



Item #HO-19-104

DATE ISSUED: November 15, 2019

ATTENTION: City of San Diego Hearing Officer
Meeting of November 20, 2019

SUBJECT: Grocery Outlet (1002 Market Street) – Conditional Use Permit No. 2012-08A (First Amendment to Conditional Use Permit No. 2012-08) – Process Three – East Village Neighborhood of the Downtown Community Plan Area – **PUBLIC HEARING**

STAFF CONTACT: Nicole Paré, Assistant Planner, Civic San Diego

STAFF RECOMMENDATION: That the City of San Diego (“City”) Hearing Officer approves an amendment to Conditional Use Permit (CUP) No. 2012-08 for off-site alcohol beverage sales at the Grocery Outlet (“Project”), an existing grocery store located at 1002 Market Street, in the East Village neighborhood of the Downtown Community Plan (DCP) area (“Downtown”).

This is a Process Three application which requires a public hearing before the City Hearing Officer, whose decision is final unless appealed to the Planning Commission, which would be the final decision maker on any appeal.

SUMMARY: Grocery Outlet Inc. (“Applicant”), is seeking an amendment to remove the expiration date, currently set to expire on March 1, 2022, and the condition that limits off-site alcohol sales to beer and wine only. The requested amendments would allow distilled spirits to be sold for off-site consumption, subject to the Applicant obtaining a Type 21 Off-Sale General License.

COMMUNITY PLANNING GROUP RECOMMENDATION: On September 18, 2019 the Downtown Community Planning Council (DCPC) reviewed the Project and voted unanimously to recommend that the City Hearing Officer approve the request to remove the condition limiting sales to beer and wine only, and modify the expiration date condition to be removed only if no complaints are filed before the expiration date (Attachment 9).

BACKGROUND

On March 1, 2012 the Centre City Development Corporation approved CUP No. 2012-08 (Attachment 6) to allow off-site alcohol sales at the Grocery Outlet, subject to conditions. The conditions of approval included a ten-year expiration date, a requirement for a Type 20 Beer and Wine License, and other conditions required by the Centre City Planned District Ordinance (CCPDO) at the time of approval.

DEVELOPMENT TEAM

ROLE	FIRM/CONTACT	OWNERSHIP
Applicant	Grocery Outlet, Inc. / Pamela Burke, Secretary	Steven Macgregor Read, Chief Executive Officer, Pamela Burke, Secretary, Charles C. Bracher, Chief Financial Officer, Steven MacGregor Read, Director, Eric J. Lindberg, Director (Privately Owned)
Property Owner	Bosa Development California II, Inc. / Richard Weir, Executive Vice President	Ryan Bosa, Chief Executive Officer, Richard Weir, Secretary, Clark Lee, Chief Financial Officer, Matt Patzer, Director, Natale Bosa, Director (Privately Owned)

DISCUSSION

Project Description

Grocery Outlet is an existing 17,590 square-foot (SF) grocery store located on the north side of Market Street between Tenth and Eleventh avenues (Attachment 1). The site is located in the Employment/Residential Mixed-Use (ER) land use district of the Centre City Planned District, the East Village Neighborhood of Downtown, and is subject to the Limited Vehicle Access and Commercial Street overlays (Attachment 2).

The Applicant is not requesting any changes to the floor plan or the hours for the sale of alcoholic beverages for off-site consumption, which are from 10:00 a.m. to 10:00 p.m., seven days a week. As shown on the floor plan, the alcohol display area is 580 SF and the overall retail floor area is 12,904 SF. It should also be noted that no comments were received in response to the Notice of Application which was sent out on July 16, 2019.

A copy of the Site Photos, Project Description, and Plans submitted by the Applicant, is included as Attachment 3.

Neighborhood Context

The East Village is one of Downtown’s largest, fastest-changing, and most diverse neighborhoods. This area will develop as a residential district complemented by Neighborhood Centers, employment areas, flexible use zones, and public spaces. New uses will exist in close proximity to existing ones in mixed commercial zones, creating a diverse urban environment, with residential uses throughout. Within three blocks of the Project site there are a number of development projects under construction, pending construction, and under review that would result in an additional 1,438 dwelling units, 632 hotel rooms, and 205,000 SF of commercial office tenant space if built. Ultimately, East Village is projected to contain up to 46,000

residents. The Project is located in the Northwest Sub-District of East Village, just one block north of the Ballpark Sub-District. The DCP describes development in the Northwest Sub-District as an area that makes the transition between the very-high intensity, employment-orientation of Civic/Core, and the academic and intuitional synergy of Northeast.

The Project is surrounded by a variety of uses including:

- 10th & G Apartments, an eight-story residential building with ground floor restaurants and office to the north;
- M2i, a seven-story residential building with ground-floor retail to the south;
- Park + Market, a full-block mixed-use development under construction to the east; and,
- low-rise commercial restaurant and retail buildings to the west.

There are eight establishments that have been issued CUPs to sell alcoholic beverages for off-site consumption within a four block radius of the site, however, the majority are restaurants with accessory specialty beer/wine sales or brewery tasting rooms (Attachment 4). The only two establishments that sell distilled spirits under a Type 21 Off-Sale General License are CVS Pharmacy at 576 Sixth Avenue and Albertsons at 655 14th Street.

Applicable DCP Goals and Policies

The following DCP Goals and Policies apply to the Project:

- Provide for an overall balance of uses – employment, residential, cultural, government, and destination – as well as a full compendium of amenities and services (3.1-G-2).
- Allow service and support commercial uses—such as small hospitals, produce markets that serve restaurants, and repair shops—in specific locations to ensure availability of essential services within downtown (3.1-G-3).
- To ensure vitality, develop concentrations of retail centers and streets as shown Figure 3-7 with required retail, restaurants, and other similar active commercial uses at the ground level along designated Main Streets (3.1-P-3).

CUP

Alcohol beverage establishments within the Centre City Planned District are exempt from the Separately Regulated Uses for Alcohol Beverage Outlets section of the Land Development Code (LDC) (SDMC Section 141.0502), per SDMC Section 141.0502(a)(3).

Instead, pursuant to the CCPDO (SDMC Section 156.0315), any establishment engaged in the sale of alcoholic beverages for off-site consumption is required to obtain approval of a CUP and is subject to the following regulations:

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

- d) After conducting a public hearing, the Hearing Officer may approve exceptions to the hours upon making the following findings:
 - i) The request for an exception was provided in the public notice for the hearing; and
 - ii) The proposed use and operations are compatible with existing and planned surrounding land uses.

The San Diego Police Department submitted a letter in support of the proposed amendments (Attachment 10). It should also be noted that a Notice of Application was sent out on July 16, 2019, and no comments were received in response to the notice.

The Grocery Outlet has sold alcoholic beverages for off-site consumption in compliance with CUP No. 2012-08 since it opened in 2012 and CivicSD Staff has not received any complaints related to permit. In addition, Staff no longer recommends specific ABC liquor license types be included as conditions given that the license types are subject to change by the ABC. This is consistent with CUPs granted for alcohol beverage outlets outside of Downtown as well. Therefore, Staff supports the request to modify Condition No. 2 as follows:

- Condition No. 2 – The business shall maintain a valid ~~Type 20 (Off-Sale Beer and Wine – Package Store)~~ State Department of Alcoholic Beverage Control liquor license. The business shall be in compliance with all conditions of said license at all times.

At the time of the original approval it was standard practice to include a ten-year expiration date to be consistent with the LDC Regulations for alcohol beverage outlets. However, the LDC was amended in 2012 in an effort to streamline review processes, and CUPs are no longer required for certain types of establishments. This includes establishments with more than 15,000 SF of gross floor area, as long as the area devoted to alcohol sales does not exceed 10 percent of the gross floor area (SDMC 141.0502(a)(2)). Given that a CUP would not be required if the Project were located outside of Downtown, Staff supports the request for removal of the expiration date. The permit already includes a condition that would allow the decision maker to revoke or modify conditions of the permit at a public hearing if there are documented complaints.

In addition to the expiration date, Condition No. 5 has also been removed as it is no longer required per the CCPDO. The following conditions have been removed from the draft permit (Attachment 8):

- Condition No. 5 – Quarterly gross sales of alcoholic beverages shall not exceed 25 percent of the quarterly sales of the establishment.
- Condition No. 11 – This CUP shall expire on March 1, 2022, unless an extension is granted the permit may be extended through a duly noticed public process in accordance with applicable regulations, in effect at the time of the extension request.

Staff is recommending a condition be placed to limit the retail floor area dedicated to the display of alcoholic beverages. This is consistent with CUPs for off-site alcohol sales issued in recent years and ensures future consideration by the decision maker for any proposed increase in floor area dedicated to the display of alcoholic beverages. Staff is also recommending that a standard condition prohibiting alcoholic beverage product advertising be added.

The following conditions have been added to the draft permit (Attachment 8):

- No more than 600 SF of the retail floor area shall be devoted to the display of alcoholic beverages for off-site consumption.
- Window signs that advertise alcoholic beverage products are not allowed.

ENVIRONMENTAL REVIEW

Development within the DCP is covered under the following documents, all referred to as the “Downtown FEIR”: Final Environmental Impact Report (FEIR) for the San Diego DCP, CCPDO, and 10th Amendment to the Centre City Redevelopment Plan, certified by the former Redevelopment Agency (“Former Agency”) and the City Council on March 14, 2006 (Resolutions R-04001 and R-301265, respectively); subsequent addenda to the FEIR certified by the Former Agency on August 3, 2007 (Former Agency Resolution R-04193), April 21, 2010 (Former Agency Resolution R-04510), and August 3, 2010 (Former Agency Resolution R-04544), and certified by the City Council on February 12, 2014 (City Council Resolution R-308724) and July 14, 2014 (City Council Resolution R-309115); and, the Final Supplemental Environmental Impact Report for the Downtown San Diego Mobility Plan certified by the City Council on June 21, 2016 (Resolution R-310561). Development within the Downtown Community Planning area is also covered under the following documents, all referred to as the “CAP FEIR”: FEIR for the City of San Diego Climate Action Plan (CAP), certified by the City Council on December 15, 2015 (City Council Resolution R-310176), and the Addendum to the CAP, certified by the City Council on July 12, 2016 (City Council Resolution R-310595). The Downtown FEIR and CAP FEIR are both “Program EIRs” prepared in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15168. The information contained in the Downtown FEIR and the CAP FEIR reflects the independent judgement of the City of San Diego as the Lead Agency. The Downtown FEIR and CAP FEIR are located on the CivicSD website (<http://civicsd.com/departments/planning/environmental-documents>) and on the City website ([https://www.sandiego.gov/planning/programs/ceqa#Final CEQA Documents](https://www.sandiego.gov/planning/programs/ceqa#Final%20CEQA%20Documents)). The environmental impacts of the project were adequately addressed in the Downtown FEIR and CAP FEIR; the project is within the scope of the development program described in the Downtown FEIR and CAP FEIR and is adequately described within both documents for the purposes of CEQA; and, none of the conditions listed in CEQA Guidelines Section 15162 exist. Therefore, no further environmental documentation is required under CEQA.

CONCLUSION

Based on the draft findings (Attachment 7), staff recommends that the City Hearing Officer approves CUP No. 2012-08A, subject to the conditions listed in the draft permit.

