



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: January 19, 2022 REPORT NO. HO-22-001

HEARING DATE: January 26, 2022

SUBJECT: CVS EL CAJON BLVD CUP, Process Three Decision

PROJECT NUMBER: [685412](#)

OWNER/APPLICANT: LMC NORTH PARK HOLDINGS, LLC / GARFIELD BEACH CVS, LLC

SUMMARY

Issue: Should the Hearing Officer approve a Conditional Use Permit (CUP) for an Alcohol Beverage Outlet to allow the sale of alcoholic beverages for off-site consumption from a CVS Pharmacy and retail store located within a mixed-use building currently under construction on the northeast corner of El Cajon Boulevard and Park Boulevard within the North Park Community Planning Area?

Staff Recommendation: APPROVE Conditional Use Permit No. 2530928.

Community Planning Group Recommendation: On August 17, 2021, the North Park Planning Committee (NPPC) voted 9-0-2 to recommend approval of the proposed project.

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Section 15332, In-Fill Development Projects. There is no pending appeal of the environmental determination. The environmental exemption determination for this project was made on September 21, 2021 and the opportunity to appeal that determination ended October 5, 2021 (Attachment 6).

BACKGROUND

The 2.34-acre project site is located in the 4300 block of Park Boulevard between El Cajon Boulevard and Meade Avenue within the North Park Community Plan Area (Attachments 1 and 3). The site is zoned CC-3-9 (Community Commercial) with overlay zones including: Airport Influence Area (San Diego International Airport (SDIA) Review Area 2), Federal Aviation Administration (FAA) Part 77 Notification Area, Transit Area Overlay Zone, and Transit Priority Area. The site is designated as Community Commercial (0-109 du/ac) by the North Park Community Plan (NPCP) (Attachment 2).

The Project site previously contained an auto dealership and church which have been demolished. A mixed use residential/retail building (Project no. [652165](#)) was approved on March 15, 2021 and is now under construction. The proposed Alcohol Beverage Outlet will be within a 14,980 square-foot CVS Pharmacy and retail store located at the northeast corner of the new 623,490 square-foot mixed-use building facing Park Boulevard and El Cajon Boulevard. 180-square-feet of the CVS floor area will be devoted to alcohol sales.

Surrounding uses include commercial, employment, retail, and services to the south and east and very high to medium high residential to the north, south, and east. Alice Birney Elementary School is located within 600 feet of the project site to the west at 4345 Campus Avenue.

DISCUSSION

The project requests approval of a CUP for an Alcoholic Beverage Outlet (Type 21 General Liquor License) to allow the sale of alcoholic beverages for off-site consumption within a CVS Pharmacy and retail store located within a mixed-use residential/retail building currently under construction. The gross site area is 2.34 acres. The proposed Alcoholic Beverage Outlet will be within a 14,980 square-foot CVS Pharmacy and retail store at the corner of Park Boulevard and El Cajon Boulevard. 180-square-feet of the CVS floor area will be devoted to alcohol sales.

Alcoholic Beverage Outlets are permitted within the CC-3-9 Zone with a CUP subject to regulations set forth in San Diego Municipal Code (SDMC) [Section 141.0502](#). An Alcoholic Beverage Outlet that does not comply with the limited use requirements of SDMC Section 141.0502(b), including certain location criteria addressed below, may still be permitted with a CUP decided in accordance with Process Three with the Hearing Officer as the decision-maker subject to the regulations in SDMC Section 141.0502(c). This code section requires a recommendation from the San Diego Police Department (SDPD), among other requirements. On June 29, 2021, the SDPD provided their recommendation to approve the project and provided conditions relating to the operation of the Alcoholic Beverage Outlet (Attachment 10).

Staff reviewed the project for conformance with applicable development regulations and land use policies and determined 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\(b\)\(1\)](#). Specifically, staff has made the following determinations based upon the stated location criteria:

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.

Staff determined that two census tracts within 600 feet of the project site had a general crime rate exceeding the citywide average general crime rate by more than 20 percent. A CT is considered to have "high crime" if the crime rate exceeds 120 percent of the citywide average per the San Diego Police Department Conditional Use Permit Recommendation. The project site is within Census Tract (CT) No. 10.00 and is within the Mid-City patrolling responsibility. The reported crime rate for 2020 within CT No. 10.00 was 88.5% of the citywide average general crime rate and the alcohol crime rate was 50.1% of the citywide crime rate in this category which is not considered to have high crime. However, CT 9.00 is within 600 feet to the southeast of the project site and had a crime rate of 139% of the

citywide average general crime rate in 2020 and CT 6.00 is within 600 feet to the west of the project site and had a crime rate of 123.8% of the citywide average general crime rate in 2020 both of which are considered high crime, therefore subjecting the project to the regulations in SDMC Section 141.0502(c).

2. Within a Census Tract, or within 600 feet of a Census Tract, where the ratio of Alcoholic Beverage Outlets exceeds the standards established by California Business and Professions Code Section 23958.4. The subject property is in CT 10.00 which, based on the California Business and Professions Code Section 23958.4 standards, permits two off-sale Alcoholic Beverage Outlets. There are currently five existing off-sale Alcoholic Beverage Outlets within CT 10.00. This project would increase the number of active licenses by one and would continue to exceed the standard in this CT (Attachment 9).

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, a playground or recreational area, a church, a hospital, or a San Diego County Welfare District Office. Alice Birney Elementary School at 4345 Campus Avenue is located within 600 feet of the Project site to the west. Therefore, the project requires a CUP to allow the Alcohol Beverage Outlet.

5. Within 100 feet of residentially zoned property. The Project site is within 100 feet of very high to medium high residentially zoned property to the north, south, and east.

Alcohol Sales-Project Analysis:

The project has been reviewed by City Staff and the SDPD for conformance with the applicable development regulations and land use policies. As explained above, the proposed Alcoholic Beverage Outlet at this location requires a CUP because the project site does not meet certain location criteria in SDMC Section [141.0502\(b\)\(1\)](#). SDMC Section 141.0502(c) states that the decision maker may request that the State of California Department of Alcoholic Beverage Control impose restrictions on any alcohol sales license to be issued or renewed by the state. The decision maker's request shall be based on an evaluation of conditions in the area of the proposed Alcoholic Beverage Outlet, including the concentration of Alcoholic Beverage Outlets, high crime rates, or any other conditions in the area that would be aggravated by the sale of alcoholic beverages. SDMC Section 141.0502(c) also requires a recommendation from the SDPD on the proposed use and location of the Alcoholic Beverage Outlet.

SDPD reviewed the project, evaluated the area, as seen in attachment 10, and has provided conditions of approval that are required to and do minimize any potential harm to public health, safety, and welfare. Conditions included in the permit pertain to the sale of alcohol and operations such as limiting sales hours of alcoholic beverages, limiting container size to less than 200 milliliters and requiring beer, malt beverage products or wine cooler products, regardless of size, to be sold in manufactured pre-packaged multi-unit quantities (no singles). Additional conditions regulating loitering, signage, trash, lighting, interior views, graffiti control, and advertising ensure that the project will not impact the surrounding area and no alcohol consumption will be allowed on the

premises or adjacent to the premises (Attachment 5). The CVS Pharmacy and retail store is located within a mixed-use residential/retail building and will dedicate 180-square-feet of the 14,980 square-foot CVS floor area to alcohol sales. Based on the location and small scope of this Alcoholic Beverage Outlet and the conditions included in the permit, Staff and SDPD can recommend approval of the project with conditions to ensure the public health, safety, and welfare

Community Plan Consistency:

The project site is located within the North Park Community Plan Area (Attachment 2). Figure 2-1 of the NPCP identifies the land use as Community Commercial (0-109 du/ac) which provides for shopping areas with retail, service, civic, and office uses for the community at-large within three to six miles. The site is zoned CC-3-9 which accommodates community-serving commercial services, retail uses, and limited industrial uses of moderate intensity and small to medium scale. The proposed outlet within the CVS Pharmacy does not conflict with the designated land use or CC-3-9 Zone.

Community Planning Group:

On August 17, 2021, the NPPC voted 9-0 with 2 abstentions to recommend approval of the proposed project with conditions (Attachment 7). These conditions included no alcohol sales after 11:00 PM; the requirement to post a visible phone number for complaints onsite; the establishment of a daily litter pick-up procedure; and performance of weekly sidewalk power washing around the building perimeter.

The applicant has voluntarily agreed to incorporate the recommendations to post a visible complaint phone number onsite and the permit includes conditions: to provide trash receptacles in and around the building perimeter; and to maintain the premises, adjacent public sidewalks, and areas under the control of the owner or operator, free of litter and graffiti at all times. The applicant has not agreed to the remaining recommended conditions regarding ending alcohol sales at 11:00 PM and weekly power washing. The SDPD has reviewed the NCCP recommendations and due to the proximity of CT 9.00 and 6.00 where the crime rate exceeds the citywide average and the proximity to Alice Birney Elementary School, a permit condition has been added limiting the hours for in-store sales of alcoholic beverages from 10:00 AM to 12:00 AM/Midnight and limiting the hours for the sale of alcoholic products via app/online platform for delivery from 6:00 AM to 2:00 AM as seen on Attachment 5.

CONCLUSION

Staff has reviewed the application for the CUP for the sale of alcoholic beverages for off-site consumption 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 NPCP and the SDMC. Furthermore, the permit has been conditioned to ensure the proposed sale of alcoholic beverages 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. 2530928, with modifications.
2. Deny Conditional Use Permit No. 2530928, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



