



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: August 10, 2022 REPORT NO. HO-22-022

HEARING DATE: August 17, 2022

SUBJECT: Epic Wines & Spirits, Process Three Decision

PROJECT NUMBER: [693523](#)

OWNER/APPLICANT: Laurie Rosenthal and Carl Rosenthal / Baker Architecture

SUMMARY

Issue: Should the Hearing Officer approve a Conditional Use Permit to allow an alcoholic beverage outlet within a 2,232 square-foot commercial building located at 11395 Poway Road, Suite A, within the Sabre Springs Community Plan Area?

Staff Recommendation: Approve Conditional Use Permit No. 2568572.

Community Planning Group Recommendation: On February 9, 2022, the Sabre Springs Community Planning Group voted 10-0 to recommend approval of the proposed project (Attachment 7).

Environmental Review: The project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Section 15301 (Existing Facilities). The environmental exemption determination for this project was made on June 6, 2022, and the opportunity to appeal that determination ended on June 20, 2022.

BACKGROUND

The project is located at 11395 Poway Road, Suite A, and is developed with an existing 14,158 square-foot single-story, commercial center within an urbanized area in the Sabre Springs Community Plan area (Community Plan). (Attachment 2). The 1.35-acre site is in the CN-1-2 Zone and is designated Commercial Neighborhood. The project site is adjacent to residential land uses to the west, south, and north, and is approximately one mile east of the I-15 freeway (Attachment 3).

DISCUSSION

The project is a Conditional Use Permit (CUP) to allow an alcoholic beverage outlet for the sale of beer, wine, and distilled spirits through a State-issued Alcohol Beverage Control (ABC) Type 21 License within a 2,232 square-foot retail space. The San Diego Municipal Code (SDMC) defines Type 21 Licenses as alcoholic beverage outlets, which are allowed in the CN-1-2 Zone as a Limited Use subject to the requirements of SDMC Section 141.0502(b). An alcoholic beverage outlet that does not comply with these requirements, including the location criteria outlined in SDMC Section 141.0502(b)(1), may be permitted with a Process Three, CUP pursuant to SDMC Section 141.0502(c). In addition, a recommendation from the San Diego Police Department (SDPD) is required. The proposed alcoholic beverage outlet at the site requires a CUP because the project site does not meet the location criteria outlined in SDMC Section 141.0502(b), as explained below:

1. **Within a census tract, or within 600 feet of a census tract, where the general crime rate exceeds the citywide average general crime rate of more than 20 percent.** The project is within Census Tract No. 170.68, which reported a crime rate of 39.4 percent of the city-wide average based on statistics provided by the SDPD. A census tract is considered to have "high crime" if the crime rate exceeds 120 percent of the city-wide average. Therefore, the project is not located within a high-crime census tract.
2. **Within a census tract, or within 600 feet of a census tract, where the ratio of alcohol beverage outlets exceeds the standards established by California Business and Professions Code section 23958.4.** The subject property is in Census Tract No. 170.68, which based on the California Business and Professions Code Section 23958.4 standards allows for two off-sale ABC licenses. The project site was previously licensed with a Type 20 License (Off Sale Beer & Wine) and was operating as a 7-Eleven convenience market. The project will replace the Type 20 License with a Type 21 License, therefore, not increasing or exceeding the number of licenses allowed as established by California Business and Professions Code section 23958.4.
3. **In an adopted Redevelopment Project Area.** The project site is not located within an adopted redevelopment project area.
4. **Within 600 feet of a public or private accredited school, a public park, playground or recreational area, church, hospital, or a San Diego County Welfare District Office.** The project site is not located 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.
5. **Within 100 feet of residentially zoned property.** The project site is located within 100 feet of residentially zoned properties. Therefore, the project requires a CUP to allow the alcohol beverage outlet.

The project has been reviewed by the SDPD and the Development Services Department (DSD) for conformance to the applicable development regulations and land use policies. City staff support of the alcoholic beverage outlet at this location is based on the site's commercial nature and its location within an existing commercial center. The site is designated Commercial Neighborhood, and the project conforms with the goals of the Commercial Land Use Element of providing attractive

accessible commercial development which meets community convenience needs and complements the full range of commercial activities within the I-15 corridor.

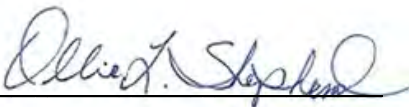
The SDPD and DSD have concluded that if the permit and ABC license were appropriately conditioned, the project would not adversely impact the surrounding neighborhood and public health, safety, or welfare. Staff supports a 30-year CUP based on the project analysis and the conditions and recommendations provided by the SDPD for the permit and the ABC license that include limiting the hours permitted for the sale of alcoholic beverages, prohibiting the sale of beer or malt beverages in kegs, no loitering, littering and drinking of alcoholic beverages, prohibiting public pay phones and arcade games, requiring graffiti to be removed promptly, and requiring retail employees to be trained in ABC regulations, theft deterrence and policies against the sales of alcoholic beverages to those under 21 years of age and intoxicated individuals.

City staff has reviewed the proposal, including all the issues identified through the review process, and has determined that all project issues have been addressed. The project conforms with the Community Plan, and the adopted City Council policies and regulations of the Land Development Code. Therefore, draft findings and conditions to support project approval are presented to the Hearing Officer for consideration. Staff recommends that the Hearing Officer approve Conditional Use Permit No. 2568572 for the project.

ALTERNATIVES

1. Approve Conditional Use Permit No. 2568572 with modifications.
2. Deny Conditional Use Permit No. 2568572 if the findings required to approve the project cannot be affirmed.

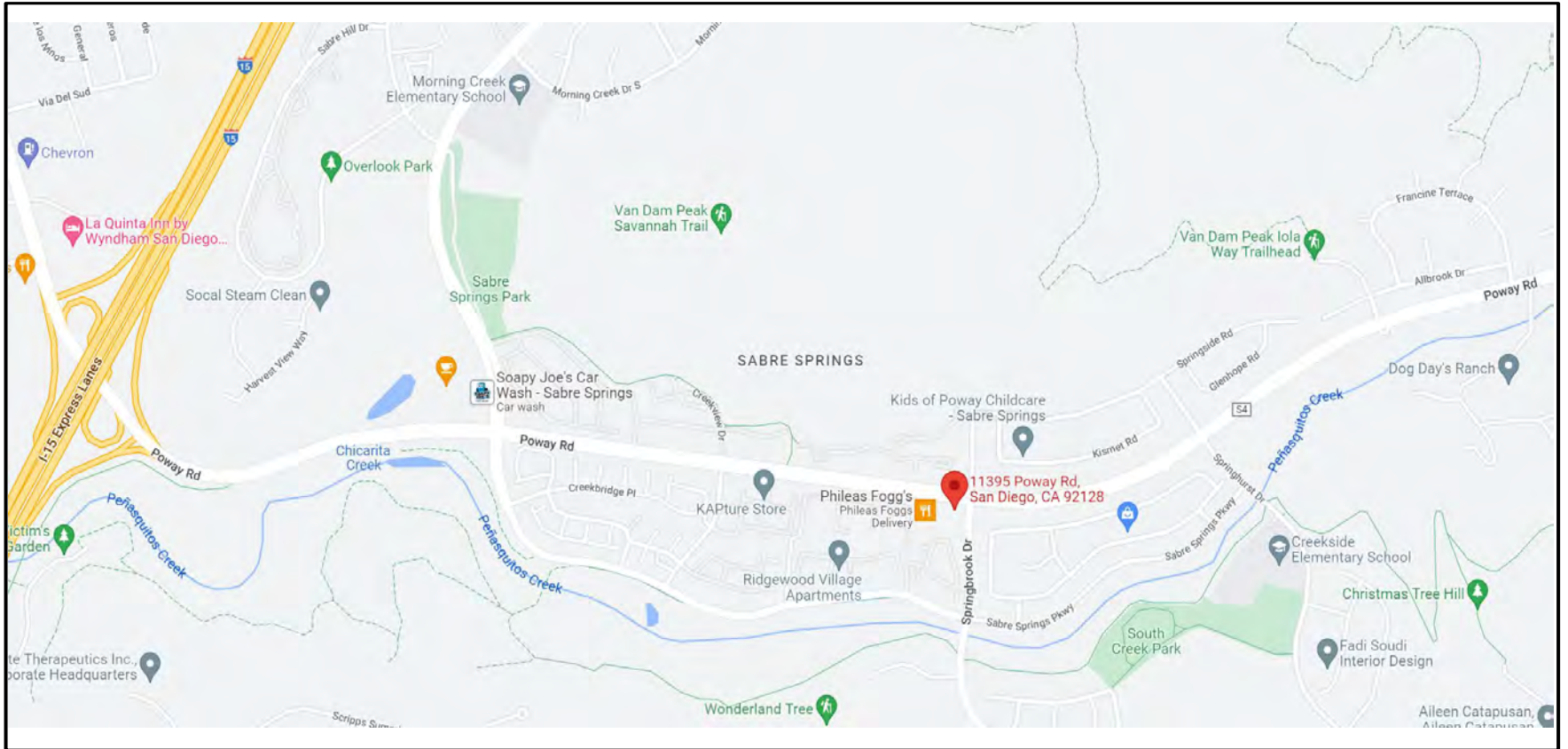
Respectfully submitted,



Ollie Shepherd, Development Project Manager

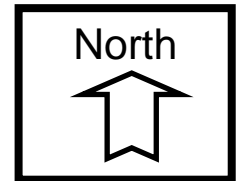
Attachments:

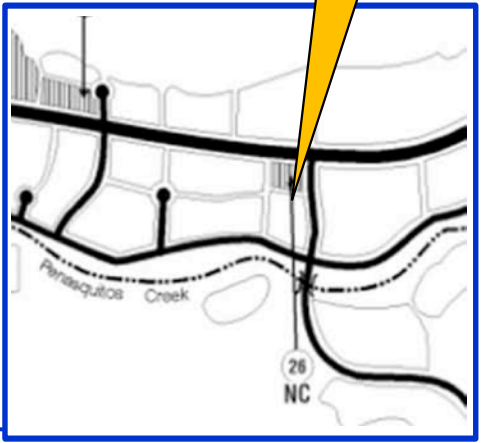
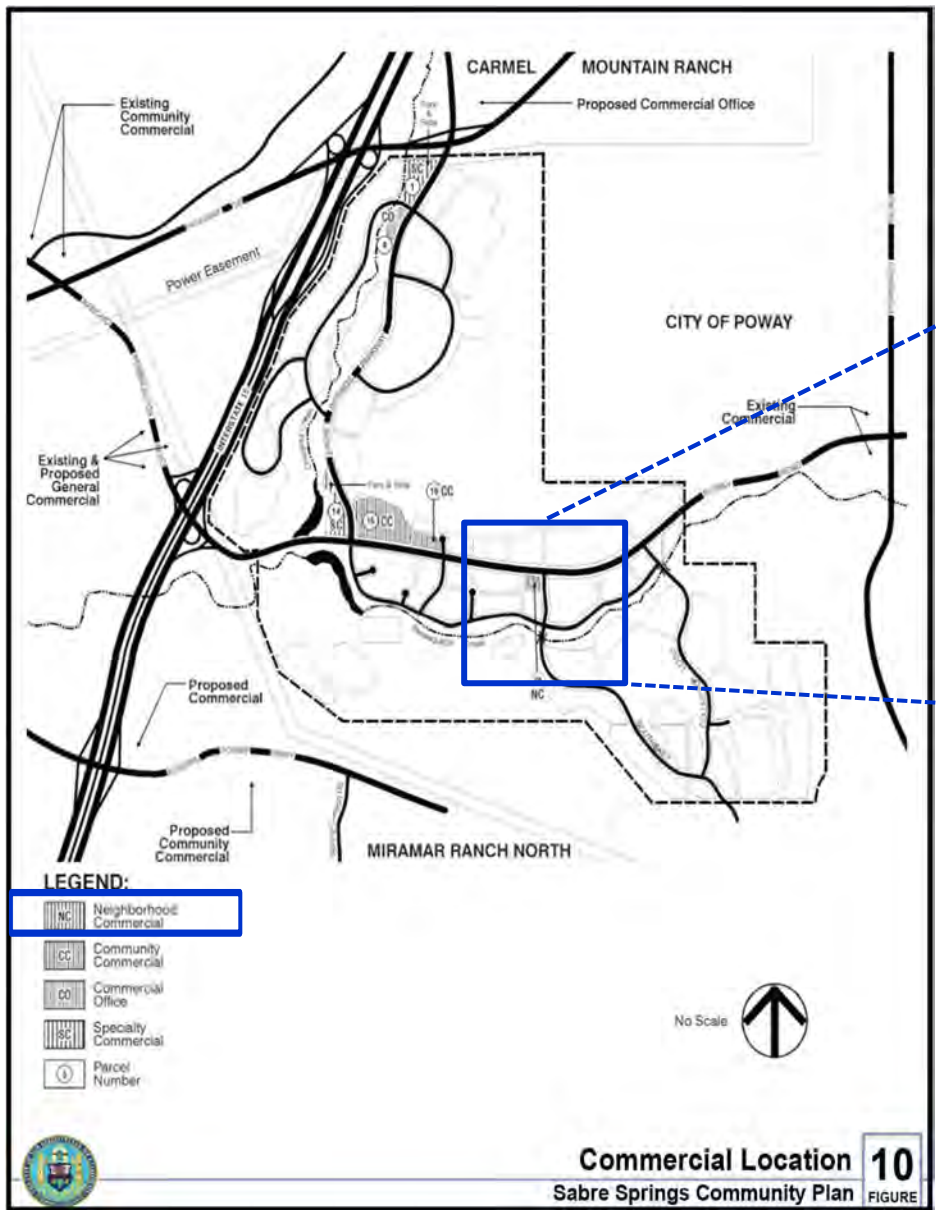
1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Draft Resolution with Findings
5. Draft Permit with Conditions
6. NORA Environmental Determination
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. San Diego Police Department Recommendation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



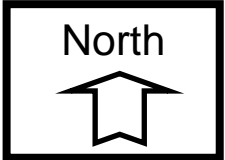
Project Location Map

Epic Wines & Spirits CUP
Project No. 693523 - 11395 Poway Road, Suite A.



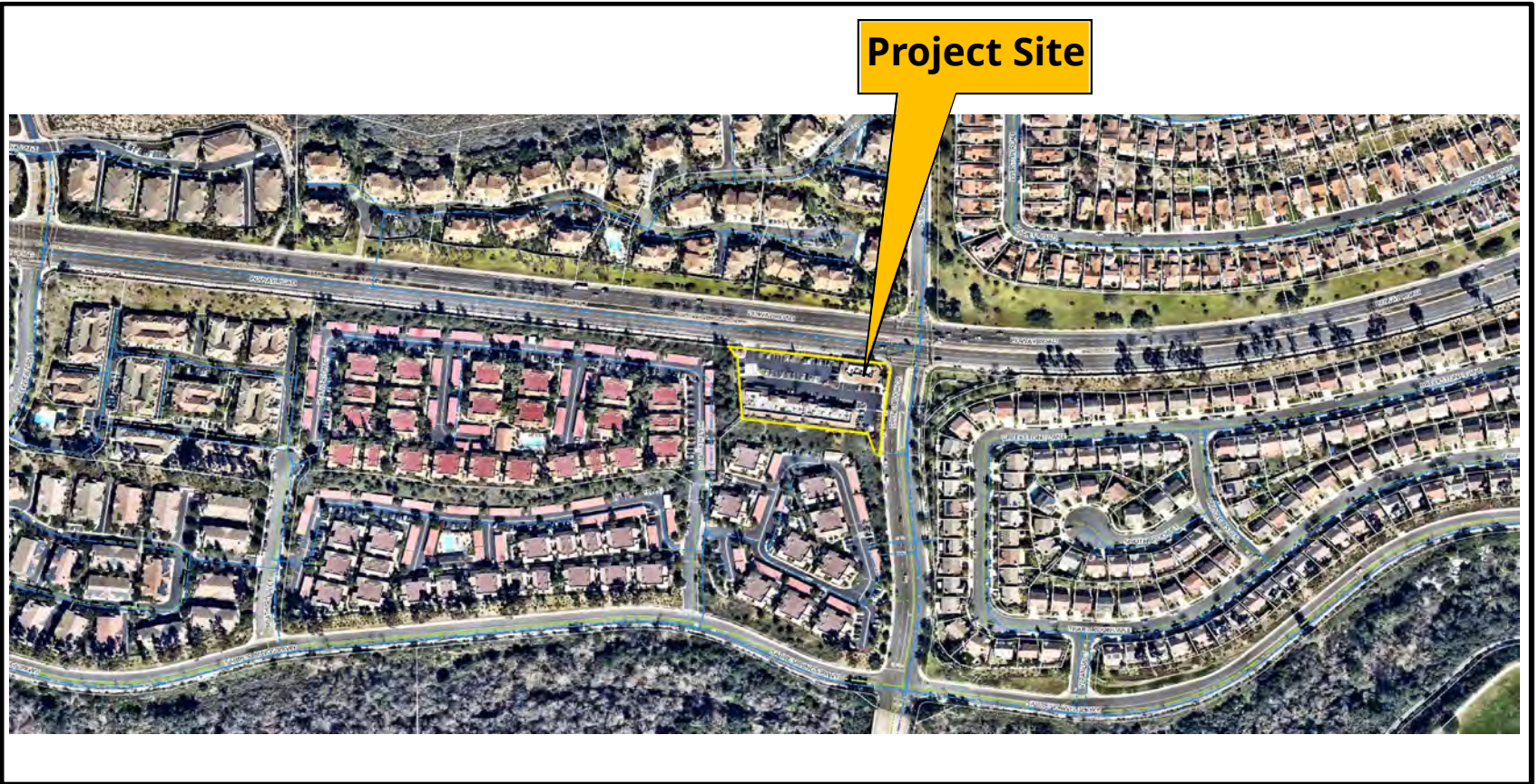


Project Site



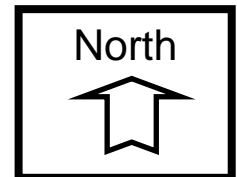
Land Use Map

Epic Wines & Spirits CUP
Project No. 693523 - 11395 Poway Road, Suite A.