Respectfully submitted:

Concurred by:



Nicole Paré
Assistant Planner, Civic San Diego



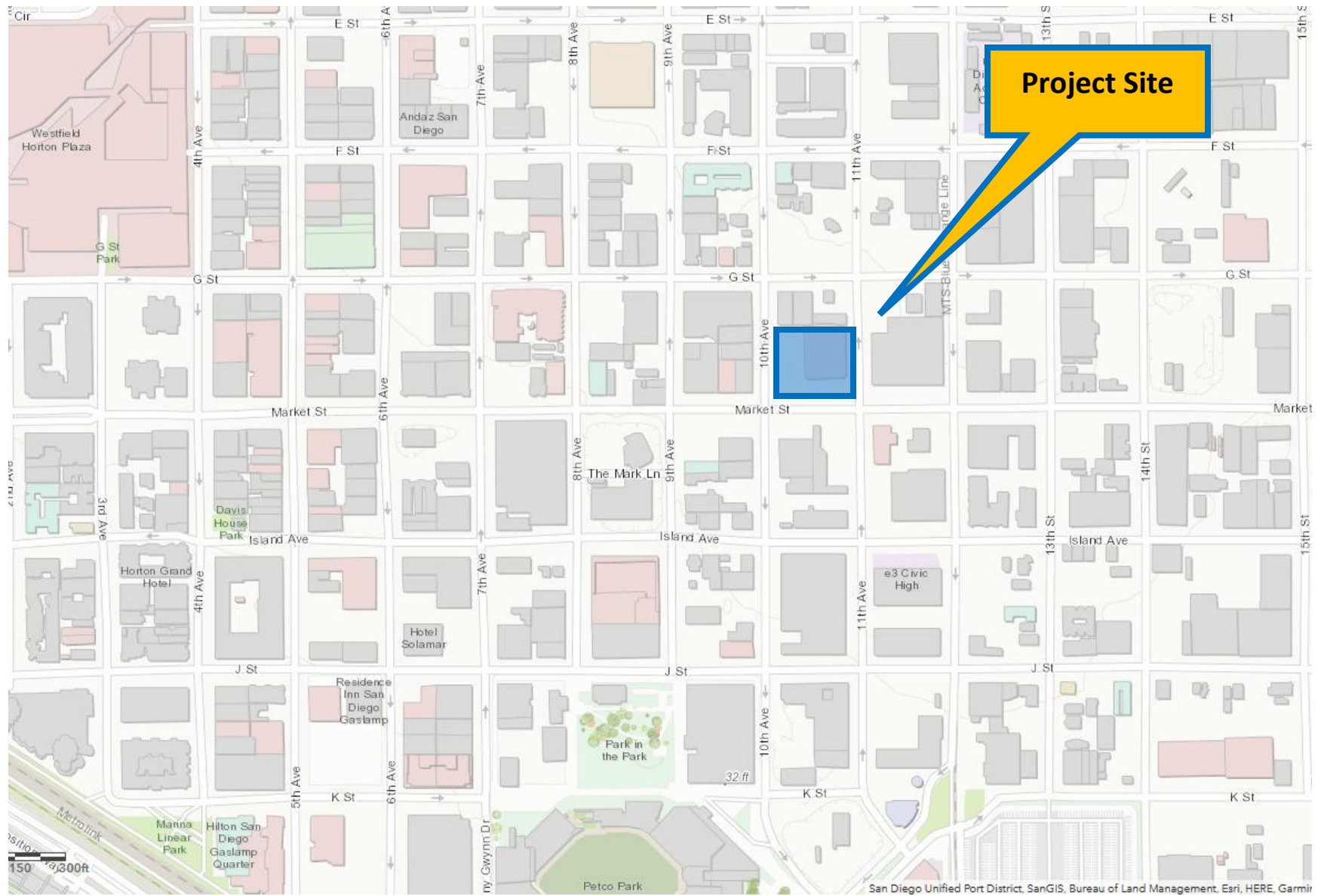
Brad Richter,
Deputy Director, Urban Division

Attachments:

1. Project Location Map
2. Project Data Sheet
3. Site Photos, Project Description, Floor Plan
4. Off-site Alcohol Sales Vicinity Map
5. Ownership Disclosure Statement
6. CUP No. 2012-08
7. Draft Resolution with Findings
8. Draft CUP No. 2012-08A
9. DCPC Meeting Minutes 9/18/2019
10. SDPD Recommendation

PROJECT LOCATION MAP

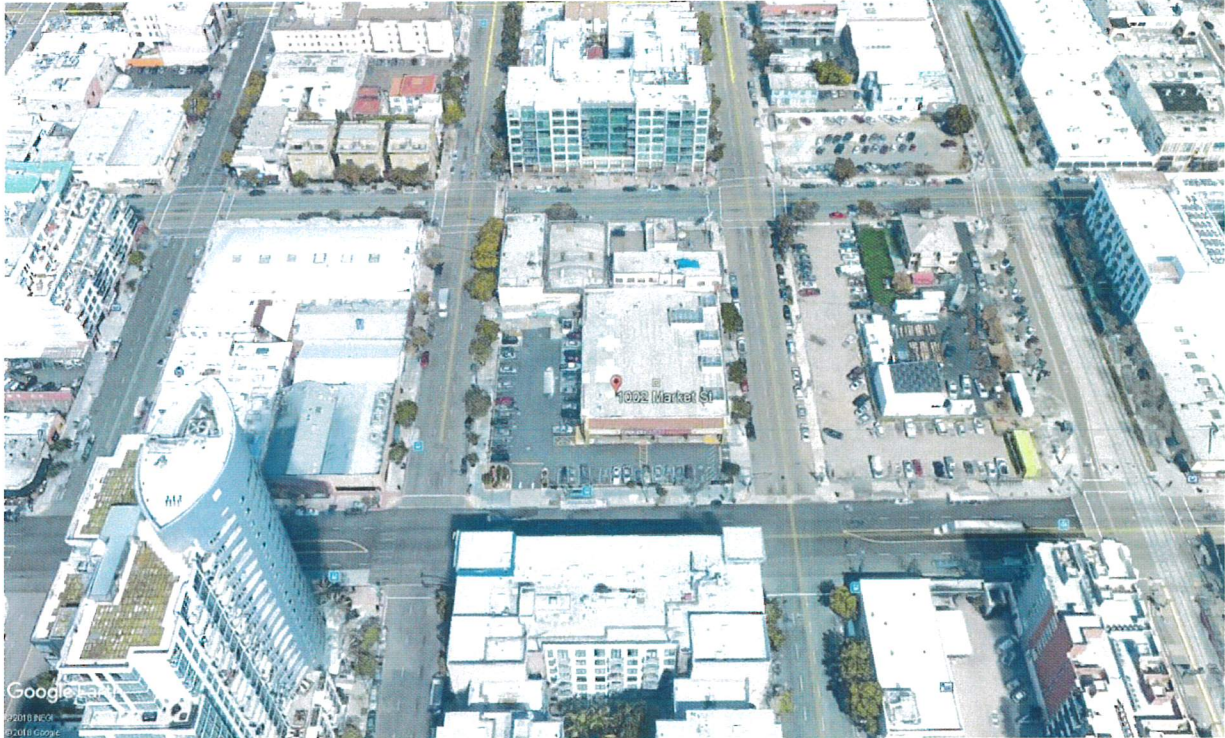
ATTACHMENT 1



PROJECT DATA SHEET		
PROJECT NAME:	Grocery Outlet	
PROJECT DESCRIPTION:	A request for an amendment to Conditional Use Permit No. 2012-08, to allow the sale of alcoholic beverages for off-site consumption under a Type 21 General Liquor License without an expiration date, at an existing grocery store located at 1002 Market Street.	
COMMUNITY PLAN AREA:	Downtown Community Plan	
DISCRETIONARY ACTIONS:	Conditional Use Permit, Process Three	
COMMUNITY PLAN NEIGHBORHOOD:	East Village	
ZONING INFORMATION:		
<ul style="list-style-type: none"> • <u>Employment/Residential Mixed-Use (ER)</u> – This district provides synergies between educational institutions and residential neighborhoods, or transition between the C District and residential neighborhoods. The ER district also encompasses Horton Plaza. A variety of uses are permitted in this district, including office, residential, hotel, research and development, educational, and medical facilities. • <u>Commercial Street Overlay (along Market Street)</u> – On commercial streets, a minimum of 60 percent of the ground-floor street frontage shall contain active commercial uses. • <u>Limited Vehicle Access Overlay (along Market Street)</u> – prohibits curb cuts on designated streets. 		
ADJACENT PROPERTIES:	LAND USE DESIGNATION	EXISTING LAND USE
NORTH:	Residential Emphasis (RE)	8-story mixed-use residential development (10 th & G Apartments)
SOUTH:	ER	7-story mixed-use residential development (M2i)
EAST:	ER	Future 34-story mixed-use residential development (Park + Market)
WEST:	ER	Low-rise commercial restaurants and retail (East Village Tavern and Bowl, Lotus Thai, Cowboy Star)
DEVIATION REQUESTED:	None.	

**Grocery Outlet
1002 Market Street, San Diego, CA
Site Photos**

Aerial



Store Front Market Street – Photo #1



Grocery Outlet
1002 Market Street, San Diego, CA

Store from 10th Avenue – Photo #2



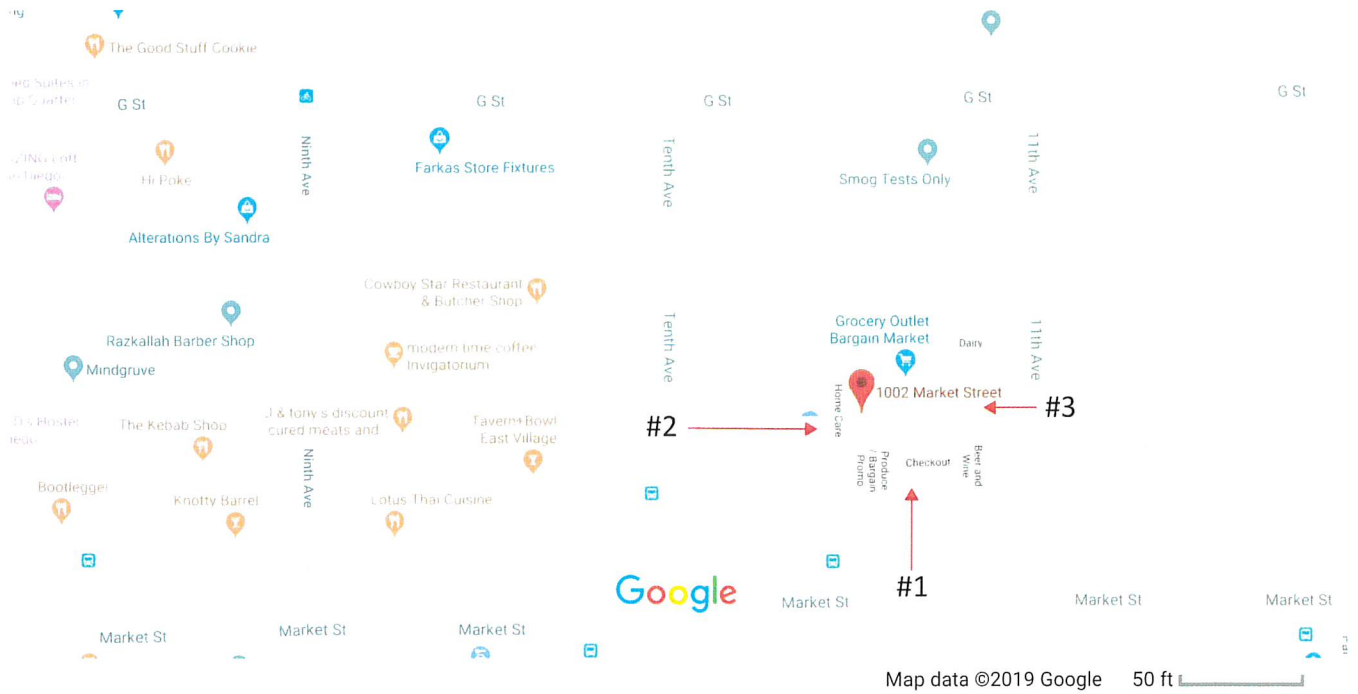
Store from 11th Avenue – Photo #3



Photo Key Map

Google Maps

1002 Market St





Use Description - 3/12/19

Store Address: 1002 Market Street, San Diego

Proposed Use

Finding of public convenience or necessity and permit to sell alcoholic beverages for off-site consumption (ABC Type 21 License) within an existing 17,590 square foot grocery store that has been selling beer and wine for off-site consumption (ABC Type 20 License) since 2012.