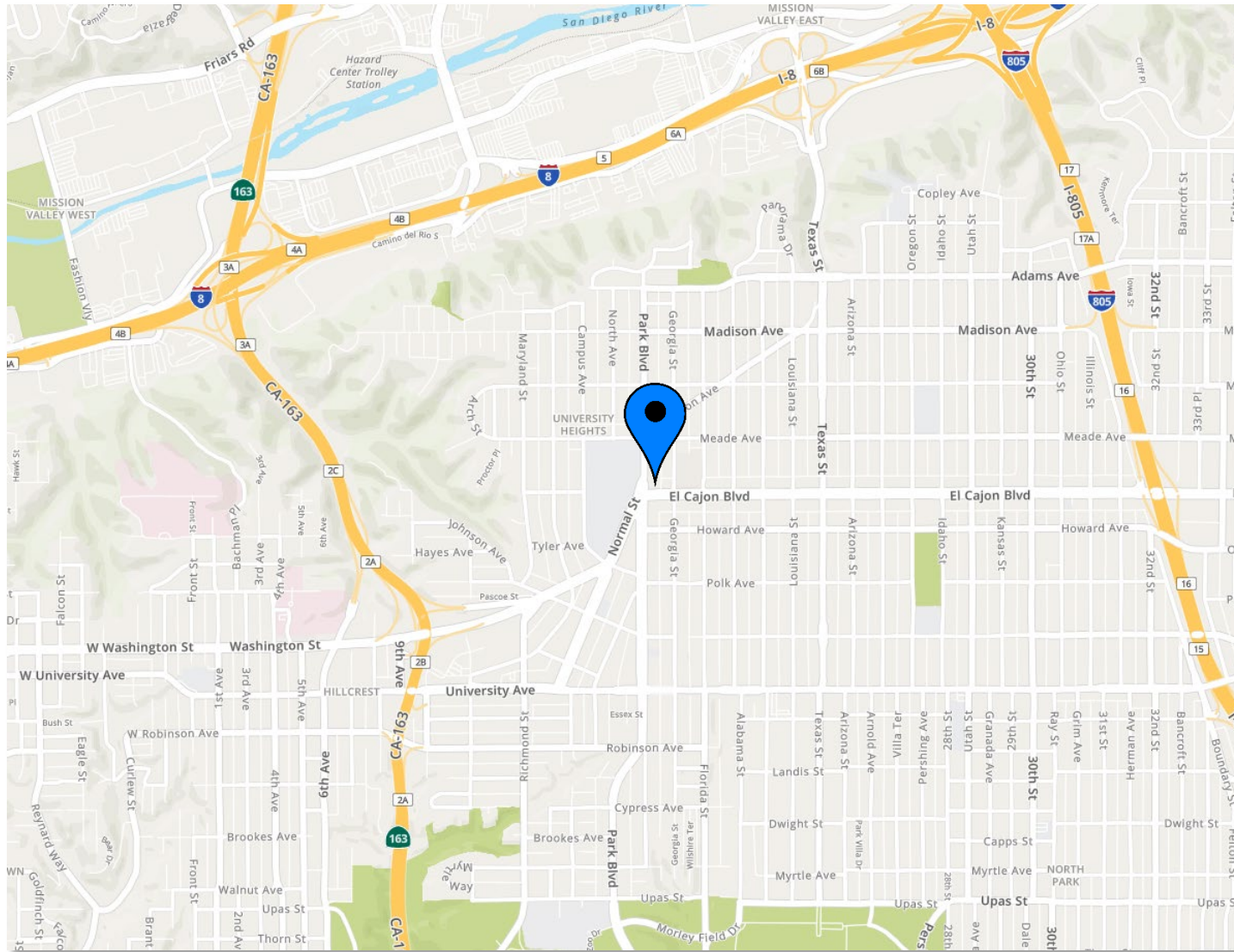
Carrie Lindsay, Development Project Manager

Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Draft Resolution with Findings
5. Draft Permit with Conditions
6. Environmental Notice of Exemption
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Census Tract Active Liquor License List and Map
10. San Diego Police Department Recommendation
11. Project Plans



Project Location Map



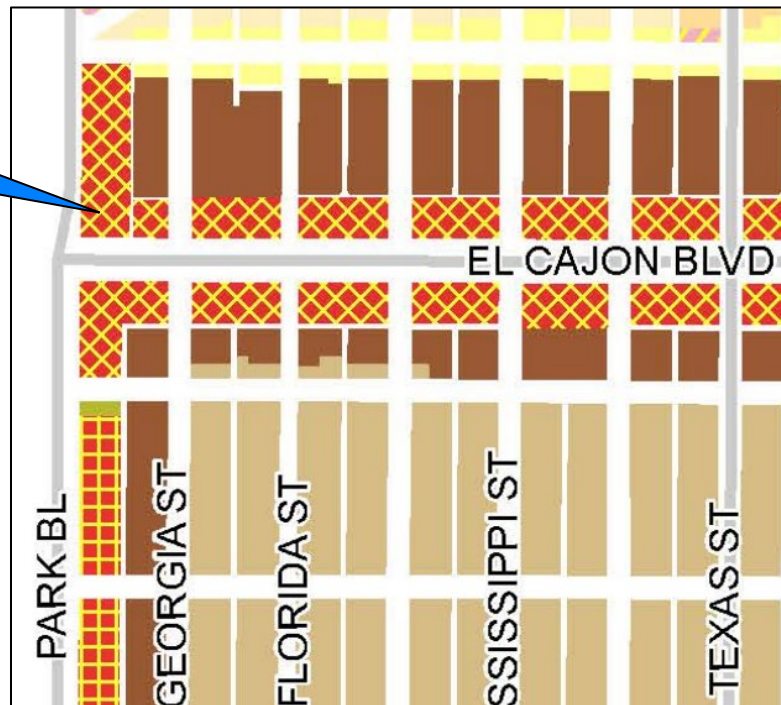
CVS El Cajon Blvd CUP, Project Number 685412
Northeast corner of El Cajon Boulevard and Park Boulevard



Community Plan

Figure 2-1: Community Plan Land Use Map

Project Site



0 400 800 1,600 Feet SanGIS

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LEGEND

Residential

- Residential - Low : 5-9 Du/Ac
- Residential - Low Medium : 10-15 Du/Ac
- Residential - Medium : 16-29 Du/Ac
- Residential - Medium High : 30-44 Du/Ac *
- Residential - High : 45-54 Du/Ac
- Residential - Very High : 55-73 Du/Ac

Commercial, Employment, Retail, and Services

- Community Commercial : 0-29 Du/Ac
- Community Commercial : 0-44 Du/Ac
- Community Commercial : 0-54 Du/Ac
- Community Commercial : 0-73 Du/Ac**
- Community Commercial : 0-109 Du/Ac***
- Neighborhood Commercial : 0-29 Du/Ac
- Neighborhood Commercial : 0-73 Du/Ac

Park, Open Space, and Recreation

- Open Space
- Park

Institutional, and Public/Semi-Public Facilities

- Institutional
- Community Village
- Community Plan Boundary

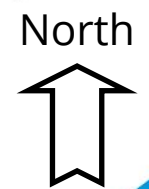
Per LU Figure 2-4

* Residential Density up to 73 DU/AC allowed via PDP

** Along Park Blvd. Residential Density up to 145 DU/AC allowed via PDP

*** Along El Cajon Blvd. Residential Density up to 145 DU/AC allowed via PDP

CVS El Cajon Blvd CUP, Project Number 685412
Northeast corner of El Cajon Boulevard and Park Boulevard



ATTACHMENT 2



Aerial Photo



CVS El Cajon Blvd CUP, Project Number 685412
Northeast corner of El Cajon Boulevard and Park Boulevard

HEARING OFFICER RESOLUTION NO. _____
CONDITIONAL USE PERMIT NO. 2530928
CVS EL CAJON BLVD CUP PROJECT NO. 685412

WHEREAS, LMC NORTH PARK HOLDINGS, LLC, Owner, and GARFIELD BEACH CVS, LLC, Permittee, filed an application with the City of San Diego for a Conditional Use Permit to operate an Alcoholic Beverage Outlet within a 180 square-foot dedicated space within a 14,980 square-foot retail suite in a 623,490 square-foot mixed-use building, conditioned upon the issuance of a Type 21 (General Liquor) License from the Department of Alcoholic Beverage Control for off-site consumption, as described in and by reference to the approved Exhibit "A" and corresponding conditions of approval for the associated Permit No. 2530928, on portions of a 2.34-acre site;

WHEREAS, the project site is located at the northeast corner of Park Boulevard and El Cajon Boulevard, in the CC-3-9 zone of the North Park Community Plan Area;

WHEREAS, the project site is legally described as PARCEL A: LOTS A, B, C AND D IN BLOCK 1 OF ROBERTS SUBDIVISION OF THE WEST ONEHALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF PUEBLO LOT 3, ACCORDING TO MAP THEREOF NO. 890, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 31, 1902. EXCEPTING THEREFROM THE EAST 98 FEET THEREOF; AND PARCEL B: THE EAST 98 FEET OF LOTS A, B, C AND D IN BLOCK 1 OF ROBERT'S SUBDIVISION OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF PUEBLO LOT E IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 890, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 31, 1902.

WHEREAS, on September 21, 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 15332, In-Fill Development Projects; 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 January 26, 2022, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2530928 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. 2530928:

A. Findings for Conditional Use Permit Approval San Diego Municipal Code (SDMC) 126.0305:

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

The CVS El Cajon Blvd CUP project (Project) proposes an Alcoholic Beverage Outlet (Type 21 General License) to allow the sale of alcoholic beverages for off-site consumption in a 14,980-square foot CVS Pharmacy and retail store that is part of a mixed-use development currently under construction. The 2.34-acre site is located in the 4300 block of Park Boulevard between El Cajon Boulevard and Meade Avenue within the North Park Community Area. The CVS Pharmacy will be situated at the northeast corner of Park Boulevard and El Cajon Boulevard. The site is zoned CC-3-9 (Community Commercial) with overlay zones including: Airport Influence Area (San Diego International Airport (SDIA) Review Area 2), Federal Aviation Administration (FAA) Part 77 Notification Area, Transit Area Overlay Zone, and Transit Priority Area.

Alcoholic Beverage Outlets are permitted within the CC-3-9 Zone with a Conditional Use Permit (CUP) and subject to regulations set forth in San Diego Municipal Code (SDMC) Section 141.0502. An Alcoholic Beverage Outlet that does not comply with the limited use requirements of SDMC Section 141.0502(b), including certain location criteria per SDMC Section 141.0502(b)(1), may still be permitted with a CUP subject to the regulations in SDMC Section 141.0502(c) (see finding b. below).

The North Park Community Plan (NPCP) identifies the project site land use as Community Commercial (0-109 du/ac) which provides for shopping areas with retail, service, civic, and office uses for the community at-large within three to six miles. The CC-3-9 Zone accommodates community-serving commercial services, retail uses, and limited industrial uses of moderate intensity and small to medium scale. The proposed sales of alcoholic beverages would be an accessory use to the permitted CVS Pharmacy and retail store and would not adversely affect any applicable land use policies in the

NPCP. The Project is consistent with the permitted uses allowed in the underlying CC-3-9 Zone. Therefore, the proposed CUP will not adversely affect the applicable land use plan.

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

The Project proposes an Alcoholic Beverage Outlet (Type 21 Alcohol Beverage Control (ABC) License) to allow the sale of alcoholic beverages for off-site consumption within a CVS Pharmacy located within a mixed-use residential/retail building in the CC-3-9 zone within the North Park Community Plan Area. Alcoholic Beverage Outlets are permitted within the CC-3-9 Zone with a CUP and subject to regulations set forth in SDMC Section 141.0502. The operation of an 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 two census tracts (CT) where the general crime rate exceeds the citywide average general crime rate by more than 20 percent (CT 9.00 and 6.00). Additionally, the Project is located in CT 10.00 where there are currently five (5) off-sale Alcoholic Beverage Outlets which exceeds the two (2) off-sale licenses per CT standard set by California Business and Professions Code Section 23958.4. The site is also located within 600 feet of an Elementary School and within 100 feet of residentially zoned property.