Aerial Photograph

Epic Wines & Spirits CUP
Project No. 693523 - 11395 Poway Road, Suite A



HEARING OFFICER RESOLUTION NO. _____
CONDITIONAL USE PERMIT NO. 2568572
EPIC WINES & SPIRITS CUP - PROJECT NO. 693523

WHEREAS, LAURIE ROSENTHAL AND CARL ROSENTHAL, Owner, and Permittee, Nathan Yousif, filed an application with the City of San Diego for a permit to operate an alcoholic beverage outlet within a 2,232-square-foot commercial space through a State issued Alcohol Beverage Control (ABC) Type 21 license (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Conditional Use Permit No. 2568572), on portions of a 1.35-acre site;

WHEREAS, the project site is located at 11395 Poway Road, Suite A, and is located in the CN-1-2 Zone within the Sabre Springs Community Plan area;

WHEREAS, the project site is legally described as Parcel 2 Of Parcel Map No. 18382, in the City of San Diego, County of San Diego, State of California, according to the Map thereof filed in the Office of The County Recorder of San Diego County, November 24, 1999, as file No. 1999-0777041 of Official Records;

WHEREAS, on June 6, 2022, 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 there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

WHEREAS, on August 17, 2022, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2568572 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. 2568572:

A. CONDITIONAL USE PERMIT [San Diego Municipal Code (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 is a Conditional Use Permit for an Alcoholic Beverage Outlet to allow the sale of alcoholic beverages for off-site consumption through the issuance of a State Department of Alcoholic Beverage Control (ABC) Type 21 License in a 2,232 square-foot commercial space at 11395 Poway Road within the Sabre Springs Community Plan area (Community Plan). Alcoholic Beverage Outlets are a Limited Use in the CN-1-2 Zone, which is intended to provide access to a limited number of convenient retail and personal service uses. However, pursuant to SDMC Section 141.0502(b), alcoholic beverage outlets are not permitted as a limited use within 100 feet of a residentially zoned property and the proposed project is within 100 feet of residentially zoned property. Proposals for alcoholic beverage outlets that do not comply with the regulations in SDMC Section 141.0502(b) may be permitted with a Conditional Use Permit, subject to the regulations in SDMC Section 141.0502(c). The project meets other location criteria in SDMC Section 141.0502(b). The San Diego Police Department (SDPD) reported that the project site is located within Census Tract No. 170.68 which does not have high crime. The Census Tract allows for two off-sale ABC licenses, and the project will replace the existing ABC Type 20 License with a Type 21 License, and therefore not increase or exceed the number of licenses allowed in the area.

The project will not adversely affect the applicable land use plan. The project is located in a commercial building within an existing neighborhood commercial center. The site is designated in the Community Plan as a Commercial Neighborhood which is intended to provide attractive, accessible commercial development that meets community convenience needs and complements the full range of commercial activities within the I-15 corridor. A goal of the Community Plan is to complement all commercial development in the community with the existing and proposed commercial in surrounding areas, in order to adequately meet commercial needs and provide a diversity of goods and services, while ensuring market viability. Another Community Plan goal is to locate commercial projects in the community to best serve consumer needs, especially in relation to market areas, accessibility, relationship to other land use functions, and environmental design factors. The project complies with these Community Plan policies by providing a neighborhood retail use that complements the existing commercial center. Therefore, the proposed development will not adversely affect the applicable land use plan.

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

The San Diego Police Department (SDPD) reported that the project site is located in Census Tract No. 170.4268 which does not have high crime. The Census Tract allows for two off-sale ABC licenses and has one ABC license. The project will replace the existing ABC Type 20 License with a Type 21 License, and therefore not increase or exceed the number of licenses allowed in the area.

Staff supports a 30-year CUP based on the project analysis and the conditions and recommendations provided by the SDPD for the permit and ABC license that include limiting the hours permitted for the sale of alcoholic beverages; prohibiting arcade games, loitering, and public pay phones; requiring illumination during all hours of darkness and when the outlet is open for business; maintaining the premises, adjacent public sidewalks, and areas under the control of the owner or operator free of litter and graffiti; and requiring trash receptacles conveniently located inside and outside the alcoholic beverage outlet, including adjacent public sidewalks and areas under the control of the owner or operator. Therefore, the proposed development will not be detrimental to 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 Conditional Use Permit to allow the sale of alcoholic beverages through the issuance of a State Department of Alcoholic Beverage Control (ABC) Type 21 License within a 2,232 square-foot commercial space at 11395 Poway Road within the Sabre Springs community. Alcoholic Beverage Outlets are a Limited Use in the CN-1-2 Zone, which is intended to provide access to a limited number of convenient retail and personal service uses. However, pursuant to SDMC Section 141.0502(b), alcoholic beverage outlets are not permitted as a limited use within 100 feet of a residentially zoned property and the proposed development is within 100 feet of residentially zoned property. Proposals for alcoholic beverage outlets that do not comply with the regulations in SDMC Section 141.0502(b) may be permitted with a Conditional Use Permit, subject to the regulations in SDMC Section 141.0502(c).

The proposed development meets other location criteria in SDMC Section 141.0502(b). The San Diego Police Department (SDPD) reported that the project site is located within Census Tract No. 170.68 which does not have high crime. The Census Tract allows for two off-sale ABC licenses and has one ABC license. The project will replace the existing ABC Type 20 License with a Type 21 License, and therefore not increase or exceed the number of licenses allowed in the area. The project is consistent with the Community Plan policies and goals and provides a neighborhood retail use that complements the existing commercial center. Therefore, the proposed development complies with the regulations of the Land Development Code.

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

Alcoholic Beverage Outlets are a Limited Use in the CN-1-2 Zone, which is intended to provide access to a limited number of convenient retail and personal service uses. However, pursuant to SDMC Section 141.0502(b), alcoholic beverage outlets are not permitted as a limited use within 100 feet of a residentially zoned property and the proposed use is within 100 feet of residentially zoned property. Proposals for alcoholic beverage outlets that do not comply with the regulations in SDMC Section 141.0502(b) may be permitted with a Conditional Use Permit, subject to the regulations in SDMC Section 141.0502(c). The project meets other location criteria in SDMC Section 141.0502(b). The San Diego Police Department reported that the project site is located within Census Tract No. 170.68 which does not have high crime. The Census Tract allows for two off-sale ABC licenses and has one ABC license. The project will replace the existing ABC License with a Type 21 License, and therefore not increase or exceed the number of licenses allowed in the area.

The proposed use is appropriate at the proposed location. The project is located in a commercial building within an existing neighborhood commercial center. The site is designated in the Community Plan as Neighborhood Commercial which is intended to provide attractive accessible commercial development that meets community convenience needs and complements the full range of commercial activities within the I-15 corridor. A goal of the Community Plan is to all commercial development in the community with the existing and proposed commercial in surrounding areas, in order to adequately meet commercial needs and provide a diversity of goods and services while ensuring market viability. Another Community Plan goal is to locate commercial projects in the community to best serve consumer needs, especially in relation to market areas, accessibility, relationship to other land use functions, and environmental design factors. The project complies with these Community Plan policies by providing a neighborhood retail use that complements the existing commercial center.

Staff supports a 30-year CUP based on the project analysis and the conditions and recommendations provided by the SDPD for the permit and ABC license that include limiting the hours permitted for the sale of alcoholic beverages; prohibiting arcade games, loitering, and public pay phones; requiring illumination during all hours of darkness and when the outlet is open for business; maintaining the premises, adjacent public sidewalks, and areas under the control of the owner or operator free of litter and graffiti; and requiring trash receptacles, conveniently located inside and outside the alcoholic beverage outlet, including adjacent public sidewalks and areas under the control of the owner or operator. 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. 2568572 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. 2568572, a copy of which is attached hereto and made a part hereof.

Ollie Shepherd
Development Project Manager
Development Services

Adopted on August 17, 2022

IO#: 24008951

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: 24008951

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2568572
EPIC WINES AND SPIRITS - PROJECT NO. 693523
HEARING OFFICER

This Conditional Use Permit No. 2568572 is granted by the Hearing Officer of the City of San Diego to Laurie Rosenthal and Carl Rosenthal, Owner and Permittee Nathan Yousif, pursuant to San Diego Municipal Code [SDMC] section 141.0502 and 126.0305. The 1.35-acre site is located at 11395 Poway Road, Suite A, and is in the CN-1-2 Zone within the Sabre Springs Community Plan area. The project site is legally described as Parcel 2 Of Parcel Map No. 18382, in the City of San Diego, County of San Diego, State of California, according to the Map thereof filed in the Office of The County Recorder of San Diego County, November 24, 1999, as file No. 1999-0777041 of Official Records.

Subject to the terms and conditions set forth in this Permit, permission is granted to the 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"] August 17, 2022, on file in the Development Services Department.

The project shall include:

- a. Operation of an Alcoholic Beverage Outlet within an existing 2,232 square-foot retail building currently under construction, conditioned upon the issuance of a Type 21 License from the State Department of Alcoholic Beverage Control (ABC).
- b. Off-street parking; and
- 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 August 27, 2025.
2. This Conditional Use Permit (CUP) and corresponding use of this site shall expire on August 27, 2052. 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 has been granted.

11. All 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, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, the permit shall be void. However, in such an event, the Owner/Permittee shall have the right, to pay 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 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 the 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 an election, the Owner/Permittee shall pay all 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 the Owner/Permittee.

PLANNING DESIGN REQUIREMENTS:

13. Arcade games: Per SDMC Section 141.0502(b)(3), 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 with an alcoholic beverage outlet.

14. Payphones: Exterior public pay phones that permit incoming calls are not permitted on the premises, adjacent to public sidewalks, or in areas under the control of the owner or operator.

15. **Illumination:** The owner or operator 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 to public sidewalks and areas under the control of the owner or operator. 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.

16. **No loitering post:** The owner or operator 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."

17. **Phone Number:** The owner or operator shall list a business address and telephone number in the San Diego telephone directory or other similar distributed directories.

18. **Trash:** The owner or operator 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 or operator. 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 within the parking areas under the control of the owner or operator.

19. **Graffiti:** The owner or operator shall 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 owner or operator shall provide for the daily removal of trash, litter, and debris. The owner or operator shall eliminate graffiti within 48 hours of application.

20. **CUP Posting:** The owner or operator shall post a copy of the Conditional Use Permit in the licensed premises in a place where it may be readily viewed by any member of the general public or any member of a government agency.

POLICE DEPARTMENT REQUIREMENTS:

21. The hours for in-store operations shall be from 8:00 am to Midnight as it relates to sales, service, or consumption of alcoholic beverages. The hours for the sale of the alcoholic product via app/online platform for delivery only shall be 6:00 am to 2:00 am.

22. Loitering will be prohibited.

23. No public pay phones will be permitted on the premise or adjacent and under the control of the applicant.

24. No arcade games of any type will be allowed/maintained inside the premise.

25. Video surveillance shall be recording and available to law enforcement upon request covering the interior and public access points of the premises. Upon request of law enforcement, video surveillance shall not be deleted, voided, or destroyed. Recordings shall be maintained for a minimum of 30 days absent a request from law enforcement.
26. Litter and any unauthorized graffiti will be removed promptly.
27. All retail employees are trained in ABC regulations (LEAD), theft deterrence, and policies against the sales of alcoholic beverages to those under 21 years of age, and/or intoxicated.

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 a 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 August 17, 2022, and by Resolution No.

_____.

Permit Type/PTS Approval No.: 2568572
Date of Approval: August 17, 2022

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Ollie Shepherd
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.

EPIC WINES & SPIRITS

By _____
Laurie Rosenthal Owner

EPIC WINES & SPIRITS

By _____
Carl Rosenthal Owner

EPIC WINES & SPIRITS

By _____
Nathan Yousif Permittee

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



THE CITY OF SAN DIEGO

Date of Notice: June 6, 2022

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION DEVELOPMENT SERVICES DEPARTMENT

SAP or I.O. No. 24008951

PROJECT NAME / NUMBER: Epic Wines & Spirits CUP / 693523

COMMUNITY PLAN AREA: Sabre Springs

COUNCIL DISTRICT: 5

LOCATION: 11395 Poway Road Suite A, San Diego, CA 92128

PROJECT DESCRIPTION: A Conditional Use Permit for retail sale of alcoholic beverages in an existing 2,232 square foot building located at 11395 Poway Road Suite A. The site is described as Parcel 2 of Parcel Map 18382 and zoned CN-1-2 within the Sabre Springs community planning area.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Hearing Officer

ENVIRONMENTAL DETERMINATION: Categorically exempt from CEQA pursuant to CEQA State Guidelines, Section 15301, Existing Facilities.

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: The City of San Diego determined that the project would qualify to be categorically exempt from CEQA pursuant to Section 15301(a) (Existing Facilities) to allow a Conditional Use Permit for the sale of alcoholic beverages in an existing 2,232 square foot building located at 11395 Poway Road Suite A. Since the proposed project consists of tenant improvements within an existing facility, the exemption is appropriate. The exceptions listed in CEQA Section 15300.2 would not apply in that no cumulative impacts were identified; no significant effect on the environment were identified; the project is not adjacent to a scenic highway; and the project was not identified on a list of hazardous waste sites pursuant to Section 65962.5 of the Government Code.

DEVELOPMENT PROJECT MANAGER:

Ollie Shepherd

MAILING ADDRESS:

1222 First Avenue, MS 501, San Diego, CA 92101-4153

PHONE NUMBER / EMAIL:

(619) 446-5412 / oshepherd@sandiego.gov

On June 6, 2022 the City of San Diego made the above-referenced environmental determination pursuant

ATTACHMENT 6

to the California Environmental Quality Act (CEQA). This determination is appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

Applications to appeal CEQA determinations to the City Council must be filed in the office of the City Clerk within 10 business days from the date of the posting of this Notice (June 20, 2022). During the Statewide "Safer-at-Home" directive to reduce the spread of COVID-19, beginning March 19, 2020, appeals to the City Clerk must be filed by email or US Mail as follows:

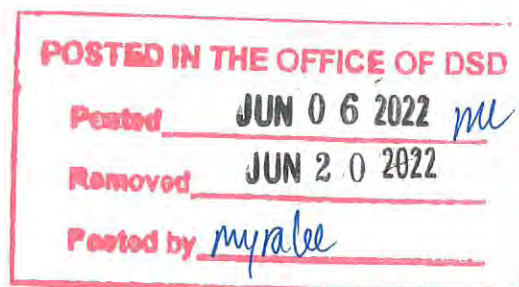
- 1) Appeals filed via E-mail: [The Development Permit/Environmental Determination Appeal Application Form DS-3031](https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/forms/ds3031.pdf) can be obtained at <https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/forms/ds3031.pdf>.

Send the completed appeal form (including grounds for appeal and supporting documentation in pdf format) by email to Hearings1@sandiego.gov by 5:00pm. on the last day of the appeal period; your email appeal will be acknowledged within 24 business hours. You must separately mail the appeal fee by check payable to the City Treasurer to: City Clerk/Appeal, MS 2A, 202 C Street, San Diego, CA 92101. The appeal filing fee must be United States Postal Service (USPS) postmarked before or on the final date of the appeal. Please include the project number on the memo line of the check.

- 2) Appeals filed in person: [The Development Permit/Environmental Determination Appeal Application Form DS-3031](https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/forms/ds3031.pdf) can be obtained at <https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/forms/ds3031.pdf>.

Deposit the fully completed appeal application [DS-3031](https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/forms/ds3031.pdf) (including grounds for appeal and supporting documentation) in a sealed envelope, into the Drop-Off Box located under the Public Notice Kiosk to the left of the public entrance to the City Administration Building, 202 "C" Street, San Diego, CA 92101, by 5:00pm on the last day of the appeal period. The Drop-Off Box is available from 8:00am to 5:00pm Monday through Friday (excluding City-approved holidays). The completed appeal package must include the required appeal fee per this bulletin in the form of a check or money order payable to the "City Treasurer." Please include the project number on the memo line of the check/money order. This Drop-Off Box is checked daily, and payments are processed the following business day.

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





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

THE CITY OF SAN DIEGO

**Community Planning
Committee
Distribution Form Part 1**


Project Name: Digitl-Epic Wines & Spirit CUP		Project Number: 693523	Distribution Date: 1/25/2022	
Project Scope/Location: SABRE SPRINGS: (Process 3) Conditional use permit for retail sale of alcoholic beverages in a 2,232 square foot building located 11395 Poway Road Suite A. Parcel 2 of Parcel Map 18382 site is zoned CN-1-2 within the Sabre Springs community plan. Council district 5.				
Applicant Name: Tony Kerleshi			Applicant Phone Number: 858-569-2079	
Project Manager: Ollie Shepherd	Phone Number: 619-236-5580	Fax Number: (619) 321-3200	E-mail Address: oshepherd@sandiego.gov	
Project Issues (To be completed by Community Planning Committee for initial review): N/A				
<i>Attach Additional Pages If Necessary.</i>			Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101	
Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services . Upon request, this information is available in alternative formats for persons with disabilities.				



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

THE CITY OF SAN DIEGO

Community Planning Committee Distribution Form Part 2

Project Name: Digitl-Epic Wines & Spirit CUP		Project Number: 693523	Distribution Date: 1/25/2022
Project Scope/Location: SABRE SPRINGS: (Process 3) Conditional use permit for retail sale of alcoholic beverages in a 2,232 square foot building located 11395 Poway Road Suite A. Parcel 2 of Parcel Map 18382 site is zoned CN-1-2 within the Sabre Springs community plan. Council district 5.			
Applicant Name: Tony Kerleshi		Applicant Phone Number: 858-569-2079	
Project Manager: Ollie Shepherd	Phone Number: 619-236-5580	Fax Number: (619) 321-3200	E-mail Address: oshepherd@sandiego.gov
Committee Recommendations (To be completed for Initial Review): N/A			
<input checked="" type="checkbox"/> Vote to Approve	Members Yes 10	Members No 0	Members Abstain 0
<input type="checkbox"/> Vote to Approve With Conditions Listed Below	Members Yes 10	Members No 0	Members Abstain 0
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below	Members Yes 10	Members No 0	Members Abstain 0
<input type="checkbox"/> Vote to Deny	Members Yes 10	Members No 0	Members Abstain 0
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			<input type="checkbox"/> Continued
CONDITIONS: N/A			
NAME: Eric Edelman		TITLE: CMRSSCC Chair	
SIGNATURE:		DATE: 2/10/2022	
<i>Attach Additional Pages If Necessary.</i> 		Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101	
Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services . Upon request, this information is available in alternative formats for persons with disabilities.			