Background

Grocery Outlet offers fantastic bargains and deals on a variety of products including grocery, frozen foods, deli items, vitamins, health and beauty items, housewares, gift items and much, much more. Brand names for less is the name of the game and smart shoppers get incredible savings over regular store prices every day when they shop Grocery Outlet. Grocery Outlet gets products by searching the nation's major manufacturers for amazing one-time buys resulting from excess production, packaging/design changes, and special promotions. Grocery Outlet's assortment of product changes frequently because of the nature of the one-time buys.

As such, Grocery Outlet stores are "destination stores". Although the alcohol sales are only about four percent of the business, the customers desire the convenience of being able to purchase beer, wine and spirits together with the typical grocery items. This convenience is imperative to Grocery Outlet's ability to serve and attract customers. Moreover, Grocery Outlet believes that offering a full assortment is beneficial to the neighborhood and city. As a destination store, Grocery Outlet typically has customers who shop from other cities. A full product offering maximizes sales tax revenue for the County.

Grocery Outlet owns over 100 stores in California with off sale (type 20 and 21) alcohol licenses. Operators and their employees of all locations are careful to make sure the store is always clean, neat and free from debris. Grocery Outlet has had no significant issues raised by local law enforcement agencies with respect to alcoholic products or public disturbances. Grocery Outlet has a history of service to the California community and will continue to operate in a conscientious and thoughtful way with sensitivity to any possible detriment to adjacent residents and businesses. Grocery Outlet is fully aware of the unique responsibilities of operating a store associated with alcoholic beverage sales.

The store will be open no earlier than 7:00AM and no later than 10:00PM 7 days a week. Grocery Outlet expects the store will be staffed with approximately 35-40 employees.

Training

The store will be operated in strict compliance with the state's Alcohol Beverage Control Act, together with any conditions of the license that may be issued by ABC. Operator's managers, supervisors and employees that are engaged in the sale or supervision of the sale of alcoholic beverages shall complete training programs in accordance with ABC rules and regulations and the City of Ventura requirements. Training programs shall meet the standards of the California Coordinating Council on Responsible Beverage Service (CCC/RBS) or other certifying/licensing body designated by the State of California.

Operator's register clerks will be trained in proper alcoholic beverage sales rules, including use of point of sale required identification age verification. All of the clerks will have read and signed the Alcoholic Beverage Control's Clerk's Affidavit. These affidavits will be kept on file by the store operator.

Security

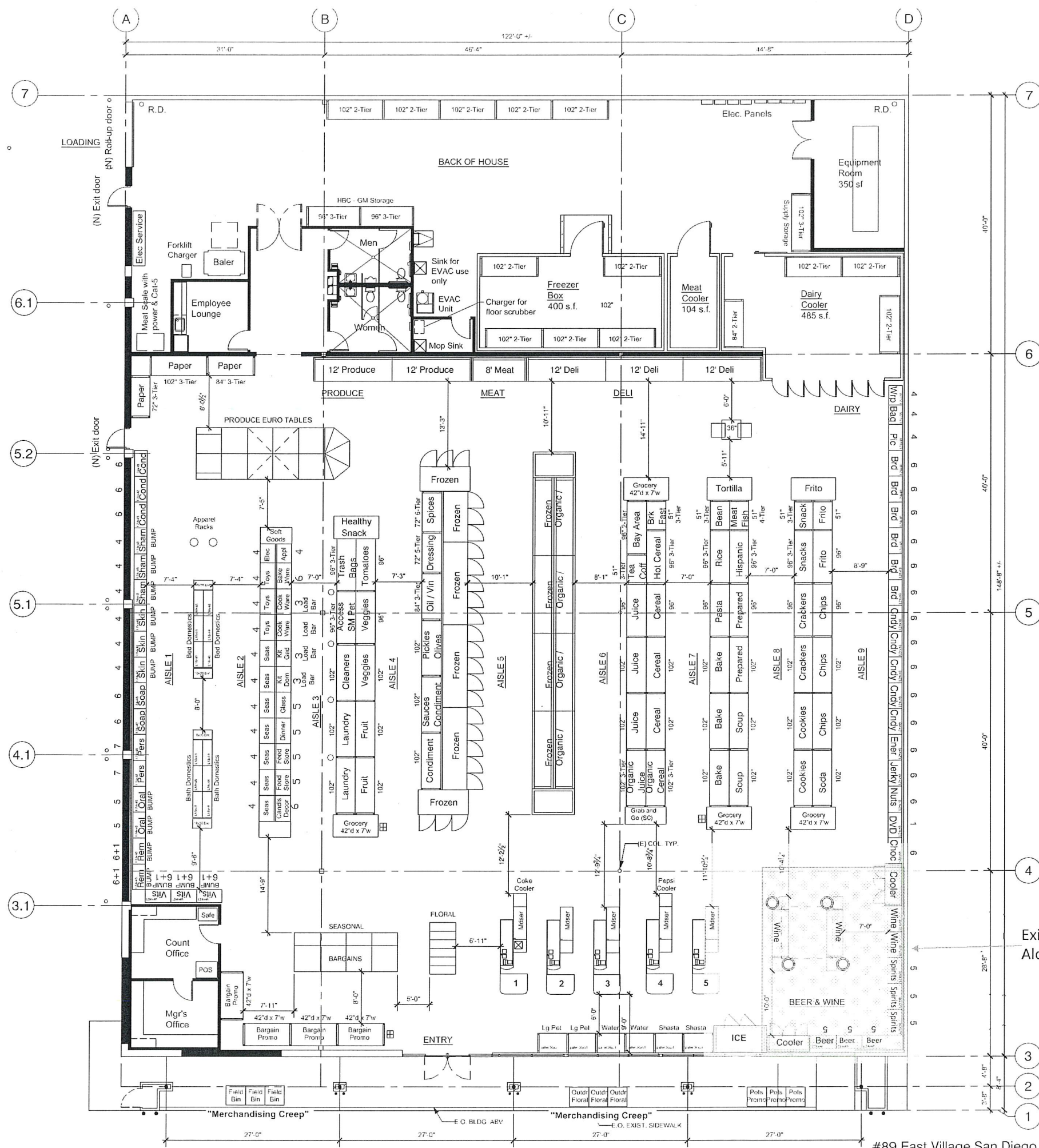
Grocery Outlet will install a minimum 16 camera system which has a view of all parts of the store, especially the alcoholic beverage display area and sales check stands. The video system will have a 30-day retrieval function which can track previous days' activity. Monitors are kept in a locked room at the store and available to managers, key personnel and law enforcement if necessary.

Operational Procedures

The store operator will monitor the parking areas and sidewalks to keep these areas free from litter and debris. Trash receptacles will be provided near the store entrance and will be emptied daily. Graffiti to the exterior building shall be removed expeditiously.

The store operator understands how to handle loitering and other nuisance conditions. Operators will call the police in a timely manner if necessary.

Signs will be posted at the store as required by ABC and City of San Diego.



PROPOSED AREA CALCULATIONS

SALES AREA:	12,904 SF
STORAGE AREA:	3,831 SF
OFFICE/RESTROOMS/ EMPLOYEE AREA:	1,402 SF
TOTAL AREA:	18,137 SF

OCCUPANT LOADS
 12,904/30 = 431
 3,831/300 = 13
 1,402/100 = 14
TOTAL = 458

#89 East Village San Diego

Current Alcohol Display Area: 588 +/- sf
 Proposed Alcohol Display Area: 588 +/-

Applicant:
 Grocery Outlet
 c/o Compass Commercial
 3005 Douglas Blvd., Suite 200
 Roseville, CA 95661

Applicant Representative:
 Steve Rawlings
 Rawlings Consulting
 26023 Jefferson Ave., Suite D
 Murrieta, CA 92562
 951-667-5152

Proposed Use:
 Permit to sell beer, wine & distilled spirits for off-site consumption at an (ABC Type 21 License) at an existing grocery store that has been selling beer & wine (ABC type 20 License) since 2012.

Existing and Proposed Alcohol Display Area

Floor Plan

1002 Market St.
 San Diego, CA



©2018 INEGI
©2018 Google

Address: 1002 Market Street
San Diego, CA

APN: 535-135-12-00

Zoning District: 6

Land Use: Commercial

Total Site Area: .92 acres/40,047 sf

Building Area: 18,052

Applicant:
Grocery Outlet
c/o Compass Commercial
3005 Douglas Blvd., Suite 200
Roseville, CA 95661

Applicant Representative:
Steve Rawlings
Rawlings Consulting
26023 Jefferson Ave., Suite D
Murrieta, CA 92562
951-667-5152

Property Owner:
Bosa Development California II Inc.
121 W. Market Street
San Diego, CA 92101

Proposed Use:
Permit to sell beer, wine & distilled spirits for off-site consumption at an (ABC Type 21 License) at an existing grocery store that has been selling beer & wine (ABC type 20 License) since 2012.



