



THE CITY OF SAN DIEGO

## Report to the Hearing Officer

DATE ISSUED: September 28, 2022 REPORT NO. HO-22-038

HEARING DATE: October 5, 2022

SUBJECT: 3724 DEL SOL CUP, Process Three Decision

PROJECT NUMBER: [1051275](#)

OWNER: CALIFORNIA FINEST OIL

APPLICANT: 3274 DEL SOL, LLC

### SUMMARY

Issue: Should the Hearing Officer approve the operation of a Type 20 Alcohol Beverage Outlet at an existing one-story, 2,100 square foot building containing smog service, auto service, and a convenience store; located at 3724 Del Sol Boulevard, conditioned upon the issuance of a license from the State Department of Alcoholic Beverage Control (ABC), within the [Otay Mesa-Nestor Community Planning](#) area?

#### Staff Recommendation:

1. Approve Conditional Use Permit No. 3140000

Community Planning Group Recommendation: On July 13, 2022, the Otay Mesa-Nestor Community Planning Group voted 9-2-0 to recommend approval of the proposed project with no additional conditions (Attachment 7).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA State Guidelines, Section 15301 (Existing Facilities). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on August 3, 2022, and the opportunity to appeal that determination ended on August 17, 2022 (Attachment 6).

## BACKGROUND

The 0.57-acre project site is located at 3724 Del Sol Boulevard on the northwest corner of Del Sol Boulevard and Picador Boulevard (Attachment 1 and 3). The site is zoned CC-2-3 (Community Commercial) within the Otay Mesa-Nestor Community Plan which designates the site Neighborhood Commercial (Attachment 2). The project site is currently developed with a refueling station and an existing one-story, 2,100-square-foot building containing smog service, auto service, and a convenience store. The proposed Alcoholic Beverage Outlet will be within the existing convenience store. The project site is adjacent to a small shopping center and surrounding uses include other commercial and retail uses and services to the west and east and medium density residential to the west, and low density to the north and south.

## DISCUSSION

Pursuant to San Diego Municipal Code (SDMC) Section [141.0502\(c\)](#) and [126.0303\(b\)](#), the Project requests a Conditional Use Permit (CUP) for an Alcoholic Beverage Outlet, (Type 20 Off-Sale Beer and Wine) defined as Off-Sale General, which authorizes the sale of beer and wine for off-site consumption within an existing one-story, 2,100 square foot building containing smog service, auto service, and a convenience store where approximately seven percent of the convenience store floor area will be devoted to alcohol sales. No new development is proposed as a part of this approval.

The purpose of the CC-2-3 zone is to accommodate development with an auto orientation. The CC zones are intended to provide for a range of development patterns from pedestrian-friendly commercial streets to shopping centers and auto-oriented strip commercial streets and allows for Alcoholic Beverage Outlets with a CUP, 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 decided in accordance with Process Three Hearing Officer decision, subject to the regulations in SDMC Section 141.0502(c). SDMC Section 141.0502(c) requires a recommendation from the San Diego Police Department (SDPD) and on April 27, 2022, the SDPD provided their recommendation to approve the project and provided conditions relating to the operation of the Alcoholic Beverage Outlet (Attachment 10).

### Development Regulations and Location Criteria

Staff reviewed the project for conformance to 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.**

The premise is within Census Tract (CT) No. 100.10 and is within the Southern Division's patrolling responsibility. The reported crime rate for 2021 within CT No. 100.10 was

65.4% and an alcohol crime rate of 18.5%. A CT is considered to have "high crime" if the crime rate exceeds 120 percent of the city-wide average per the San Diego Police Department Conditional Use Permit Recommendation. The project site is not considered to have "high crime".

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

The subject property is in CT No. 100.10 which, based on the California Business and Professions Code Section 23958.4, the number of off-sale licenses allowed is three (3). Within this CT there are currently three (3) off-sale licenses. Therefore, this CT is considered over-concentrated. This project would increase the number of active licenses by one (1), and would continue to exceed the standard in this CT.

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

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

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

The premise is currently developed with an operational gas station and convenience store. The surrounding area is mostly residential. Montgomery Middle School is to the northeast of the site but is not within 600 feet of the project site.

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

The subject project is not within 100 feet of residentially zoned property.

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 exceeds the standard established by the California Business and Professions Code Section 23958.4. 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. 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 375 milliliters, and the sale of beer or malt beverages in kegs is prohibited. 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). Based on the location, 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 public health, safety, and welfare.

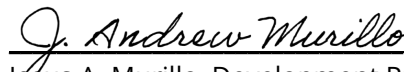
Community Plan Consistency:

The project site is located within the Otay-Mesa Nestor Community Plan (Attachment 2). Figure 2 of the community plan identifies the land use as Neighborhood Commercial which provides for a range of necessary goods and personal and repair services for the convenience for the immediately adjacent residential neighborhood. Concentrated in individual sights or small shopping centers. The site is zoned CC-2-3 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 convenience store does not conflict with the designated land use or CC-2-3 Zone.

ALTERNATIVES

1. Approve Conditional Use Permit No. 3140000 with modifications.
2. Deny Conditional Use Permit No. 3140000 if the findings required to approve the project cannot be affirmed.

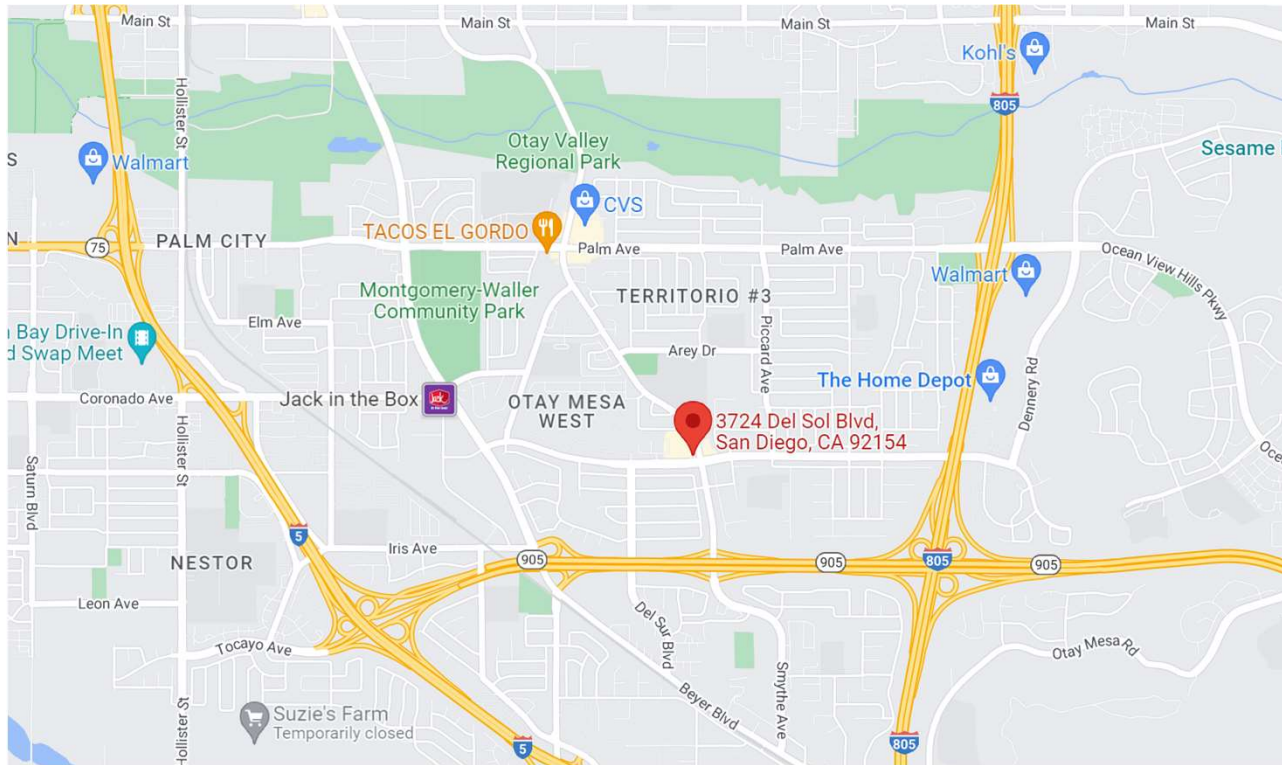
Respectfully submitted,

  
Jesus A. Murillo, Development Project Manager

Attachments:

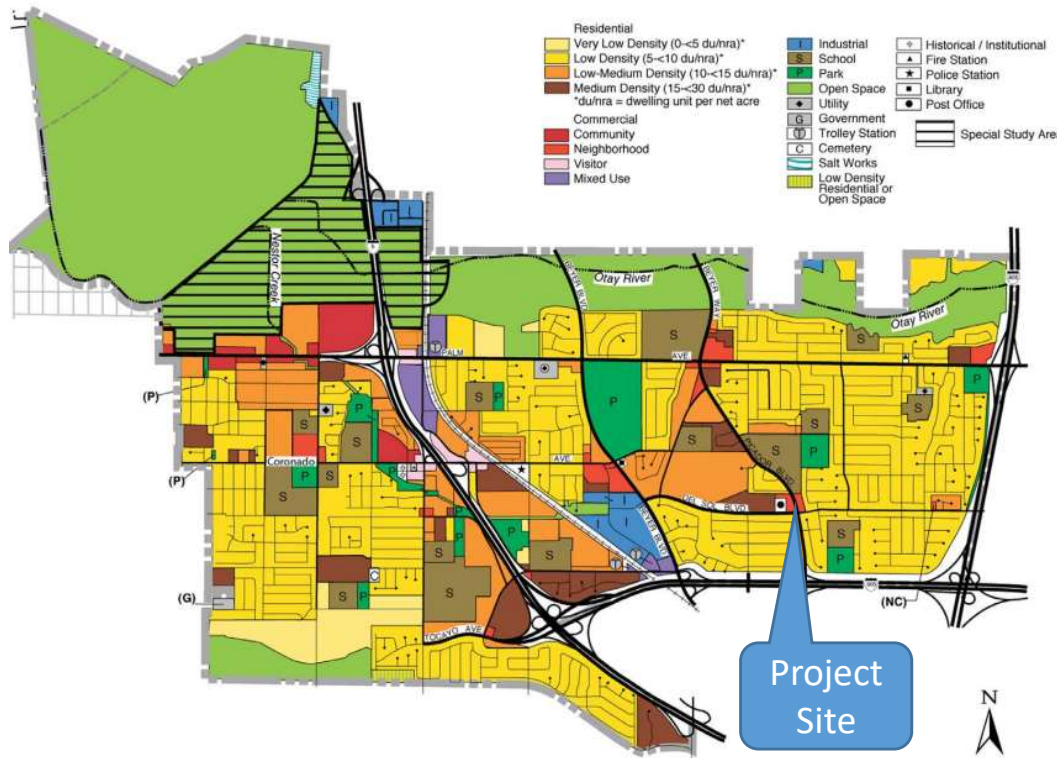
1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Draft Resolution with Findings
5. Draft Permit with Conditions
6. Environmental Notice of Exemption
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Census Tract Active Liquor License List and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

## Project Location Map



**3724 Del Sol CUP, Project No. PRJ-1051275**  
**Northwest corner of Del Sol Boulevard and Picador Boulevard**

# Community Plan



## Commercial Land Use Designations

| Designation                    | Functions                                                                                                                                                                                                   | Typical Uses                                                                                                                                                                                                                                                        |
|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Community Commercial</b>    | Provides a wide variety of community-serving necessity and retail goods, professional, financial and repair services; and recreational facilities, in strip-commercial or shopping center environments.     | Those included in the Neighborhood/Commercial and Visitor Commercial designations; apparel, furniture and appliance sales; building and home supply; medical offices; automobile-related services; sports (bowling, skating, miniature golf) and amusement centers. |
| <b>Neighborhood Commercial</b> | Provides a range of necessity goods, and personal and repair services for the convenience of the immediately adjacent residential neighborhood, concentrated in individual sites or small shopping centers. | Supermarkets, grocery stores and pharmacies; limited professional offices, banks and financial services; barber/beauty shops; cleaners and laundromats, and automobile service stations.                                                                            |
| <b>Visitor Commercial</b>      | Provides opportunities for visitor and locally oriented recreation, entertainment and shopping activities, usually adjacent to freeways or major streets.                                                   | Hotels/motels; restaurants and drinking establishments; specialty shops; theaters; bicycle shops, and automobile service stations.                                                                                                                                  |
| <b>Mixed-Use Commercial*</b>   | Provides a mixture of necessity goods, retail office, service and recreational commercial uses, and encourages limited residential uses in a transit/pedestrian-oriented environment.                       | Those included in the Neighborhood/Commercial and Visitor Commercial designations (excluding automobile service stations, motels and other automobile-oriented uses); public institutions and civic buildings; and public or private mini-parks and plazas.         |

\*See Appendix A, Transit Oriented Development, for a more detailed description of the Mixed-Use Commercial designation.