Taking the above location factors into consideration, the CUP includes conditions provided by Staff and San Diego Police Department (SDPD) to ensure that the project will not adversely impact the surrounding neighborhood or the public, health, safety or welfare. The conditions include, but are not limited to: limiting the hours of off-site alcohol; limiting container size to less than 200 milliliters; requiring beer, malt beverage products or wine cooler products, regardless of size, to be sold in manufactured pre-packaged multi-unit quantities (no singles); prohibiting alcohol consumption on or adjacent to the premises; and providing signage, trash collection, lighting, interior views, and advertising requirements.

The CUP also 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, theft deterrence and policies against the sale of alcoholic beverages to those under 21 years of age or intoxicated persons. 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.

Additionally, Staff determined that the proposed project was categorically exempt under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, In-Fill Development Projects, concluding that there were no significant environmental impacts as a result of the project. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

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

The Project proposes an Alcoholic Beverage Outlet (Type 21 ABC License) to allow the sale of alcoholic beverages for off-site consumption within a CVS Pharmacy located within a mixed-use residential/retail building in the CC-3-9 zone within the North Park Community Plan Area. Alcoholic Beverage Outlets are permitted within the CC-3-9 Zone with a CUP and subject to regulations set forth in SDMC Section 141.0502. An Alcoholic Beverage Outlet that does not comply with the limited use requirements of SDMC Section 141.0502(b), including certain location criteria per SDMC Section 141.0502(b)(1), may still be permitted with a CUP subject to the regulations in SDMC Section 141.0502(c) (see finding “b” above).

The NPCP identifies the project site land use as Community Commercial (0-109 du/ac) which provides for shopping areas with retail, service, civic, and office uses for the community at-large and the CC-3-9 Zone which accommodates community-serving commercial services, retail uses, and limited industrial uses of moderate intensity and small to medium scale.

The CUP for the project includes various conditions and corresponding exhibits of approval relevant to achieve compliance with the SDMC relative to regulating hours of alcohol sales, container size and package type, loitering, signage, trash, lighting, interior views, and advertising. Although the project site does not meet certain location criteria set forth in SDMC Section 141.0502(b)(1), the use may still be permitted with a CUP decided in accordance with Process Three with the Hearing Officer as the decision-maker subject to the regulations in SDMC Section 141.0502(c) which requires a recommendation from the SDPD on the proposed use and location of the Alcoholic Beverage Outlet. On June 29, 2021, the SDPD reviewed the project and provided their recommendation to approve the project and provided conditions relating to the operation of the Alcoholic Beverage Outlet which were all included in the permit.

The conditions of approval are required to and do minimize any potential harm to public health, safety, and welfare. No variance or deviations are requested or required 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 proposes an Alcoholic Beverage Outlet (Type 21 ABC License) to allow the sale of alcoholic beverages for off-site consumption within a CVS Pharmacy located within a mixed-use residential/retail building in the CC-3-9 zone within the North Park Community Plan Area. The gross site area is 2.34 acres, the mixed-use residential/retail building is 623,490 square feet. The proposed outlet will be within a 14,980 square-foot CVS Pharmacy and only 180-square-feet of the CVS floor area will be devoted to alcohol sales.

The CC-3-9 Zone accommodates community-serving commercial services, retail uses, and limited industrial uses of moderate intensity and small to medium scale. The proposed sales of alcoholic beverages would be an accessory use to the permitted CVS Pharmacy and retail store. The CC-3-9 zone allows a mix of pedestrian-oriented, community-serving commercial uses and residential uses, and is intended to accommodate development with a high intensity, pedestrian orientation. The project location in a mixed use residential/retail building at the intersection of two highly travelled streets with a main entrance on the corner of Park Boulevard and El Cajon Boulevard supports this intention.

The NPCP identifies the land use as Community Commercial (0-109 du/ac) which provides for shopping areas with retail, service, civic, and office uses for the community at-large within three to six miles. The Community Plan envisions the El Cajon Boulevard commercial area as a high-density mixed-use corridor with focused areas of concentrated development intensity along the "strip" in the form of Nodes. The project is consistent with the NPCP because the plan identifies the intersection of Park Boulevard and El Cajon Boulevard as a Node for concentrated development within a mixed-use corridor. It is further consistent with the plan's Policy LU-3.9, which encourages Active Frontage, by providing a multitude of goods and services available to residents of the surrounding neighborhood. Active Frontage is Permitted in Neighborhood Commercial designations per the NPCP and refers to street frontages where there is an active visual engagement between those on the street. Along these streets, retail, restaurants, offices, live/workspaces, galleries, hotel lobbies, or other business establishments are permitted, but not required, at the ground level.

The sale of alcoholic beverages for off-site consumption is consistent with the commercial nature of the CVS Pharmacy and retail store where the Alcoholic Beverage Outlet is proposed. Although the project site does not meet certain location criteria set forth in SDMC Section 141.0502(b)(1), the use may still be permitted with a CUP decided in accordance with Process Three with the Hearing Officer as the decision-maker subject to the regulations in SDMC Section 141.0502(c). Considering the surrounding location and due to the proximity of CT 9.00 and 6.00 where the crime rate exceeds the citywide average and the proximity to the Alice Birney Elementary School being within 600 feet of the site, per SDMC Section 141.0502(c), conditions provided by Staff and the SDPD are included in the CUP permit to ensure that the project will not adversely impact the surrounding neighborhood or the public, health, safety or welfare (see finding "b" above for more details on the conditions). In addition, a permit condition has been included in the permit limiting the hours for in-store sales of alcoholic beverages from 10:00 AM to 12:00 AM/Midnight and limiting the hours for the sale of alcoholic products via app/online platform for delivery from 6:00 AM to 2:00 AM. Therefore, the proposed use is appropriate at the proposed location.

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

BE IT FURTHER RESOLVED that, based on these findings adopted by the Hearing Officer, Conditional Use Permit No. 2530928. 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. 2530928, a copy of which is attached hereto and made a part hereof.

Carrie Lindsay
Development Project Manager
Development Services

Adopted on: January 26, 2022

IO#: 11004543

DRAFT

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: 24008870

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2530928
CVS EL CAJON BLVD CUP PROJECT NO. 685412
HEARING OFFICER

This Conditional Use Permit No. 2530928 is granted by the Hearing Officer of the City of San Diego to LMC NORTH PARK HOLDINGS, LLC, Owner, and GARFIELD BEACH CVS, LLC, Permittee, pursuant to San Diego Municipal Code [SDMC] Section 141.0502. The 2.34-acre site is located at the northeast corner of Park Boulevard and El Cajon Boulevard in the CC-3-9 zone of the North Park Community Plan Area with overlay zones including: Airport Influence Area (SDIA Review Area 2), FAA Part 77 Notification Area, Transit Area Overlay Zone, and Transit Priority Area. The project site is legally described as: PARCEL A: LOTS A, B, C AND D IN BLOCK 1 OF ROBERTS SUBDIVISION OF THE WEST ONEHALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF PUEBLO LOT 3, ACCORDING TO MAP THEREOF NO. 890, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 31, 1902. EXCEPTING THEREFROM THE EAST 98 FEET THEREOF; AND PARCEL B: THE EAST 98 FEET OF LOTS A, B, C AND D IN BLOCK 1 OF ROBERT'S SUBDIVISION OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF PUEBLO LOT E IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 890, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 31, 1902.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/ Permittee to operate an Alcoholic Beverage Outlet conditioned upon the issuance of a 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 January 26, 2022, on file in the Development Services Department.

The project shall include:

- a. Operation of an Alcoholic Beverage Outlet within a 180 square-foot dedicated space within a 14,980 square-foot retail suite in a 623,490 square-foot mixed-use building, conditioned upon the issuance of a Type 21 (General Liquor) License from the Department of Alcoholic Beverage Control for off-site consumption;

- 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 February 9, 2025.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on January 26, 2032. 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:

ATTACHMENT 5

13. 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.
14. The sale of alcoholic beverages shall be accessory and limited to a maximum of 180 square-feet of the 14,980 square-foot retail suite floor area as shown on Exhibit "A".
15. 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.
16. Pool or billiard tables, foosball or pinball games, arcade style video and electronic games, or coin-operated amusement devices are not permitted on the premises.
17. 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.
18. 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 Alcoholic Beverage 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.
19. The sign area pertaining to or referencing alcoholic sales or beverages shall not exceed 630 square inches.
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 Alcoholic Beverage 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 CRIMINAL PROSECUTION AND/OR ARREST." The sign shall be at least two square-feet with two-inch block lettering. The sign shall be in English and Spanish.
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.

POLICE DEPARTMENT REQUIREMENTS:

25. The hours for in-store sales of alcoholic beverages shall be from 10:00 AM to 12:00 AM/Midnight. The hours for the sale of alcoholic product via app/online platform for delivery only, shall be 6:00 AM to 2:00 AM.

26. No wine or distilled spirits shall be sold in containers of less than 200 milliliters.

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

28. Windows will have minimum of 67% clear view from the exterior to provide interior view for law enforcement.

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

30. Security cameras will be posted throughout the interior and exterior of the property.

31. All retail employees shall be trained in ABC regulations through the Licensee Education on Alcohol and Drugs (LEAD) program, theft deterrence and policies against the sale of alcoholic beverages to those under 21 years of age, and/or intoxicated persons.

INFORMATION ONLY:

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

ATTACHMENT 5

- 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 January 26, 2022 and Resolution Number_____.

DRAFT

Conditional Use Permit No. 2530928
Date of Approval: January 26, 2022

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Carrie Lindsay
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.

Owner

LMC NORTH PARK HOLDINGS, LLC, a Delaware limited liability company

- By: PR/LMC Winslow Venture, LLC, a Delaware limited liability company,
- By: LMC Winslow Investor, LLC, a Delaware limited liability company,
- By: Lennar MF Holdings, LLC, a Delaware limited liability company,
- By: Lennar Multifamily Communities, LLC, a Delaware limited liability company,

By: _____
Name: Dan Ferguson
Title: Vice President

Permittee
GARFIELD BEACH CVS, LLC

By _____
NAME
TITLE

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: Digital-CVS El Cajon BLVD CUP/ 685412

SCH No.: Not Applicable

Project Location-Specific: 4301 and 4317 Park Boulevard and 1810 El Cajon Boulevard, San Diego, CA 92103

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

Description of nature and purpose of the Project: The project proposes a Conditional Use Permit (CUP) for an Alcoholic Beverage Outlet, Type 21 Alcoholic License for 180 square-feet for alcohol sales in a 14,980 square-foot commercial store, which is currently under construction under a separate permit. The 2.34-acre site is in the CC-3-9 (Commercial Community) zone within the Parking Standards Transit Priority Area, Transit Priority Area, Transit Area Overlay Zone, Residential Tandem Parking Overlay Zone, Airport Influence Area [San Diego International Airport (SDIA), Review Area 2] and the Federal Aviation Administration Part 77 Notification area (SDIA). The project site is designated Community Commercial (0-109 dwelling units per acre) in the North Park Community Plan.