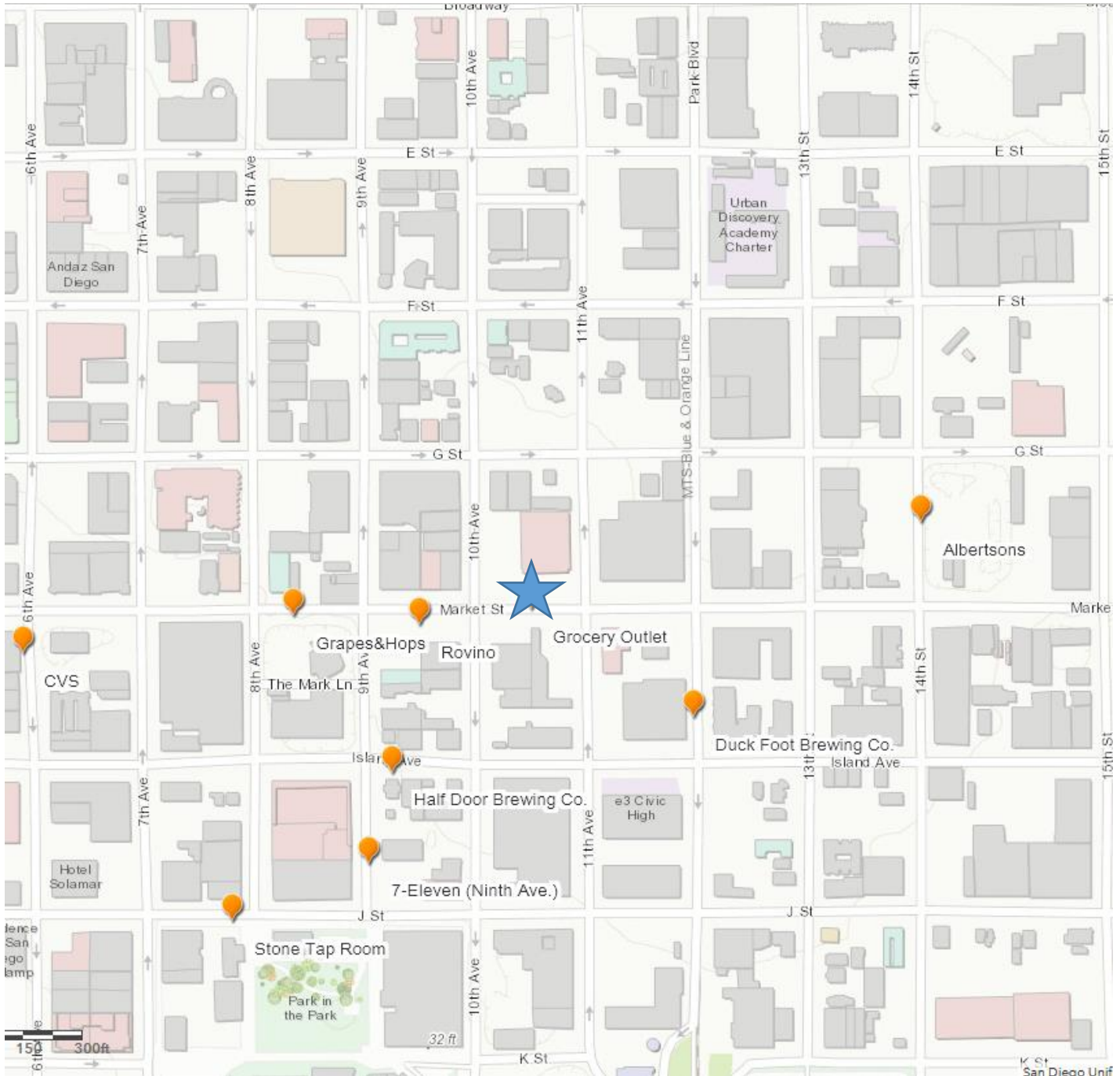
No.	REVISIONS	DATE	BY

SCALE AS SHOWN
DESIGNED BY
DRAWN BY
CHECKED BY

SITE PLAN
1002 Market Street
San Diego, CA


GROCERY OUTLET

OFF-SITE ALCOHOL SALES PERMIT VICINITY MAP



Permit #	Project Name	Address
CUP 2006-08	CVS	576 Sixth Avenue
CUP 2006-48	7-Eleven	427 Ninth Avenue
CUP 2006-56	Albertson's	655 14 th Street
CUP 2008-49A	Stone Taproom	785 J Street
CUP 2012-33	Grapes & Hops	833 Market Street
CUP 2012-71	Half Door Brewing Co.	903 Island Avenue
CUP 2015-54	Rovino (formerly Market Hall)	969 Market Street
CUP 2017-17	Duck Foot Brewing Co.	550 Park Boulevard

January 2015

	<h2 style="margin: 0;">Ownership Disclosure Statement</h2>
---	--

Approval Type: Check appropriate boxes for type of approval(s) requested:

- | | | |
|--|--|--|
| <input type="checkbox"/> Limited Use Approval | <input type="checkbox"/> Neighborhood Development Permit | <input type="checkbox"/> Centre City Development Permit |
| <input type="checkbox"/> Temporary Use Permit | <input type="checkbox"/> Planned Development Permit | <input type="checkbox"/> Gaslamp Quarter Development Permit |
| <input type="checkbox"/> Neighborhood Use Permit | <input type="checkbox"/> Site Development Permit | <input type="checkbox"/> Marina Development Permit |
| <input checked="" type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Coastal Development Permit | <input checked="" type="checkbox"/> Other: <u>Amendment to CUP No. 2012-08</u> |

Project Title: Grocery Outlet

Project Address: 1002 Market Street, San Diego

Assessor Parcel Number(s): 535-135-12-00

Part 1 – To be completed by property owner when property is held by individual(s)

By signing this Ownership Disclosure Statement, the property owner(s) acknowledges that an application for a permit, map, or other matter, as identified above, will be filed with Civic San Diego on the premises that is the subject of the application, with the intent to record an encumbrance against the property or properties. List below the owner(s) and tenant(s) (if applicable) of the above referenced property or properties; all subject properties must be included. The list must include the names and addresses of all persons who have an interest in the property or properties, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property or properties). Original signatures are required from at least one property owner for each subject property. Attach additional pages if needed. Note: The Applicant is responsible for notifying the Project Planner 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 Planner at least thirty days prior to any public hearing on the subject property or properties. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached: Yes No

Name of Individual (type or print):
N/A

Assessor Parcel Number(s):

Street Address:

City/State/Zip Code:

Phone Number:

E-mail:

Signature: _____ **Date:** _____

Name of Individual (type or print):
N/A

Assessor Parcel Number(s):

Street Address:

City/State/Zip Code:

Phone Number:

E-mail:

Signature: _____ **Date:** _____

Project Title: Grocery Outlet

Part 2 – To be completed by property owner when property is held by a corporation or partnership

By signing this Ownership Disclosure Statement, the property owner(s) acknowledges that an application for a permit, map, or other matter, as identified above, will be filed with Civic San Diego on the premises that is the subject of the application, with the intent to record an encumbrance against the property or properties. List below the names, titles, and addresses of all persons who have an interest in the property or properties, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and/or all partners in a partnership who own the property or properties). Original signatures are required from at least one corporate officer or partner who own the property for each subject property. Attach additional pages if needed. Provide the articles of incorporation, articles of organization, or partnership agreement identifying all members of the corporation or partnership. Note: The applicant is responsible for notifying the Project Planner 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 Planner at least thirty days prior to any public hearing on the subject property or properties. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached: Yes No

Corporation/Partnership Name (type or print):

Bosa Development California II Inc.

Corporation LLC Partnership

Assessor Parcel Number(s):

535-135-12-00

Street Address:

1002 Market Street

City/State/Zip Code:

San Diego, CA 92101

Name of Corporate Officer/Partner (type or print):

Richard Weir

Title:

Executive Vice President, Acquisitions + Asset Management

Phone Number:

604-294-0666

E-mail:

Rweir@thinkbosa.com

Signature:

[Handwritten Signature]

Date:

June 7, 2019

Corporation/Partnership Name (type or print):

Corporation LLC Partnership

Assessor Parcel Number(s):

Street Address:

City/State/Zip Code:

Name of Corporate Officer/Partner (type or print):

Title:

Phone Number:

E-mail:

Signature:

Date:

Project Title: Grocery Outlet

Part 3 – To be completed by all other financially interested parties

List below the names, titles, and addresses of all financially interested parties and state the type of financial interest (e.g., applicant, architect, lead design/engineering professional). Original signatures are required from at least one individual, corporate officer, and/or partner with a financial interest in the application for a permit, map, or other matter, as identified above Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Planner 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 Planner at least thirty days prior to any public hearing on the subject property or properties. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached: Yes No

Name of Individual (type or print):

Steve Rawlings, Rawlings Consulting

Applicant Architect Other _____

Street Address:

26023 Jefferson Ave., Suite D

City/State/Zip Code:

Murrieta, CA 92562

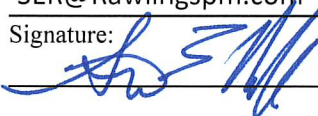
Phone Number:

951-667-5152

E-mail:

SER@Rawlingspm.com

Signature:

 Date: 6/13/19

Corporation/Partnership Name (type or print):

Compass Commercial Group, Inc.

Corporation LLC Partnership

Applicant Architect Other Agent

Street Address:

3005 Douglas Blvd., Suite 200

City/State/Zip Code:

Roseville, CA 95661

Name of Corporate Officer/Partner (type or print):

Kathleen Schardt

Title:

President

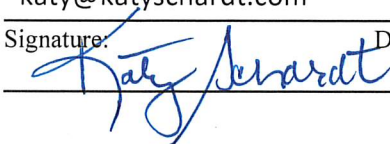
Phone Number:

916-660-9623

E-mail:

katy@katyschardt.com

Signature:

 Date: 4/30/19

Name of Individual (type or print):

Applicant Architect Other _____

Street Address:

City/State/Zip Code:

Phone Number:

E-mail:

Signature:

Date:

Corporation/Partnership Name (type or print):

Grocery Outlet Inc.

Corporation LLC Partnership

Applicant Architect Other _____

Street Address:

5650 Hollis Street

City/State/Zip Code:

Emeryville, CA 94608

Name of Corporate Officer/Partner (type or print):

Pamela Burke

Title:

Secretary

Phone Number:

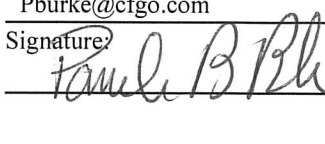
510-704-2859

E-mail:

Pburke@cfgo.com

Signature:

Date:

 Date: 4.29.20

DOC # 2012-0383971



JUL 02, 2012 1:37 PM

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
Ernest J. Dronenburg, Jr., COUNTY RECORDER
FEES: 53.00

PAGES: 13



THIS SPACE FOR RECORDER'S USE ONLY

NOTE: COUNTY RECORDER, PLEASE RECORD AS
RESTRICTION ON USE OR DEVELOPMENT
OF REAL PROPERTY AFFECTING THE TITLE
TO OR POSSESSION THEREOF

**DECISION OF THE CENTRE CITY DEVELOPMENT CORPORATION
HEARING OFFICER**

**CENTRE CITY PLANNED DISTRICT
CONDITIONAL USE PERMIT NO. 2012-08
1002 MARKET STREET
[APN# 535-135-12]**

Centre City
Development Corp.

JUL 27 2012

Orig. To
Copy To

18
13P
101P

RECORDING REQUESTED BY:

Centre City Development Corporation
401 B Street, Suite 400
San Diego, CA 92101

AND WHEN RECORDED MAIL TO:

Centre City Development Corporation
401 B Street, Suite 400
San Diego, CA 92101

**Decision of the Centre City Development Corporation Hearing Officer
CENTRE CITY PLANNED DISTRICT
CONDITIONAL USE PERMIT NO. 2012-08
1002 MARKET STREET
[APN# 535-135-12]**

This Conditional Use Permit (CUP) No.2012-08 is granted by the Centre City Development Corporation (CCDC) Hearing Officer to Patrick Davis of Grocery Outlet, Corporation (Corp.), Owner/Permittee, pursuant to San Diego Municipal Code (SDMC) Sections 126.0304, 126.0305, 103.1904, 103.1925 and 103.1919. The 17, 590 square foot site is located at 1002 Market Street in the East Village District of the Downtown Community Plan Area. The development site is legally described as Lots C through J inclusive, in Block 82 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to map thereof on file in the Office of the County Recorder of San Diego County.