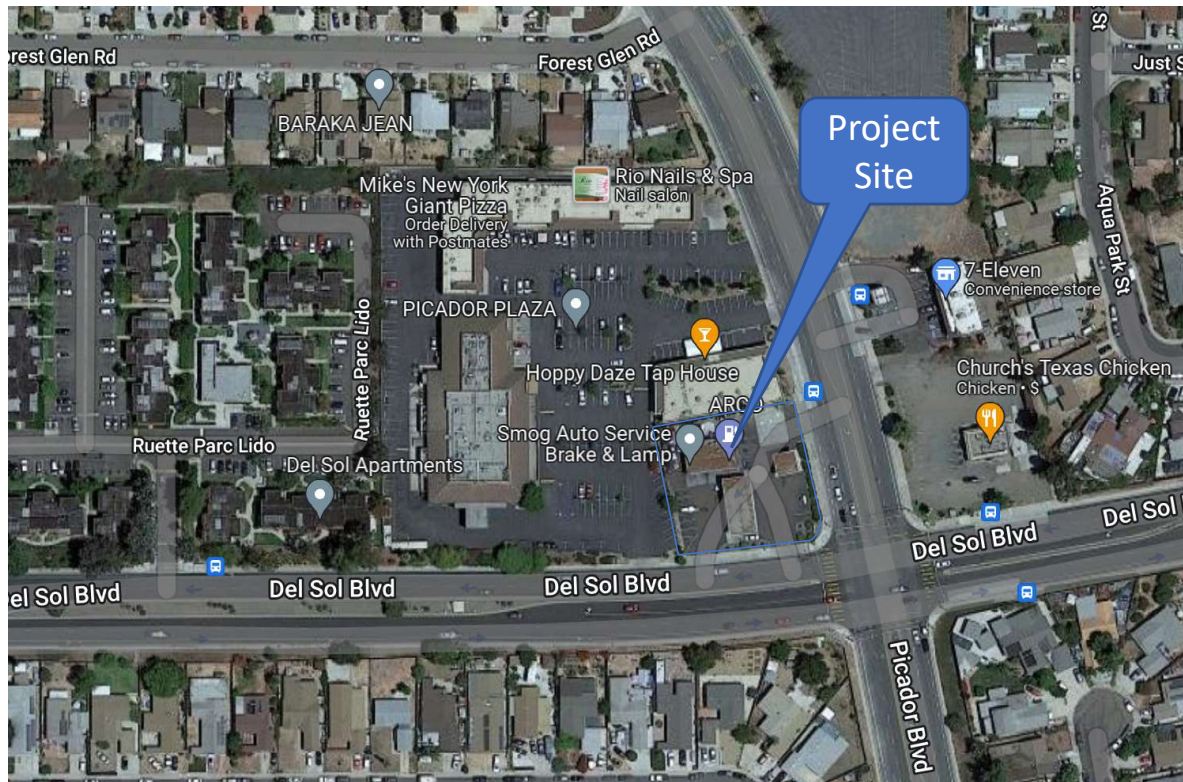
## Residential Densities

|                                                       |                                                                                                                                                                                                                          |
|-------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Very Low-Density</b><br>0-5 DUs per net acre       | This density occurs on the fringes of the river valleys bordering the community and is distinguishable for its large lots ranging from 10,000 square feet to one acre and ten-acre lots.                                 |
| <b>Low-Density</b><br>(5-10 DUs per net acre)         | This density characterizes almost two thirds of the community, predominately on the mesa area. Low-Density is typified by conventional single-family detached units on lots that are 5,000 to 6,000 square feet.         |
| <b>Low-Medium Density</b><br>(10-15 DUs per net acre) | This density is implemented by zoning permitting one unit per every 3,000 square feet of lot area. This density is characterized by lower intensity multifamily housing, such as duplexes, as well as mobile home parks. |
| <b>Medium-Density</b><br>(15-30 DUs per net acre)     | This is the highest density within the community, and it occurs in a zone permitting one unit per every 1,500 square feet of lot area.                                                                                   |



**3724 Del Sol CUP, Project No. PRJ-1051275**  
**Northwest corner of Del Sol Boulevard and Picador Boulevard**

## Aerial Photo



HEARING OFFICER RESOLUTION NO. \_\_\_\_\_  
CONDITIONAL USE PERMIT NO. 3140000  
**3724 DEL SOL CUP - PROJECT NO. 1051275**

WHEREAS, CALIFORNIA FINEST OIL, Owner, and 3274 DEL SOL LLC, Permittee, filed an application with the City of San Diego for a Conditional Use Permit to operate an Alcohol Beverage Outlet within an existing one-story, 2,100 square foot building containing smog service, auto service, and a convenience store, conditioned upon the issuance of a Type 20 (Off-Sale Beer and Wine) License from the State Department of Alcoholic Beverage Control (ABC) for off-site consumption as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 3140000, on portions of a 0.57-acre site;

WHEREAS, the project site is located at 3724 Del Sol Boulevard in the CC-2-3 of the Otay Mesa-Nestor Community Planning Area;

WHEREAS, the project site is legally described as PARCEL 1 OF PARCEL MAP NO.7192, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO SAID MAP BEING FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, APRIL 25, 1978, AS FILE NO. 78-165494 OF OFFICIAL RECORDS;

WHEREAS, on August 3, 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 Guideline Section 15301 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 October 5, 2022, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 3140000 pursuant to the Land Development Code of the City of San Diego;

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. 3140000:

**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 3724 Del Sol Conditional Use Permit (CUP) project (Project) proposes an Alcoholic Beverage Outlet (Type 20 Alcohol Beverage Control (ABC) License) which authorizes the sale of beer and wine for off-site consumption in an existing one-story, 2,100-square-foot building containing smog service, auto service, and a convenience store. The 0.57-acre project site is located at 3724 Del Sol Boulevard on the northwest corner of Del Sol Boulevard and Picador Boulevard within the Otay Mesa-Nestor Community Plan Area. The existing one-story, 2,100 square foot building containing smog service, auto service, and a convenience store is situated at the northwest corner of Del Sol Boulevard and Picador Boulevard. The site is zoned CC-2-3 (Community Commercial).

Alcoholic Beverage Outlets are permitted within the CC-2-3 Zone with a CUP and are 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) (as set out in finding A.1.b below, incorporated herein by reference).

The Otay Mesa-Nestor Community Plan (OMNCP) identifies the project site land use as Neighborhood Commercial which provides a range of necessity goods, and personal and repair services for the convenience of the immediately adjacent residential neighborhood, concentrated in individual sites or small shopping centers. The CC-2-3 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 existing one-story, 2,100 square foot building containing smog service, auto service, and a convenience store and would not adversely affect any applicable land use policies in the OMNCP. The Project is consistent with the permitted uses allowed in the underlying CC-2-3 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 20 Alcohol Beverage Control (ABC) License) to allow the sale of alcoholic beverages for off-site consumption within the existing one-story, 2,100 square foot building containing smog service, auto service, and a convenience store in the CC-2-3 zone within the Otay Mesa-Nestor Community Plan Area. Alcoholic Beverage Outlets are permitted within the CC-2-3 Zone with a CUP and are 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 ratio of alcohol beverage outlets exceeds the standards established by California Business and Professional Code section 23958.4 within the specified census tract (CT). The Project is located in CT 100.10 where there are currently three (3) off-sale Alcoholic Beverage Outlets which is the maximum number of licenses per CT standard set by California Business and Professions Code Section 23958.4.

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 no less than 375 milliliters; 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. A permit condition has been included in the permit limiting the hours for in-store sales of alcoholic beverages from 8:00 AM to 12:00 AM/Midnight. 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 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 15301 (Existing Facilities), concluding that there were no significant environmental impacts as a result of the project. 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; and**

The Project proposes an Alcoholic Beverage Outlet (Type 20 Alcohol Beverage Control (ABC) License) to allow the sale of alcoholic beverages for off-site consumption within an existing one-story, 2,100 square foot building containing smog service, auto service, and a convenience store in the CC-2-3 zone within the Otay Mesa-Nestor Community Plan Area. Alcoholic Beverage Outlets are permitted within the CC-2-3 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) (as set out in finding A.1.b above, incorporated herein by reference).

The Otay Mesa-Nestor Community Plan (OMNCP) identifies the project site land use as Neighborhood Commercial which provides a range of necessity goods, and personal and repair services for the convenience of the immediately adjacent residential neighborhood, concentrated in individual sites or small shopping centers.

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 April 27, 2022, 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 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 20 Alcohol Beverage Control (ABC) License) to allow the sale of alcoholic beverages for off-site consumption in an existing one-story, 2,100 square foot building containing smog service, auto service, and a convenience store in the CC-2-3 zone within the Otay Mesa-Nestor Community Plan Area.

The CC-2-3 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 existing one-story, 2,100 square foot building containing smog service, auto service, and a convenience store. The CC-2-3 zone allows a mix of community-serving commercial uses and residential uses and is intended to accommodate development with an auto orientation. The project location is a commercial/retail use building at the intersection of two highly traveled streets with two entrances on Del Sol Boulevard and one on Picador Boulevard.

The Otay Mesa-Nestor Community Plan (OMNCP) identifies the project site land use as Neighborhood Commercial which provides a range of necessity goods, and personal and repair services for the convenience of the immediately adjacent residential neighborhood, concentrated in individual sites or small shopping centers.

The sale of alcoholic beverages for off-site consumption is consistent with the commercial nature of the existing one-story, 2,100-square-foot building containing smog service, auto service, and a convenience 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 ratio of alcohol beverage outlets exceeds the standards established by California Business and Professional Code section 23958.4 within the specified census tract (CT), 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 (as set out in finding A.1.b above, incorporated herein by reference). In addition, a permit condition has been included in the permit limiting the hours for in-store sales of alcoholic beverages from 8:00 AM to 12:00 AM/Midnight. Therefore, the proposed use is appropriate at the proposed location.

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

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 3140000 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. 3140000, a copy of which is attached hereto and made a part hereof.

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Jesus A. Murillo  
Development Project Manager  
Development Services

Adopted on: October 5, 2022

IO#: 24009165

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: 24009165

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT 3140000  
**3724 DEL SOL CUP PROJECT NO. PRJ-1051275**  
HEARING OFFICER

This Conditional Use Permit No. 3140000 is granted by the Hearing Officer of the City of San Diego to California Finest Oil, a California corporation, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] Section 141.0502. The 0.57-acre site is located at 3724 Del Sol Boulevard in the CC-2-3 zone of the Otay Mesa-Nestor Community Plan Area. The project site is legally described as: PARCEL 1 OF PARCEL MAP NO. 7192, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO SAID MAP BEING FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, APRIL 25, 1978 AS FILE NO. 78-165494 OF OFFICIAL RECORDS.

Subject to the terms and conditions set forth in this Permit, permission is granted to the Owner to operate an alcoholic beverage outlet conditioned upon the issuance of a license from the State Department of Alcoholic Beverage Control and subject to the City's land use regulations] described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated October 5, 2022, on file in the Development Services Department.