Name of Public Agency Approving Project: City of San Diego

Name of Person or Agency Carrying Out Project: Steve Laub, Land Solutions, Inc., 7593 El Paso Street, La Mesa, CA 91942, (619) 644-3300.

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: Categorically exempt from CEQA pursuant to CEQA State Guidelines, Section 15332 (In-Fill Development Projects).

Reasons why project is exempt: The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment. The project meets the criteria set forth in CEQA Section 15332. The project is consistent with the existing land use designation, and all applicable general plan policies as well as with the applicable zoning designation and regulations. The proposed development occurs within city limits on a project site of no more than 5 acres and is substantially surrounded by urban uses. The project site has no value as habitat for endangered, rare or threatened species. The project would not result in any significant effects related to air quality, noise, traffic or water quality. The site can be adequately serviced by all required utilities and public services. In addition, the exceptions listed in CEQA Section 15300.2 would not apply.

Lead Agency Contact Person: Rhonda Benally

Telephone: 619-446-5468

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.



Senior Planner

October 6, 2021


Signature/Title

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	
		City of San Diego Development Services		Community Planning Committee Distribution Form	
Project Name: CPU: Alcoholic Beverage Outlet - CVS El Cajon			Project Number: 685412		
Community: North Park					
<p>For project scope and contact information (project manager and applicant), log into OpenDSD at https://aca.accela.com/SANDIEGO.</p> <p>Select "Search for Project Status" and input the Project Number to access project information.</p>					
<input type="checkbox"/> Vote to Approve <input checked="" 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		# of Members No		# of Members Abstain	
9		0		2	
Conditions or Recommendations: To approve PTS 685412 (CVS CUP request) with modification to the CUP conditions to stop selling alcohol after 11pm, and additional requirements to post a visible complaint number, daily litter pick-up procedure and weekly side walk power washing around entire perimeter.					
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)					
NAME: Aria Pounaki					
TITLE: Chair				DATE: August 17, 2021	
<i>Attach additional pages if necessary (maximum 3 attachments).</i>					



**NORTH PARK PLANNING COMMITTEE (NPPC)
Minutes: Aug 17, 2021; 6:30 pm
Virtual Meeting Via Zoom Platform**

Register online at:

<https://tinyurl.com/NPPCzoom>

Or Dial +1 669 900 9128 or +1 346 248 7799

or +1 253 215 8782 or +1 301 715 8592

Meeting ID: 987 0091 5525

Password ID: 150923

www.northparkplanning.org

info@northparkplanning.org

Like us: [NorthParkPlanning](https://www.facebook.com/NorthParkPlanning) Follow us: [@NPPlanning](https://twitter.com/NPPlanning)

To receive NPPC Agendas & Announcements sign up at:

https://www.facebook.com/NorthParkPlanning/app_100265896690345

I. **Parliamentary Items**

(6:30 p.m.)

1. **Call to Order, Roll Call and Attendance Report**

- a. Marissa Tucker: Called the meeting to order at 6:32pm
- b.

Member	Arash Kahvazadeh	Aria Pounaki	Basil Mournian	Beau Benko	Daniel Molitor	Ginger Partyka	Jeff Olson	Jennifer Spencer	Jessica Ripper	Josh Bohannan	Marissa Tucker-Borquez	Matt Stucky	Peter Hill	Steve Billings	Tyler Renner
Attendance	x		x		x	x	x		x		x	x	x	x	x
Late															
Absences	-	1	-	1	-	-	-	1	-	1	-	1	1	-	-

2. **Modifications to the NPPC Agenda**

- a. **Urgent Non-Agenda Action Items:**
- b. **Consent Agenda**
 - i. (From Aug 2, 2021 Urban Design Subcommittee)

Conditional Use Permit for Alcoholic Beverage Outlet, PTS 685412 - CVS El Cajon Blvd

Garfield Beach CVS, LLC (“CVS”), the lessee and operator of the proposed CVS Pharmacy at 4317 Park Blvd./1810 El Cajon Blvd. in the North Park community of San Diego CA, requests approval of a Conditional Use Permit (“CUP”) for an Alcoholic Beverage Outlet for the Off-Sale (carry-out) of beer, wine, and spirits.

Presentation by Steve Laub, Land Solutions, Inc.

SUBCOMMITTEE MOTION: *To approve PTS 685412 (CVS CUP request) with modification*

to the CUP conditions to stop selling alcohol after 11pm, and additional requirements to post a visible complaint number, daily litter pick-up procedure and weekly side walk power washing around entire perimeter. Pounaki/Renner(7-0-0)

Passed by unanimous assent.

3. **Agenda:** Adoption of the August 14, 2021 Agenda. **No motion required, no changes were made.**

4. **Minutes:** Approval of the July 20, 2021 Minutes.

MOTION: To approve the July 20, 2021 Minutes. *Tucker-Borquez/Olson (9-0-2) Kahvazadeh & Stucky abstaining.*

5. **Treasurer's Report:** Beau Benko

Benko absent, no report given.

III. **Non-Agenda Public Comment:**

Limited to Items not on the Agenda and non-debatable. Two-minute maximum, Chair can award more time.

- John Hartley: Hi everyone, my questions is about making a public record for people who attend this meeting. I know zoom has a feature to track that. Is there possibility to take that information to publish in a public forum? This is public and it's important for people to know who is attending.
 - Marissa: Thank you for your comment.
- Pat Sexton: I've asked this questions before, why do we no longer have CRO Jenny Hall from SDPD on our agenda. If anyone is interested in the City's Land Development Code, their goal is to eliminate barriers, so you need to go to SanDiego.gov or email me and I'll give the address to go to. The City's ADU's law are impact to neighborhoods, in CA a requirement is a 16 foot height limit, ADUs have 30 foot limits, in CA they waive the fees for one ADU 750 square feet, the city waives all fees. Huge difference between CA and the City has gone to the max with that. Some of these things are not coming before the committee. I'm getting information from the CPC, we're being like mushrooms and being kept in the dark.
- Kate Callen: I want to follow up on what Pat said, we heard a ADU saturation is truly frightening, Jeff would like to give this presentation to the committee. It sounded to me like NPPC didn't send a representative to the CPC meeting. I see how hard it is to sit through a board where you don't agree, we do that as members of the public. I hope NPPC has someone represented at these meetings.
 - Arash: Can I clarify?
 - Marissa: Yes
 - Arash: Aria attends these meetings and I have received meeting notes from him.
- Steve Oechel: Thank you. First questions: can we meet in person? Delta variant throws a wrinkle in that. Second question: bike lanes, down fifth avenue, they have set up these blockades in the bike lane. We can't park and bikes can't ride. Seems crazy to me. That's it.
 - Marissa: On fifth, that is a SANDAG project, not a city of San Diego. Like 30th street, they were constructing bit by bit, they'll complete the whole project before it is released to the public. That won't be completed until 2022, with the entriety of the length to make sure that it is good. I'm sure people have feelings about it, but that is unchangeable.
- Don Leichtung: There is no signage to say bike lanes block 300 feet, it would be really good to invite or interact with someone from SANDAG, now that the city has decided to change 30th street,

SANDAG has a huge investment in East-West transportation. Correct me if I am wrong, when you serve on the board, you have to take Brown Act training, if an election is challenged, that has to be done right away. If it wasn't done properly, then any decision by the board can't happen. There was talk in the past about how the vote was done, if that hasn't been cleaned up, we should stop what we're doing and see what wasn't done right. That's my two cents.

- Marissa: Thanks, Don. I can clarify that this board has been certified by the city. The claims were not substantive, looked into and there weren't errors that compelled the board to not be official. We are an official sitting board, you are being represented.
- Sol Schumer: Hi, I just want to ask if Aria is the person who composes the reminder emails. There is a mailchimp issue that I would like you to fix.
 - Jeff: It is a joint project between Josh, Aria and me, we have seen Sol's email regarding links to the agenda. We should consider more simple ways to send out, we're writing lines of code for it and occasional mistakes need to be considered in the greater part of what we are doing. We got Sol's email, if he's an expert, we'd welcome that
 - Sol: I would be happy to help solve that quirk of MailChimp.
- Pat: I just want to clarify that the City's election challenges, the city is trying to get the requested documents that are necessary, that's an ongoing thing. As far as Aria attending the CPC's meeting, since he was elected, he attended one and he didn't like the chaos of it. He skipped around in attending meetings, that is my observation.
 - Daniel: As a point of information 5th Ave falls out of our purview, but 30th street is within boundaries.

IV. **Announcements & Event Notices:** Limited to One minute each.
None scheduled.

V. **Elected Official & Planner Reports:** Reports are limited to 2 Min Max

1. **Aaron Burgess, Hon. Nathan Fletcher, SD Board of Supervisors Dist. 3,** (619) 531-4936, Aaron.Burgess@sdcounty.ca.gov .
2. **Kohta Zaiser, Hon. Todd Gloria, Mayor of San Diego,** ZaiserK@sandiego.gov.
3. **Christopher Vallejo. Toni Atkins, State Senate Dist. 39,** 619-645-3133,
4. **Ryan Darsey, Hon. Stephen Whitburn, City Council Dist. 3,** (619) 236-6633 RDarsey@sandiego.gov.
Update: Thank you, good evening. Happy to report that construction has resumed on the North Park Mini-Park. August 26th will be a meeting on wastewater, please email me. UAMP webpage has been updated, there will soon be a site to sign up for updates. Angela from North Park Main Street brought it up. The University Ave Mobility Project website will have contact information if you have more questions.
5. **Bernie Turgeon, Planning Department,** 619-533-6575, BTurgeon@sandiego.gov.
6. **Chris Gris, Hon. Chris Ward, State Assemblymember,** Christopher.gris@asm.ca.gov
Update: Good evening, legislative update, the ASM came back from recess and is going into this final stretch, focusing on bills. AB 879, directs climate action decisions are directed to local experts, AB 500 to support ADU's, AB223, which makes it unlawful to take from public land and add a penalty of, AB340 amends CA to conform from federal law, that allows for CA's with savings accounts can. Asm is focusing on climate change.

VI. **Information /Action Items:**
None scheduled.

VII. **NPPC Reports**

1. **Chair's Report.**
2. **Social Media.** Josh Bohannon
3. **NPPC Website Update.** Jeff Olson
Olson: Inadequacies that we need to address.