On March 1, 2012, the Hearing Officer of CCDC held a duly noticed public hearing and considered CUP No. 2012-08, including a staff report and recommendation and public testimony, pursuant to Sections 126.0304, 126.0305, 103.1904, 103.1925 and 103.1919 of the Municipal Code of the City of San Diego.

NOW THEREFORE, BE IT RESOLVED that subject to the terms and conditions set forth in this Permit, CUP No.2012-08 is GRANTED to the Owner/Permittee to allow the sale of alcoholic beverages for off-site consumption at a grocery store as described and identified by size, dimension, quantity, type and location as follows and on the approved exhibits dated January 17, 2012, on file in the CCDC Planning Department.

1. The off-site sale of alcohol shall be an accessory use to the grocery store.
2. The business shall maintain a valid Type 20 (Off-Sale Beer and Wine – Package Store) from the State Department of Alcoholic Beverage Control and shall be in compliance with all conditions of said license at all times.
3. No wine or distilled spirits shall be sold in containers of less than 750 milliliters.
4. No malt beverage products shall be sold in quantities of less than a six-pack or 64 ounces per sale.
5. Quarterly gross sales of alcoholic beverages shall not exceed 25 percent of the quarterly gross sales of the establishment.
6. No alcoholic beverages shall be sold except between the hours of 10:00 a.m. and 10:00 p.m. of each day of the week.
7. No more than 30% of the square footage of the windows and transparent doors of the premises may bear advertising or signs of any sort, and all advertising and signage shall

be placed and maintained in a manner to ensure that law enforcement personnel have a clear and unobstructed view of the interior of the outlet.

8. The owner/operator shall post sign(s) that are prominent and permanent stating, "No loitering, consumption of alcoholic beverages, or open alcoholic containers are allowed on the premises, including surface parking lot, or on the public sidewalks adjacent to the premises."
9. The owner/operator shall maintain the premises and the adjacent public sidewalks free of litter, and the storefront free of graffiti, at all times.
10. A point of contact from Grocery Outlet shall be kept on file with CCDC in case any complaints arise. Complaints shall be responded to by Grocery Outlet within 48 hours.
11. This CUP shall expire on March 1, 2022, unless an extension is granted. The permit may be extended through a duly noticed public process in accordance with applicable regulations, in effect at the time of the extension request.
12. This Permit may be revoked by CCDC if there is a material breach or default in any of the conditions of this permit. If the business creates a nuisance to the surrounding neighborhood, based on a determination of the President of CCDC, this permit may be revoked after the holding of a public hearing.
13. This Permit shall not become effective until:
 - a) The Permittee signs and returns the Permit to CCDC; and
 - b) The Permit is recorded in the Office of the County Recorder.
 - c) This Permit must be used within 36 months after the date of approval or the Permit shall be void.
14. After establishment of the business, the Property shall not be used for other uses unless:
 - a) Authorized by CCDC; or
 - b) The uses are consistent with all zoning and development regulations of the Centre City Planned District Ordinance; or
 - c) This permit has been revoked by CCDC.
15. This Permit is a Covenant running with the lands and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.

CUP No. 2012-08
Grocery Outlet

16. The owner or operator shall adhere to all Federal, State and local laws, ordinances and regulations at all times.

17. The owner or operator shall maintain the CUP and other business licenses in the establishment and shall make these documents available to anyone lawfully engaged in the inspections of the premises.

Passed and adopted by the Hearing Officer of CCDC on March 1, 2012.

AUTHENTICATED BY THE CENTRE CITY DEVELOPMENT CORPORATION




Lorena Cordova
Assistant Planner

Note: Notary Acknowledgement
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.

Patrick Davis
Grocery Outlet, Corp.
Owner/Permittee

By: 

Patrick Davis
Grocery Outlet, Corp.

Note: Notary Acknowledgement
must be attached per Civil Code
Section 1189 et seq.

**CENTRE CITY DEVELOPMENT CORPORATION
HEARING OFFICER
RESOLUTION NO. 2012-08
CONDITIONAL USE PERMIT NO. 2012-08**

WHEREAS, Patrick Davis, Owner/Permittee, filed an application for a Centre City Development Corporation (CCDC) Conditional Use Permit (CUP) No. 2012-08 to allow the sale of alcoholic beverages for off-site consumption for a grocery store, located at 1002 Market Street within the East Village of the Downtown Community Plan (DCP) Area and more particularly describes in "Exhibit A" in the City of San Diego, State of California, according to map thereof made on file in the office of the County Recorder of San Diego; and,

WHEREAS, on March, 1, 2012, the CCDC Hearing Officer held a duly noticed public hearing and considered CUP No.2012-08, including a staff report and recommendation, and public testimony, pursuant to Sections 126.0304, 126.0305, 103.1904, 103.1925 and 103.1919 of the Municipal Code of the City of San Diego; and,

WHEREAS, this project is categorically exempt from the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15301 (entitled "Existing Facilities"). Section 15301 applies to a class of projects ("Class 1") that includes the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public and private structures, facilities, mechanical equipment, or topographical features when the project involves negligible or no expansion of the existing use. This project includes the addition of off-site alcohol sales which are ancillary uses to restaurants and grocery stores. The application of a categorical exemption to this project is not precluded by any of the exceptions set forth in State CEQA Guidelines Section 15300.2.

NOW, BE IT RESOLVED, that the Hearing Officer adopts the following written findings under Section 126.0305 of the San Diego Municipal Code:

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

The property is located within the Employment/Residential (ER) Land Use District. Within the ER, alcohol beverage outlets are allowed with CUP approval; therefore, the proposed use will not adversely affect the applicable land use plan.

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

The proposed retail sales of alcohol will not be detrimental to the public health, safety and welfare when operated with the conditions of approval that include restrictions of hours, size and quantity limitations, among others.

c. The proposed use or development will comply to the maximum extent feasible with the regulations of the Land Development Code.

The proposed use is consistent with the Centre City Planned District Ordinance and the DCP. The use will be required to comply with all applicable regulations, conditions of approval and the requirements of the State Department of Alcoholic Beverage Control and the San Diego Police Department.

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

Allowing the Grocery Outlet at the proposed location is appropriate. The store will be located in close proximity to residential buildings and will serve residents in the area who may be looking for a store closer to their home. Also, the store will be on Market Street which is located close to public transit, such as a bus stop and trolley station that will be convenient for those visitors and employees that are passing through downtown who may be looking for deep-discounts for everyday merchandise.

NOW THEREFORE, BE IT RESOLVED that based on the findings, hereinbefore adopted by the CCDC Hearing Officer, CUP No. 2012-08 is hereby **GRANTED** to the referenced Owner/Permittee, as outlined in the exhibits – Site Plan A0.01, Floor Plan A1.01 and Exterior Elevations A2.01 – along with the terms and conditions set forth in the Conditional Use Permit of which is attached hereto and made part hereof.

ADOPTED AND APPROVED by the Hearing Officer on March 1, 2012

AUTHENTICATED BY THE CENTRE CITY DEVELOPMENT CORPORATION

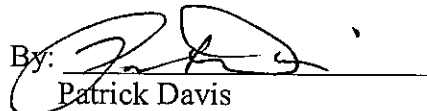


Lorena Cordova
Assistant Planner

Note: Notary Acknowledgement
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.

Patrick Davis
Grocery Outlet, Corp.
Owner/Permittee

By: 

Patrick Davis
Grocery Outlet, Corp.

Note: Notary Acknowledgement
must be attached per Civil Code
Section 1189 et seq.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California

County of San Diego

need title

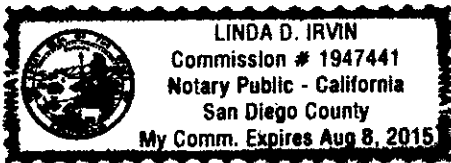
On 06-08-12 before me, Linda D. Irvin Notary

Date

Here Insert Name

personally appeared Lorena Cordova and Patrick Davis

Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~are subscribed to the within instrument and acknowledged to me that ~~he~~~~she~~they executed the same in ~~his~~~~her~~their authorized capacity(ies), and that by ~~his~~~~her~~their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Linda D. Irvin