The project shall include:

- a. Operation of an Alcoholic Beverage Outlet within an existing one-story, 2,100 square foot building containing smog service, auto service, and a convenience store; located at 3724 Del Sol Boulevard, conditioned upon the issuance of a Type 20 (Off-Sale Beer and Wine) License from the State Department of Alcoholic Beverage Control (ABC).
- 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 October 19, 2025.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on October 19, 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 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 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 the Owner/Permittee.

**PLANNING/DESIGN REQUIREMENTS:**

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. 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.

15. 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.
16. 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.
17. The Owner/Permittee shall provide illumination, at a minimum level of 0.4-foot candles per square foot, on the exterior of the alcoholic beverage outlet, including adjacent public sidewalks and areas under the control of the Owner/Permittee. The illumination shall be in operation during all hours of darkness while the outlet is open for business so that persons standing on or near the premises at night are identifiable by law enforcement personnel. The required illumination shall be shielded and directed so that it does not shine on adjacent properties.
18. A maximum of 33 percent of the square footage of the windows and doors of the premises may bear advertising or signs of any sort, except for any advertising prohibited by law. All advertising and signs shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the outlet.
19. The Owner/Permittee of the alcoholic beverage outlet shall post a prominent, permanent sign or signs stating, "No loitering, consumption of alcoholic beverages, or open alcoholic beverage containers are allowed inside the premises, in the parking area, or on the public sidewalks adjacent to the premises, violators are subject to arrest." The sign shall be at least two square feet with two-inch block lettering. The sign shall be in English and Spanish.
20. The Owner/Permittee shall list a business address and telephone number in the Pacific Bell/San Diego telephone directory or other similarly distributed directory.
21. 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.
22. 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 the daily removal of trash, litter, and debris. The Owner/Permittee shall eliminate graffiti within 48 hours of application.

**POLICE DEPARTMENT REQUIREMENTS:**

23. The sales of alcoholic beverages shall be permitted between the hours of 8:00 AM and 12:00 AM.
24. No wine or distilled spirits shall be sold in containers of less than 375 milliliters.

25. The sale of beer or malt beverages in kegs is prohibited.
26. The petitioner(s) shall post and maintain professional quality signs that read as follows:  
  
NO LOITERING, NO LITTERING, NO DRINKING OF ALCOHOLIC BEVERAGES. VIOLATORS ARE SUBJECT TO CRIMINAL PROSECUTION AND/OR ARREST.  
  
The sign shall be at least two feet square with two-inch block lettering. The sign shall be in English and Spanish.
27. There shall be no exterior alcoholic advertising or signage of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of these conditions.
28. Windows will have a minimum of 67% clear view from the exterior to provide an interior view for law enforcement.
29. Loitering shall be prohibited.
30. No public pay phones will be permitted on the premises or areas adjacent and under the control of the Permittee.
31. No arcade games of any type will be allowed/maintained inside the Premises.
32. Video surveillance shall be recording and available to law enforcement upon request covering the interior and public access points of the premises. Upon request from 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.
33. Litter and any unauthorized graffiti will be removed promptly.
34. All retail employees shall be trained in ABC regulations 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.

**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 October 5, 2022, and Resolution No.

\_\_\_\_\_.

DRAFT

Conditional Use Permit No. 3140000  
Date of Approval: October 5, 2022

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

---

Jesus A. Murillo  
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.

California Finest Oil  
Owner/Permittee

By \_\_\_\_\_  
Steven F. Lopez  
Agent

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

**NOTICE OF EXEMPTION****Attachment 6**

(Check one or both)

TO: ☒ RECORDER/COUNTY CLERK  
P.O. BOX 1750, MS A-33  
1600 PACIFIC HWY, ROOM 260  
SAN DIEGO, CA 92101-2422

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 No.: 1051275

Project Title: 3724 Del Sol Boulevard

PROJECT LOCATION-SPECIFIC: The project is located at 3724 Del Sol Boulevard, San Diego, CA.

PROJECT LOCATION-CITY/COUNTY: San Diego/San Diego

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: CONDITIONAL USE PERMIT (CUP) for a Type 20 Alcoholic Beverage Outlet at an existing one story 2,100 square foot building containing a smog and auto service, and a convenience store. The 0.57 acre site is located at 3724 Del Sol Boulevard within the CC-2-3 zone of the Otay Mesa Nestor Community Plan area. The project complies with all height and bulk regulations and is located on a site that is currently developed with public utilities in place to serve the facility.

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Scott Hoffman, 401 B Street, Suite 600, San Diego CA 92101.  
(619) 744-0181

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: 15301 (Existing Facilities)
- ☐ STATUTORY EXEMPTION:

REASONS WHY PROJECT IS EXEMPT: The City of San Diego conducted an environmental review and determined that the project would qualify to be categorically exempt from CEQA pursuant to Section 15301 (Existing Facilities) which allows for the permitting or licensing at existing public or private structures. Since the project would allow for the sale of alcoholic beverages at an existing market on a site devoid of sensitive resources the project qualifies to be categorical exempt from CEQA and the exceptions listed in CEQA Section 15300.2 would not apply.

LEAD AGENCY CONTACT PERSON: Jeffrey Szymanski

TELEPHONE: 619 446-5324

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

  
SIGNATURE/TITLE

/SENIOR PLANNER

AUGUST 18, 2022

DATE

CHECK ONE:

(X) SIGNED BY LEAD AGENCY

DATE RECEIVED FOR FILING WITH COUNTY

CLERK OR OPR:

**OTAY MESA-NESTOR COMMUNITY PLANNING GROUP**  
**MEETING MINUTES**  
Zoom Meeting  
**July 13th, 2022**

**Members Present:**

District 1 Edgar Garfias  
District 2 Johnny E. Swanson  
District 3 Robert Broomfield  
District 5 Alberto Estrada  
District 7 Christopher Malick  
District 9 Armond Moore  
District 10 Bob Mikloski  
District 11 Albert Velasquez  
District 12 Carlos Sanchez  
District 13 Brian McGonagill  
District 15 Walt Zumstein  
District 16 Bobby Hicks

**Members Absent:**

District 6 Richard Cuevas

**Vacant District Seats:**

District 4  
District 8  
District 14

1. **Call to Order/Introduction of Members:** Albert Velasquez Chair of the Otay Mesa Nestor Community Planning Group (OMNCPG), called the meeting to order at 6:33 p.m. He welcomed all Board members and members of the community to the meeting.
2. **Approval of the Minutes:** The draft minutes of the June 8th OMNCPG meeting were approved unanimously.
3. **Non-Agenda Public Comments:** (2-minute limit per speaker).
  - a. None
4. **San Diego Police Department Report:** SDPD Officer Carlos Edington, [cedington@pd.sandiego.gov](mailto:cedington@pd.sandiego.gov) (619) 424-0412.
  - a. Addressing parking concerns regarding motor homes, travel trailers, boats parked.
  - b. Follow question on cars parked for sale on Beyer Blvd. This street does not fall under ordinance against this activity. Enforcement options limited.
5. **Council District 8 Report:** Gerardo Ramirez, Council Representative, 619-236-6688, [GRamirezBorj@sandiego.gov](mailto:GRamirezBorj@sandiego.gov)
  - a. CCPS funding open to applications July 1<sup>st</sup> -July 31<sup>st</sup> for non-profits benefiting the community.
  - b. Dumpster Drop off Aust 27<sup>th</sup> at Montgomery Waller Park
  - c. Movie in the Park at Montgomery Waller Park on July 23<sup>rd</sup>
  - d. Budget was approved 2.9% increase from the May Revision. \$21 Million to CIP projects in District 8.
  - e. Update on Southwest Park on 27<sup>th</sup> and Iris. Design to be completed in FY23. Funding need for the project is \$25.5M. Additional question about prioritization of project versus Beyer Park in San Ysidro.
  - f. Follow up about street sweeping signage. Planning group has to approve. Gerardo will submit a request to put up signage.
6. **City of San Diego, Office of the Mayor:** Pending Reassignment
  - a. No report.

7. **Office of the San Diego City Attorney Report:** Mark Robertson, Deputy City Attorney, [mrobertson@sandiego.gov](mailto:mrobertson@sandiego.gov) 619-553-5500.
  - a. No report.
8. **City Planner Report:** Shannon Muldrieg, Senior Planner, 619-236-6301, [mprinz@sandiego.gov](mailto:mprinz@sandiego.gov)
  - a. No report
9. **Sub-Committee Reports:**
  - a. Volunteer Code Compliance, Project Review, By-Laws, and Parks and Recreation subcommittees.
  - b. Parks and Recreation Subcommittee
    - i. Walter Zumstein shared his findings regarding Robert Egger Sr. – South Bay Recreation Center land donation/purchase
10. **Action Item: PRJ-1051275 is a Conditional Use Permit at 3724 Del Sol Blvd**  
 City of San Diego project number PRJ-1051275 is a Conditional Use Permit request for an Alcoholic Beverage Outlet located at 3724 Del Sol Blvd. The site is the existing ‘California Finest Oil Gas’ and Automotive Service Station and Convenience Store at the north west corner of Del Sol Blvd and Picador Blvd. The station has been successfully family owned and operated for over 20 years, and the addition of a type 20 license at the location will further add a convenience to the surrounding community and its residents, provided by a local business owner. Scott Hoffman 619-744-0181 [Scott.Hoffman@kimley-horn.com](mailto:Scott.Hoffman@kimley-horn.com)
  - b. Question about locations that already sell alcohol in the area.
  - c. Bob Mikloski makes a motion to approve, Johnny E. Swanson Seconds. 9-2-0. Motion Passes.
11. **Informational Item: Mobile Crisis Response Teams (MCRT)**  
 Mobile Crisis Response Teams (MCRT) is a service now being offered by the County of San Diego that provides in-person support to anyone, anywhere, experiencing a mental health, drug, or alcohol-related crisis. MCRT dispatches behavioral health experts to emergency calls instead of law enforcement, when appropriate, with teams made up of clinicians, case managers, and peer support specialists. Maria Elena Morales 619-807-3965 [mariam@jfssd.org](mailto:mariam@jfssd.org)
  - a. Questions about when this resource should be used, if people need to be residents, and questions about the specific services being provided.
  - b. County funded program.
  - c. Comments on working with the drug enforcement unit.
12. **Chair’s Report:** Alber Velasquez, OMNCPG Chair.
  - i. None
13. **Meeting was adjournment at 7:28 pm**

|                                                                                  |                                                                                                                       |                                                                |                                            |
|----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|--------------------------------------------|
|  | <b>City of San Diego<br/>Development Services</b><br>1222 First Ave., MS 302<br>San Diego, CA 92101<br>(619) 446-5000 | <h1 style="margin: 0;">Ownership Disclosure<br/>Statement</h1> | <b>FORM<br/>DS-318</b><br><br>October 2017 |
|----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|--------------------------------------------|

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

**Project Title:** Del Sol CUP

**Project No. For City Use Only:** \_\_\_\_\_

**Project Address:** 3724 DEL SOL BLVD, SAN DIEGO CA 92154

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

☒ Corporation ☐ Limited Liability -or- ☐ General - What State? \_\_\_\_\_ Corporate Identification No. 330735699  
☐ 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: California Finest Oil ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency  
 Street Address: 7647 Balboa Avenue  
 City: San Diego State: CA Zip: 92111  
 Phone No.: (858) 751-5955 Fax No.: \_\_\_\_\_ Email: atheweny@hotmail.com  
 Signature: [Signature] Date: 1/30/2022  
 Additional pages Attached: ☐ Yes ☒ No

**Applicant**

Name of Individual: California Finest Oil ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency  
 Street Address: (858) 751-5955  
 City: San Diego State: CA Zip: 92111  
 Phone No.: (858) 751-5955 Fax No.: \_\_\_\_\_ Email: atheweny@hotmail.com  
 Signature: [Signature] Date: 1/30/2022  
 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

Printed on recycled paper. Visit our web site at [www.sandiego.gov/development-services](http://www.sandiego.gov/development-services).  
 Upon request, this information is available in alternative formats for persons with disabilities.