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

Ownership Disclosure Statement

FORM
DS-318

October 2017

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

Project Title: Epic Wines & Spirits **Project No. For City Use Only:** PTS# 0693523
Project Address: 11395 Poway Rd, Ste #A, San Diego, CA 92128

Specify Form of Ownership/Legal Status (please check):
 Corporation Limited Liability -or- General - What State? _____ Corporate Identification No. _____
 Partnership Individual

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the owner(s), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of **ANY** person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Property Owner
Name of Individual: Laurie and Carl Rosenthal c/o NewMark Merrill Companies Owner Tenant/Lessee Successor Agency
Street Address: 256 15th Street
City: Santa Monica State: CA Zip: 90402
Phone No.: (818)710-6100 Fax No.: (818)710-6116 Email: wmiller@newmarkmerrill.com
Signature: [Signature] Date: December 9, 2021
Additional pages Attached: Yes No

Applicant
Name of Individual: Nathaniel Yousif Owner Tenant/Lessee Successor Agency
Street Address: 2013 Colina Grande
City: El Cajon State: CA Zip: 92019
Phone No.: 619-750-9675 Fax No.: _____ Email: yousif-nathan@yahoo.com
Signature: [Signature] Date: 12/09/21
Additional pages Attached: Yes No

Other Financially Interested Persons
Name of Individual: Hytham Yousif Owner Tenant/Lessee Successor Agency
Street Address: 2013 Colina Grande
City: El Cajon State: CA Zip: 92019
Phone No.: 619-961-7944 Fax No.: _____ Email: frankyousif@hotmail.com
Signature: [Signature] Date: 12/09/2021
Additional pages Attached: Yes No

Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services.
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**SAN DIEGO POLICE DEPARTMENT
CONDITIONAL USE PERMIT RECOMMENDATION**

PREMISE ADDRESS: 11395 Poway Road #A, San Diego CA 92128

TYPE OF BUSINESS: Liquor store/Market (Type 21, Off Sale General)

FEDERAL CENSUS TRACT: 170.68

NUMBER OF ALCOHOL LICENSES ALLOWED: Off-Sale: 2

NUMBER OF ALCOHOL LICENSES EXISTING: Off-Sale: 2

CRIME RATE IN THIS CENSUS TRACT: -39.4%
(Note: Considered High Crime If Exceeds 120% of City-wide Average)

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

IS THE PREMISE WITHIN 600 FEET OF INCOMPATIBLE FACILITY YES NO

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

ABC LICENSE REVOKED AT THIS PREMISE WITHIN PAST YEAR YES NO

HAS APPLICANT BEEN CONVICTED OF ANY FELONY YES NO

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

COMMENTS/OTHER FACTORS CONSIDERED:

The premises is located within census tract 170.68. The reported crime rate for 2020 within Census Tract 170.42 was 39.4% and the alcohol crime rate was 13.4%. Census Tract 170.42 was split into two Census Tracts (during the 2020 Census) 170.68 and 170.67 which had a combined crime rate of 39.4%. This location was previously licensed with a Type 20 (Off Sale Beer & Wine) and was operating as a 7 Eleven convenience market.

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. The hours for in-store operations shall be from 8:00am to Midnight as it relates to sales, service, or consumption of alcoholic beverages. The hours for the sale of alcoholic product via app/online platform for delivery only, shall be 6:00am to 2:00am.
2. Loitering will be prohibited.
3. No public pay phones will be permitted on the premise or adjacent and under the control of the applicant.
4. No arcade games of any type will be allowed/maintained inside the premise.
5. Video surveillance shall be recording and available to law enforcement upon request covering the interior and public access points of the premises. Upon request of law enforcement video surveillance shall not be deleted, voided or destroyed. Recordings shall be maintained for a minimum of 30 days absent a request of law enforcement.

MFM 1-26-22

- 6. Litter and any unauthorized graffiti will be removed promptly.
- 7. All retail employees are trained in ABC regulations (LEAD), theft deterrence and policies against the sales of alcoholic beverages to those under 21 years of age, and/or intoxicated.

SAN DIEGO POLICE DEPARTMENT RECOMMENDATION:

APPROVE

DENY

Benjamin McCarty
Name of SDPD Vice Sergeant (Print)

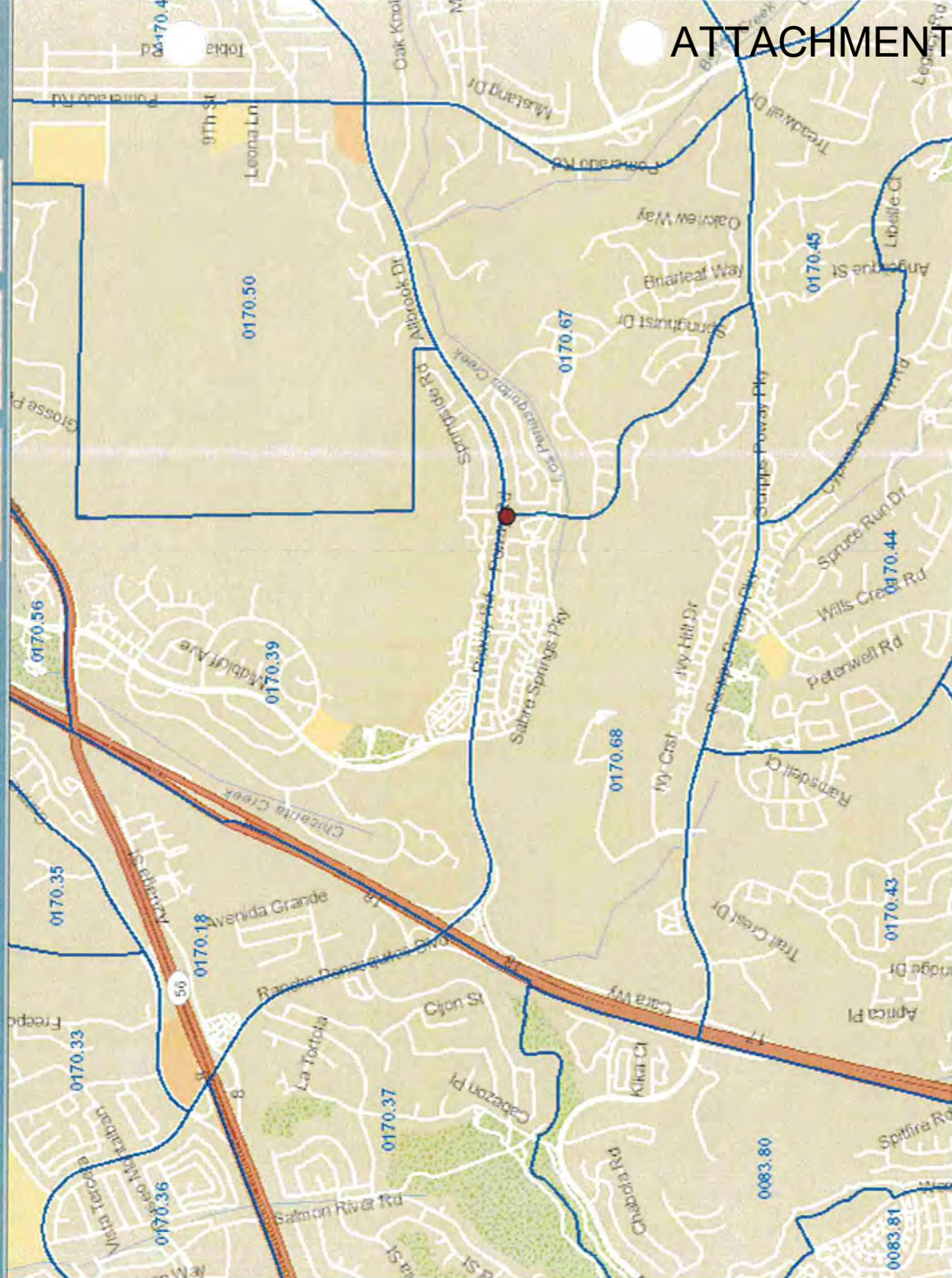
(619) 531-2973
Telephone Number

[Signature]
Signature of SDPD Vice Sergeant

1-26-22
Date of Review

FFIEC Year: 2022 v Address: 11395 Poway Road, San Diego, CA 92128

Search Search Reset Print



Matched Address

Address	11395 POWAY RD, SAN DIEGO, CA, 92128
MSA/MD Code	41740
State Code	06
County Code	073
Tract Code	0170.68
MSA/MD Name	SAN DIEGO-CHULA VISTA-CARLSBAD, CA
State Name	CALIFORNIA
County Name	SAN DIEGO COUNTY

Census demographic data for the year 2022 are currently unavailable.

Census Demographic Data

User Select Tract

CA



CALIFORNIA DEPARTMENT OF

Alcoholic Beverage Control

Having trouble viewing the report?

Results for: Active Off-Sale Retail License

County: SAN DIEGO County

Census Tract: 170.68

Report Date: Sunday, October 31, 2021

Search

Results will be filtered as you type

0 Results

License Number: 593432

Status: ACTIVE **License Type:** 20 **Orig. Iss. Date:** 07/26/2018 **Expir. Date:** 06/30/2022 **Primary Owner:**

12010 SCRIPPS HIGHLAND DR,
SAN DIEGO, CA 92131-5155

WESTERN REFINING RETAIL, LLC **Premises Addr.:** Census Tract: 0170.68

Business Name:

WESTERN REFINING RETAIL LLC #3782 **Geo Code:** 3710

License Number: 503707

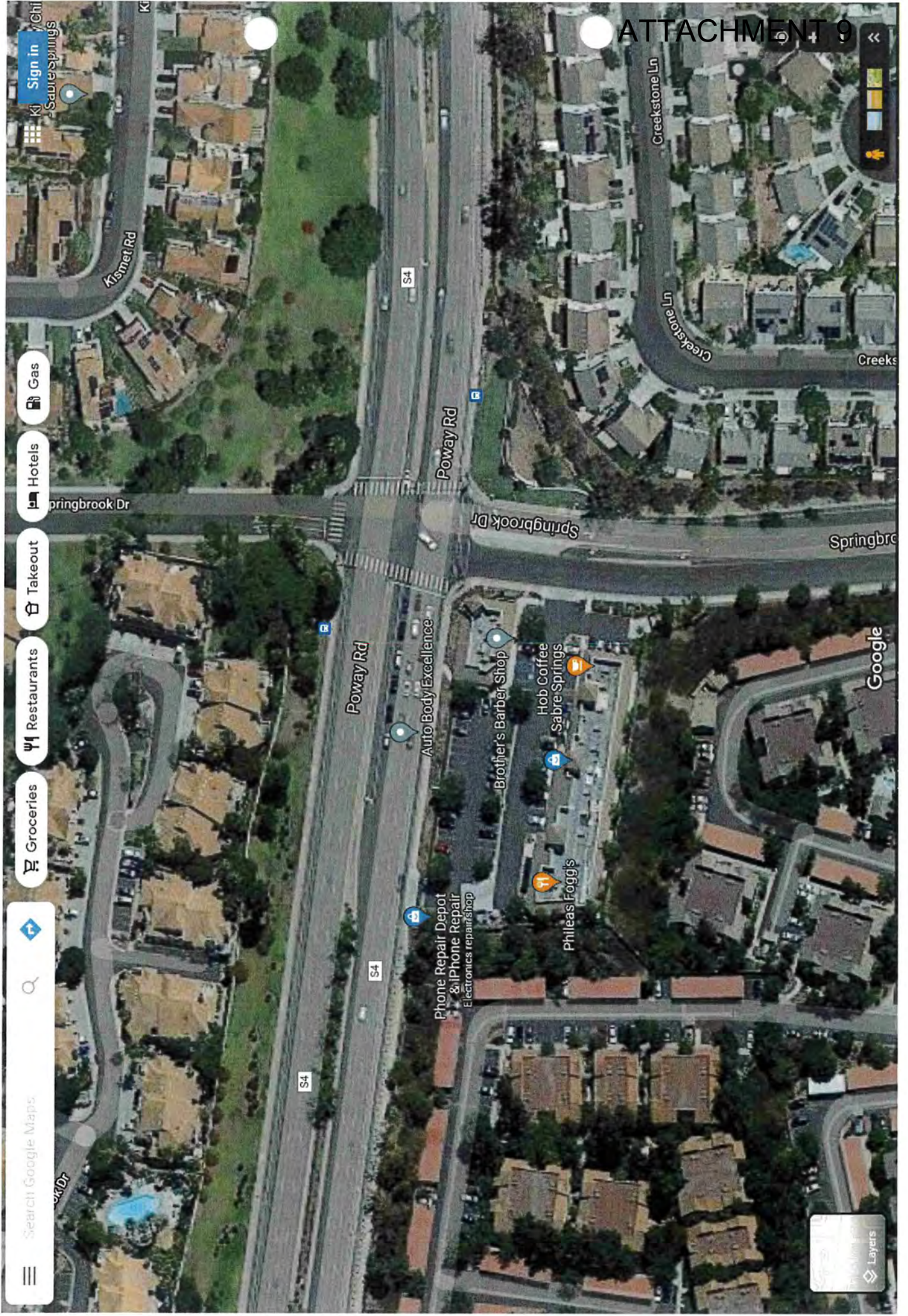
Status: REVPEN **License Type:** 20 **Orig. Iss. Date:** 12/08/2010 **Expir. Date:** 06/30/2021 **Primary Owner:**

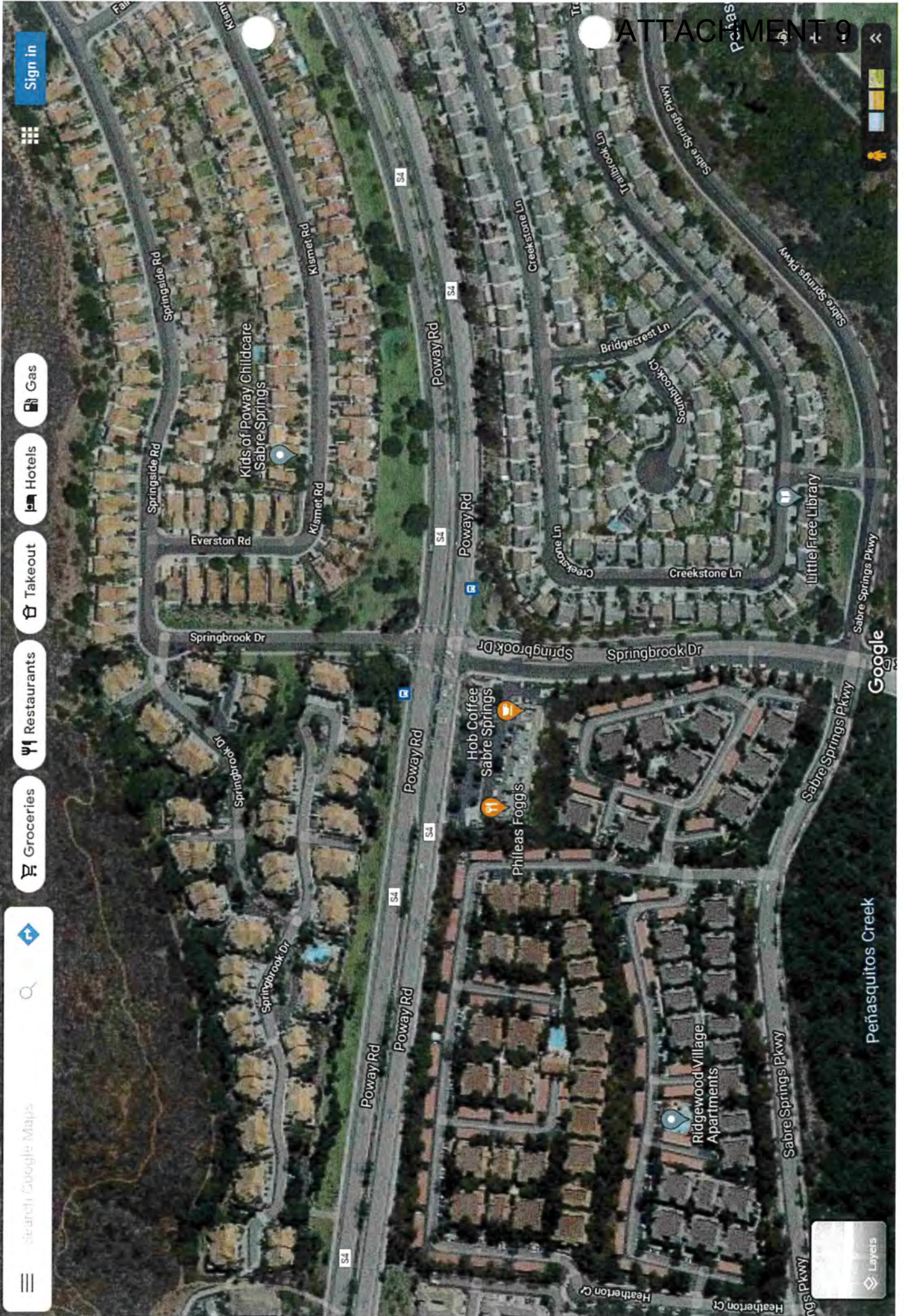
11395 POWAY RD,
SAN DIEGO, CA 92128

7 ELEVEN INC **Premises Addr.:** Census Tract: 0170.68 **Business Name:** 7 ELEVEN STORE NO 2111 33465

Geo Code: 3710







Peñasquitos Creek

Google

Layers

Project Address: 11395 Poway Rd, Ste #A, San Diego, CA 92128 Project Number: 693523
SECTION 1. Construction Storm Water BMP Requirements:
All construction sites are required to implement construction BMPs in accordance with the performance standards in the Storm Water Standards Manual.
For all projects complete PART A: If project is required to submit a SWPPP or WPCP, continue to PART B.
PART A: Determine Construction Phase Storm Water Requirements.
1. Is the project subject to California's statewide General NPDES permit for Storm Water Discharges Associated with Construction Activities, also known as the State Construction General Permit (CGP)? (Typically projects with land disturbance greater than or equal to 1 acre.)

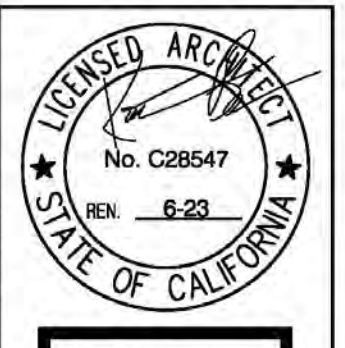
PART B: Determine Construction Site Priority
This prioritization must be completed within this form, noted on the plans, and included in the SWPPP or WPCP. The city reserves the right to adjust the priority of projects both before and after construction.
Complete PART B and continued to Section 2
1. ASBS
a. Projects located in the ASBS watershed.
2. High Priority
a. Projects that qualify as Risk Level 2 or Risk Level 3 per the Construction General Permit (CGP) and not located in the ASBS watershed.
b. Projects that qualify as LUP Type 2 or LUP Type 3 per the CGP and not located in the ASBS watershed.
3. Medium Priority
a. Projects that are not located in an ASBS watershed or designated as a High priority site.
b. Projects that qualify as Risk Level 1 or LUP Type 1 per the CGP and not located in an ASBS watershed.
c. WPCP projects (>5,000sf of ground disturbance) located within the Los Penasquitos watershed management area.
4. Low Priority
a. Projects not subject to a Medium or High site priority designation and are not located in an ASBS watershed.
SECTION 2. Permanent Storm Water BMP Requirements.
Additional information for determining the requirements is found in the Storm Water Standards Manual.
PART C: Determine if Not Subject to Permanent Storm Water Requirements.
Projects that are considered maintenance, or otherwise not categorized as "new development projects" or "redevelopment projects" according to the Storm Water Standards Manual are not subject to Permanent Storm Water BMPs.
If "yes" is checked for any number in Part C, proceed to Part F and check "Not Subject to Permanent Storm Water BMP Requirements".
If "no" is checked for all of the numbers in Part C continue to Part D.