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

Signer's Name: _____

Corporate Officer — Title(s): _____

Corporate Officer — Title(s): _____

Individual

Individual

Partner — Limited General

Partner — Limited General

Attorney in Fact

Attorney in Fact

Trustee

Trustee

Guardian or Conservator

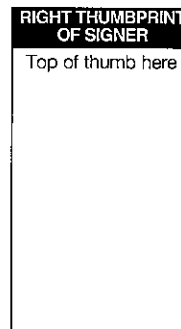
Guardian or Conservator

Other: _____

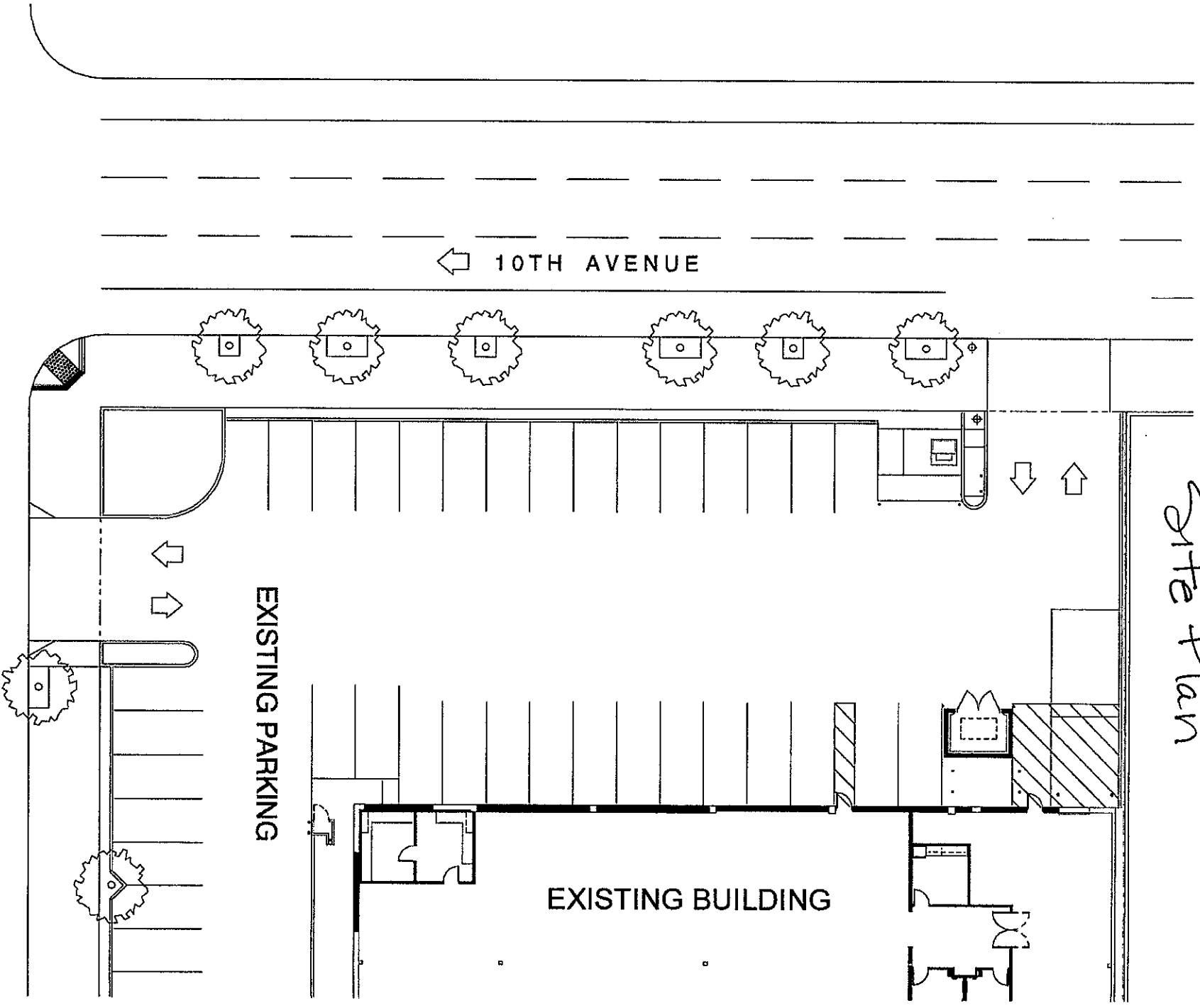
Other: _____

Signer Is Representing: _____

Signer Is Representing: _____



Site Plan



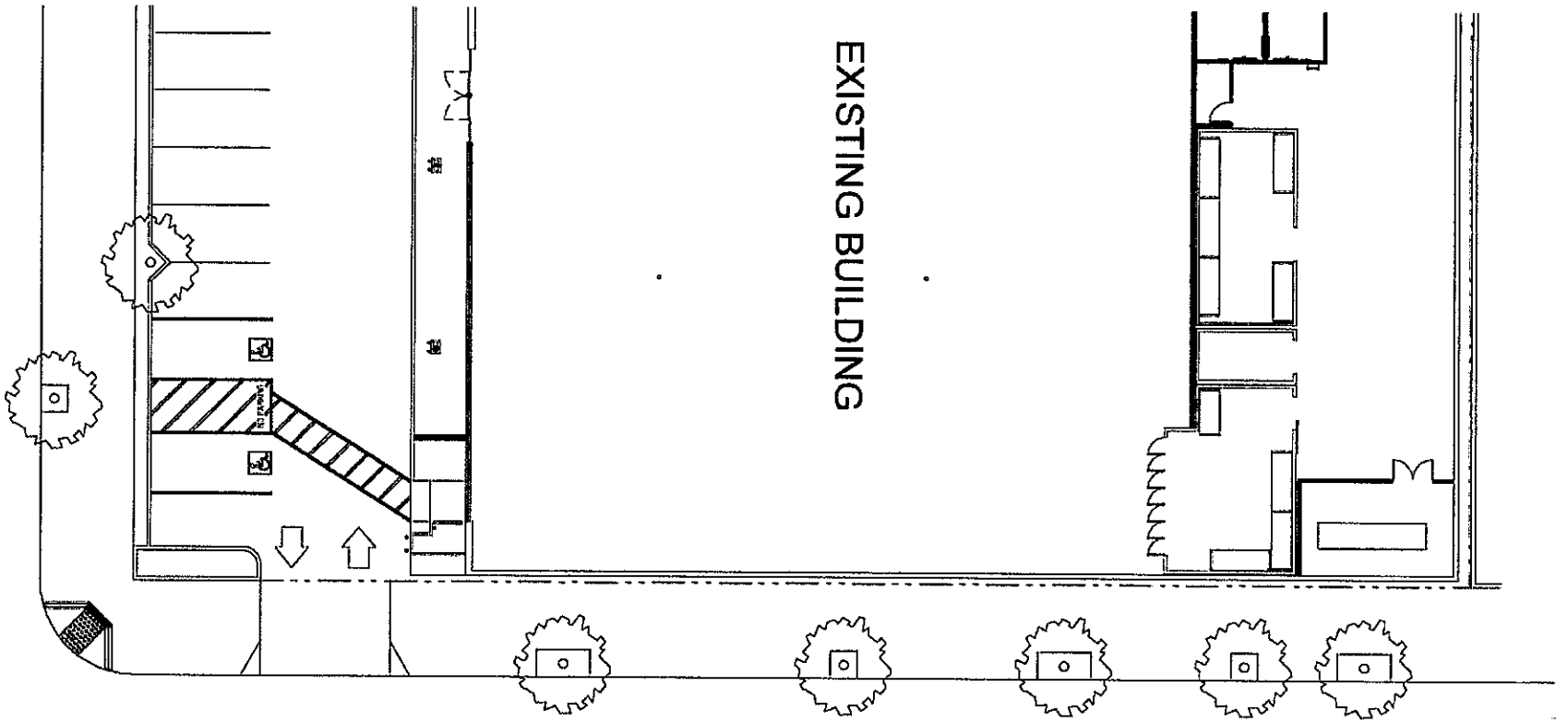
← 10TH AVENUE

EXISTING PARKING