## Three Existing Off-Sale Licenses in Census Tract 100.10

**Results for:** Active Off-Sale Retail License

**County:** SAN DIEGO County

**Census Tract:** 100.10

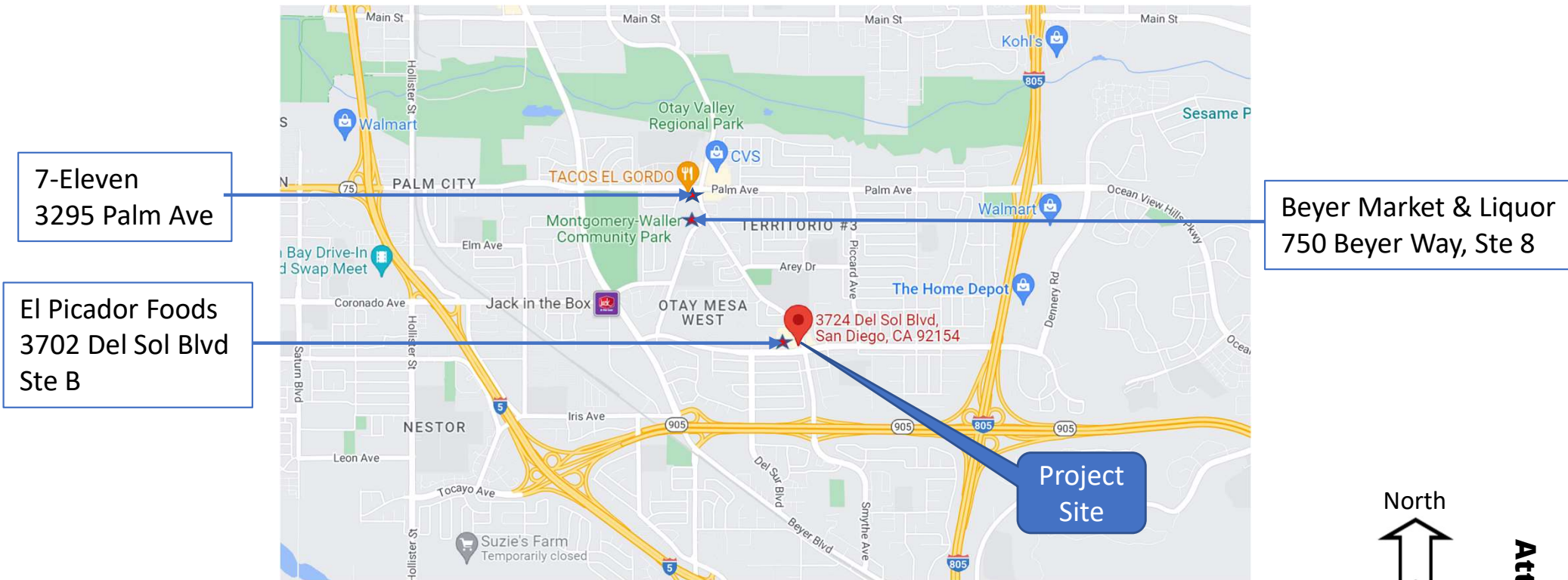
Show  entries

| License Number | Status | License Type | Orig. Iss. Date | Expir. Date | Primary Owner      | Premises Addr.                                                                 | Business Name         | Geo Code |
|----------------|--------|--------------|-----------------|-------------|--------------------|--------------------------------------------------------------------------------|-----------------------|----------|
| 377661         | ACTIVE | 21           | 06/20/2001      | 07/31/2023  | HELO, HADIR GHANIM | 750 BEYER WAY, STE 8,<br>SAN DIEGO, CA 92154<br>Census Tract: 0100.10          | BEYER MARKET & LIQUOR | 3710     |
| 464411         | ACTIVE | 21           | 02/28/2008      | 08/31/2023  | RABBAN, NADER BAHO | 3702 DEL SOL BLVD, STE B,<br>SAN DIEGO, CA 92154-3588<br>Census Tract: 0100.10 | EL PICADOR FOODS      | 3710     |
| 614297         | ACTIVE | 20           | 02/16/2021      | 06/30/2023  | 7 ELEVEN INC       | 3295 PALM AVE, SAN DIEGO, CA 92154<br>Census Tract: 0100.10                    | 7-ELEVEN STORE 37624B | 3710     |

**3724 Del Sol CUP, Project No. PRJ-1051275**  
**Northwest corner of Del Sol Boulevard and Picador Boulevard**



## Three Existing Off-Sale Licenses in Census Tract 100.10



**3724 Del Sol CUP, Project No. PRJ-1051275**  
**Northwest corner of Del Sol Boulevard and Picador Boulevard**

## SAN DIEGO POLICE DEPARTMENT CONDITIONAL USE PERMIT RECOMMENDATION

PREMISE ADDRESS: 3724 Del Sol Boulevard, San Diego, CA 92154

TYPE OF BUSINESS: ARCO Gas station/convenience store

FEDERAL CENSUS TRACT: 100.10

NUMBER OF ALCOHOL LICENSES ALLOWED: 3

NUMBER OF ALCOHOL LICENSES EXISTING: 3

CRIME RATE IN THIS CENSUS TRACT: 65.4  
(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: Conditional Use Permit Number PRJ-1051275

This premise falls within Census Tract 100.10 and is within the Southern Division's patrolling responsibility. The reported crime rate for 2021 within CT 100.10 was 65.4% and alcohol crime rate of 18.5%. The census tract has 3 active Off-Sale licenses where the ABC authorizes 3 based on residential population ratio.

The premise currently a gas station and convenience store. The surrounding area is mostly residential with a middle school to the north of the location. The school is not within 600 feet of the location.

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

1. No sales, service, or consumption of alcoholic beverages except between the hours of 8:00 a.m. and Midnight.
2. No wine or distilled spirits shall be sold in containers of less than 375 milliliters.
3. The sale of beer or malt beverages in kegs is prohibited.
5. The petitioner(s) shall post and maintain professional quality signs that read as follows: NO LOITERING, NO LITTERING, NO DRINKING OF ALCOHOLIC BEVERAGES. VIOLATORS ARE SUBJECT TO CRIMINAL PROSECUTION AND/OR ARREST. The sign

1845 MFM

shall be at least two feet square with two-inch block lettering. The sign shall be in English and Spanish.

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

7. Loitering will be prohibited.

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

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

10. Video surveillance shall be recording and available to law enforcement upon request covering both interior and exterior 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.

11. Litter and any unauthorized graffiti will be removed promptly.

12. 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.

13. There shall be no exterior alcoholic advertising or signage of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of these conditions.

**SAN DIEGO POLICE DEPARTMENT RECOMMENDATION:**

APPROVE ✓

DENY \_\_\_\_\_

Benjamin McQuerry  
Name of SDPD Vice Sergeant (Print)

(619) 531-2973  
Telephone Number

Brian McQuerry  
Signature of SDPD Vice Sergeant

4/27/22  
Date of Review



# ABC Report SDPD Census Tract Summary - 2021

**Required Parameters**

Reporting Period: 01/2021 to 12/2021

Agency: SAN DIEGO

**Optional Parameters**

Geographical Area:

**Group by:** Census Tract

Prior Report Number: B98S328R

Total Part 1 Crime and Part 2 Arrest for Agency: 58,606

Total Census Tract: 302

Average Total per Census Tract: 194.1

(120% or above is High Crime Area indicated by \*)

|     | Census Tract | Totals | % Average by Census Tract |
|-----|--------------|--------|---------------------------|
| 233 | 009804       | 76     | 39.2%                     |
| 234 | 009805       | 42     | 21.6%                     |
| 235 | 009901       | 4      | 2.1%                      |
| 236 | 009902       | 3      | 1.5%                      |
| 237 | 010001       | 97     | 50.0%                     |
| 238 | 010003       | 72     | 37.1%                     |
| 239 | 010004       | 99     | 51.0%                     |
| 240 | 010005       | 174    | 89.7%                     |
| 241 | 010009       | 357    | 184.0%*                   |
| 242 | 010010       | 127    | 65.4%                     |
| 243 | 010011       | 64     | 33.0%                     |
| 244 | 010012       | 100    | 51.5%                     |
| 245 | 010013       | 257    | 132.4%*                   |
| 246 | 010014       | 369    | 190.1%*                   |
| 247 | 010015       | 844    | 434.9%*                   |
| 248 | 010103       | 314    | 161.8%*                   |
| 249 | 010104       | 54     | 27.8%                     |
| 250 | 010106       | 172    | 88.6%                     |
| 251 | 010107       | 249    | 128.3%*                   |
| 252 | 010109       | 102    | 52.6%                     |
| 253 | 010110       | 163    | 84.0%                     |
| 254 | 010111       | 69     | 35.6%                     |
| 255 | 010112       | 115    | 59.3%                     |
| 256 | 010200       | 0      | 0.0%                      |
| 257 | 011300       | 0      | 0.0%                      |
| 258 | 011802       | 0      | 0.0%                      |
| 259 | 013205       | 25     | 12.9%                     |
| 260 | 013206       | 0      | 0.0%                      |
| 261 | 013308       | 0      | 0.0%                      |

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:** 100.10**Report Date:** Tuesday, April 26, 2022**Search***Results will be filtered as you type***0 Results****License Number: 614297****Status:**ACTIVE **License Type:**20 **Orig. Iss. Date:**02/16/2021 **Expir. Date:**06/30/2022 **Primary Owner:**3295 PALM AVE,  
SAN DIEGO, CA 92154**7 ELEVEN INC Premises Addr.:**Census Tract: 0100.10 **Business Name:** 7-ELEVEN STORE 37624B**Geo Code:**3710**License Number: 464411****Status:**ACTIVE **License Type:**21 **Orig. Iss. Date:**02/28/2008 **Expir. Date:**08/31/2022 **Primary Owner:**3702 DEL SOL BLVD, STE B,  
SAN DIEGO, CA 92154-3588**RABBAN, NADER BAHO Premises Addr.:**Census Tract: 0100.10**Business Name:****EL PICADOR FOODS Geo Code:**3710