STORMWATER BMP NOTES

- THIS PROJECT SHALL COMPLY WITH ALL CURRENT REQUIREMENTS OF THE STATE PERMIT, CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD (SDRWQCB), SAN DIEGO MUNICIPAL STORM WATER PERMIT, THE CITY OF SAN DIEGO LAND DEVELOPMENT CODE, AND THE STORM WATER STANDARDS MANUAL.
PRIOR TO ANY SOIL DISTURBANCE, TEMPORARY SEDIMENT CONTROLS SHALL BE INSTALLED BY THE CONTRACTOR OR QUALIFIED PERSON(S) AS INDICATED BELOW.
1. ALL REQUIREMENTS OF THE CITY OF SAN DIEGO STORM WATER STANDARDS MANUAL MUST BE INCORPORATED INTO THE DESIGN & CONSTRUCTION OF THE PROPOSED GRADING/IMPROVEMENTS CONSISTENT WITH THE APPROVED STORM WATER POLLUTION PREVENTION PLAN (SWPPP) AND/OR WATER POLLUTION CONTROL PLAN (WPCP) FOR CONSTRUCTION LEVEL BMPs & IF APPLICABLE, THE STORM WATER QUALITY MANAGEMENT PLAN (SWQMP) FOR POST CONSTRUCTION BMPs.
2. THE CONTRACTOR SHALL INSTALL & MAINTAIN ALL STORM DRAIN INLET PROTECTION, INLET PROTECTION IN THE PUBLIC RIGHT OF WAY MUST BE TEMPORARILY REMOVED PRIOR TO A RAIN EVENT TO ENSURE NO FLOODING OCCURS & REINSTALLED AFTER RAIN IS OVER.
3. ALL CONSTRUCTION BMPs SHALL BE INSTALLED & PROPERLY MAINTAINED THROUGHOUT THE DURATION OF CONSTRUCTION.
4. THE CONTRACTOR SHALL ONLY GRADE, INCLUDING CLEARING & GRUBBING AREAS FOR WHICH THE CONTRACTOR OR QUALIFIED PERSON CAN PROVIDE EROSION & SEDIMENT CONTROL MEASURES.
5. THE CONTRACTOR IS RESPONSIBLE FOR ENSURING THAT ALL SUB-CONTRACTORS & SUPPLIERS ARE AWARE OF ALL STORM WATER BMPs & IMPLEMENT SUCH MEASURES. FAILURE TO COMPLY WITH THE APPROVED SWPPP/WPCP WILL RESULT IN THE ISSUANCE OF CORRECTION NOTICES, CITATIONS, CIVIL PENALTIES AND/OR STOP WORK NOTICES.
6. THE CONTRACTOR OR QUALIFIED PERSON SHALL BE RESPONSIBLE FOR CLEAN-UP OF ALL SILT, DEBRIS & MUD ON AFFECTED & ADJACENT STREETS & WITHIN STORM DRAIN SYSTEM DUE TO CONSTRUCTION VEHICLES/EQUIPMENT & CONSTRUCTION ACTIVITY AT THE END OF EACH WORK DAY.
7. THE CONTRACTOR SHALL PROTECT NEW & EXISTING STORM WATER CONVEYANCE SYSTEMS FROM SEDIMENTATION, CONCRETE RINSE OR OTHER CONSTRUCTION RELATED DEBRIS & DISCHARGES WITH THE APPROPRIATE BMPs THAT ARE ACCEPTABLE TO THE CITY RESIDENT ENGINEER & AS INDICATED IN THE SWPPP/WPCP.
8. THE CONTRACTOR OR QUALIFIED PERSON SHALL CLEAR DEBRIS, SILT & MUD FROM ALL DITCHES & SWALES PRIOR TO & WITHIN 3 BUSINESS DAYS AFTER EACH RAIN EVENT OR PRIOR TO THE NEXT RAIN EVENT, WHICHEVER IS SOONER.
9. IF A NON-STORM WATER DISCHARGE LEAVES THE SITE, THE CONTRACTOR SHALL IMMEDIATELY STOP THE ACTIVITY & REPAIR THE DAMAGES. THE CONTRACTOR SHALL NOTIFY THE CITY RESIDENT ENGINEER OF THE DISCHARGE PRIOR TO RESUMING CONSTRUCTION ACTIVITY. ANY & ALL WASTE MATERIAL, SEDIMENT & DEBRIS FROM EACH NON-STORM WATER DISCHARGE SHALL BE REMOVED FROM THE STORM DRAIN CONVEYANCE SYSTEM & PROPERLY DISPOSED OF BY THE CONTRACTOR.
10. EQUIPMENT & WORKERS FOR EMERGENCY WORK SHALL BE MADE AVAILABLE AT ALL TIMES. ALL NECESSARY MATERIALS SHALL BE STOCKPILED ON-SITE AT CONVENIENT LOCATIONS TO FACILITATE RAPID DEPLOYMENT OF CONSTRUCTION BMPs WHEN RAIN IS IMMINENT.
11. THE CONTRACTOR SHALL RESTORE & MAINTAIN ALL EROSION & SEDIMENT CONTROL BMPs TO WORKING ORDER YEAR ROUND.
12. THE CONTRACTOR SHALL INSTALL ADDITIONAL EROSION & SEDIMENT CONTROL MEASURES DUE TO UN-FORESEEN CIRCUMSTANCES TO PREVENT NON-STORM WATER & SEDIMENT LADEN DISCHARGES.
13. THE CONTRACTOR SHALL BE RESPONSIBLE & SHALL TAKE NECESSARY PRECAUTIONS TO PREVENT PUBLIC TRESPASS ONTO AREAS WHERE IMPOUNDED WATERS CREATE A HAZARDOUS CONDITION.
14. ALL EROSION & SEDIMENT CONTROL MEASURES PROVIDED PER THE APPROVED SWPPP/WPCP SHALL BE INSTALLED & MAINTAINED. ALL EROSION & SEDIMENT CONTROLS FOR INTERIM CONDITIONS SHALL BE PROPERLY DOCUMENTED & INSTALLED TO THE SATISFACTION OF THE CITY RESIDENT ENGINEER.
15. AS NECESSARY, THE CITY RESIDENT ENGINEER SHALL SCHEDULE MEETINGS FOR THE PROJECT TEAM (GENERAL CONTRACTOR, QUALIFIED CONTACT PERSON, EROSION CONTROL SUBCONTRACTOR IF ANY, ENGINEER OF WORK, OWNER/DEVELOPER & THE CITY RESIDENT ENGINEER) TO EVALUATE THE ADEQUACY OF THE EROSION & SEDIMENT CONTROL MEASURES & OTHER BMPs RELATIVE TO ANTICIPATED CONSTRUCTION ACTIVITIES.
16. THE CONTRACTOR OR QUALIFIED PERSON SHALL CONDUCT VISUAL INSPECTIONS & MAINTAIN ALL BMPs DAILY AS NEEDED. VISUAL INSPECTIONS & MAINTENANCE OF ALL BMPs SHALL BE CONDUCTED BEFORE, DURING & AFTER EVERY RAIN EVENT & EVERY 24 HOURS DURING ANY PROLONGED RAIN EVENT. THE CONTRACTOR SHALL MAINTAIN & REPAIR ALL BMPs AS SOON AS POSSIBLE AS SAFETY ALLOWS.
17. CONSTRUCTION ENTRANCE & EXIT AREA, TEMPORARY CONSTRUCTION ENTRANCE & EXITS SHALL BE CONSTRUCTED IN ACCORDANCE WITH CAGSA FACT SHEET T-1 OR CALTRANS FACT SHEET T-01 TO PREVENT TRACKING OF SEDIMENT & OTHER POTENTIAL POLLUTANTS ONTO PAVED SURFACES & TRAVELEDWAYS. WIDTH SHALL BE 10' OR THE MINIMUM NECESSARY TO ACCOMMODATE VEHICLES & EQUIPMENT WITHOUT BY-PASSING THE ENTRANCE. (c) NON-STORMWATER DISCHARGES SHALL BE EFFECTIVELY MANAGED PER THE SAN DIEGO MUNICIPAL CODE, CHAPTER 4, ARTICLE 3, DIVISION 3 STORM WATER MANAGEMENT & DISCHARGE CONTROL.

PART D: PDP Exempt Requirements.
PDP Exempt projects are required to implement site design and source control BMPs.
If "yes" was checked for any questions in Part D, continue to Part F and check the box labeled "PDP Exempt."
If "no" was checked for all questions in Part D, continue to Part E.
1. Does the project ONLY include new or retrofit sidewalks, bicycle lanes, or trails that:
• Are designed and constructed to direct storm water runoff to adjacent vegetated areas, or other non-erodible permeable areas? Or;
• Are designed and constructed to be hydraulically disconnected from paved streets and roads? Or;
• Are designed and constructed with permeable pavements or surfaces in accordance with the Green Streets guidance in the City's Storm Water Standards manual?
PART E: Determine if Project is a Priority Development Project (PDP).
Projects that match one of the definitions below are subject to additional requirements including preparation of a Storm Water Quality Management Plan (SWQMP).
If "yes" is checked for any number in Part E, continue to PART F and check the box labeled "Priority Development Project".
If "no" is checked for every number in Part E, continue to PART F and check the box labeled "Standard Development Project".
1. New Development that creates 10,000 square feet or more of impervious surfaces collectively over the project site. This includes commercial, industrial, residential, mixed-use, and public development projects on public or private land.
2. Redevelopment project that creates and/or replaces 5,000 square feet or more of impervious surfaces on an existing site of 10,000 square feet or more of impervious surfaces. This includes commercial, industrial, residential, mixed-use, and public development projects on public or private land.
3. New development or redevelopment of a restaurant. Facilities that sell prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC 5812), and where the land development creates and/or replaces 5,000 square feet or more of impervious surface.
4. New development or redevelopment on a hillside. The project creates and/or replaces 5,000 square feet or more of impervious surface (collectively over the project site) and where the development will grade on any natural slope that is twenty-five percent or greater.
5. New development or redevelopment of a parking lot that creates and/or replaces 5,000 square feet or more of impervious surface (collectively over the project site).
6. New development or redevelopment of streets, roads, highways, freeways, and driveways. The project creates and/or replaces 5,000 square feet or more of impervious surface (collectively over the project site).

PART F: Select the appropriate category based on the outcomes of PART C through PART E.
1. The project is NOT SUBJECT TO PERMANENT STORM WATER REQUIREMENTS.
2. The project is a STANDARD DEVELOPMENT PROJECT. Site design and source control BMP requirements apply. See the Storm Water Standards Manual for guidance.
3. The project is PDP EXEMPT. Site design and source control BMP requirements apply. See the Storm Water Standards Manual for guidance.
4. The project is a PRIORITY DEVELOPMENT PROJECT. Site design, source control, and structural pollutant control BMP requirements apply. See the Storm Water Standards Manual for guidance on determining if project requires a hydromodification plan management.
Katherine Baker Agent
Signature Date 12/01/2021



BAKER [B] [a] architecture
4080 CENTRE ST, STE #203
SAN DIEGO, CA 92103
TEL: (619) 281-8587
www.bakerarchitecture.com

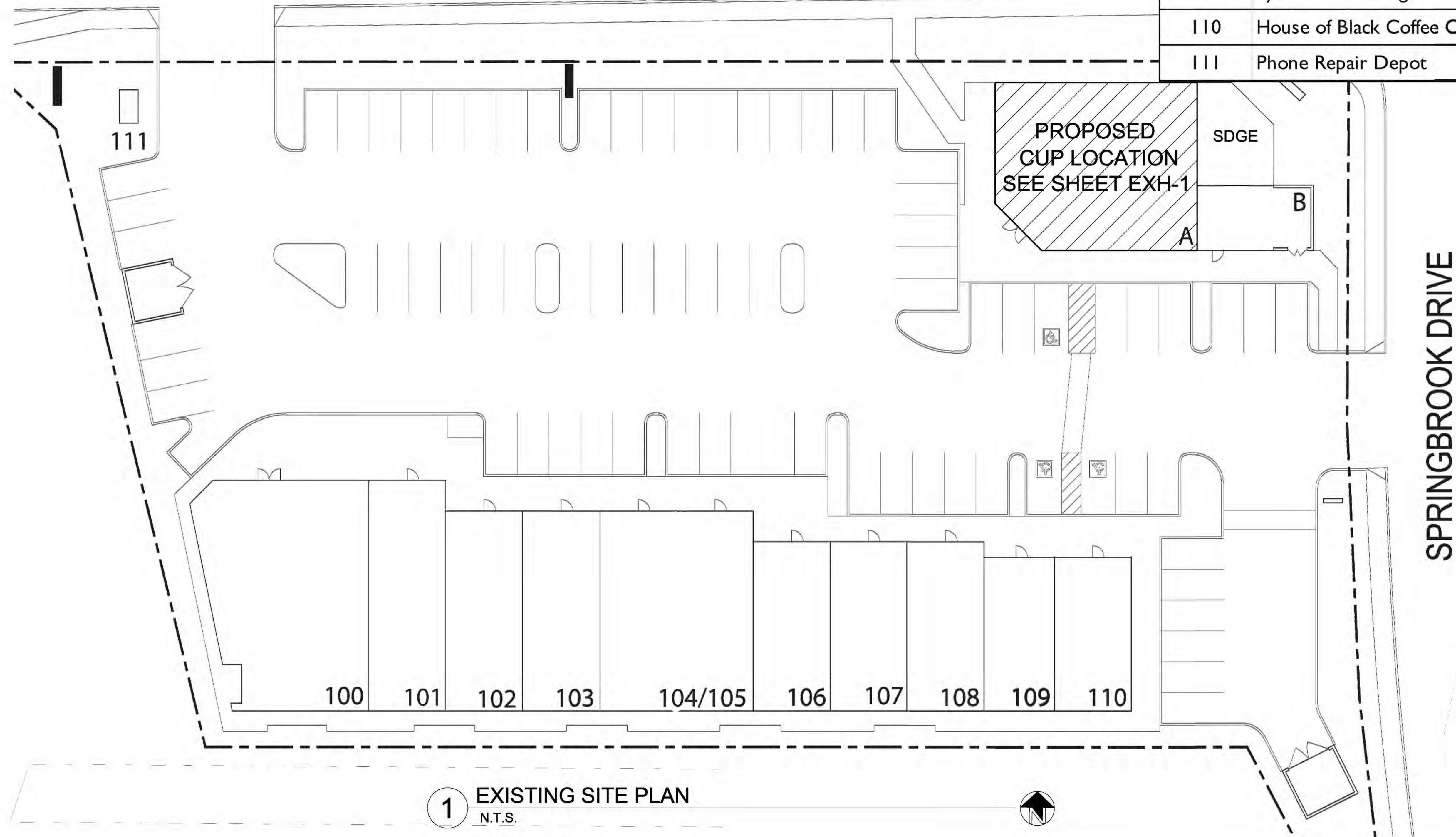
REVISION SCHEDULE table with columns: REV, DATE, DESCRIPTION. Includes PROJECT # 21102.

CONDITIONAL USE PERMIT (CUP) for
EPIC WINE & SPIRITS - LIQUOR STORE
SABRE SPRINGS PLAZA
11395 POWAY RD, STE #A, SAN DIEGO, CA 92128
DATE: 10/20/21
T2

SABRE SPRINGS

Suite	Tenant	SF
A	Epic Market	2,232
B	Brothers Barber Shop	705
100	Phileas Fogg's	2,461
101	AAA Martial Arts	1,200
102	China Spring Massage	1,040
103	Sabre Springs Dentistry	1,040
104/105	Poway Jewelry and Loan	2,080
106	Senor Taquero	880
107	French Nail Salon & Spa	880
108	Auto Body Excellence	880
109	Eye Level Learning	790
110	House of Black Coffee Company	800
111	Phone Repair Depot	50

POWAY ROAD



1 EXISTING SITE PLAN
N.T.S.



BAKER [B] [a]
architecture

4080 CENTRE ST., STE #203
SAN DIEGO, CA 92103
TEL: (619) 281-5537
www.bakerarchitecture.com

REVISION SCHEDULE	REV	DATE	BY	DESCRIPTION
	A			

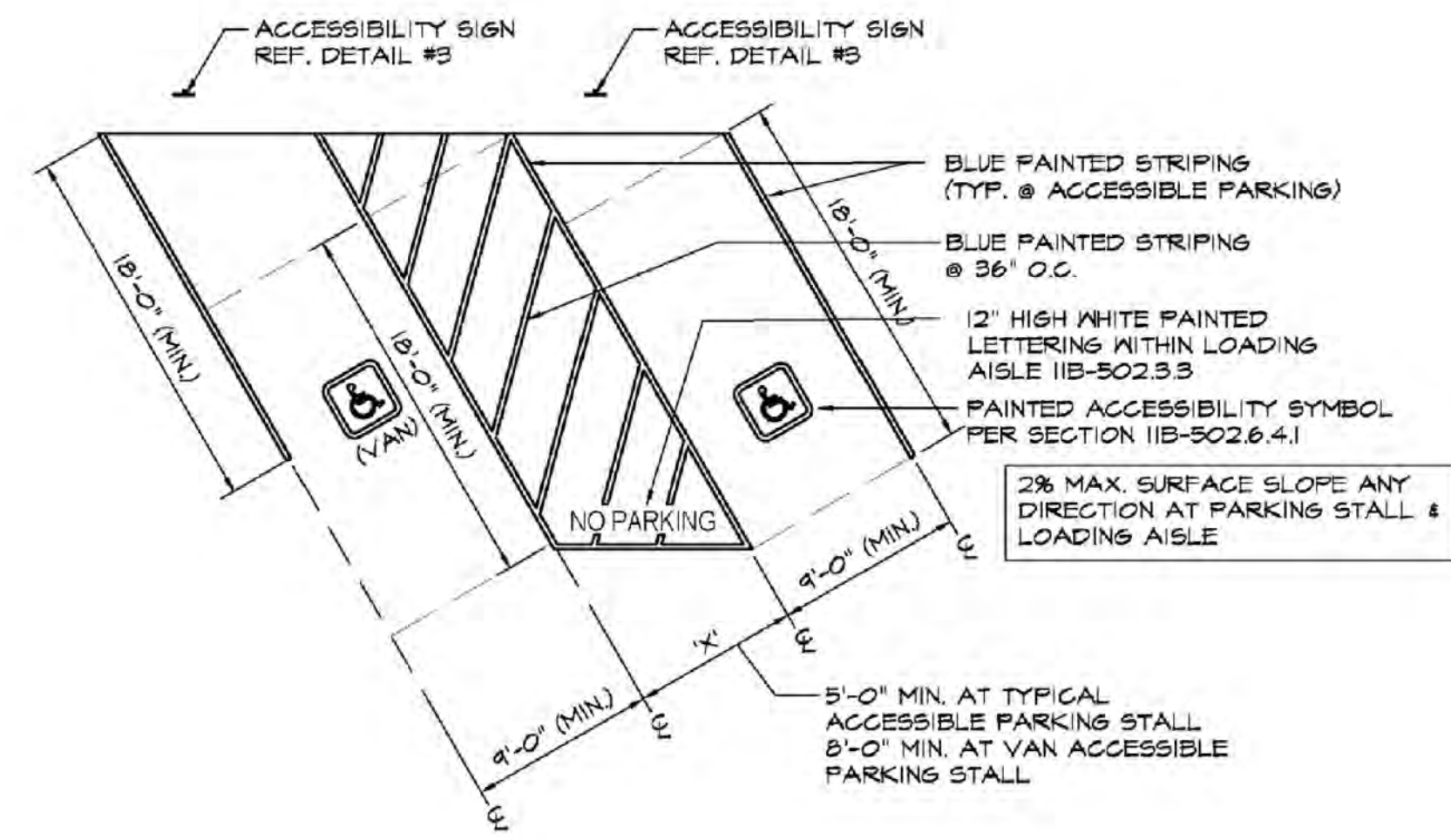
PROJECT # 21102

CONDITIONAL USE PERMIT (CUP) for
EPIC WINE & SPIRITS - LIQUOR STORE
SABRE SPRINGS PLAZA
11395 POWAY RD, STE #A, SAN DIEGO, CA 92128