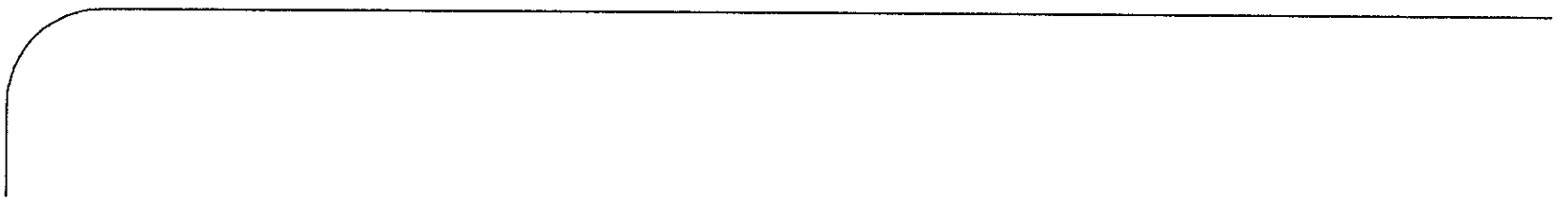
EXISTING BUILDING

MARKET STREET

MARKET STREET

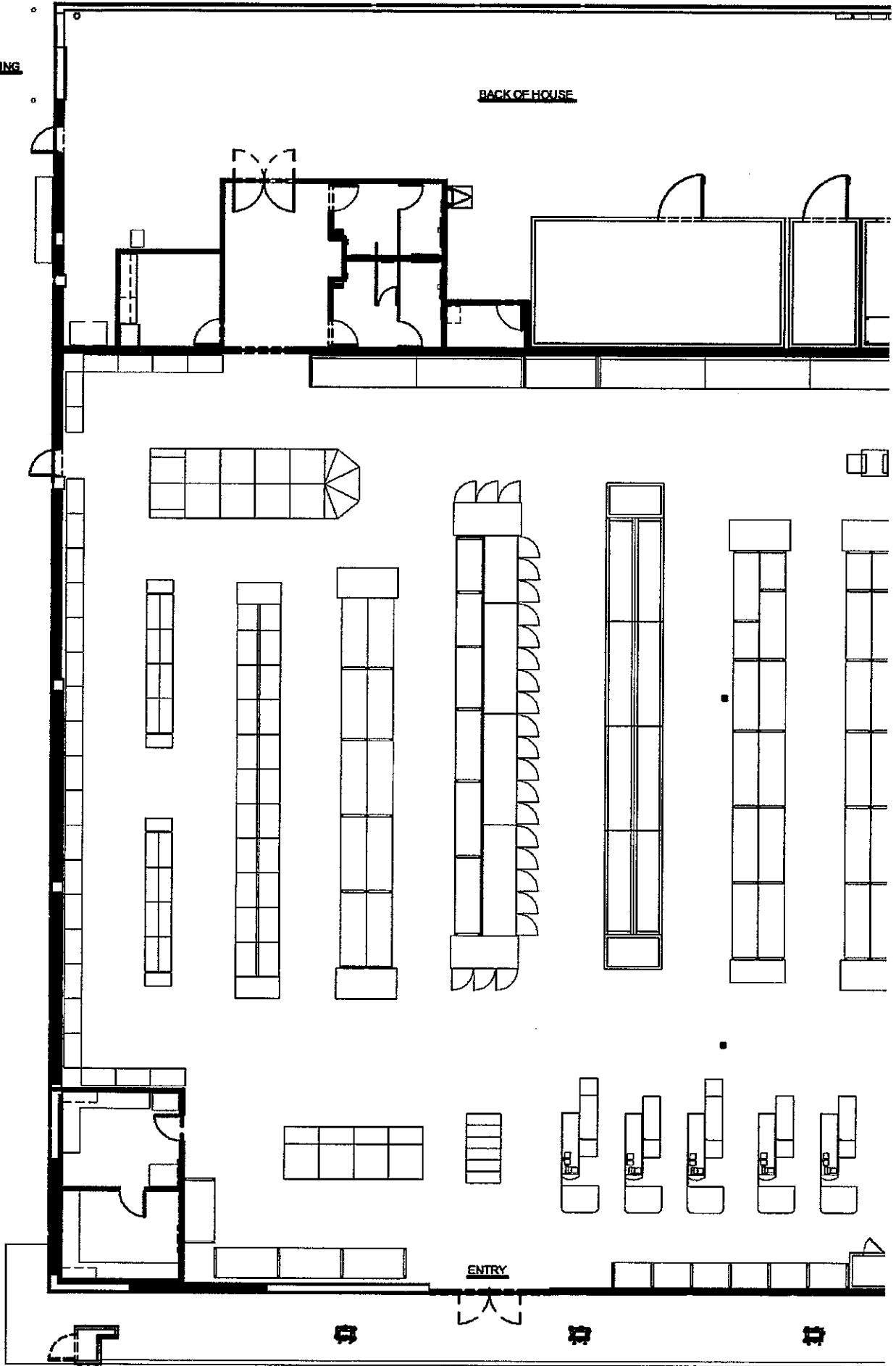


11TH AVENUE →

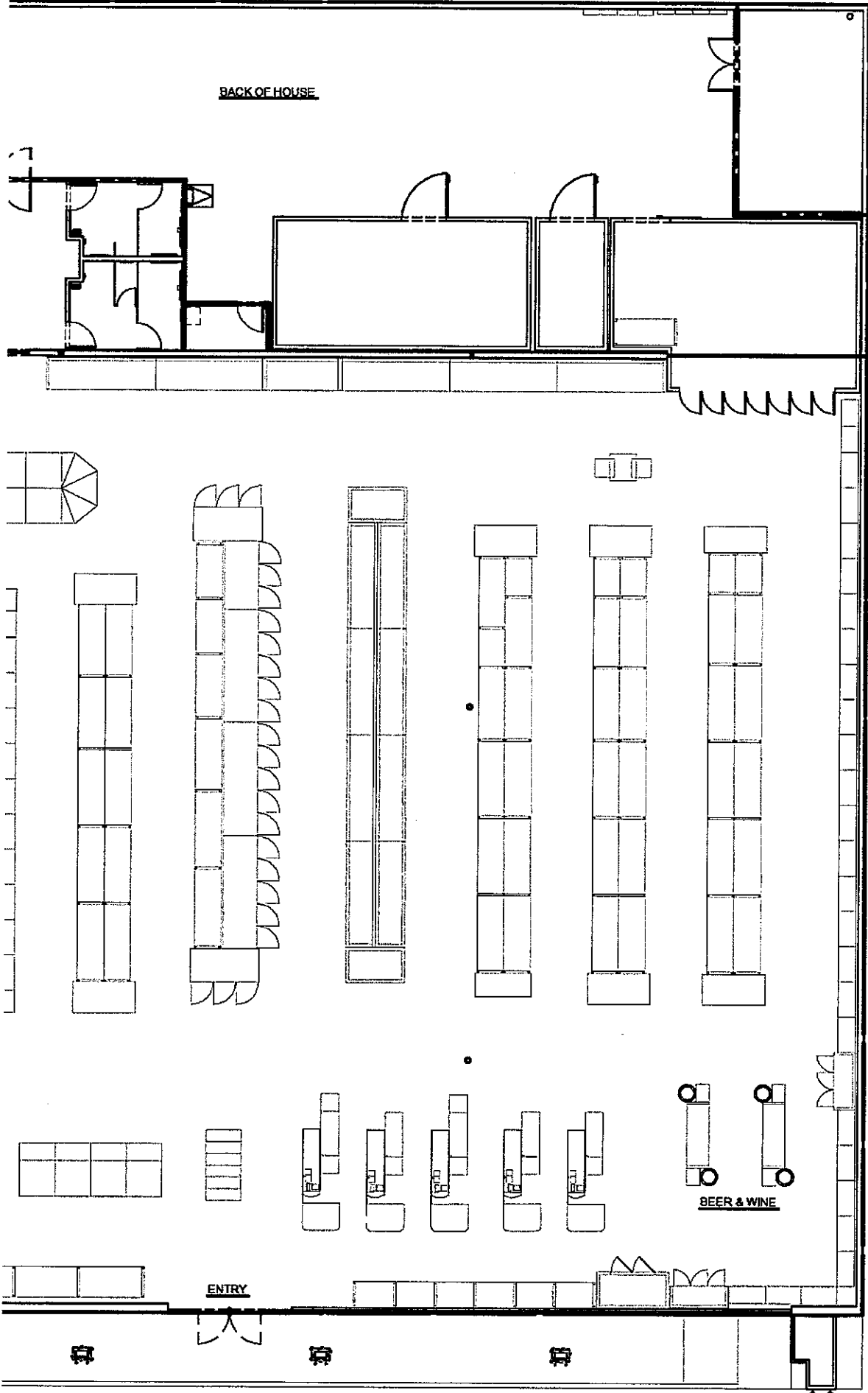


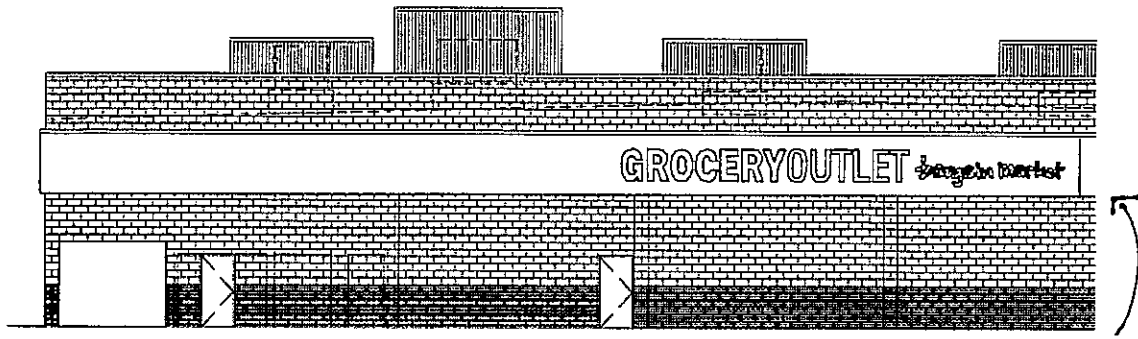
LOADING

BACK OF HOUSE



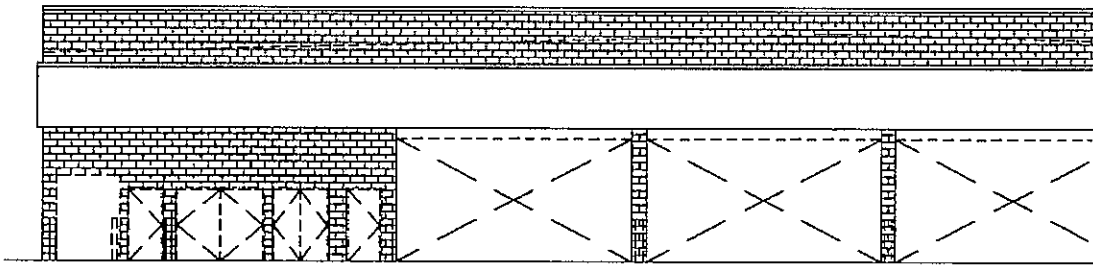
BACK OF HOUSE



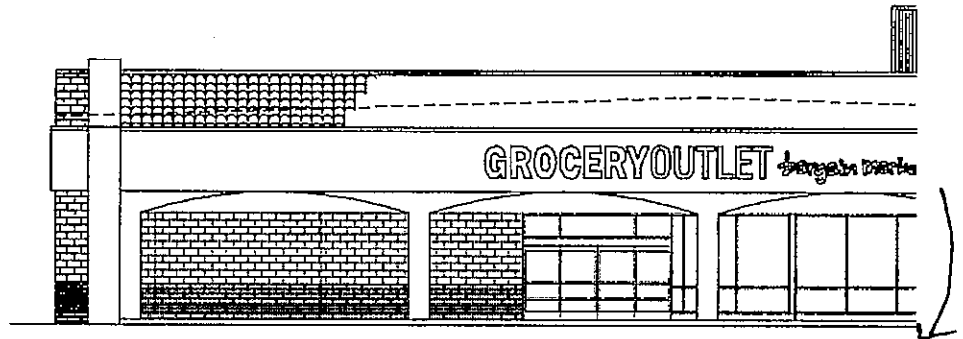


WEST ELEVATION

bargain Market

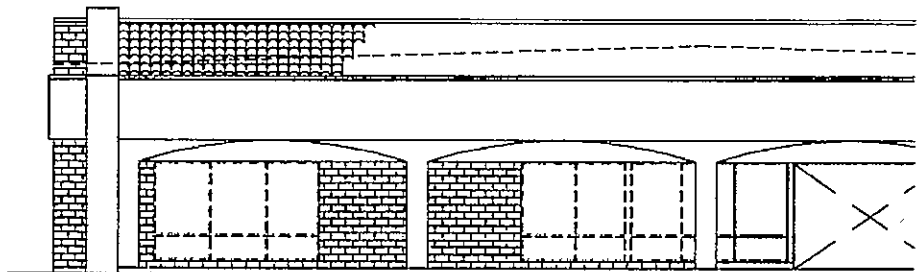


EAST ELEVATION

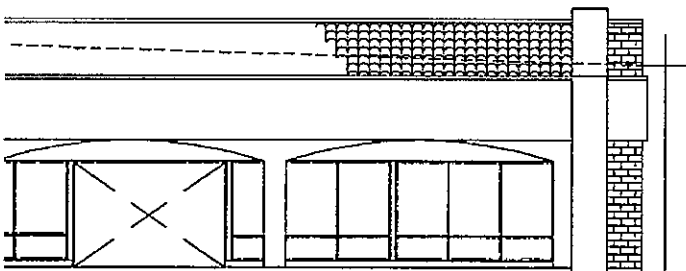
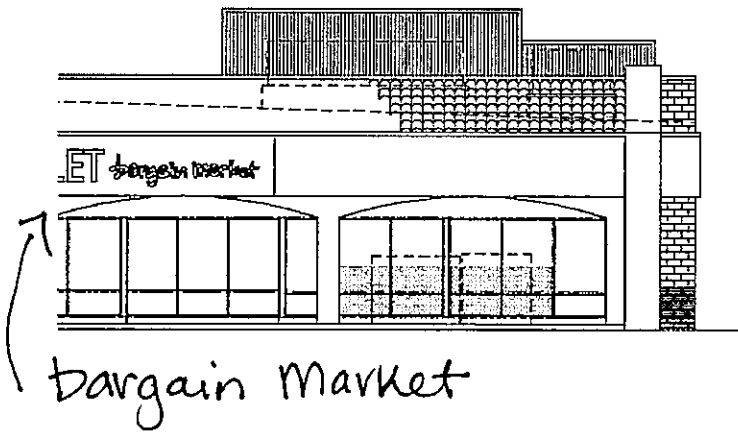
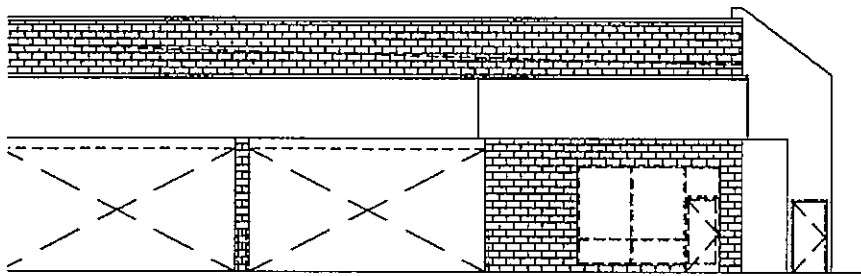
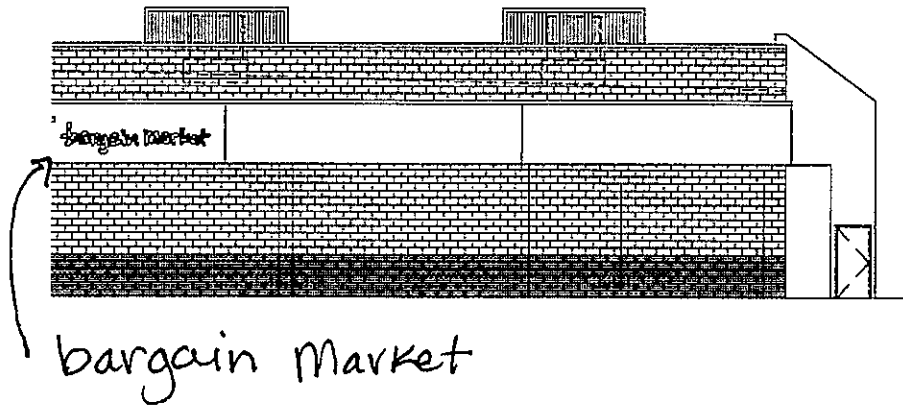