**License Number: 377661**

**Attachment 10**

**Status:**ACTIVE **License Type:**21 **Orig. Iss. Date:**06/20/2001 **Expir. Date:**07/31/2022 **Primary Owner:**

750 BEYER WAY, STE 8,  
SAN DIEGO, CA 92154

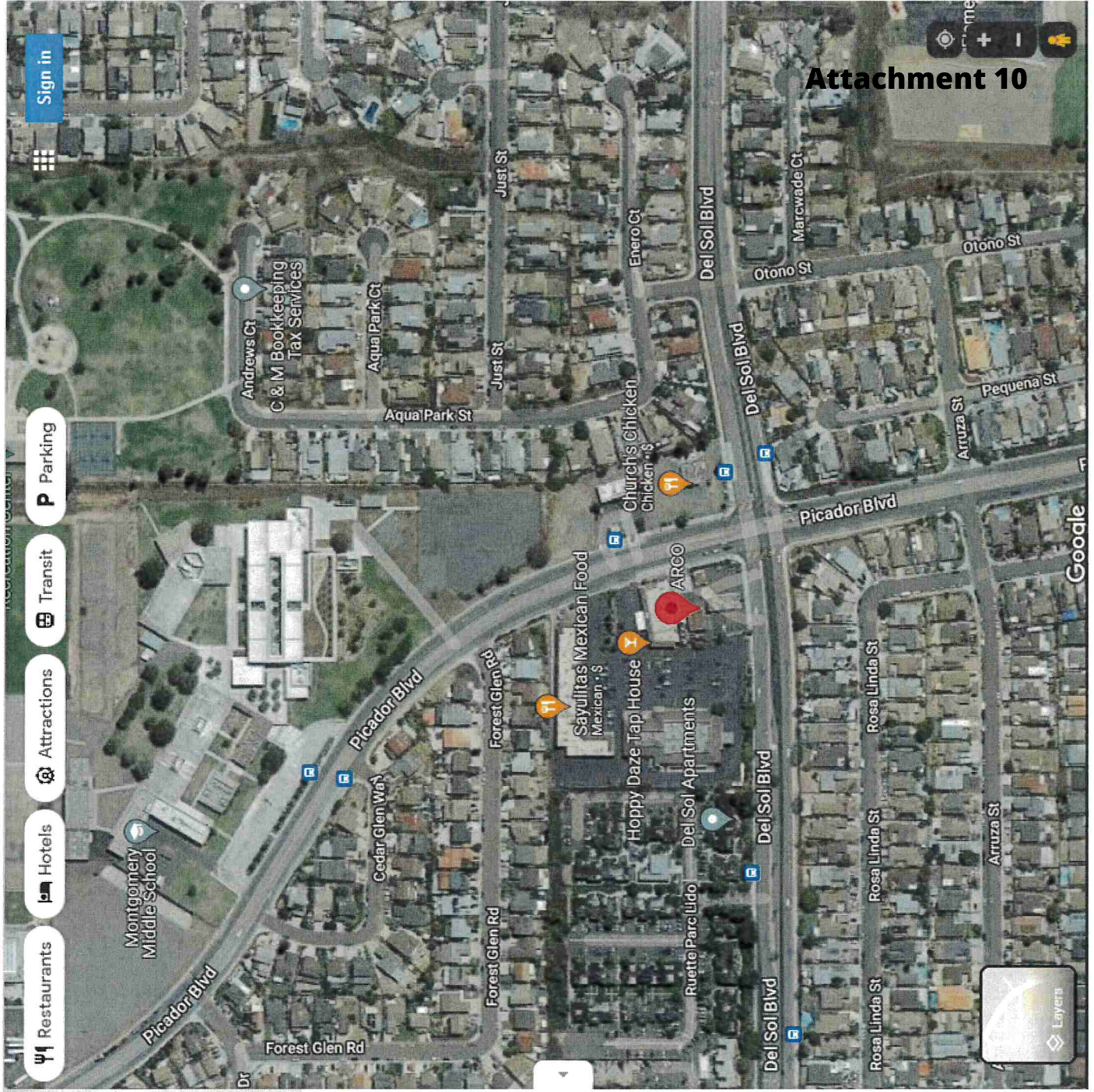
HELO, HADIR GHANIM **Premises Addr.:**Census Tract: 0100.10 **Business Name:**

BEYER MARKET & LIQUOR **Geo Code:**3710





**LIVE** *A little busy*



# DEL SOL AND PICADOR

PRJ-1051275, PMT-3140000  
CONDITIONAL USE PERMIT FOR  
ALCOHOLIC BEVERAGE OUTLET  
3724 DEL SOL BLVD  
SAN DIEGO, CA 92154

| SHEET NUMBER | SHEET TITLE   |
|--------------|---------------|
| 1            | COVER SHEET   |
| 2            | SITE PLAN     |
| 3            | MAP REFERENCE |
| 4            | FLOOR PLAN    |
| 5            | ELEVATIONS    |

## REQUEST

A CONDITIONAL USE PERMIT (CUP) PURSUANT TO SDMC 141.0502(C) FOR AN ALCOHOLIC BEVERAGE OUTLET IN THE CC-2-3 ZONE NOT COMPLIANT WITH 141.0502(B).

ITEMS NOT COMPLIANT WITH 141.0502 (B).1. -  
(B) - 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 PROFESSIONAL CODE SECTION 23958.4;  
NUMBER OF EXISTING ALCOHOLIC BEVERAGE LICENSES EQUALS NUMBER OF ALLOWED FOR CENSUS TRACT. REQUESTING THE ADDITION OF ALCOHOL LICENSE TO CENSUS TRACT, WHICH WILL BE ONE LICENSE ABOVE ALLOWED PER 23958.4 B&P

(D) - 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; AND  
PROPERTY LINE OF PROJECT IS <600' TO PROPERTY LINE OF SCHOOL PARKING LOT SEPARATES THE PROJECT AND SCHOOL BUILDINGS, AND THEREFORE REQUESTING REDUCTION OF THIS DISTANCE REQUIREMENT.

ITEMS THAT ARE COMPLIANT WITH 141.0502 (B).1. -  
(A) - WITHIN A CENSUS TRACT, OR WITHIN 600 FEET OF A CENSUS TRACT, WHERE THE GENERAL CRIME RATE EXCEEDS THE CITYWIDE AVERAGE GENERAL CRIME RATE BY MORE THAN 20 PERCENT;

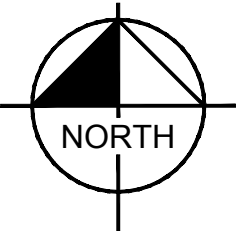
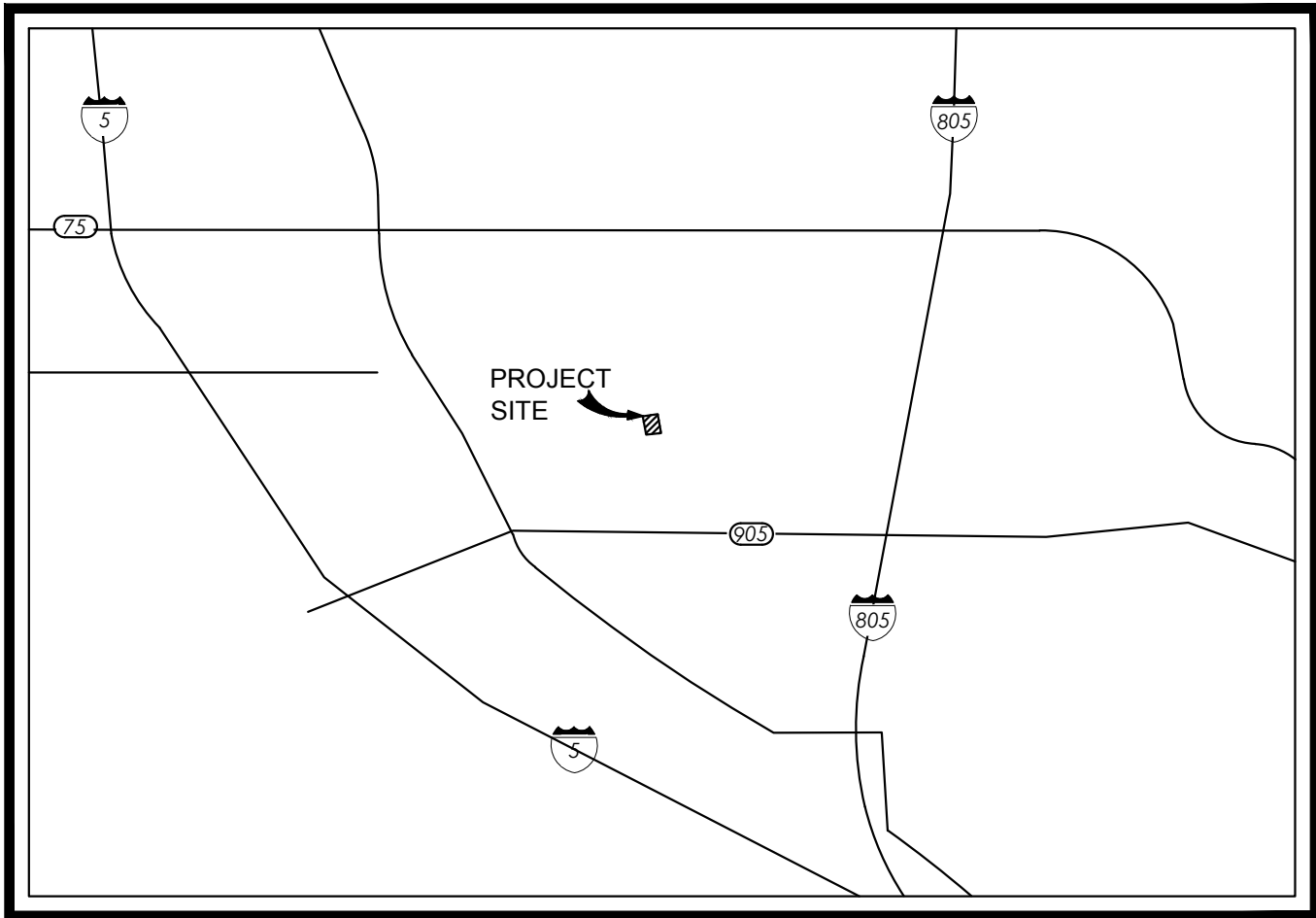
(C) - IN AN ADOPTED REDEVELOPMENT PROJECT AREA;

(E) - WITHIN 100' OF RESIDENTIALLY ZONED PROPERTY

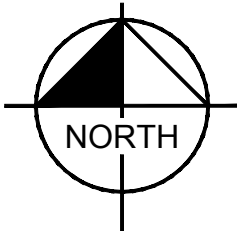
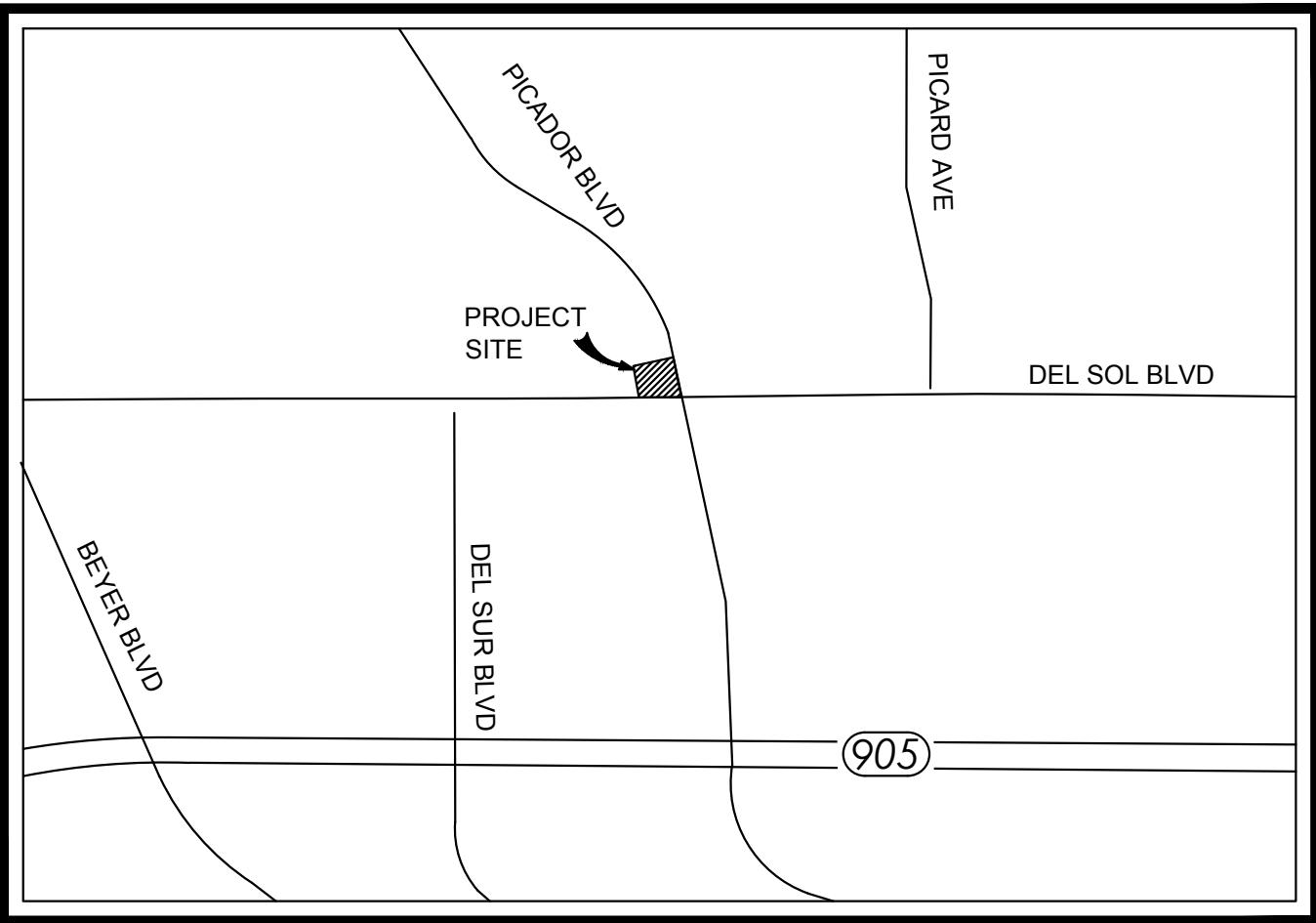
## SITE SUMMARY