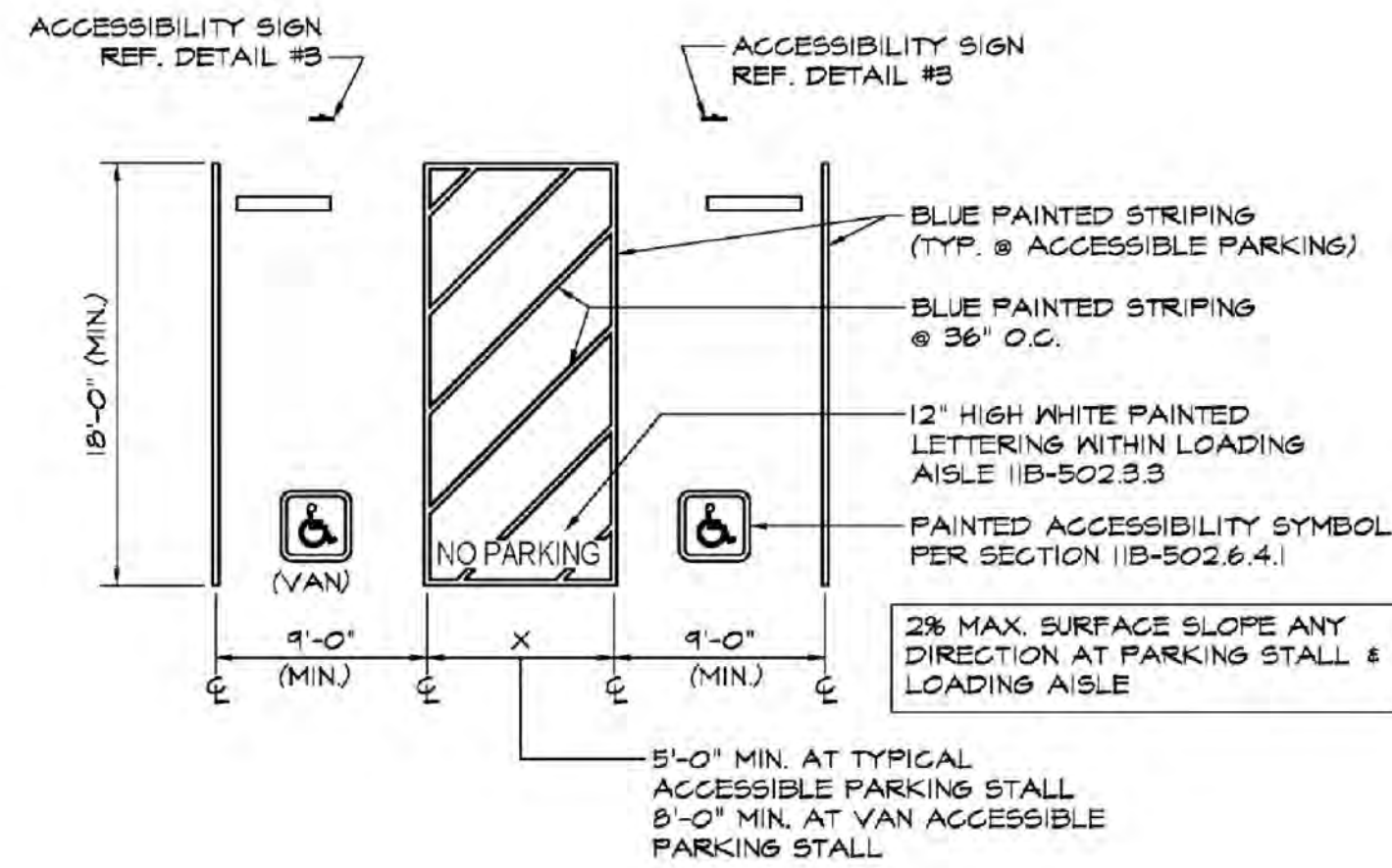
DATE: 10/20/21

T3

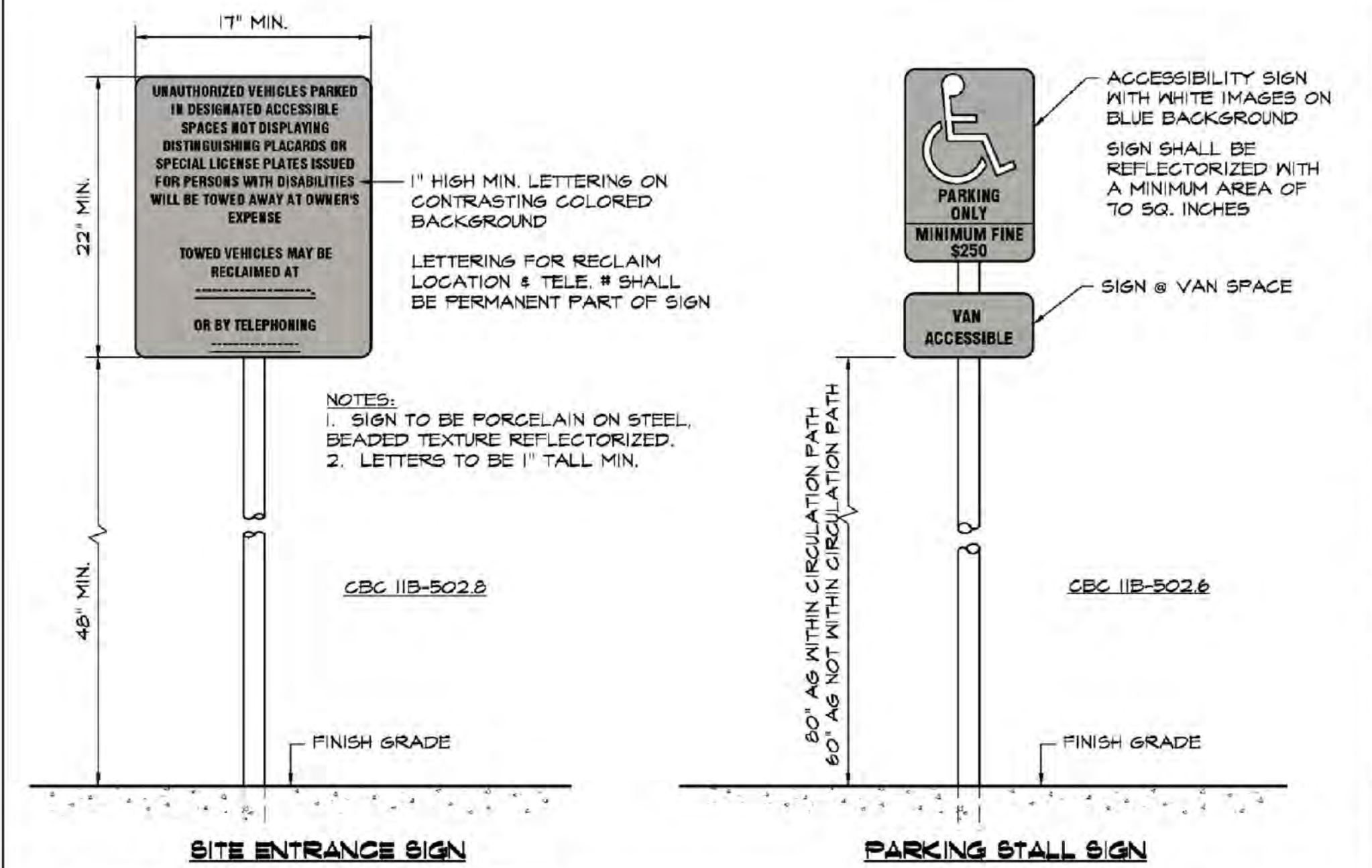
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ANGLED PARKING STALLS



PERPENDICULAR PARKING STALLS



SITE ENTRANCE SIGN

PARKING STALL SIGN

1 TYP. ACCESSIBLE PARKING STALLS

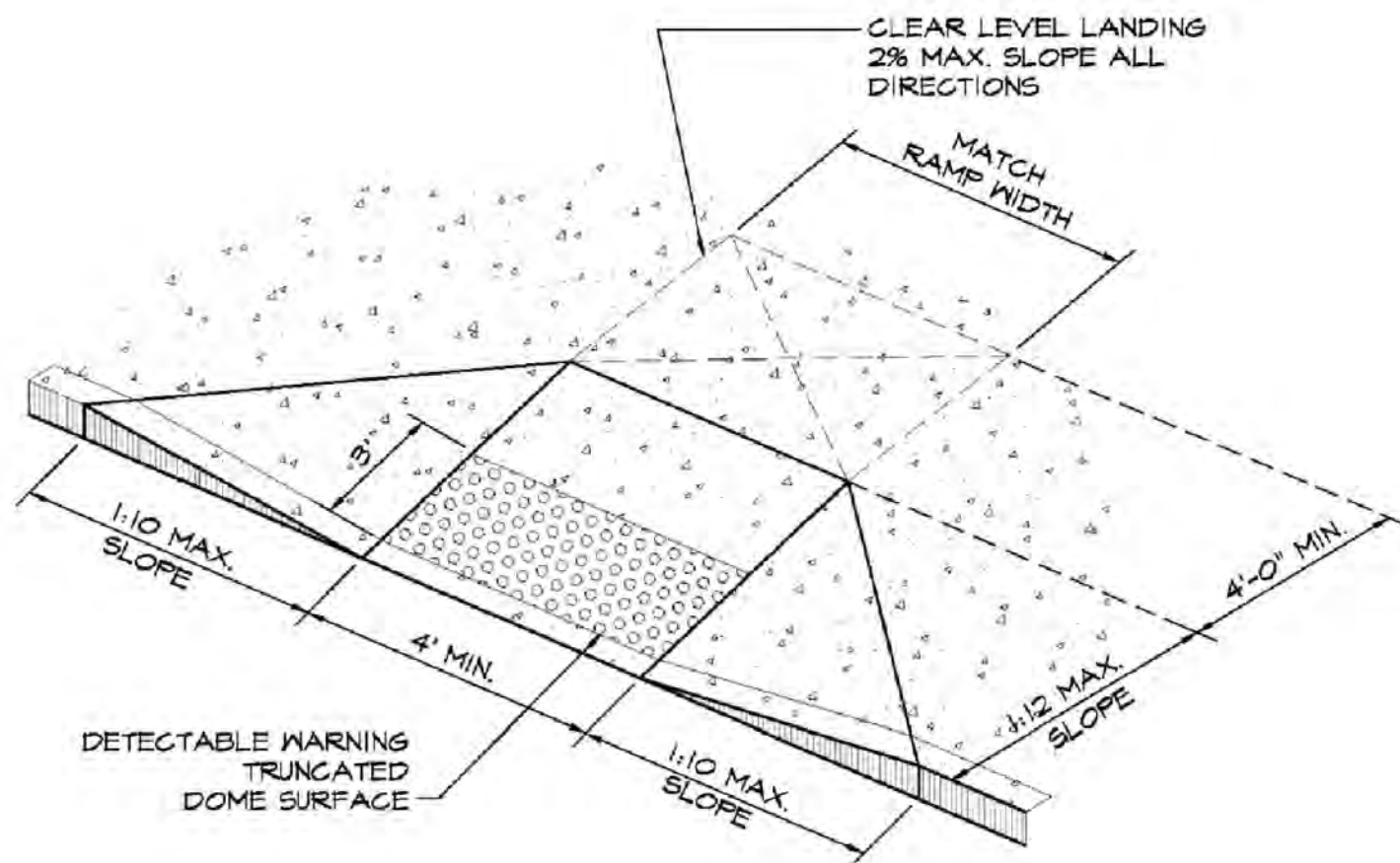
SCALE: N.T.S.

2 TYP. ACCESSIBLE PARKING STALLS

SCALE: N.T.S.

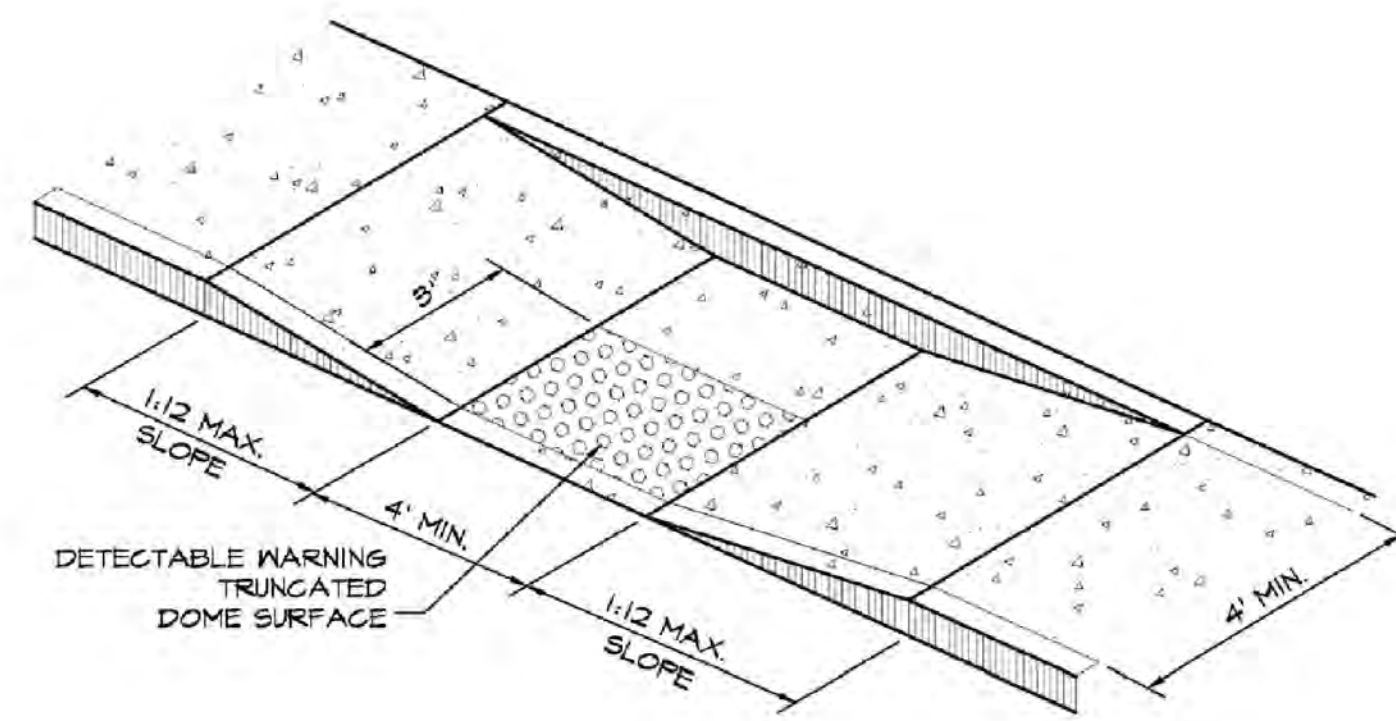
3 ACCESSIBLE PARKING SIGNAGE

SCALE: N.T.S.



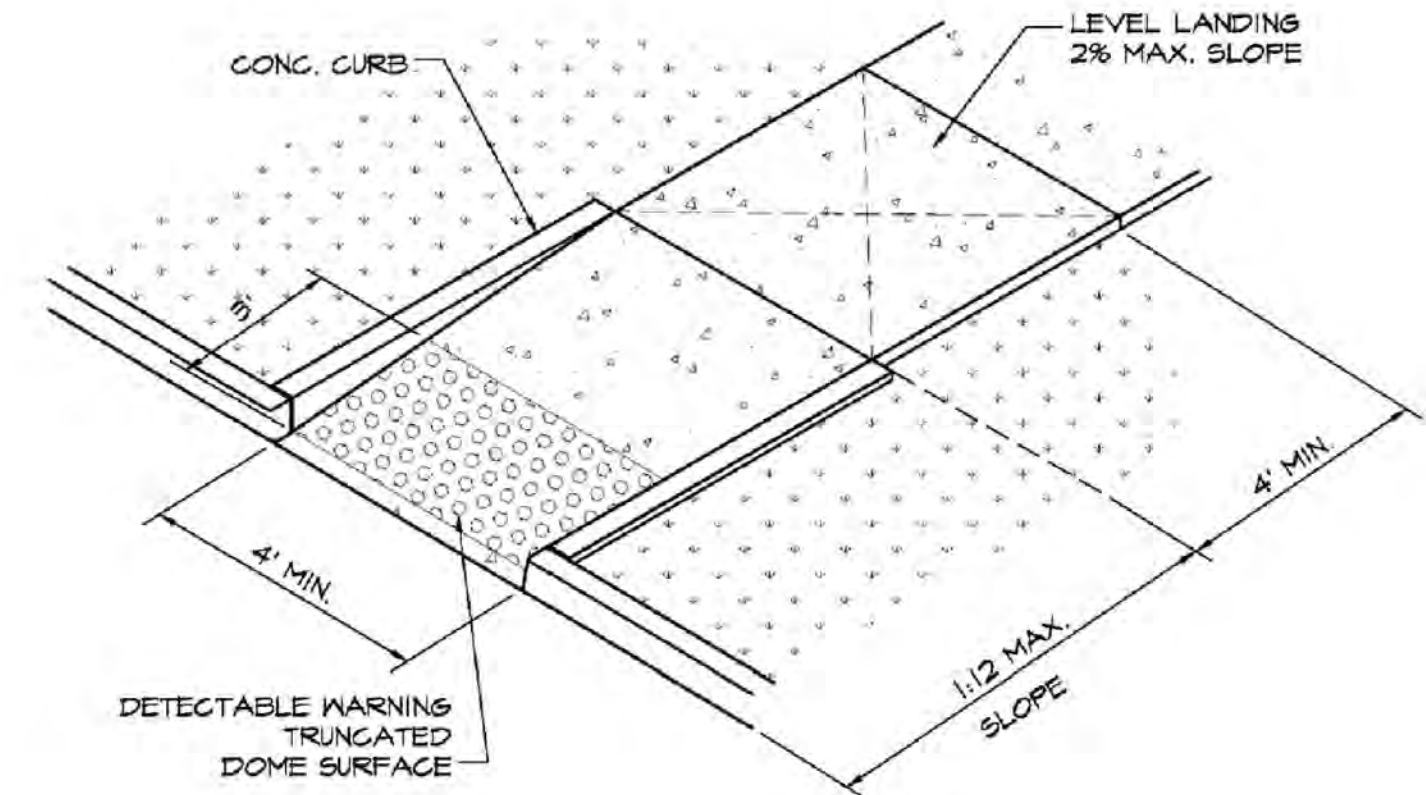
4 TYP. FLARED CURB RAMP

SCALE: N.T.S.