Tucker-Borquez: thanks so much

4. **Subcommittee Reports:** (Limited to Items Not on the Agenda & 5 Min. Max. each)
 - a. Urban Design/Project Review (Tyler Renner, Chair): Next Meeting September 6, 2021, Zoom.
 - b. Public Facilities & Transportation (Arash Kahvazadeh, Chair): Next Meeting September 14, 2021
 Arash: We don't have a chat, don't keep looking for the chat. Public Facility, we didn't have any voted on items, the CIP's got reviewed and submitted, got suggestions from community members for new CIP, we will follow up. The bike lane keeps coming up, if you're interested, we will follow up on the conditions from the NPPC, to come up with a process to track recommendations to see what impact it is having. Great updates from Angela on the North Park garage usage. One other suggestion of adding more public restrooms. Working with the person who suggested to build into a project. I wrote down the suggestion to have SANDAG here to update around regional plan and will follow up.
 - c. Ad Hoc Subcommittee (Matt Stucky, Chair): Next Meeting to be announced
 Had to reschedule, will meeting August 24th, agenda will go out tomorrow. Discussion of bylaws from other planning groups to see if we can adopt anything. We'll talk about the election as well.
5. **Liaisons Reports:** Limited to 1 Min. Max per Report
 - a. Balboa Park Committee. TBD.
 - b. Maintenance Assessment District. Matt Stucky.
-no major updates, waiting on city for some updates
 - c. North Park Main Street. Steve Billings.
-discussed the North Park enhancement district and how we are striving to get landlords to cast a yes vote for the budget to increase property taxes, right on the cusp, so please reach out to landlords if you know them. Voting on the board of NPMS coming up.
 - d. Adams Avenue Business Association. Ginger Partyka.
 - e. El Cajon Boulevard Business Improvement Assoc. Beau Benko
 - f. North Park Community Association. Peter Hill. – No updates
 - g. University Heights Community Association. Tyler Renner – they do not meet in August, starting again in September
 - h. CPC. Aria Pounaki. Absent.


VIII. **Future NPPC Meeting Dates & Agenda Items:** Next meeting is Tuesday, September 21, 2021

Pat Sexton: Thank you, Marissa. Clarification: I was going to announce the redistricting committee is meeting tomorrow at 3pm.

IX. **Adjournment**

(7:18 p.m.)

-
- ****For more info on any project, enter the SD Development Services PTS number in "Project ID" at <https://opensd.sandiego.gov/Web/Maps/ApprovalsDiscretionary>**
 - NPPC Agendas are posted in the North Park Main Street window at 3939 Iowa St #2.
 - To request an agenda in alternative format, a sign language, or oral interpreter, call (619) 236-6405.
 - NPPC Chair: Aria Pounaki info@northparkplanning.org
 - Urban Design/ Project Review Subcommittee Chair: Melissa Stayner urbandesign@northparkplanning.org
 - Public Facilities & Transportation Subcommittee Chair: Arash Kazavahdeh or publicfacilities@northparkplanning.org
 - Adams Avenue Business Association: www.adamsAvebusiness.com/
 - North Park Main Street: northparkmainSt.com/
 - "The Boulevard" El Cajon Boulevard Business Improvement Association: www.theboulevard.org
 - North Park Maintenance Assessment District: <http://npmad.org>
 - North Park Community Association. For information about North Park Activities or to have an event posted: www.northparksd.org
 - University Heights Community Association (UHCA): www.uhsd.org

	<p>City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000</p>	<h1 style="margin:0;">Ownership Disclosure Statement</h1>	<p>FORM DS-318</p> <p>October 2017</p>
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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: CVS Pharmacy NE Corner El Cajon Blvd/Park Blvd **Project No. For City Use Only:** _____
Project Address: 4317 Park Blvd./1810 El Cajon Blvd. San Diego CA 92103

Specify Form of Ownership/Legal Status (please check):
 Corporation Limited Liability -or- General - What State? Delaware Corporate Identification No. 82-3867241
 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: LMC North Park Holdings, LLC Owner Tenant/Lessee Successor Agency
Street Address: 95 Enterprise, Suite 200
City: Aliso Viejo State: CA Zip: 92656
Phone No.: 949-448-1612 Fax No.: _____ Email: dan.ferguson@livelmc.com
Signature: Dan Ferguson Date: 1/20/2021
Additional pages Attached: Yes No

Applicant
Name of Individual: Garfield Beach CVS, LLC Owner Tenant/Lessee Successor Agency
Street Address: One CVS Dr.
City: Woonsocket State: RI Zip: 02895
Phone No.: 401-665-9528 Fax No.: _____ Email: holly.jensenii@cvshealth.com
Signature: By: Cheryl A. Green, Asst. Sec. Date: Jan 20, 2021
By: Cheryl A. Green, Asst. Sec. (Jan 20, 2021 14:31 EST)
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~~



Five Existing Off-Sale Licenses in Census Tract 10

Results for: Active Off-Sale Retail License

County: SAN DIEGO County

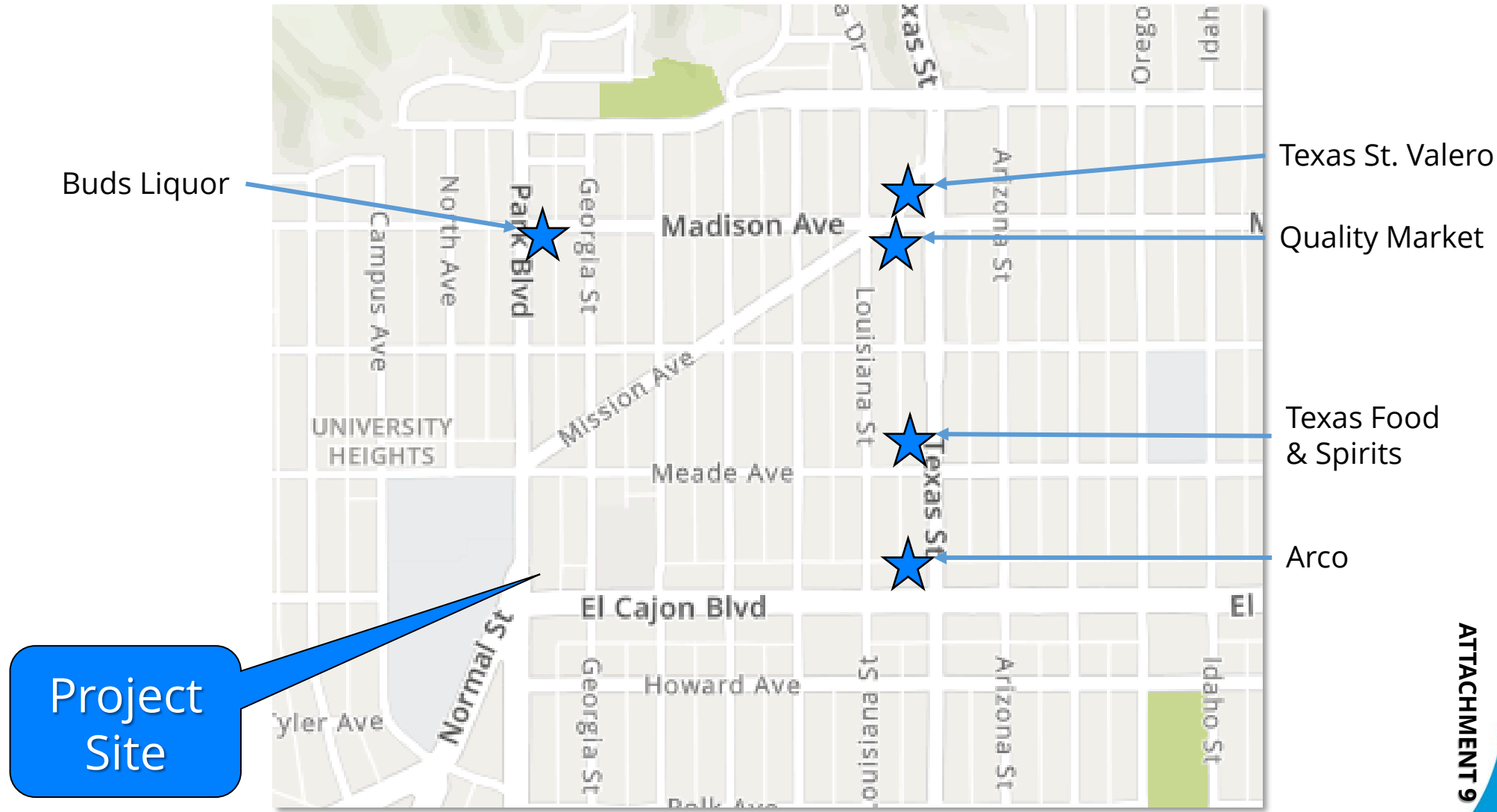
Census Tract: 10.00

License Number	Status	License Type	Orig. Iss. Date	Expir. Date	Primary Owner	Premises Addr.	Business Name	Geo Code
224008	ACTIVE	21	10/24/1988	08/31/2022	NELLYS MARKET INC	4404 TEXAS ST, SAN DIEGO, CA 92116 Census Tract: 0010.00	TEXAS FOOD & SPIRITS	3710
388946	ACTIVE	21	09/05/2002	05/31/2022	VN QUALITY INC	2329-31 MADISON AVE, SAN DIEGO, CA 92116 Census Tract: 0010.00	QUALITY MARKET	3710
419994	ACTIVE	20	12/10/2004	11/30/2022	SOMO, NADA HABIB	4616 TEXAS ST, SAN DIEGO, CA 92116 Census Tract: 0010.00	TEXAS ST VALERO	3710
529656	ACTIVE	20	04/12/2013	07/31/2022	TAMARACK PETROLEUM INC	2340 EL CAJON BLVD, SAN DIEGO, CA 92104 Census Tract: 0010.00	ARCO	3710
604348	ACTIVE	21	09/24/2019	08/31/2022	FZ LIQUOR, INC.	4597 PARK BLVD, SAN DIEGO, CA 92116 Census Tract: 0010.00	BUDS LIQUOR	3710

CVS El Cajon Blvd CUP, Project Number 685412
Northeast corner of El Cajon Boulevard and Park Boulevard



Five Existing Off-Sale Licenses in Census Tract 10



CVS El Cajon Blvd CUP, Project Number 685412
Northeast corner of El Cajon Boulevard and Park Boulevard

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

PREMISE ADDRESS: 4301 Park Boulevard, San Diego, CA 92103

TYPE OF BUSINESS: CVS Pharmacy, Type 20/21

FEDERAL CENSUS TRACT: 10.00

NUMBER OF ALCOHOL LICENSES ALLOWED: 2

NUMBER OF ALCOHOL LICENSES EXISTING: 5 (over-concentrated)

CRIME RATE IN THIS CENSUS TRACT: 88.5%
(Note: Considered High Crime If Exceeds 120% of City-wide Average)

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

IS THE PREMISE WITHIN 600 FEET OF INCOMPATIBLE FACILITY YES NO

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

ABC LICENSE REVOKED AT THIS PREMISE WITHIN PAST YEAR YES NO

HAS APPLICANT BEEN CONVICTED OF ANY FELONY YES NO

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

COMMENTS/OTHER FACTORS CONSIDERED:

The premises is located within census tract 10.00. The reported crime rate for 2020 within census tract 10.00 was 88.5% and the alcohol crime rate was 50.1%. Census Tract 10.00 is over concentrated with Off Sale licenses with 5 where ABC allows for 2. This location is not currently licensed and is a dirt lot. It was previously a used car dealership on the south end of the property and was a church on the north portion. Census Tract 9.00 is within 600 feet to the south of the location and had a crime rate of 139.3% in 2020. Census Tract 6.00 is within 600 feet to the west of the location and had a crime rate of 123.8%. Any crime rate above 120% is considered high crime.