|                           |                                                                   |
|---------------------------|-------------------------------------------------------------------|
| ASSESSORS PARCEL NUMBER   | 630-280-10-00                                                     |
| SITE LOCATION             | 3724 DEL SOL BLVD, SAN DIEGO, CA 92154                            |
| TOTAL SITE AREA           | 24,829 SF                                                         |
| JURISDICTION              | CITY OF SAN DIEGO                                                 |
| DISCRETIONARY APPLICATION | CUP                                                               |
| EXISTING ZONING           | CC-2-3                                                            |
| ZONING INFORMATION        | COMMERCIAL-COMMUNITY                                              |
| GENERAL PLAN              | COMMERCIAL                                                        |
| PROPOSED ZONING           | NO CHANGE                                                         |
| EXISTING USE              | AUTOMOBILE SERVICE STATION WITH MAINTAINENCE FACILITY AND C-STORE |
| PROPOSED USE              | AUTOMOBILE SERVICE STATION WITH MAINTAINENCE FACILITY AND C-STORE |
| PROPOSED BUILDING AREA    | ±2,100 SF                                                         |
| BUILDING SETBACK          | 0'                                                                |
| LANDSCAPE SETBACK         | 0'                                                                |
| PARKING REQUIREMENTS      | 3 PER STATION PLUS 1 PER SERVICE BAY                              |
| PARKING STALLS PROVIDED   | 10 STALLS                                                         |
| PARKING REQUIRED          | 6 STALLS                                                          |

## VICINITY MAP



## SITE LOCATION MAP



## PROJECT DIRECTORTY

PERMIT CONSULTANT/APPLICANT  
SCOTT HOFFMAN  
KIMLEY-HORN AND ASSOCIATES, INC.  
401 B ST #600  
SAN DIEGO, CA 92101  
SCOTT.HOFFMAN@KIMLEY-HORN.COM  
619.234.9411

LAND OWNER  
ALLEN THEWENY  
ATHEWENY@HOTMAIL.COM  
619-995-5263

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

|                                                  |                            |                   |
|--------------------------------------------------|----------------------------|-------------------|
| RETAIL STORE MINIMUM                             | 4933 SF X 1.25 / 1000 SF = | 6 SPACES          |
| RETAIL STORE MAXIMUM                             |                            | NA                |
| PROVIDED PARKING                                 |                            | 8 SPACES          |
| VAN ACCESSIBLE SPACES REQUIRED/PROVIDED          |                            | 1 SPACE/1 SPACE   |
| EV/ VANPOOL/ CLEAN AIR PARKING REQUIRED/PROVIDED |                            | 1 SPACE/1 SPACE   |
| TEMPORARY BICYCLE PARKING REQUIRED/PROVIDED      |                            | 2 SPACES/2 SPACES |

|     |                          |        |    |
|-----|--------------------------|--------|----|
| 1   | CYCLE 1 COMMENT RESPONSE | 3/4/20 | SH |
|     |                          |        |    |
|     |                          |        |    |
|     |                          |        |    |
|     |                          |        |    |
|     |                          |        |    |
| No. | REVISIONS                | DATE   | BY |

**Kimley»Horn**

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LICENSED PROFESSIONAL

DATE:

KHA PROJECT

DATE  
5/23/2022

SCALE AS SHOWN

DESIGNED BY: SRH

DRAWN BY: SRH

CHECKED BY: SP

NOT FOR  
CONSTRUCTION

PRJ-1051275; PMT-3140000  
3724 DEL SOL BLVD  
SAN DIEGO, CA 92154  
CUP FOR ALCOHOLIC BEVERAGE OUTLET

## COVER SHEET

PROJECT NUMBER

PRJ-1051275

REV. DATE

5/23/2022

DATE

5/23/2022

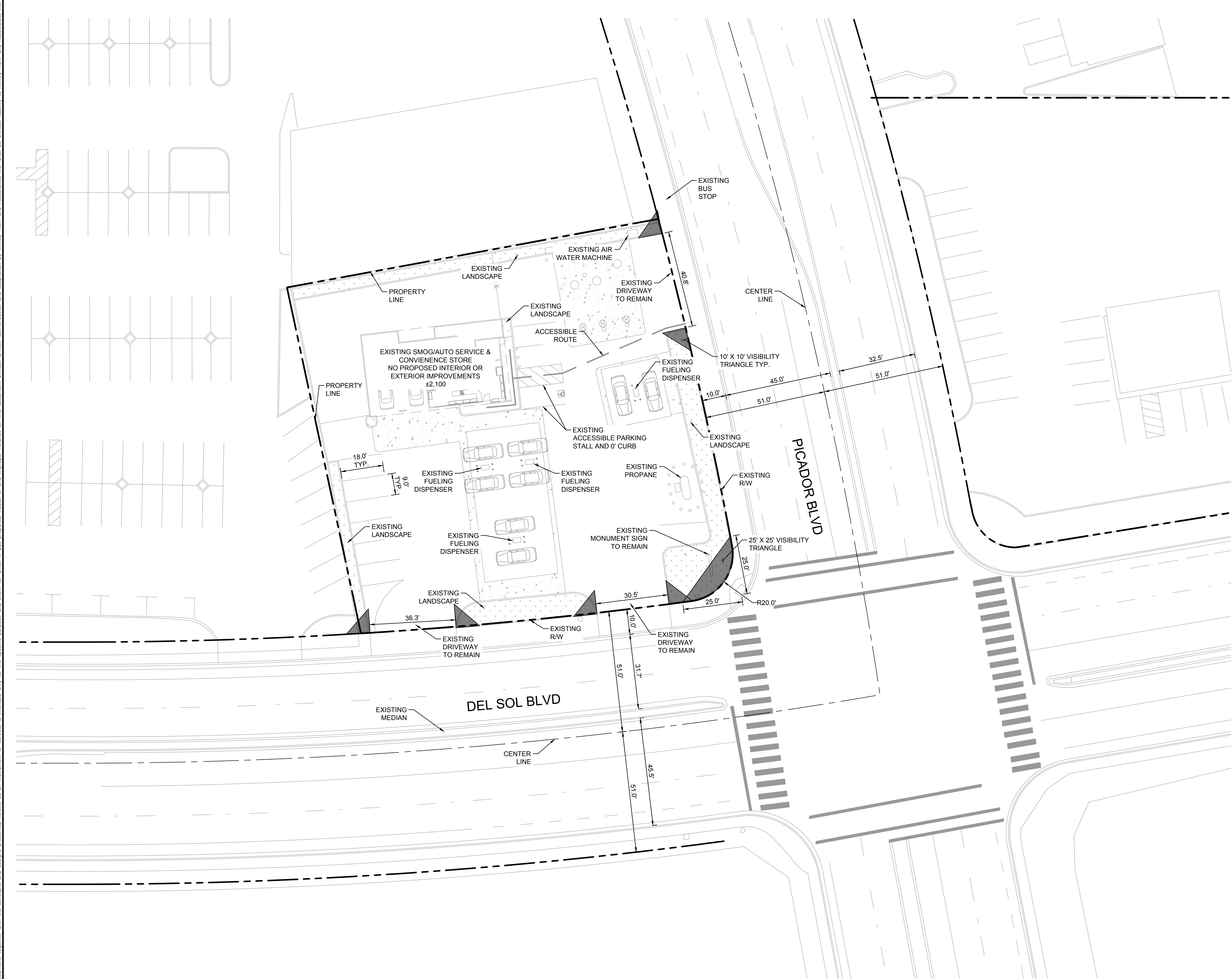
APPROVAL NUMBER

PMT-3140000

SHEET NUMBER

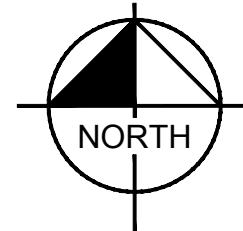
S1

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**SCOPE OF WORK:**  
DEVELOPMENT PLANS ARE SOLELY FOR THE APPROVAL OF AN ALCOHOLIC BEVERAGE OUTLET AT EXISTING CONVENIENCE STORE AND FUELING STATION LOCATION.

| SITE INFORMATION          |                                                                  |
|---------------------------|------------------------------------------------------------------|
| ASSESSORS PARCEL NUMBER   | 630-280-10-00                                                    |
| SITE LOCATION             | 3724 DEL SOL BLVD, SAN DIEGO, CA 92154                           |
| TOTAL SITE AREA           | 24,829 SF                                                        |
| JURISDICTION              | CITY OF SAN DIEGO                                                |
| DISCRETIONARY APPLICATION | CUP                                                              |
| EXISTING ZONING           | CC-2-3                                                           |
| ZONING INFORMATION        | COMMERCIAL-COMMUNITY                                             |
| GENERAL PLAN              | COMMERCIAL                                                       |
| PROPOSED ZONING           | NO CHANGE                                                        |
| EXISTING USE              | AUTOMOBILE SERVICE STATION WITH MAINTENANCE FACILITY AND C-STORE |
| PROPOSED USE              | AUTOMOBILE SERVICE STATION WITH MAINTENANCE FACILITY AND C-STORE |
| PROPOSED BUILDING AREA    | ±2,100 SF                                                        |
| BUILDING SETBACK          | 0'                                                               |
| LANDSCAPE SETBACK         | 0'                                                               |
| PARKING REQUIREMENTS      | 3 PER STATION PLUS 1 PER SERVICE BAY                             |
| PARKING STALLS PROVIDED   | 10 STALLS                                                        |
| PARKING REQUIRED          | 6 STALLS                                                         |



SCALE: 1" = 20'  
WHEN PLOTTED 24" X 36"

|     |                          |        |    |
|-----|--------------------------|--------|----|
| 1   | CYCLE 1 COMMENT RESPONSE | 3/4/20 | SH |
|     |                          |        |    |
|     |                          |        |    |
|     |                          |        |    |
|     |                          |        |    |
| No. | REVISIONS                | DATE   | BY |

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LICENSED PROFESSIONAL

DATE:

