  
SCALE: 1/4" = 1'-0"