Alice Birney Elementary, 4345 Campus Avenue, San Diego, CA 92103 is located within 600 feet of the location to the west.

SUGGESTED CONDITIONS:

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

1. No wine or distilled spirits shall be sold in containers of less than 200 milliliters.
2. Beer, malt beverage products or wine cooler products, regardless of container size, must be sold in manufacturer pre-packaged multi-unit quantities. No singles.
3. The petitioner(s) shall post and maintain professional quality signs that read as follows: NO LOITERING, NO LITTERING, NO DRINKING OF ALCOHOLIC BEVERAGES.

MFM 6-29-21

VIOLATORS ARE SUBJECT TO CRIMINAL PROSECUTION AND/OR ARREST. The sign shall be at least two feet square with two inch block lettering.

4. Windows will have minimum of 67% clear view from the exterior to provide interior view for law enforcement.
5. Loitering will be prohibited.
6. No alcohol consumption will be allowed on premises or adjacent and under the control of the applicant.
7. No public pay phones will be permitted on the premise or adjacent and under the control of the applicant.
8. No arcade games of any type will be allowed/maintained inside the premise.
9. Security cameras will be posted throughout the property, both inside and outside.
10. Litter and any unauthorized graffiti will be removed promptly.
11. All retail employees are trained in ABC regulations (LEAD), theft deterrence and policies against the sale of alcoholic beverages to those under 21 years of age, and/or intoxicated persons.

SAN DIEGO POLICE DEPARTMENT RECOMMENDATION:

APPROVE

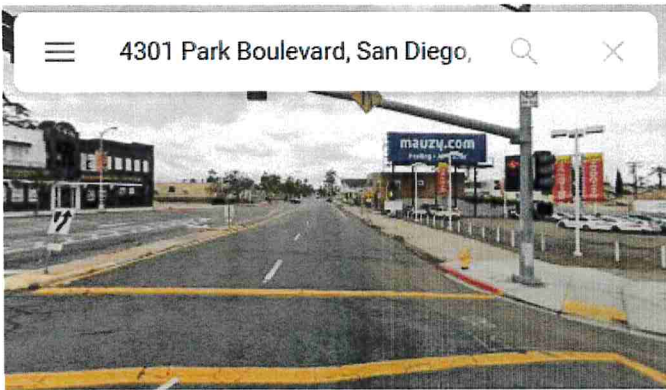
DENY

Benjamin McCurry
Name of SDPD Vice Sergeant (Print)

(619) 531-2973
Telephone Number

Ben McCurry
Signature of SDPD Vice Sergeant

6-29-21
Date of Review



4301 Park Boulevard, San Diego,

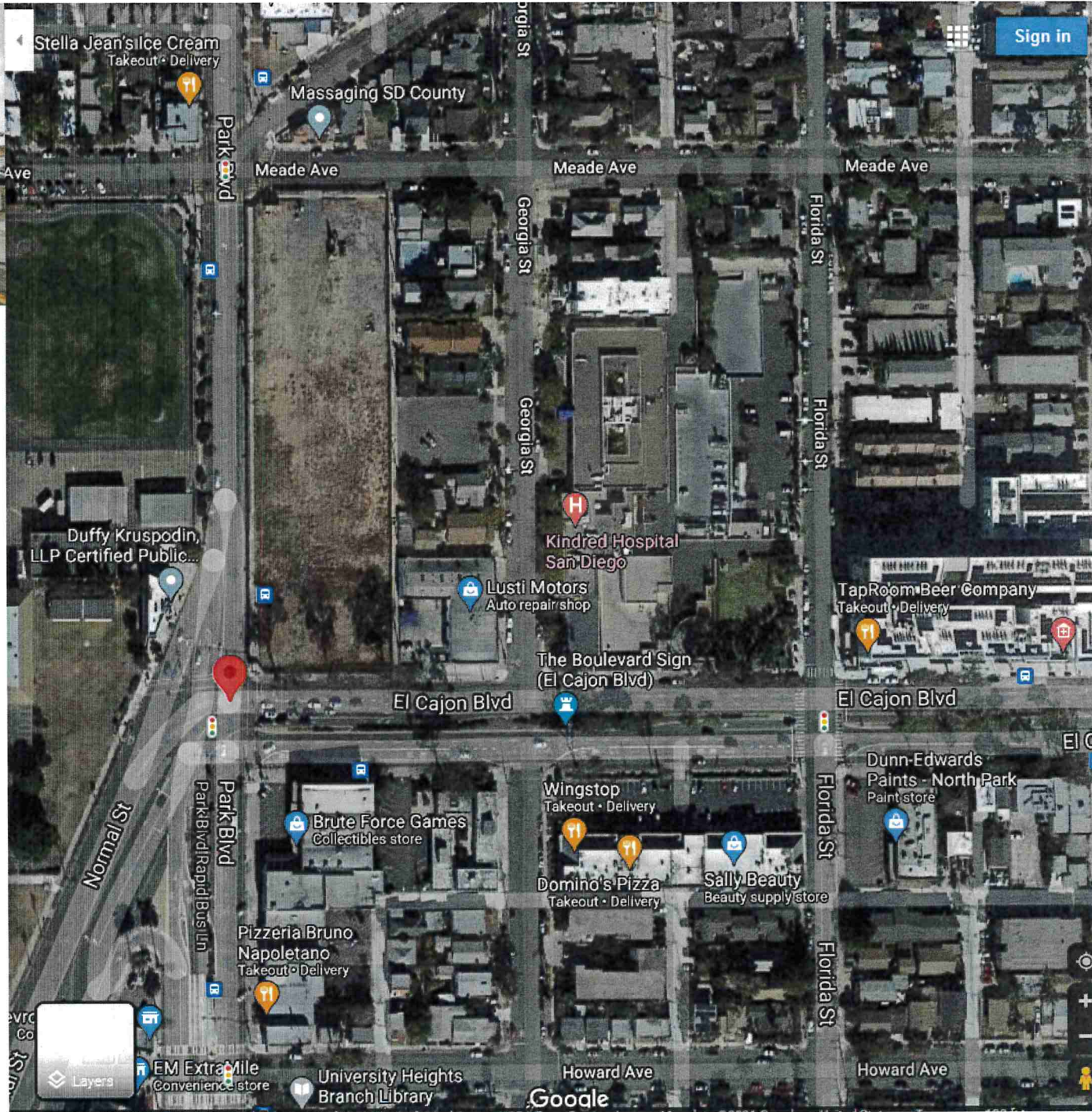
4301 Park Blvd

San Diego, CA 92103

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

- Suggest an edit on 4301 Park Blvd
- Add a missing place
- Add your business

Photos

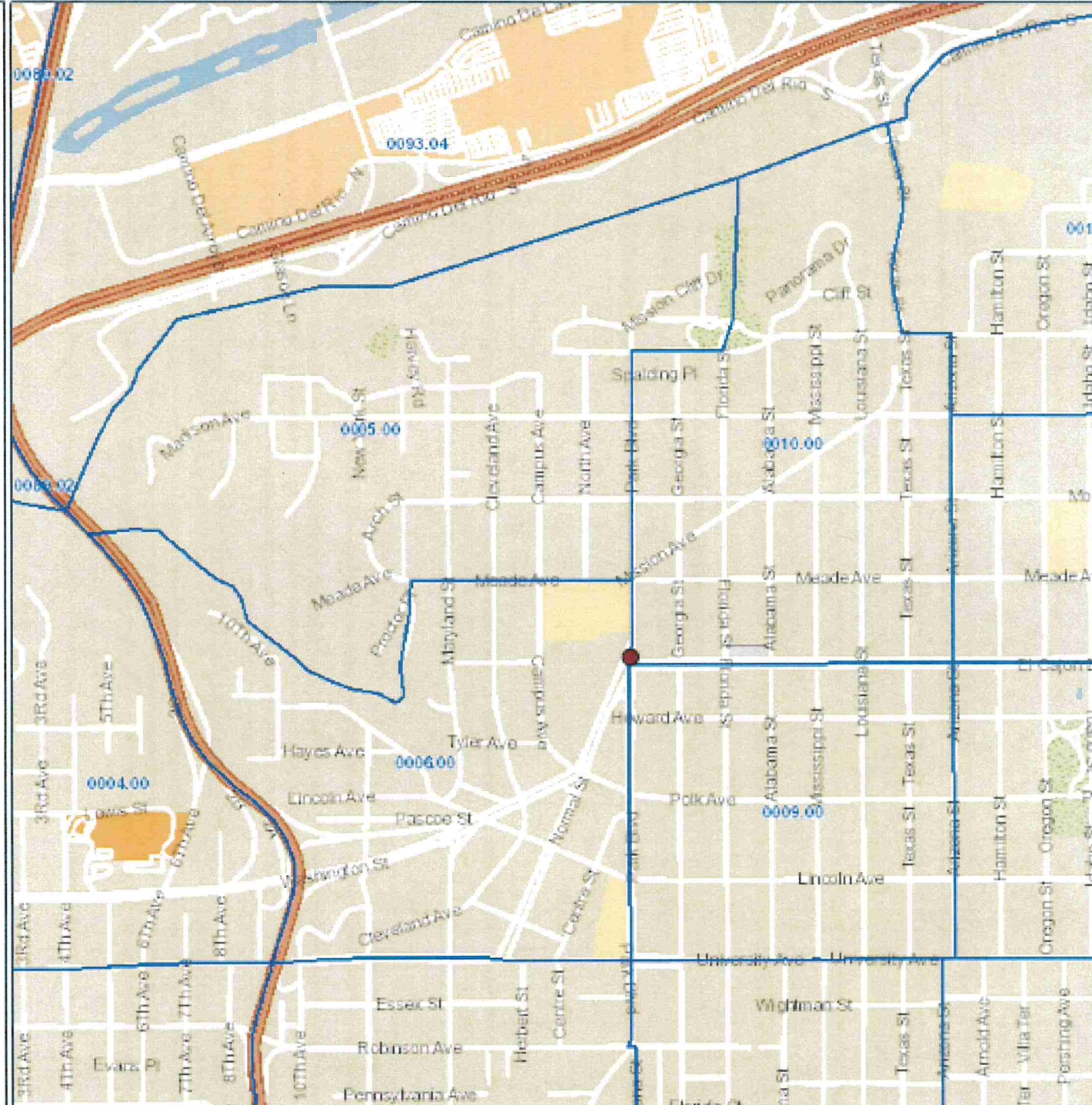


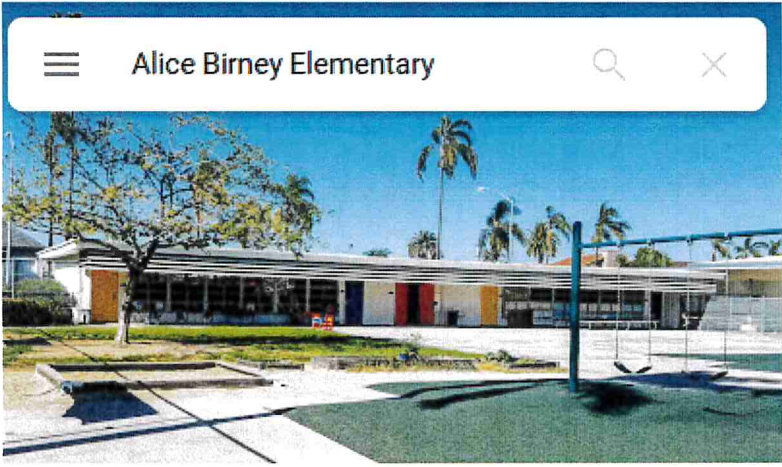
Matched Address	
Address	4301 PARK BLVD, SAN DIEGO, CA, 92103
MSA/MD Code	41740
State Code	06
County Code	073
Tract Code	0010.00
MSA/MD Name	SAN DIEGO-CHULA VISTA-CARLSBAD, CA
State Name	CALIFORNIA
County Name	SAN DIEGO COUNTY

Census demographic data for the year 2021 are currently unavailable.