KHA PROJECT

DATE  
5/23/2022

SCALE AS SHOWN

DESIGNED BY: SRH

DRAWN BY: SRH

CHECKED BY: SP

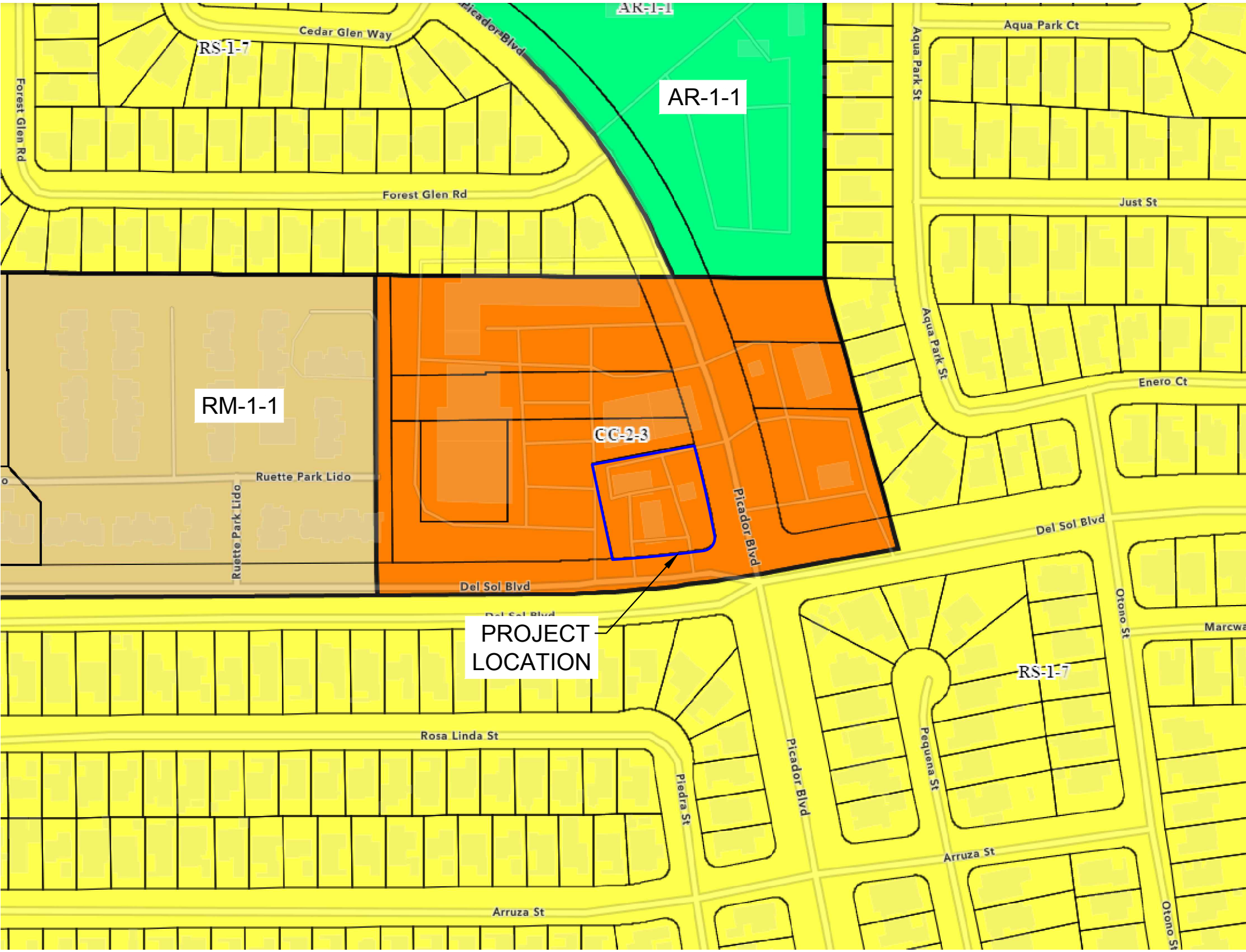
NOT FOR  
CONSTRUCTION

PRJ-1051275; PMT-3140000  
3724 DEL SOL BLVD  
SAN DIEGO, CA 92154  
CUP FOR ALCOHOLIC BEVERAGE OUTLET

SITE PLAN

|                                |              |
|--------------------------------|--------------|
| PROJECT NUMBER<br>PRJ-1051275  | SHEET NUMBER |
| REV. DATE<br>5/23/2022         |              |
| DATE<br>5/23/2022              |              |
| APPROVAL NUMBER<br>PMT-3140000 | D1           |

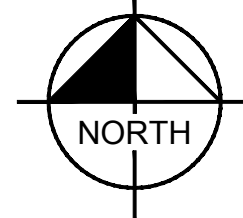
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CITY OF SAN DIEGO ZONING MAP  
NTS

-  AR-1-1 AGRICULTURAL-RESIDENTIAL ZONE  
MIN. LOT SIZE 10 ACRES
-  CC-2-3 COMMERCIAL-COMMUNITY ZONE  
DEVELOPMENT WITH AN AUTO ORIENTATION
-  RM-1-1 RESIDENTIAL-MULTIPLE UNIT ZONE  
MAX. DENSITY 1 DEWLLING UNIT PER 3,000 SF OF LOT AREA
-  RS-1-7 RESIDENTIAL-SINGLE UNIT ZONE  
MIN. 5,000 SF LOTS

**PROJECT NOTE:**  
SITE DOES NOT COMPLY WITH MUNICIPAL CODE SECTION 141.0502(B)(1)(C).  
THEREFORE A CONDITIONAL USE PERMIT HAS BEEN PREPARED PER SECTION  
141.0502(C) IN ACCORDANCE WITH PROCESS THREE.



SCALE: 1" = 80'  
WHEN PLOTTED 24" X 36"

|     |                          |        |    |
|-----|--------------------------|--------|----|
| 1   | CYCLE 1 COMMENT RESPONSE | 3/4/20 | SH |
|     |                          |        |    |
|     |                          |        |    |
|     |                          |        |    |
| No. | REVISIONS                | DATE   | BY |

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LICENSED PROFESSIONAL  
  
KHA PROJECT  
DATE  
5/23/2022  
SCALE AS SHOWN  
DESIGNED BY: SRH  
DRAWN BY: SRH  
CHECKED BY: SP

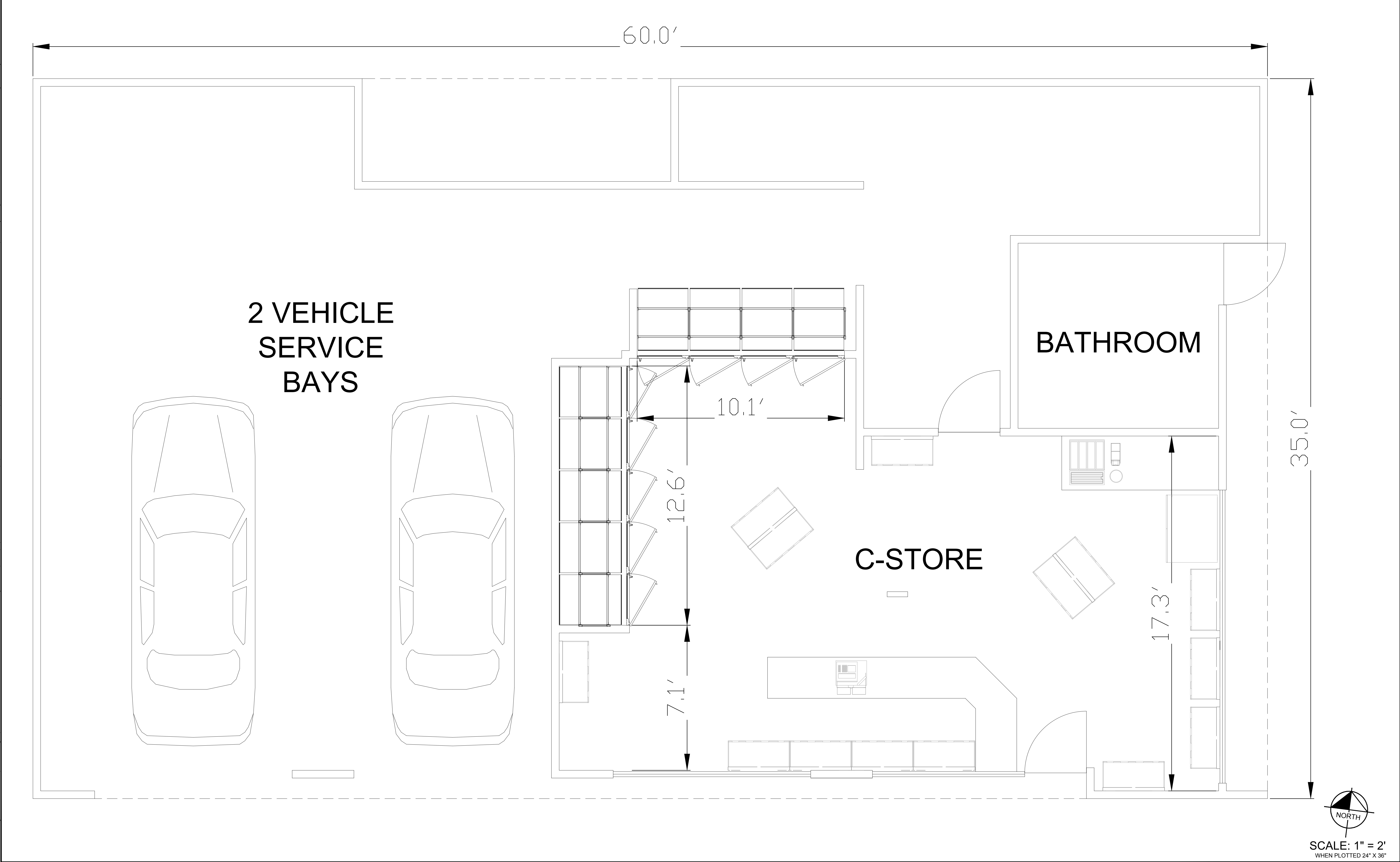
NOT FOR  
CONSTRUCTION

PRJ-1051275; PMT-3140000  
3724 DEL SOL BLVD  
SAN DIEGO, CA 92154  
CUP FOR ALCOHOLIC BEVERAGE OUTLET

MAP  
REFERENCE

|                                |              |
|--------------------------------|--------------|
| PROJECT NUMBER<br>PRJ-1051275  | SHEET NUMBER |
| REV. DATE<br>5/23/2022         |              |
| DATE<br>5/23/2022              |              |
| APPROVAL NUMBER<br>PMT-3140000 | MR1          |

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|     |                          |        |    |
|-----|--------------------------|--------|----|
| 1   | CYCLE 1 COMMENT RESPONSE | 3/4/20 | SH |
|     |                          |        |    |
|     |                          |        |    |
|     |                          |        |    |
|     |                          |        |    |
| No. | REVISIONS                | DATE   | BY |

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|                       |                   |
|-----------------------|-------------------|
| LICENSED PROFESSIONAL | KHA PROJECT       |
|                       | DATE<br>5/23/2022 |
|                       | SCALE AS SHOWN    |
|                       | DESIGNED BY: SRH  |
|                       | DRAWN BY: SRH     |
|                       | CHECKED BY: SP    |
| DATE:                 |                   |