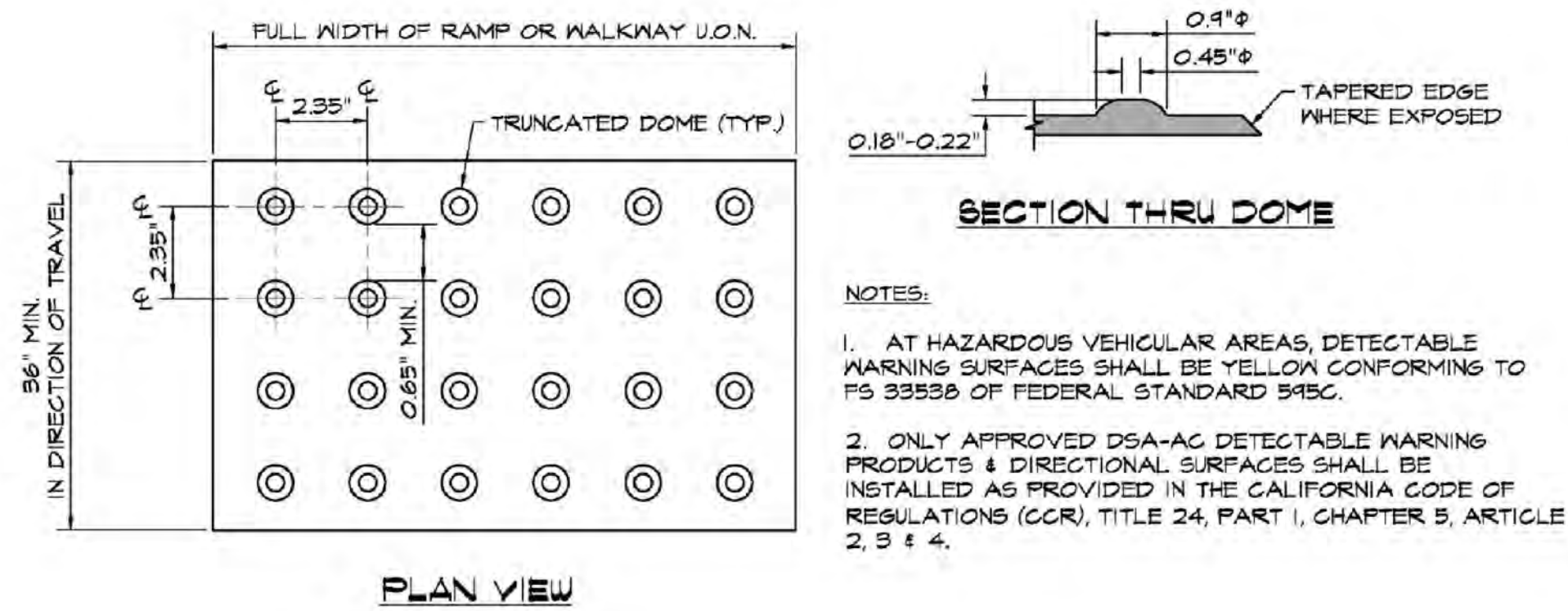
5 TYP. PARALLEL CURB RAMP

SCALE: N.T.S.



6 TYP. CURB RAMP w/ RETURN CURBS

SCALE: N.T.S.



7 DETECTABLE WARNING SURFACE

SCALE: N.T.S.

STATE OF CALIFORNIA LICENSED ARCHITECT No. C28547 Exp. 6-23

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REVISION SCHEDULE

REV	DATE	DESCRIPTION

PROJECT # 21102

CONDITIONAL USE PERMIT (CUP) for
EPIC WINE & SPIRITS - LIQUOR STORE
SABRE SPRINGS PLAZA
11395 POWAY RD., STE #A, SAN DIEGO, CA 92128

DATE: 10/20/21

T4



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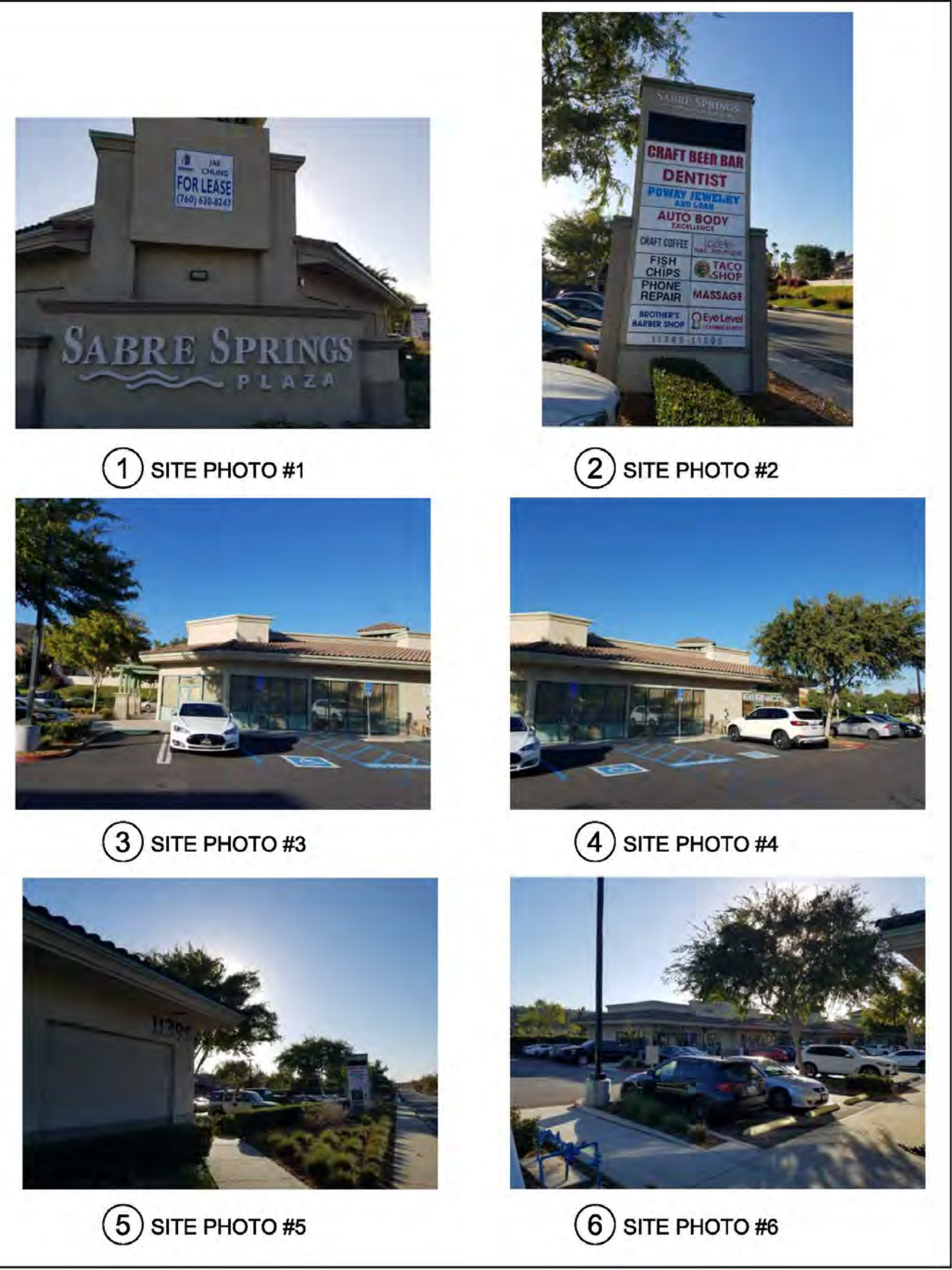
REVISION	DATE	DESCRIPTION
1		

PROJECT # 21102

CONDITIONAL USE PERMIT (CUP) for
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SABRE SPRINGS PLAZA
11395 POWAY RD, STE #A, SAN DIEGO, CA 92128

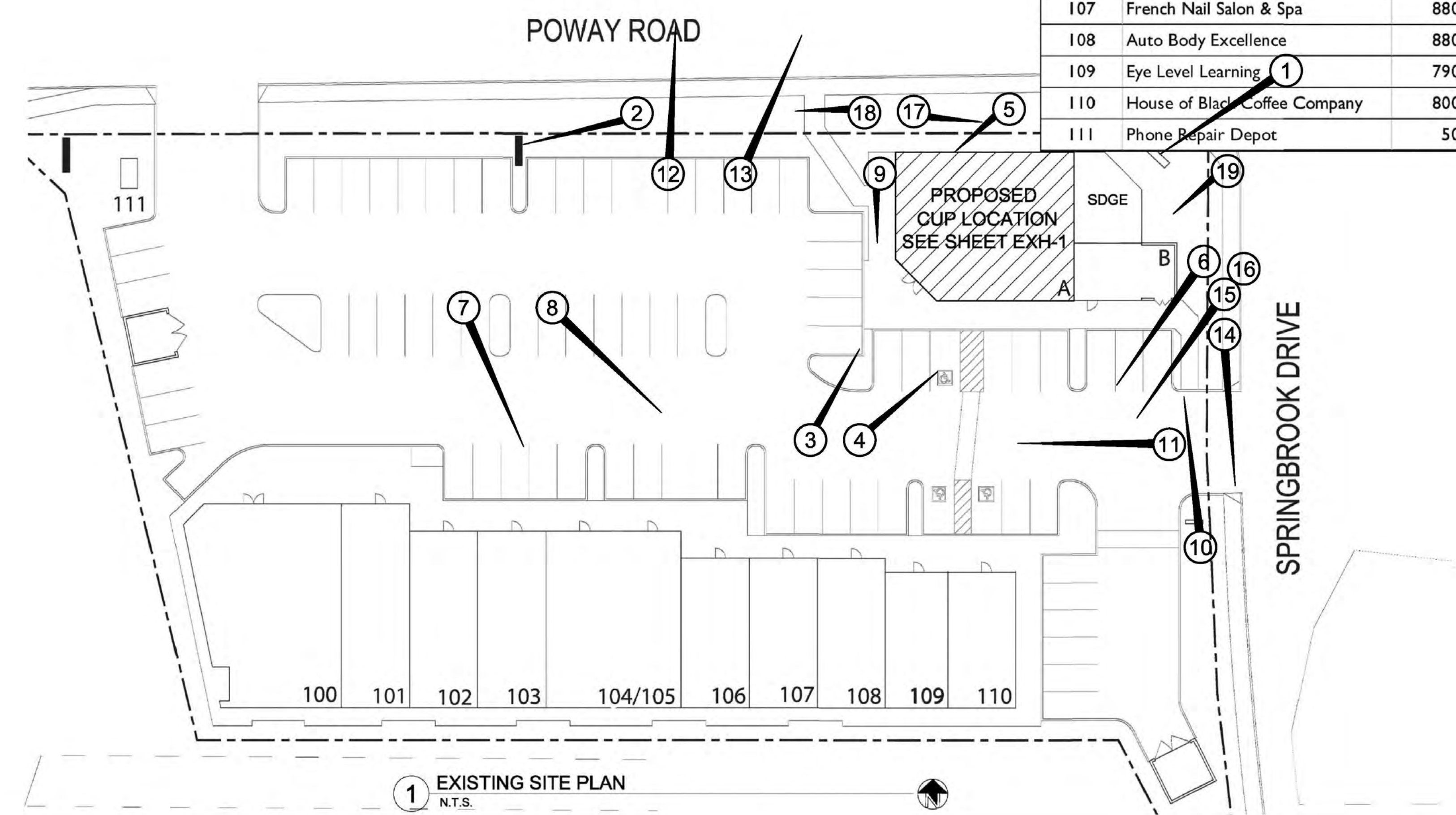
DATE: 10/20/21

T5



SABRE SPRINGS

Suite	Tenant	SF
A	Epic Market	2,232
B	Brothers Barber Shop	705
100	Phileas Fogg's	2,461
101	AAA Martial Arts	1,200
102	China Spring Massage	1,040
103	Sabre Springs Dentistry	1,040
104/105	Poway Jewelry and Loan	2,080
106	Senor Taquero	880
107	French Nail Salon & Spa	880
108	Auto Body Excellence	880
109	Eye Level Learning	790
110	House of Black Coffee Company	800
111	Phone Repair Depot	50



1 EXISTING SITE PLAN
N.T.S.



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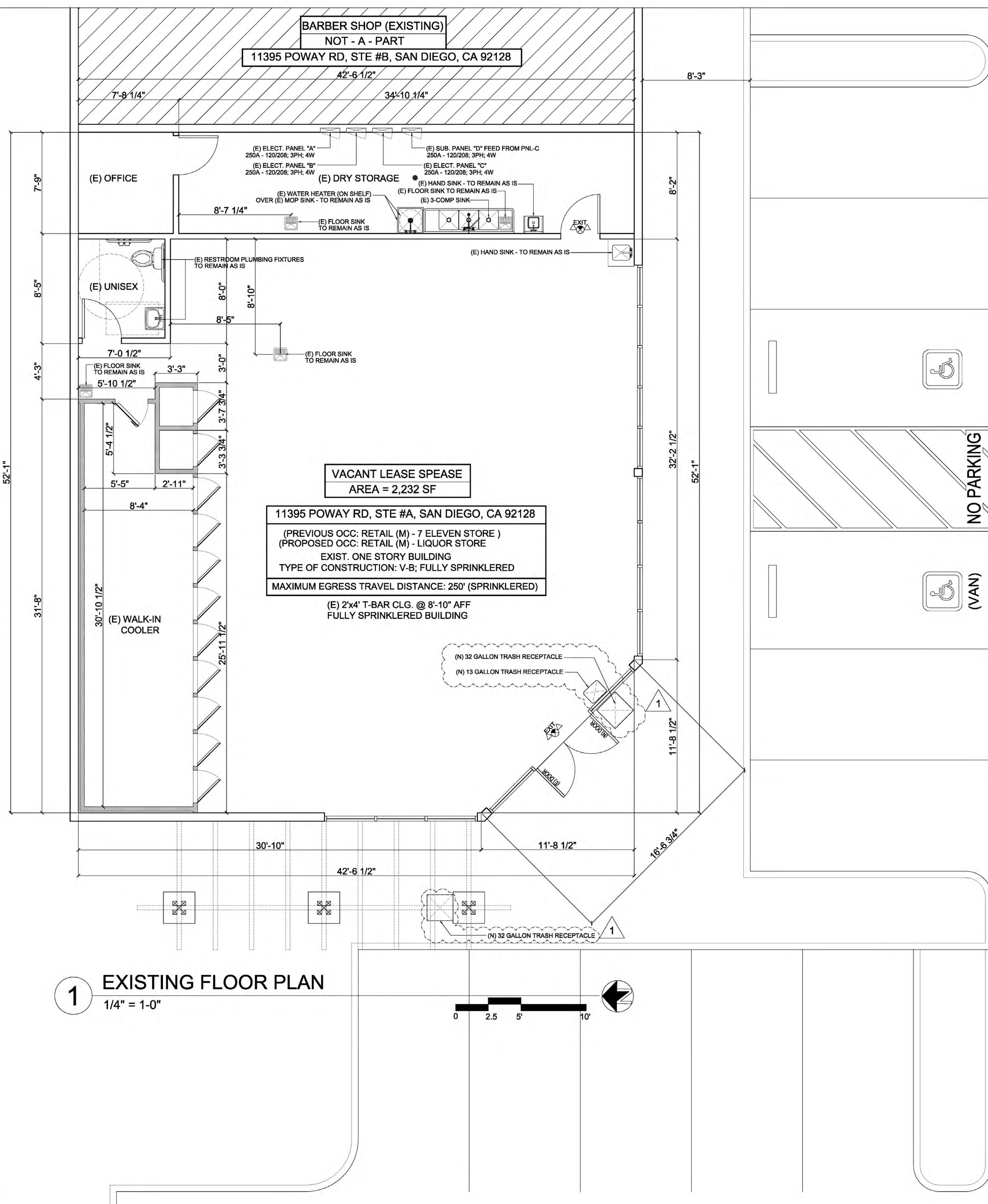
REVISION	DATE	DESCRIPTION
1	3/01/22	T.K. PLAN CHECK REVISIONS

PROJECT # 21102

CONDITIONAL USE PERMIT (CUP) for
EPIC WINE & SPIRITS - LIQUOR STORE
SABRE SPRINGS PLAZA
11395 POWAY RD, STE #A, SAN DIEGO, CA 92128

DATE: 10/20/21

A0



2 SITE PHOTOS
1/4" = 1'-0"

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LDR PLANNING REVIEW COMMENTS



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REVISION SCHEDULE table with columns: REVISION, DATE, DESCRIPTION, T.K. PLAN CHECK REVISIONS

PROJECT # 21102, PTS # 0693523

CONDITIONAL USE PERMIT (CUP) for EPIC WINE & SPIRITS - LIQUOR STORE, SABRE SPRINGS PLAZA, 11395 POWAY RD, STE #A, SAN DIEGO, CA 92128

DATE: 10/20/21

A1

PROJECT SUMMARY: PROJECT IS PROPOSING RETAIL SALE OF ALCOHOLIC BEVERAGES IN A 2,292 SF BUILDING LOCATED AT 11395 POWAY ROAD, SUITE #A, SAN DIEGO, CA.