Census Demographic Data

User Select Tract





Alice Birney Elementary

4.9 ★★★★★ 15 reviews
Elementary school

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

📍 4345 Campus Ave, San Diego, CA 92103

🕒 Closed. Opens at 9:00 AM

🌐 birney.sandiegounified.org

☎️ (619) 497-3500

📍 QV42+FJ San Diego, California

🛡️ Claim this business

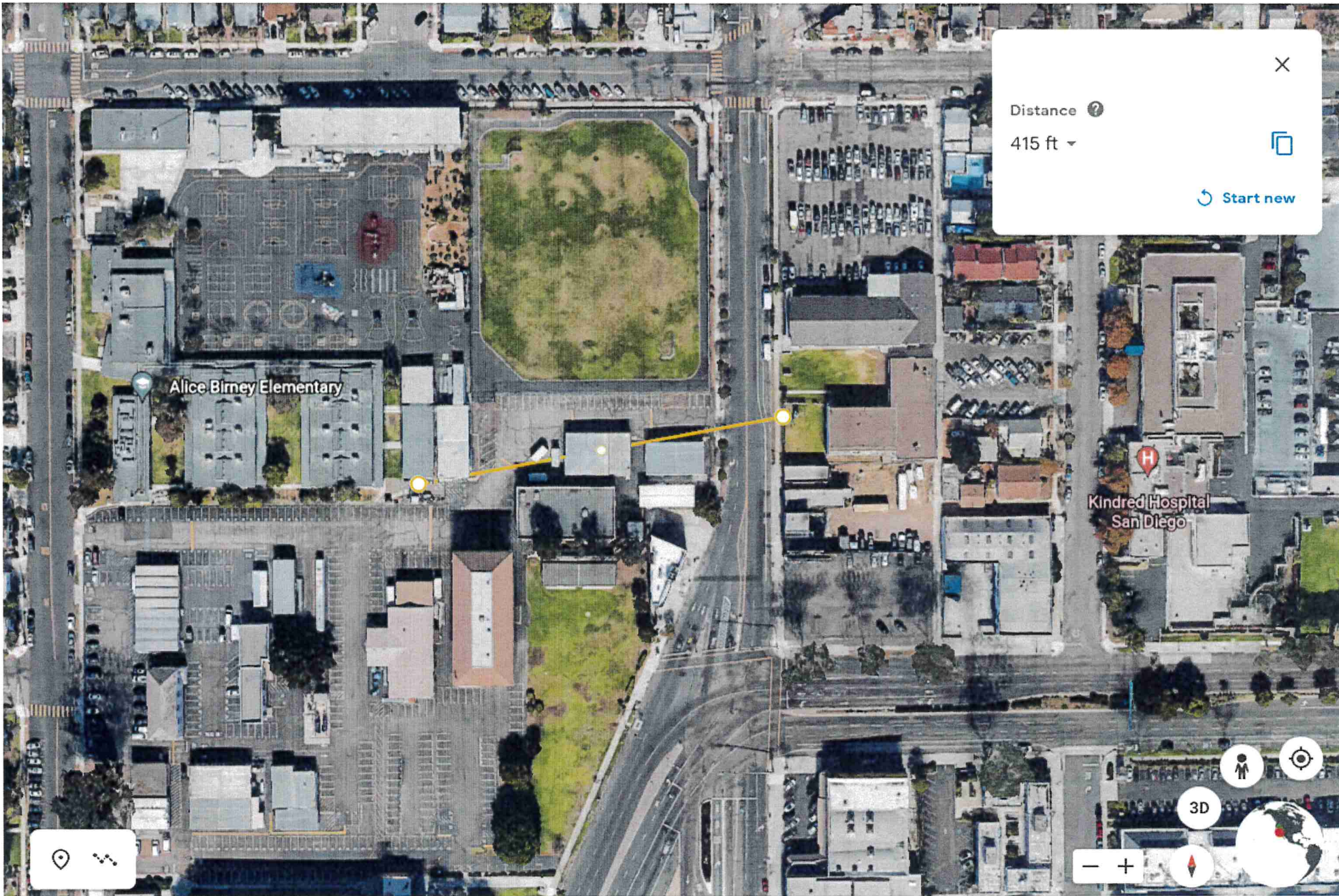


ATTACHMENT 10

You are currently running an experimental version of Earth.

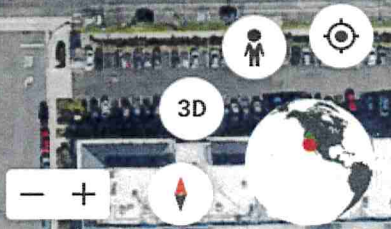
[Learn more](#)

[Send feedback](#)



Distance ⓘ
415 ft ▾

[Start new](#)





NORTHEAST CORNER OF
EL CAJON BLVD. & PARK BLVD.
CVS CS PROJECT NO. 123808

CONDITIONAL USE PERMIT FOR ALCOHOL BEVERAGE OUTLET

DRAWING INDEX

CS-1	COVER SHEET
A-1	REFERENCE SITE PLAN & EXTERIOR ELEVATIONS
A-2	FLOOR PLAN

DEVELOPMENT SUMMARY

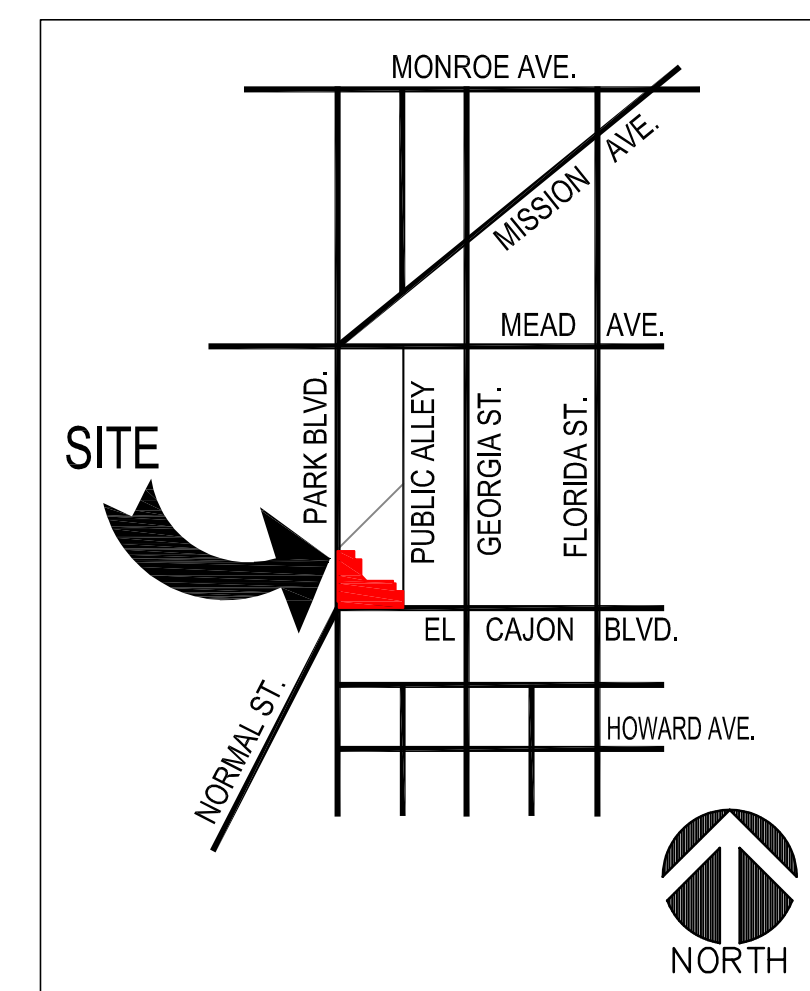
CONDITIONAL USE PERMIT FOR AN ALCOHOLIC BEVERAGE OUTLET (TYPE 21 - OFF-SALE GENERAL) FROM A SEPARATELY PERMITTED CVS PHARMACY IN AN EXISTING MIXED-USE BUILDING. NO IMPROVEMENTS PROPOSED WITH THIS PERMIT.

- HOURS OF SALE OF ALCOHOLIC BEVERAGES 7 DAYS/WEEK 10:00 AM TO MIDNIGHT
- PROPERTY OWNER LMC NORTH PARK HOLDINGS 95 ENTERPRISE, SUITE 200 ALISO VIEJO, CA 92656
- LEGAL DESCRIPTION LOTS A THROUGH X OF TRACT TRACT 890 (ROBERTS SUBDIVISION), BLOCK 1
- ZONING CC-3-9
- COMMUNITY PLAN NORTH PARK
- EXISTING USE (UNDER CONSTRUCTION) MIXED-USE RESIDENTIAL RETAIL
- GROSS SITE AREA (PROPERTY) 2.34 AC
- GROSS FLOOR AREA (CVS STORE) 14,980 S.F.
- FLOOR AREA DEVOTED TO ALCOHOL SALES 180 S.F.
- YEAR CONSTRUCTED 2021

TEAM MEMBERS

DEVELOPER: BOOS DEVELOPMENT WEST, LLC 1 MACARTHUR PLACE, SUITE 260 SANTA ANA, CA 92707	TEL: (714) 953-0004 FAX: (714) 953-0005	TENANT PROJECT MANAGER: BOOS DEVELOPMENT WEST, LLC 1 MACARTHUR PLACE, SUITE 260 SANTA ANA, CA 92707	JAG SEKHON TEL: (714) 953-0004 FAX: (714) 953-0005	PLANNING CONSULTANT: LAND SOLUTIONS, INC. 7933 EL PASO ST. LA MESA, CA 91942	STEVE LAUB TEL: (619) 644-3300 EMAIL: slaub@landsolutionsinc.net
ARCHITECT: LYONS WARREN ENGINEERS + ARCHITECTS 9560 CANDIDA STREET SAN DIEGO, CA 92126	TRACY LINDQUIST, ARCH STEVE SCHNEIDER, S.E. TEL: (619) 573-8999 FAX: (619) 573-8998	CONTRACTOR: T.B.D.			