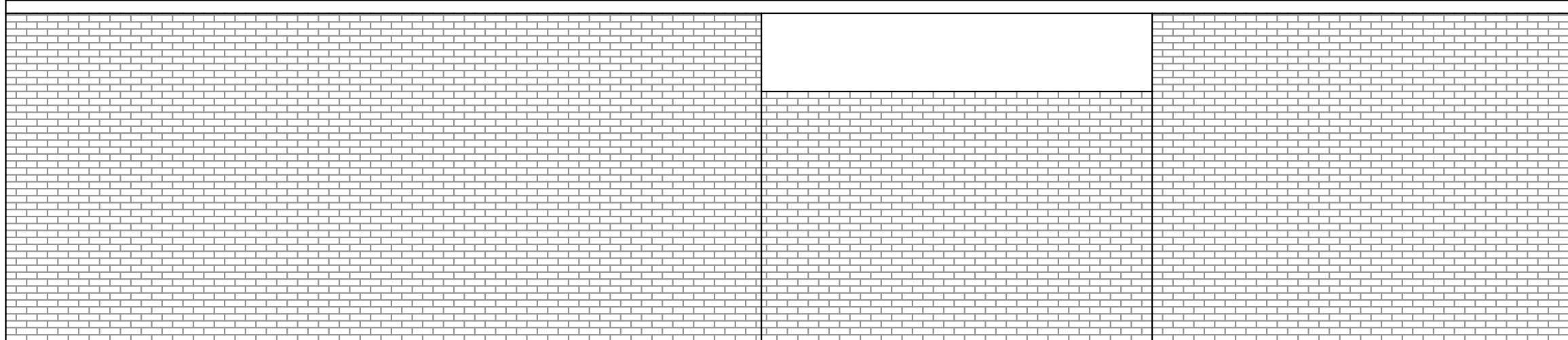
NOT FOR  
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3724 DEL SOL BLVD  
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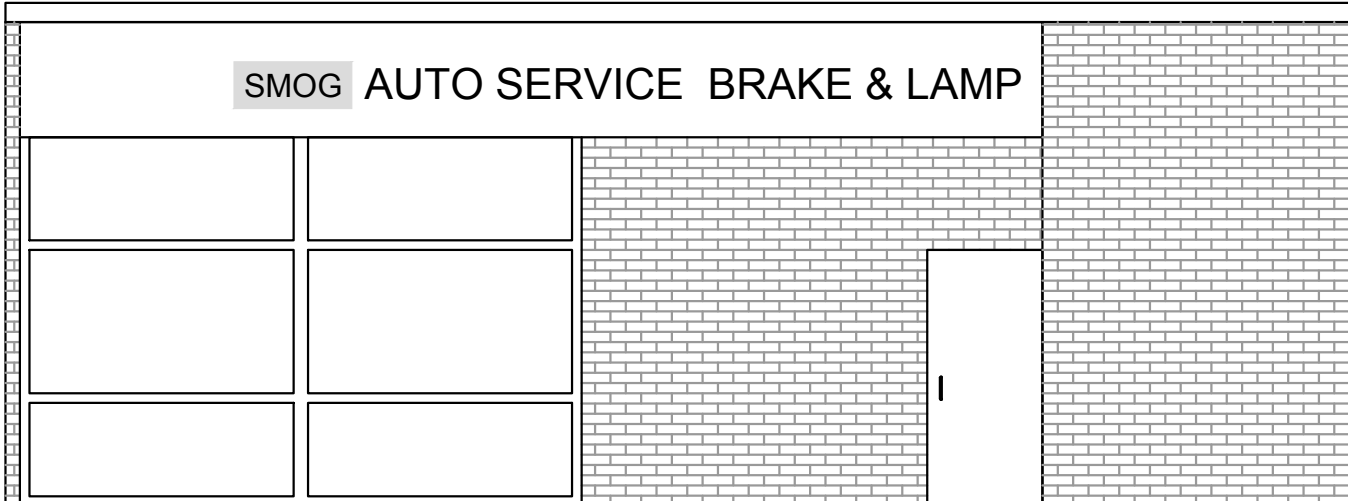
FLOOR PLAN

|                                |              |
|--------------------------------|--------------|
| PROJECT NUMBER<br>PRJ-1051275  | SHEET NUMBER |
| REV. DATE<br>5/23/2022         | P1           |
| DATE<br>5/23/2022              |              |
| APPROVAL NUMBER<br>PMT-3140000 |              |

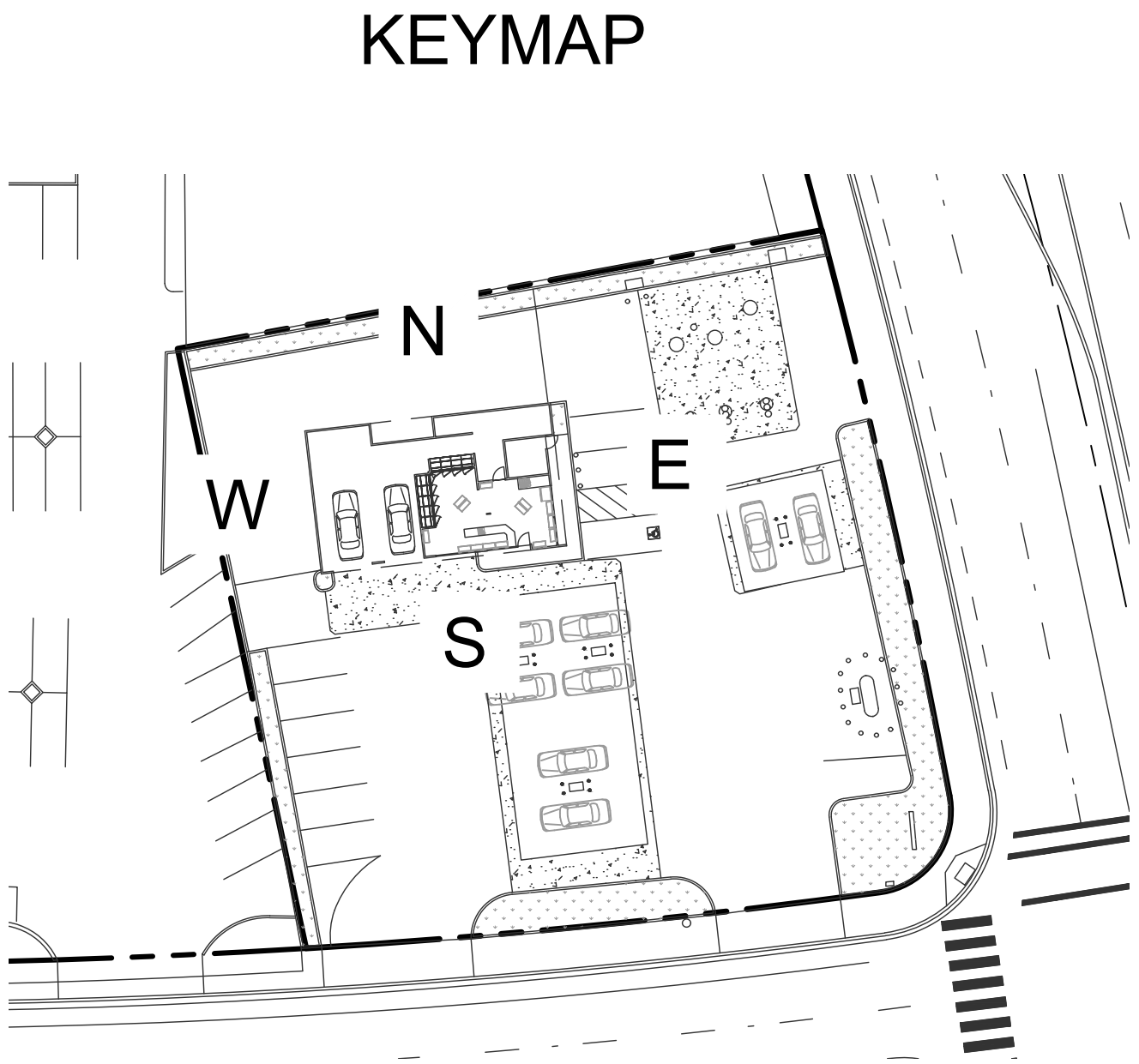
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NORTH ELEVATION



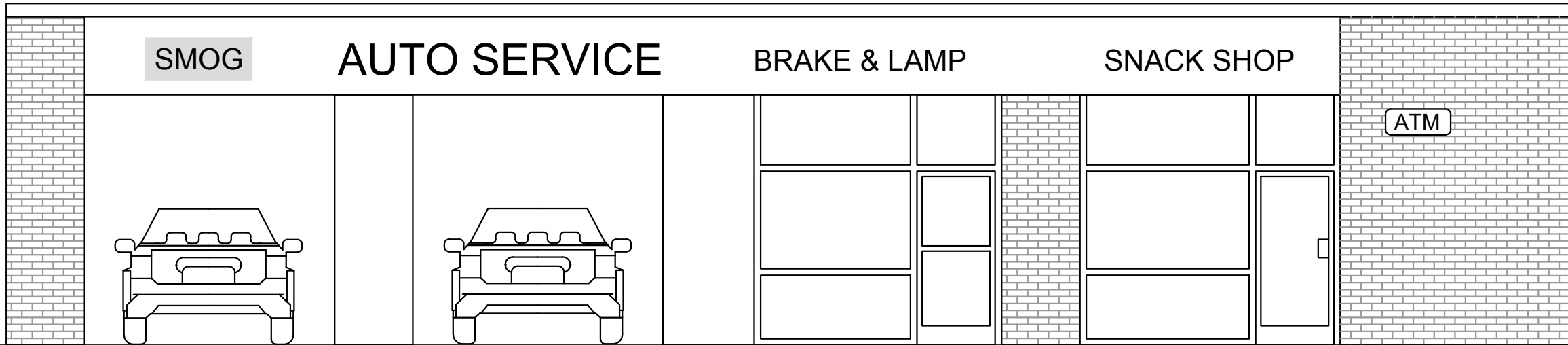
EAST ELEVATION



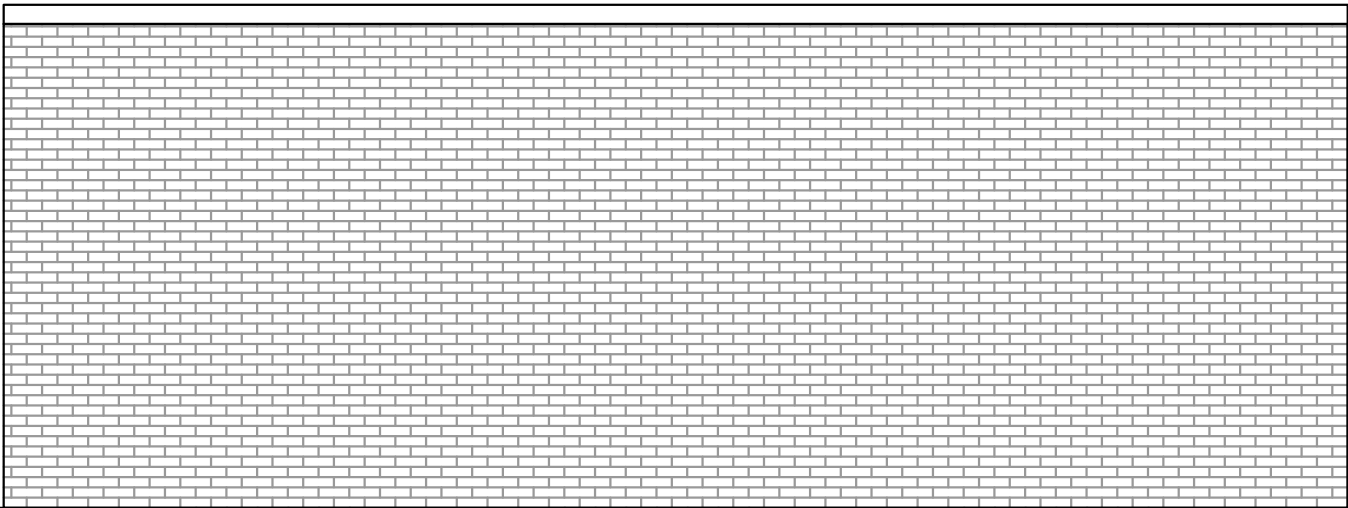
KEYMAP

NOTES

EXISTING ELEVATIONS ONLY SHOWN FOR REFERENCE. THERE ARE NO PROPOSED IMPROVEMENTS TO THE EXISTING BUILDING EXTERIOR.



SOUTH ELEVATION



WEST ELEVATION

|     |                          |        |    |
|-----|--------------------------|--------|----|
| 1   | CYCLE 1 COMMENT RESPONSE | 3/4/20 | SH |
|     |                          |        |    |
|     |                          |        |    |
|     |                          |        |    |
|     |                          |        |    |
| No. | REVISIONS                | DATE   | BY |

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|                       |                   |
|-----------------------|-------------------|
| LICENSED PROFESSIONAL | KHA PROJECT       |
|                       | DATE<br>5/23/2022 |
|                       | SCALE AS SHOWN    |
|                       | DESIGNED BY: SRH  |
|                       | DRAWN BY: SRH     |
|                       | CHECKED BY: SP    |
| DATE:                 |                   |

NOT FOR  
CONSTRUCTION

PRJ-1051275; PMT-3140000  
3724 DEL SOL BLVD  
SAN DIEGO, CA 92154  
CUP FOR ALCOHOLIC BEVERAGE OUTLET

ELEVATIONS

|                                |              |
|--------------------------------|--------------|
| PROJECT NUMBER<br>PRJ-1051275  | SHEET NUMBER |
| REV. DATE<br>5/23/2022         | E1           |
| DATE<br>5/23/2022              |              |
| APPROVAL NUMBER<br>PMT-3140000 |              |