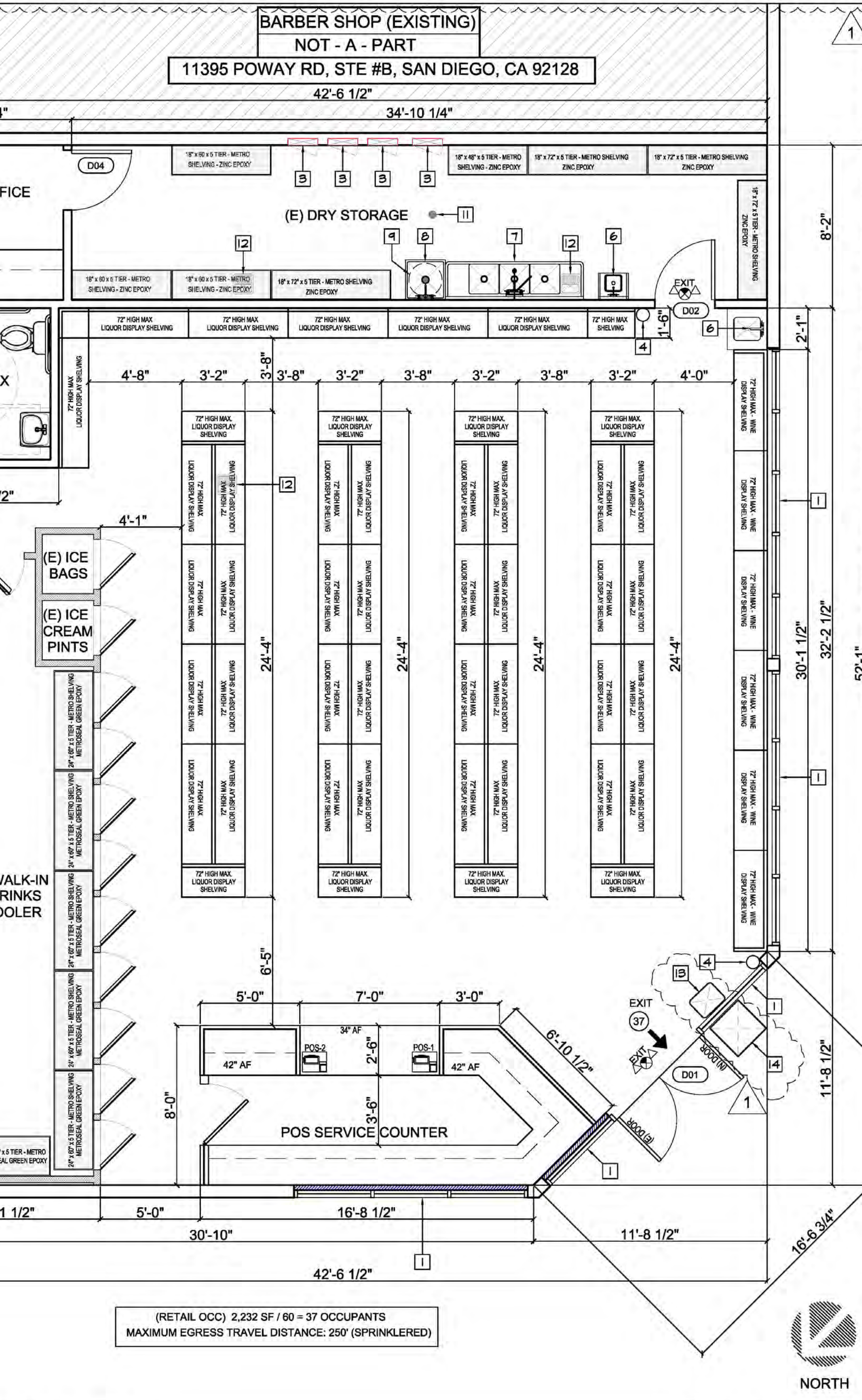
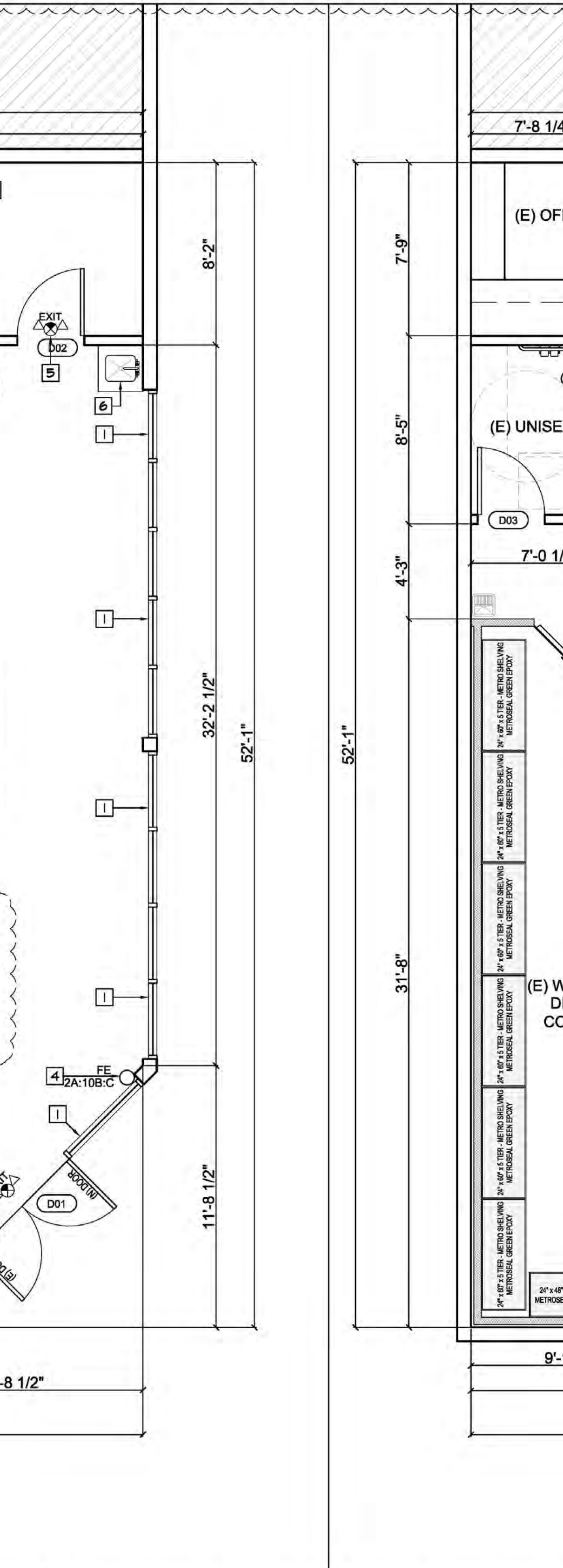
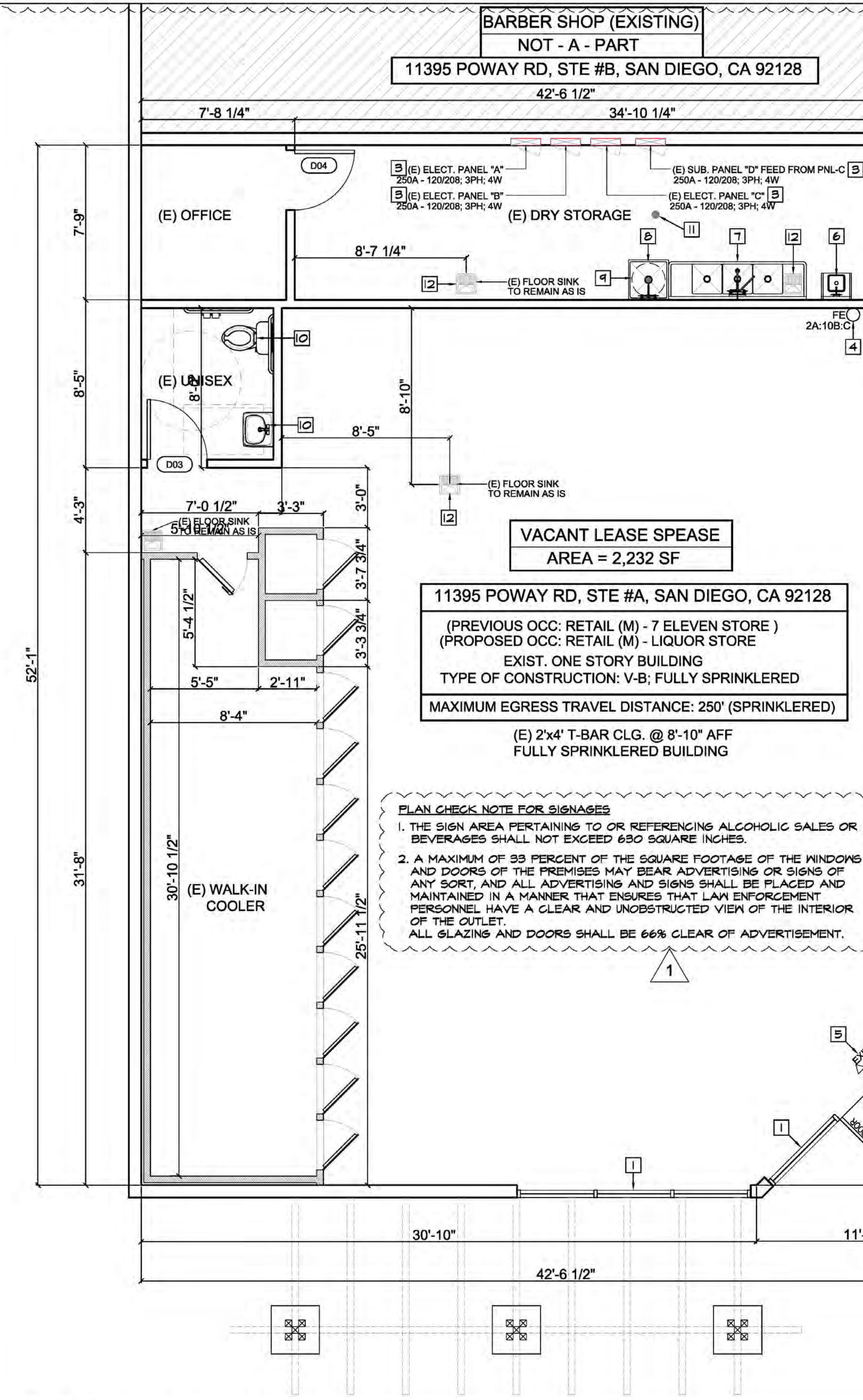
ZONING & EXISTING CONDITIONS: PREMISES IS LOCATED AT 11395 POWAY RD, IN THE SABRE SPRINGS PLAZA AT THE CORNER OF POWAY RD & SPRINGSBROOK DRIVE...

PERMITS & PROCESS: PER SDMG 128.0908 AN APPLICATION FOR ALCOHOLIC BEVERAGE OUTLET (UNDER CIRCUMSTANCES DESCRIBED IN SECTION 141.0502) IN CERTAIN ZONES MAY REQUIRE A CONDITIONAL USE PERMIT (CUP).

1. THE SIGN AREA PERTAINING TO OR REFERENCING ALCOHOLIC SALES OR BEVERAGES SHALL NOT EXCEED 630 SQUARE INCHES.

2. 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...

14. SDPP: THE SAN DIEGO POLICE DEPARTMENT SHALL PROVIDE THE CITY MANAGER WITH A RECOMMENDATION ON THE PROPOSED USE AND LOCATION OF THE ALCOHOLIC BEVERAGE OUTLET...



CONDITIONS: 22. BILLIARD GAMES, PER 141.0502(b)(3) POOL OR BILLIARD TABLES, FOOSBALL OR FINBALL GAMES, ARCADE STYLE VIDEO AND ELECTRONIC GAMES... 23. PAYPHONES: EXTERIOR PUBLIC PAYPHONES THAT PERMIT INCOMING CALLS ARE NOT PERMITTED...

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

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

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

GENERAL NOTES: 1. VERIFY ALL EXISTING CONDITIONS 2. DIMENSIONS ARE TO FACE OF SHEATHING U.O.N.

DOOR SCHEDULE

EXISTING STOREFRONT DOOR

TAG	MUTY-T	SIZE	THK.	DOOR		FRAME		HOUR GROUP	RATING	REMARKS
				MT'L.	FIN.	MT'L.	FIN.			
DO1	V	PAIR OF 3' x 7'	1.75"	AL/SL	FAC	AL	FAC	1		EXISTING STOREFRONT DOORS & FRAME - TO REMAIN AS IS
DO2	III	3' x 7'	1.75"	SCWD	FT.	AL	FAC.	4		EXISTING DOOR & FRAME
DO3	III	3' x 7'	1.75"	SCWD	FT.	AL	FAC.	3		EXISTING DOOR & FRAME
DO4	III	3' x 7'	1.75"	SCWD	FT.	AL	FAC.	5		EXISTING DOOR & FRAME

HARDWARE GROUPS	DOOR TYPES	DOOR NOTES
<p>GROUP 1 - EXISTING MAIN ENTRY DOOR EXISTING HARDWARE PULL BAR (EXTERIOR) PUSH BAR (INTERIOR) OVERHEAD CLOSER LOCKSET</p> <p>GROUP 2 - EXISTING REAR DOOR EXISTING HARDWARE LEVER (EXTERIOR) w/ LOCKSET PANIC BAR HARDWARE CLOSER (INTERIOR)</p> <p>GROUP 3 - EXISTING RESTROOM DOOR EXISTING HARDWARE LEVER w/ PRIVACY LOCKSET</p> <p>GROUP 4 - STORAGE ROOM DOOR NEW HARDWARE LEVER HARDWARE CLOSER</p> <p>GROUP 5 - OFFICE DOOR EXISTING HARDWARE LEVER w/ PRIVACY LOCKSET</p>	<p>HWRE. PER SCHED. (T) = TEMPERED GLAZING</p> <p>HWRE. PER SCHED. (T) = TEMPERED GLAZING</p> <p>HWRE. PER SCHED. (T) = TEMPERED GLAZING</p> <p>HWRE. PER SCHED. (T) = TEMPERED GLAZING</p> <p>HWRE. PER SCHED. (T) = TEMPERED GLAZING</p>	<ol style="list-style-type: none"> DOOR TO BE A MINIMUM SIZE OF 3' IN WIDTH & 6'-8" IN HEIGHT DOOR TO OPEN A MINIMUM OF 90 DEGREES CLEAR WIDTH OF DOORWAY IS 32" MINIMUM BOTTOM 10" OF DOOR SHALL HAVE A SMOOTH SURFACE THAT ALLOWS DOOR TO BE OPENED BY A WHEEL CHAIR FOOT REST 5 POUNDS MAXIMUM PRESSURE TO OPERATE INTERIOR DOORS 5 POUNDS MAXIMUM PRESSURE TO OPERATE EXTERIOR DOORS 15 POUNDS MAXIMUM PRESSURE TO OPERATE FIRE DOOR 48" CLEAR SPACE MUST BE PROVIDED BETWEEN TWO DOORS IN SERIES IN ANY POSITION LATCHING OR LOCKING DOORS THAT ARE HAND OPERATED ARE OPERABLE WITH A SINGLE EFFORT (EX. LEVER, PANIC BAR, PUSH/PULL) DOOR CLOSERS MUST BE SET SO THAT IT TAKES AT LEAST 3 SECONDS TO CLOSE FROM AN OPEN POSITION OF 10 DEGREES TO WITHIN 3" OF THE LATCH EXIT DOORS TO BE OPENABLE FROM INSIDE WITHOUT USE OF A KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT PROVIDE SIGN ABOVE MAIN ENTRY DOORS STATING: "THIS DOOR SHALL REMAIN UNLOCKED WHENEVER BUILDING IS OCCUPIED" - 1" HIGH LETTERS (MIN) SIGN NOT REQUIRED WHEN DOOR IS PROVIDED WITH PANIC HARDWARE AS THE ONLY LOCKING & LATCHING DEVICE ON THE MAIN ENTRANCE. DOORS TO UNISEX, SINGLE USER TOILET ROOMS SHALL BE PROVIDED WITH PRIVACY LATCH
<p>ACCESS DOOR THRESHOLD</p> <p>1/4" MAX. 1/2" MAX.</p>		

ACCESSIBLE DOOR MANEUVERING CLEARANCE

FRONT APPROACH - PULL SIDE

HINGE APPROACH - PULL SIDE

LATCH APPROACH - PULL SIDE

FRONT APPROACH - PUSH SIDE

HINGE APPROACH - PUSH SIDE

LATCH APPROACH - PUSH SIDE

EXISTING REFLECTED CEILING PLAN - REFERENCE ONLY (NO PROPOSED CHANGES)

CLG. HEIGHT = 8'-0" AF.
(E) GYP. BD. - TO REMAIN RE-PAINT WHITE

(E) RESTROOM EF-1 TO BE REPLACED LIKE FOR LIKE

(E) RECESSED LED LTG. TO BE REPLACED LIKE FOR LIKE

(E) VANITY LED LTG. TO BE REPLACED LIKE FOR LIKE

(E) 48" CEILING MOUNTED STRIP LTG. TO REMAIN

(E) 48" CEILING MOUNTED STRIP LTG. TO REMAIN

(E) 2x2' RECESSED TROUGHER LTG.

(E) SUSPENDED CLG. W/2x4' T-BAR GRID @ 8'-10" AF W/VINYL TILES

(E) SUSPENDED CLG. W/2x4' T-BAR GRID @ 8'-10" AF W/VINYL TILES

(N) EXIT SIGN / BUG EYE COMBO TO REPLACE (E)

(N) EXIT SIGN / BUG EYE COMBO TO REPLACE (E)

CLG. HEIGHT = 8'-0" AF. PREFAB. ALUM. FINISH EXISTING - TO REMAIN

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11395 POWAY RD., STE #A, SAN DIEGO, CA 92128

DATE: 10/20/21

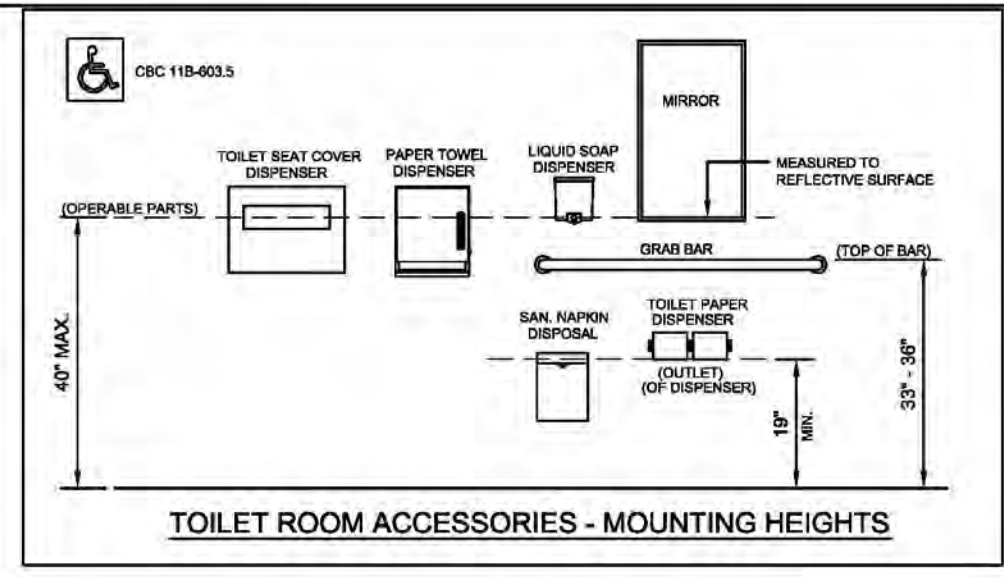
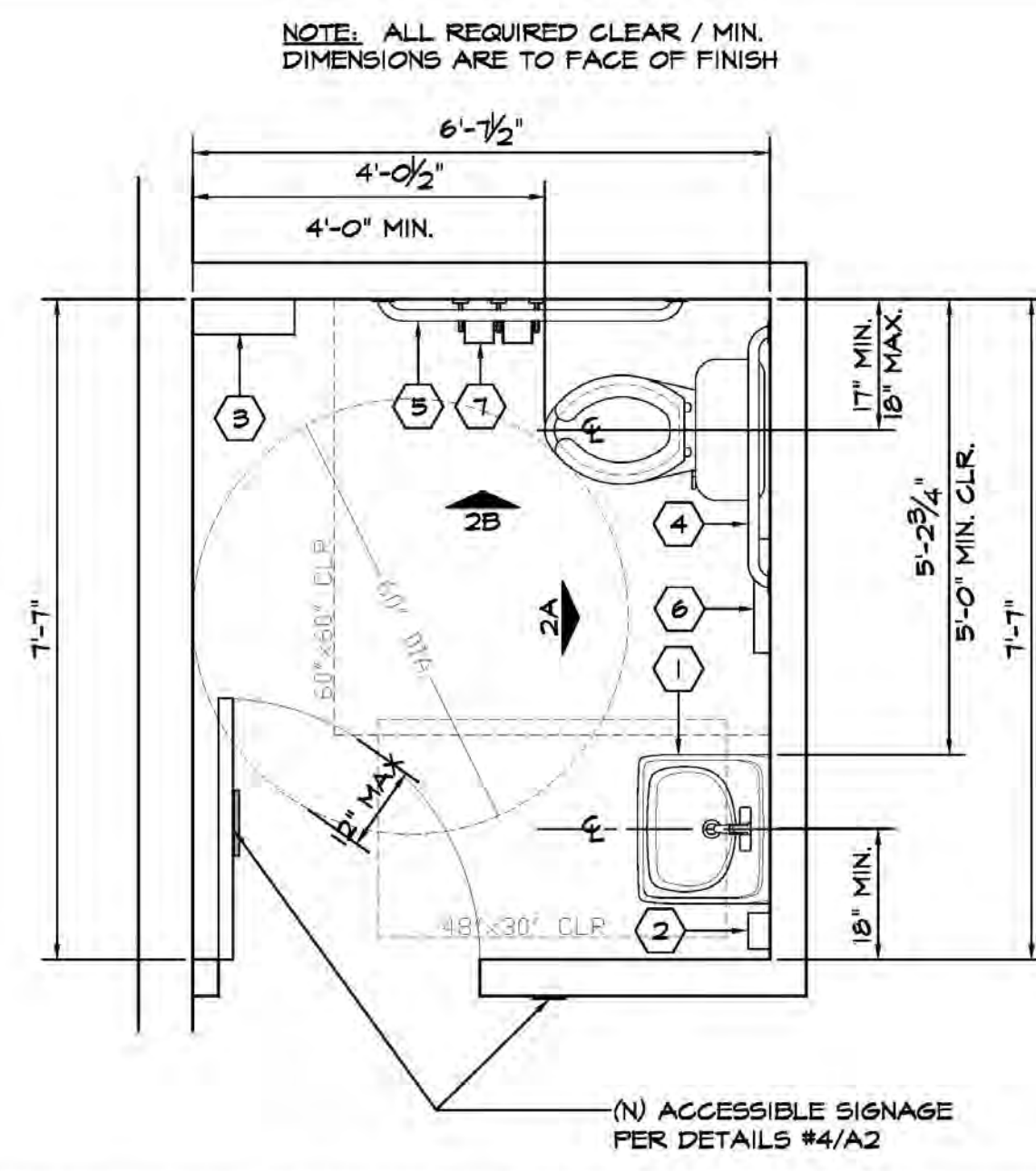
A2