LOCATION MAP



ATYPICAL
NO DRIVE-THRU
STORE NUMBER: TBD
NORTH EAST CORNER
OF EL CAJON BLVD. & PARK BLVD.
SAN DIEGO, CA
PROJECT TYPE:
DEAL TYPE:
CS PROJECT NUMBER: 123808

ARCHITECT OF RECORD:

LYONS WARREN
engineers + architects
9560 CANDIDA STREET
San Diego, CA
92126-4540
858.573.8999

CONSULTANT:

DEVELOPER:



1 MACARTHUR PLACE, SUITE 260
SANTA ANA, CA 92707
TEL 714.953.0004

DATE: 11/25/2020

REVISIONS:

REV. 1 01/27/2021 PLAN UPDATES

TITLE:

COVER SHEET

SHEET NUMBER:

C-1

SHEET 1 OF 3



ATYPICAL
NO DRIVE-THRU
STORE NUMBER: TBD
NORTH EAST CORNER
OF EL CAJON BLVD. & PARK BLVD.
SAN DIEGO, CA
PROJECT TYPE:
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ARCHITECT OF RECORD:
LYONS WARREN
engineers + architects
9560 CANDIDA STREET
San Diego, CA
92126-4540
858.573.8999

CONSULTANT:

DEVELOPER:
BOOS
DEVELOPMENT WEST
1 MACARTHUR PLACE, SUITE 260
SANTA ANA, CA 92707
TEL. 714.953.0004

DATE: 11/25/2020

REVISIONS:
REV. 1 01/27/2021 PLAN UPDATES

TITLE:
REFERENCE SITE PLAN & EXTERIOR ELEVATIONS

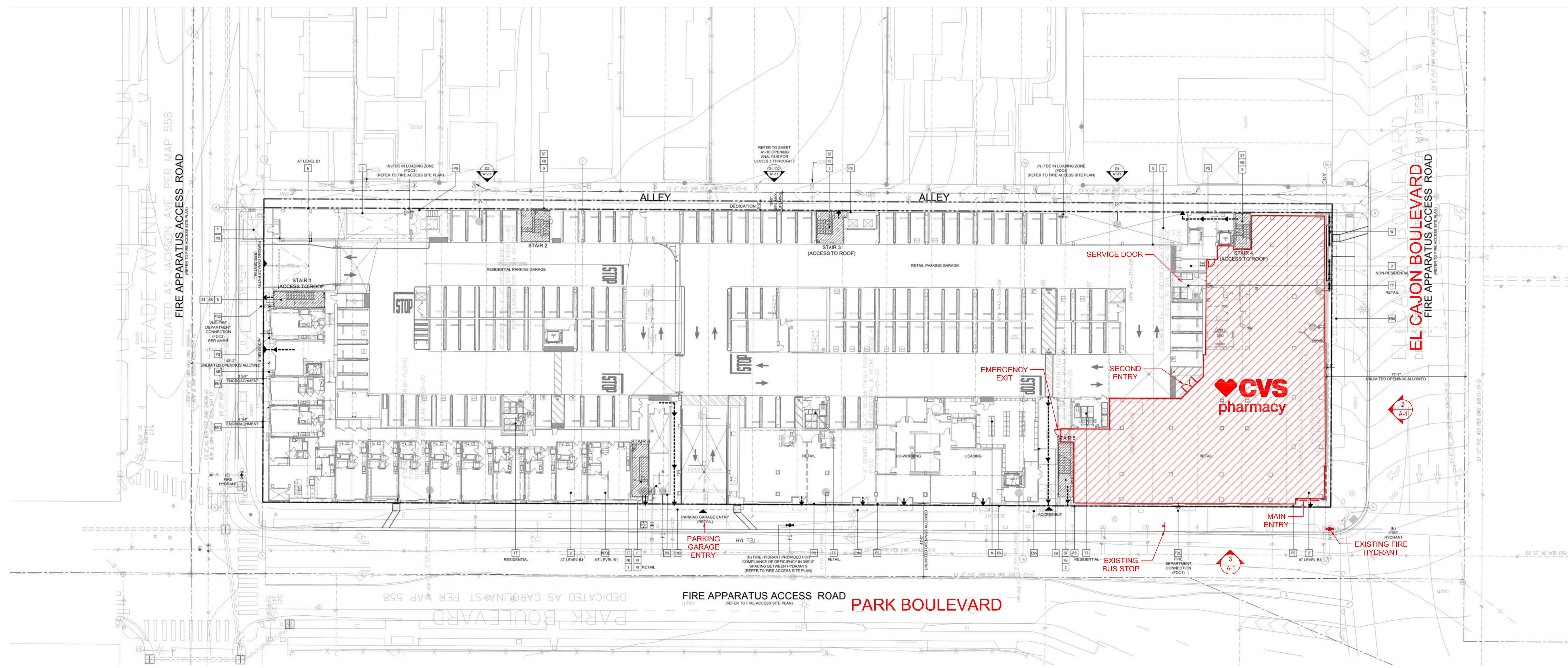
SHEET NUMBER:



2 SOUTH ELEVATION (EL CAJON BOULEVARD)
A-1 1/16" = 1'-0"



3 WEST ELEVATION (PARK BOULEVARD)
A-1 1/16" = 1'-0"



1 REFERENCE SITE PLAN
A-1 1" = 30'-0"



ATYPICAL
NO DRIVE-THRU
STORE NUMBER: TBD
NORTH EAST CORNER
OF EL CAJON BLVD. & PARK BLVD.
SAN DIEGO, CA
PROJECT TYPE:
DEAL TYPE:
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ARCHITECT OF RECORD:
LYONS WARREN
engineers + architects
9560 CANDIDA STREET
San Diego, CA
92126-4540
858.573.8999

CONSULTANT:

DEVELOPER:
BOOS
DEVELOPMENT WEST
1 MACARTHUR PLACE, SUITE 200
SANTA ANA, CA 92707
TEL. 714.953.0004

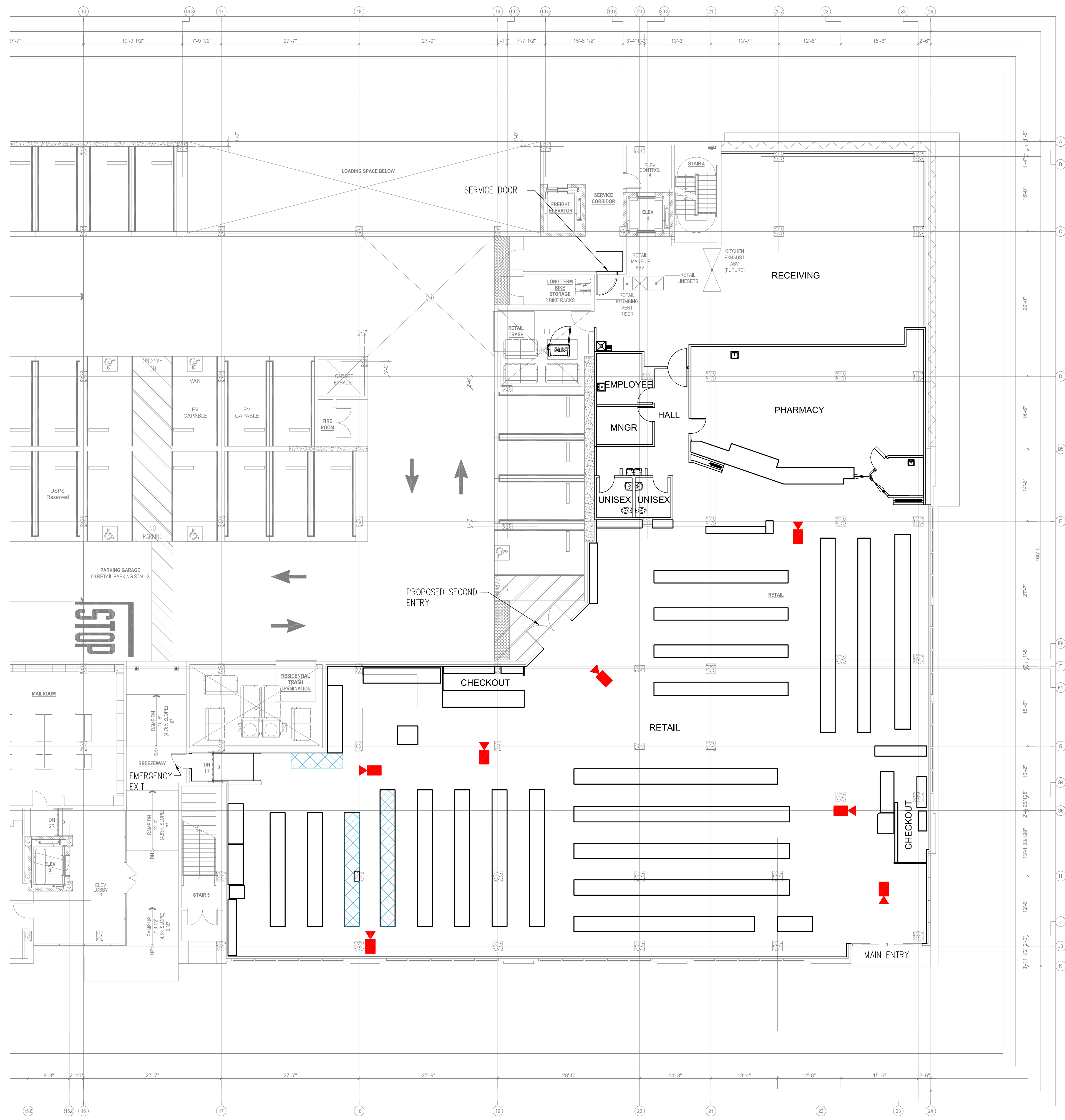
TITLE:

DATE: 11/25/2020

REVISIONS:
REV. 1 01/27/2021 PLAN UPDATES

TITLE:
FLOOR PLAN
SHEET NUMBER:

A-2
SHEET 3 OF 3



LEGEND:
 SHELVING ALLOCATED TO ALCOHOL SALES
 SHELVING FOR ALCOHOL SALES = 180 S.F.
 SECURITY CAMERA

1 SECOND FLOOR PLAN
A-1 3/32" = 1'-0"