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

REVISION SCHEDULE

NO.	DATE	DESCRIPTION
1		

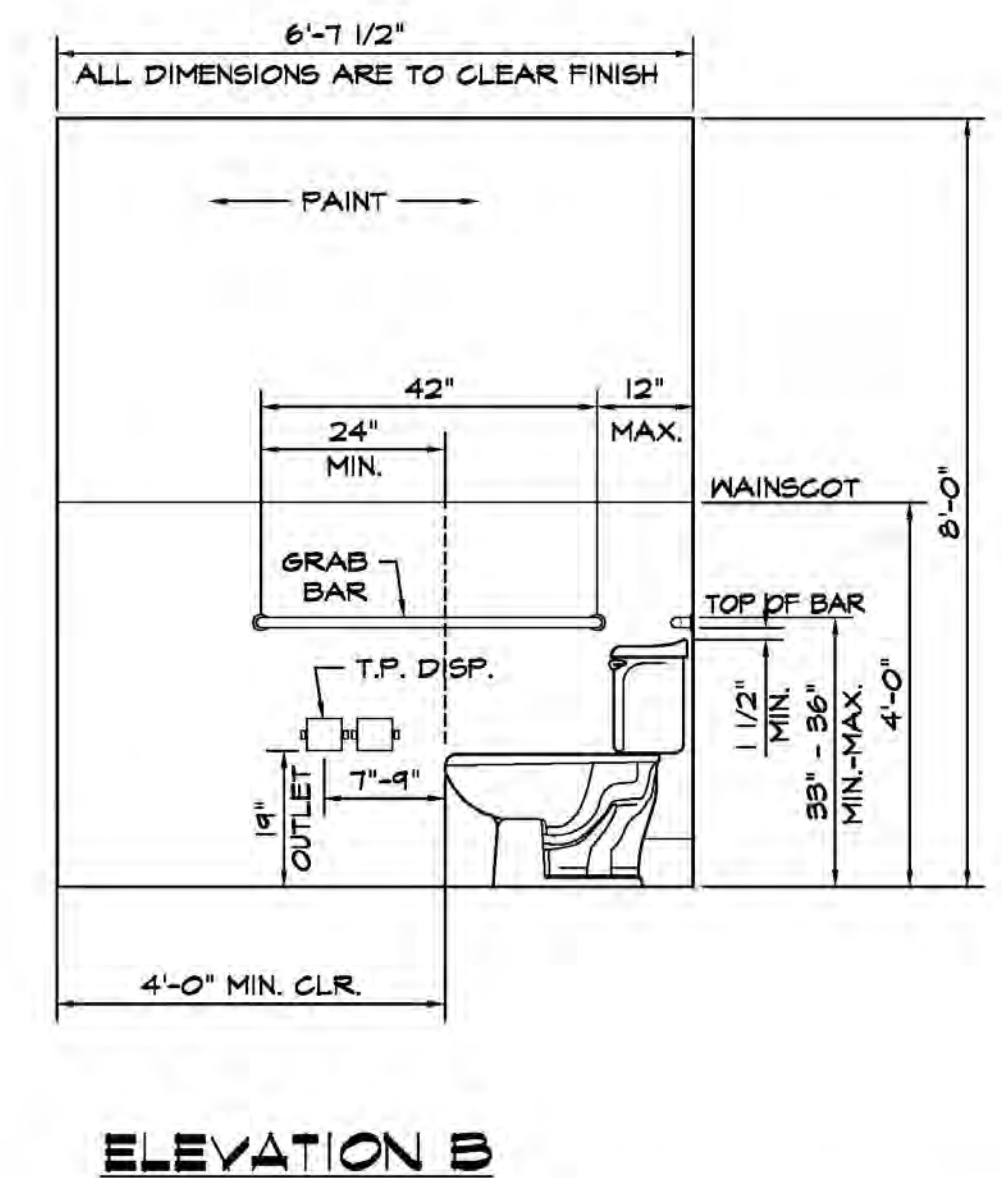
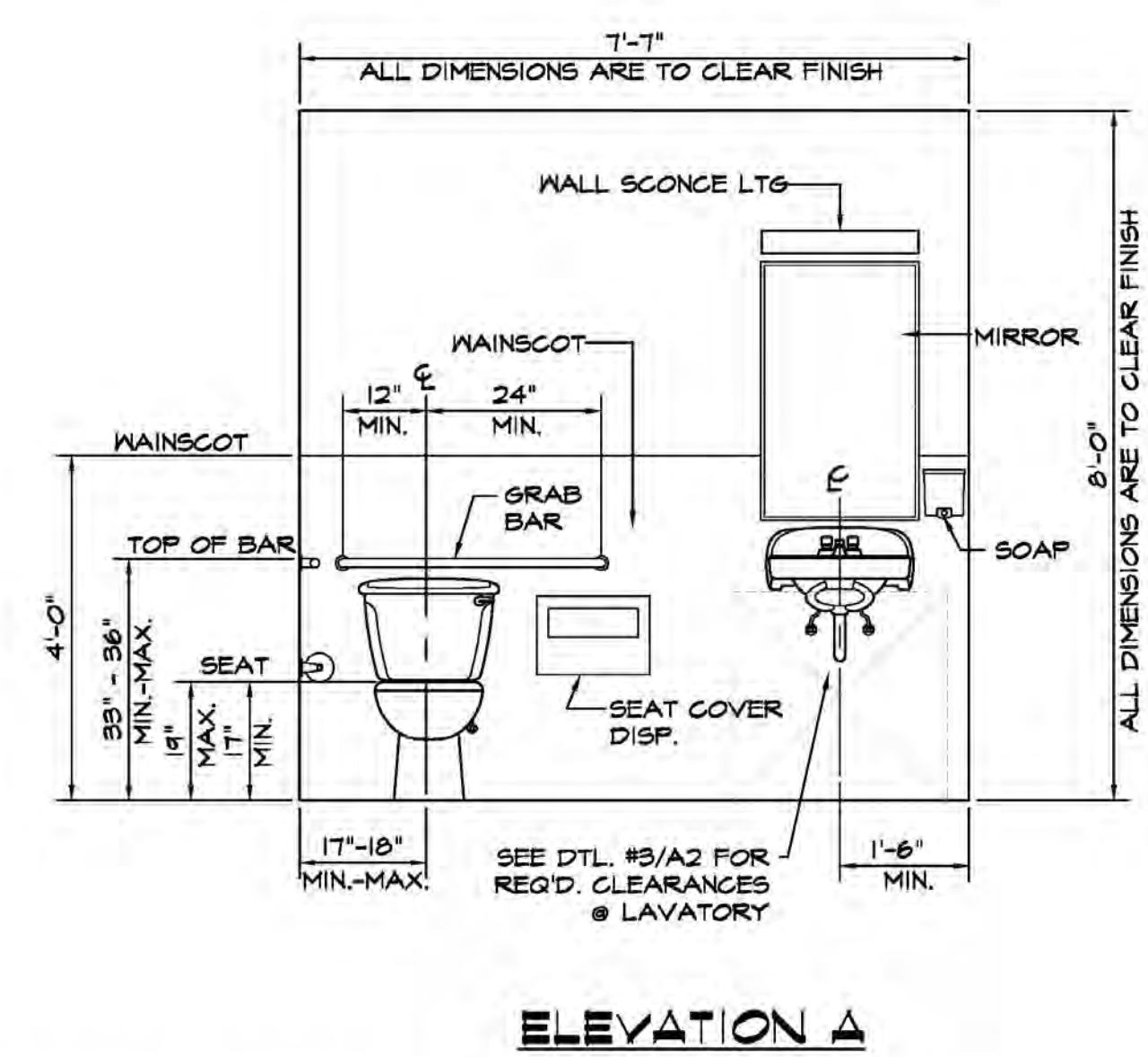
PROJECT # 21102



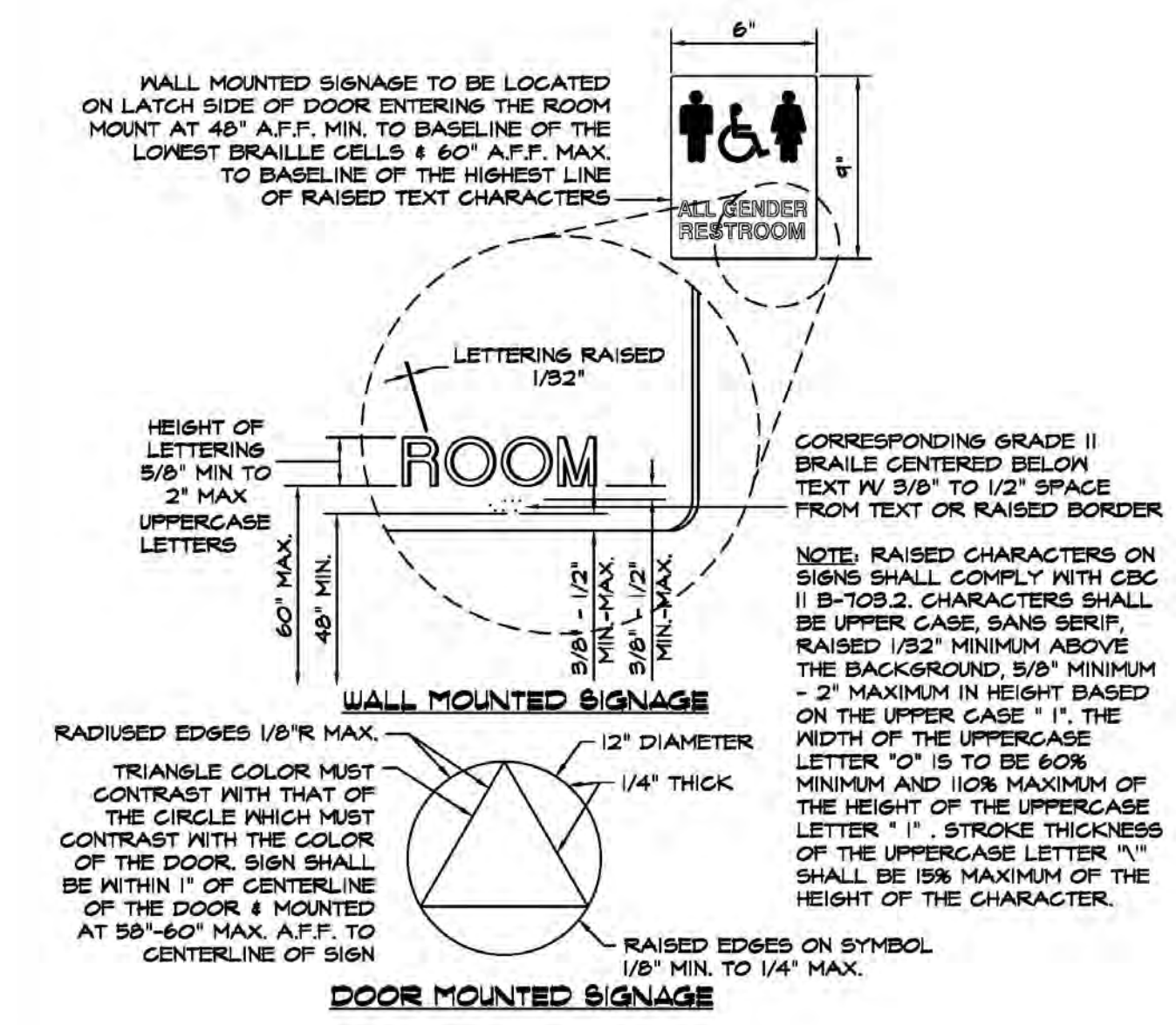
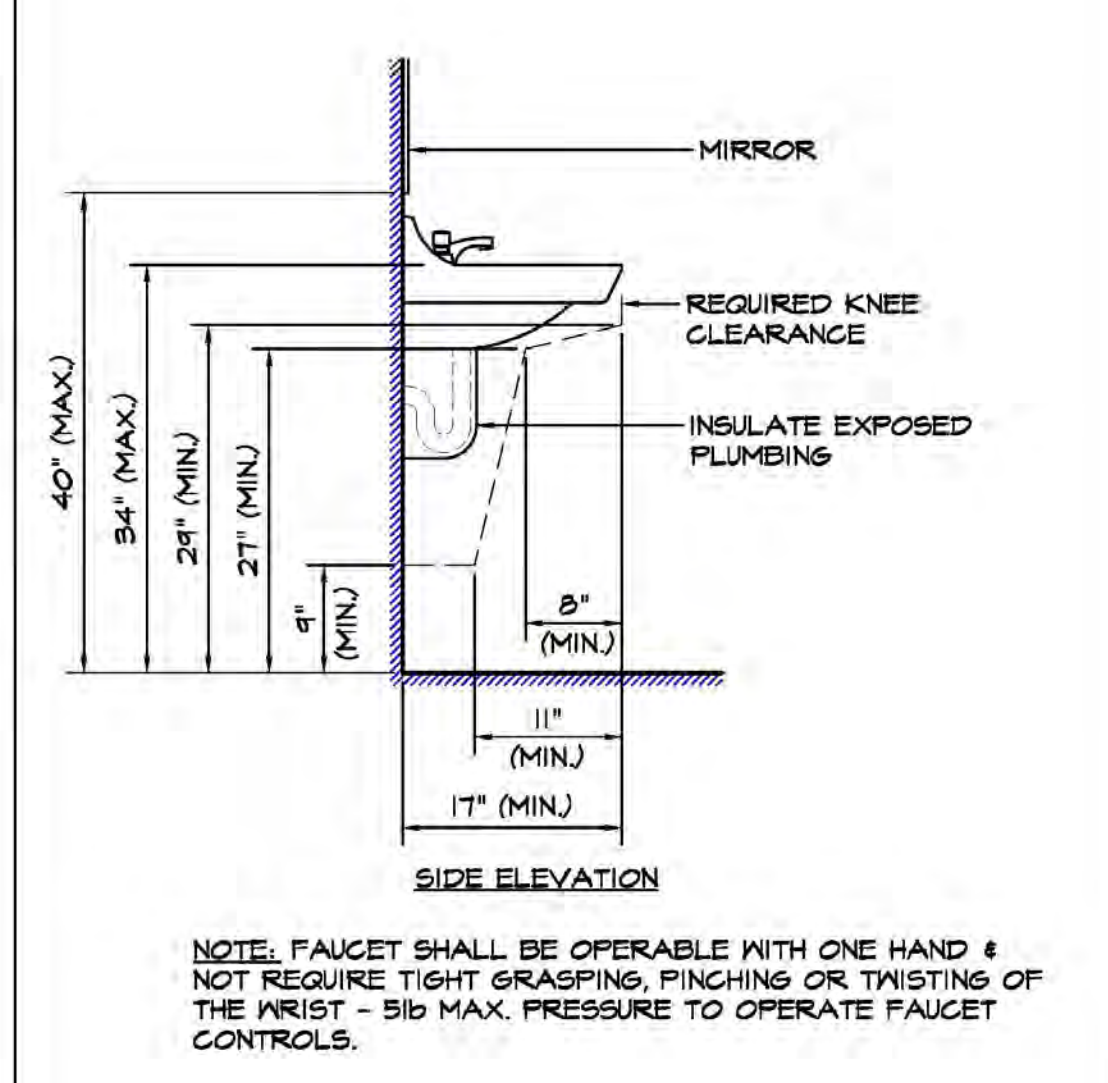
RESTROOM ACCESSORIES SCHEDULE

1	MIRROR - 24" x 36" - BOBRICK B-165 OR EQUAL
2	LIQUID SOAP DISPENSER - EXISTING
3	SENSOR ACTIVATED PAPER TOWEL DISPENSER - EXISTING
4	36" GRAB BAR - BOBRICK B-5806.99x36" GRAB BAR, SATIN FINISH OR EQUAL - EXISTING.
5	42" GRAB BAR - BOBRICK B-5806.99x42" GRAB BAR, SATIN FINISH OR EQUAL - EXISTING.
6	SEAT COVER DISPENSER - EXISTING
7	TOILET PAPER DISPENSER - EXISTING

1 ENLARGED RESTROOM PLAN (EXISTING - REFERENCE ONLY) SCALE: 1/2" = 1'-0"



2 RESTROOM ELEVATIONS (EXISTING - REFERENCE ONLY) SCALE: 1/2" = 1'-0"



3 (E) ACCESSIBLE LAVATORY

4 DOOR AND WALL SIGNAGES

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LICENSED ARCHITECT
No. C28547
REN. 6-23
STATE OF CALIFORNIA

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