SOUTH ELEVATION

bargain Market



NORTH ELEVATION



HEARING OFFICER RESOLUTION NO. _____
CONDITIONAL USE PERMIT NO. 2012-08A
GROCERY OUTLET AMENDMENT

WHEREAS, Bosa Development California II, Inc. a California Corporation, Owner, and Grocery Outlet, Inc. a California Corporation, Permittee, filed an application with Civic San Diego (“CivicSD”) for a Process Three amendment to Conditional Use Permit (CUP) No. 2012-08 for the sale of alcoholic beverages for off-site consumption at an existing grocery store located at 1002 Market Street in the East Village neighborhood of the Downtown Community Plan (“DCP”) area (“Downtown”);

WHEREAS, the project site is legally described as Lots C through J inclusive, in Block 82 of Horton’s Addition, in the City of San Diego, County of San Diego, State of California, according to map thereof on file in the Office of the County Recorder of San Diego County;

WHEREAS, on November 20, 2019, the Hearing Officer of the City of San Diego considered CUP No. 2012-08A, the amendment of CUP No. 2012-08, pursuant to the Land Development Code (LDC) of the City of San Diego;

WHEREAS, Development within the DCP area is covered under the following documents, all referred to as the “Downtown FEIR”: Final Environmental Impact Report (FEIR) for the San Diego DCP, Centre City Planned District Ordinance (CCPDO), and 10th Amendment to the Centre City Redevelopment Plan, certified by the former Redevelopment Agency (“Former Agency”) and the City Council on March 14, 2006 (Resolutions R-04001 and R-301265, respectively); subsequent addenda to the FEIR certified by the Former Agency on August 3, 2007 (Former Agency Resolution R-04193), April 21, 2010 (Former Agency Resolution R-04510), and August 3, 2010 (Former Agency Resolution R-04544), and certified by the City Council on February 12, 2014 (City Council Resolution R-308724) and July 14, 2014 (City Council Resolution R-309115); and, the Final Supplemental Environmental Impact Report for the Downtown San Diego Mobility Plan certified by the City Council on June 21, 2016 (Resolution R-310561). Development within the DCP area is also covered under the following documents, all referred to as the “CAP FEIR”: FEIR for the City of San Diego Climate Action Plan (CAP), certified by the City Council on December 15, 2015 (City Council Resolution R-310176), and the Addendum to the CAP, certified by the City Council on July 12, 2016 (City Council Resolution R-310595). The Downtown FEIR and CAP FEIR are both “Program EIRs” prepared in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15168. The information contained in the Downtown FEIR and the CAP FEIR reflects the independent judgement of the City of San Diego as the Lead Agency and has been reviewed and considered by the decision maker before approving the project. The environmental impacts of the project were adequately addressed in the Downtown FEIR and CAP FEIR; the project is within the scope of the development program described in the Downtown FEIR and CAP FEIR and is adequately described within both documents for the purposes of CEQA; and, none of the conditions listed in CEQA Guidelines Section 15162 exist. Therefore, no further environmental documentation is required under CEQA;

NOW, THEREFORE, BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated November 20, 2019.

FINDINGS FOR CONDITIONAL USE PERMIT (SDMC SECTION 126.0305):

1. The proposed use or development will not adversely affect the applicable land use plan;

The project site is located in the Employment/Residential Mixed-Use (ER) land use district of the Centre City Planned District. Per the CCPDO, within the ER land use district, establishments with the sale of alcoholic beverages for off-site consumption requires approval of a Process Three CUP. The grocery store has been in operation since 2012 and has sold alcoholic beverages for off-site consumption under CUP No. 2012-08 since opening in 2012. CUP No. 2012-08 required a specific type of liquor license for beer and wine only, a Type 20 Beer and Wine License from the State of California Department of Alcoholic Beverage Control (ABC), because at the time that was the liquor license sought by the Applicant. The proposed amendment would bring the permit up to current standards by removing the expiration date and adding a condition which restricts the retail floor area dedicated to alcoholic beverages to no more than 600 square feet. The proposed amendment would also remove the condition which restricts the quarterly sales for alcoholic beverages to no more than 25 percent of the total gross sales of the establishment, which was a standard requirement per the CCPDO at the time the original permit was approved, but has since been removed as a requirement in the CCPDO. Furthermore, the proposed use is in a land use district that accommodates a diverse array of uses and the proposed use is consistent with the following DCP goals and policies:

- Provide for an overall balance of uses – employment, residential, cultural, government, and destination – as well as a full compendium of amenities and services (3.1-G-2).
- Allow service and support commercial uses—such as small hospitals, produce markets that serve restaurants, and repair shops—in specific locations to ensure availability of essential services within downtown (3.1-G-3).
- To ensure vitality, develop concentrations of retail centers and streets as shown Figure 3-7 with required retail, restaurants, and other similar active commercial uses at the ground level along designated Main Streets (3.1-P-3).

Therefore, when operated in compliance with the recommended conditions of approval the proposed accessory use will not adversely affect the applicable land use plan.

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

The proposed amendment to CUP No. 2012-08 for the sale of alcoholic beverages for off-site consumption will not be detrimental to the public health, safety and welfare of the community when operated with the recommended conditions of approval which include a requirement that the Owner/Permittee obtain a valid ABC liquor license, a requirement that the use be accessory to the retail use, a restriction of the display of alcohol sales to no more than 600 SF of the retail floor area, prohibition on window signs displaying alcoholic

beverage advertising, and standard conditions required per the CCPDO. Additionally, since the Permittee already has a liquor license, the proposed use will not increase the number of alcohol beverage outlets in the subject census tract; therefore, the proposed use will not be detrimental to the public health, safety and welfare.

3. *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 proposed sale of alcoholic beverages for off-site consumption will comply with the regulations of the LDC with the approval of a CUP as is required per SDMC Section 156.0315(b)(1). Conditions of approval have been added to ensure compliance with the CCPDO regulations for establishments with the sale of alcoholic beverages for off-site consumption (SDMC Section 156.0315(b)(1)) including a condition that prohibits wine and distilled spirits from being sold in containers less than 750 milliliters, a condition which prohibits malt beverages from being sold in quantities of less than a six-pack of 12-ounce bottles or other containers totaling a minimum of 64 ounces, and a condition that limits the sale of alcoholic beverages to between the hours of 10:00 a.m. and 10:00 p.m. In addition, there are no proposed deviations to any of the development regulations. Therefore, the proposed development will comply with the regulations of the LDC including any allowable deviations pursuant to the LDC.

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

The Project is located in the ER land use district and is within the East Village neighborhood of Downtown. A variety of uses are permitted in the ER land use district, including office, residential, hotel, research and development, educational, and medical facilities. The grocery store, which already sells alcoholic beverages for off-site consumption under CUP No. 2012-08, is appropriate at the proposed location along Market Street. Market Street is a dedicated commercial street which the DCP describes as being the central location of retail establishments, restaurants, and other commercial service uses, such as a grocery store with accessory sales of alcoholic beverages for off-site consumption. The proposed amendment would provide an additional service to employees of nearby office buildings, local residents, and tourists staying in nearby hotels; 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, CUP No. 2012-08A 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. 2012-08A, a copy of which is attached hereto and made a part hereof.

Nicole Paré
Assistant Planner, CivicSD

Adopted on: November 20, 2019

RECORDING REQUESTED BY:

Civic San Diego
401 B Street, Suite 400
San Diego, CA 92101

AND WHEN RECORDED MAIL TO:

Civic San Diego
401 B Street, Suite 400
San Diego, CA 92101

THIS SPACE FOR RECORDER'S USE ONLY

*NOTE: COUNTY RECORDER, PLEASE RECORD AS
RESTRICTION ON USE OR DEVELOPMENT OF
REAL PROPERTY AFFECTING THE TITLE TO
OR POSSESSION THEREOF*

**CENTRE CITY PLANNED DISTRICT
CONDITIONAL USE PERMIT NO. 2012-08A**

**GROCERY OUTLET
1002 Market Street
APN# 535-135-12-00**

CUP No. 2012-08A
Grocery Outlet
1002 Market Street

**CENTRE CITY PLANNED DISTRICT
CONDITIONAL USE PERMIT NO. 2012-08A**

**GROCERY OUTLET
1002 Market Street
APN# 535-135-12-00**

This Conditional Use Permit (CUP) No.2012-08A amends CUP No. 2012-08 and is granted by the Hearing Officer of the City of San Diego (“Hearing Officer”) to Bosa Development California II, Inc. a California Corporation, Owner, and Grocery Outlet Inc. a California Corporation, Permittee, pursuant to San Diego Municipal Code (SDMC) Sections 156.0304 and 156.0308. The 40,047 square-foot (SF) site is located at 1002 Market Street in the East Village Neighborhood of the Downtown Community Plan (DCP) area (“Downtown) and is legally described as Lots C through J inclusive, in Block 82 of Horton’s Addition, in the City of San Diego, County of San Diego, State of California, according to map thereof on file in the Office of the County Recorder of San Diego County.

Subject to the terms and conditions set forth in this Permit, CUP No. 2012-08A is GRANTED to the Owner/Permittee to allow the sale of alcoholic beverages for off-site consumption at a grocery store as described and identified by size, dimension, quantity, type and location as follows and on the approved exhibits dated July 12, 2019, on file in the Civic San Diego (“CivicSD”) and/or the City of San Diego (“City”).

1. The sale of alcohol for off-site consumption shall be an accessory use to the grocery store.
2. The business shall maintain a valid State Department of Alcoholic Beverage Control liquor license for sale of distilled liquor. The business shall be in compliance with all conditions of said license at all times.
3. No wine or distilled spirits shall be sold in containers of less than 750 milliliters.
4. No malt beverage products shall be sold in quantities of less than a six-pack or 64 ounces per sale.
5. No more than 600 SF of the retail floor area shall be devoted to the display of alcoholic beverages for off-site consumption.
6. No alcoholic beverages shall be sold except between the hours of 10:00 a.m. and 10:00 p.m. of each day of the week.
7. No more than 30% of the square footage of the windows and transparent doors of the premises may bear advertising or signs of any sort, and all advertising and signage shall be placed and maintained in a manner to ensure that law enforcement personnel have a clear and unobstructed view of the interior of the outlet.

8. Window signs that advertise alcoholic beverage products are not allowed.
9. The owner/operator shall post sign(s) that are prominent and permanent stating, “No loitering, consumption of alcoholic beverages, or open alcoholic containers are allowed on the premises, including surface parking lot, or on the public sidewalks adjacent to the premises.”
10. The owner/operator shall maintain the premises and the adjacent public sidewalks free of litter, and the storefront free of graffiti, at all times.

Standard Conditions

11. A point of contact from Grocery Outlet shall be kept on file with CivicSD or the City in case any complaints arise. Complaints shall be responded to by Grocery Outlet within 48 hours.
12. This Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit. If the business creates a nuisance to the surrounding neighborhood, based on a determination of the City, this permit may be revoked after the holding of a public hearing.
13. This Permit shall not become effective until:
 - a) The Permittee signs and returns the Permit to CivicSD and/or the City; and
 - b) The Permit is recorded in the Office of the County Recorder.
 - c) This Permit must be used within 36 months after the date of approval or the Permit shall be void.
14. After establishment of the business, the Property shall not be used for other uses unless:
 - a) Authorized by the City; or
 - b) The uses are consistent with all zoning and development regulations of the Centre City Planned District Ordinance; or
 - c) This permit has been revoked by the City.
15. This Permit is a Covenant running with the lands and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.

CUP No. 2012-08A
Grocery Outlet
1002 Market Street

16. The owner or operator shall adhere to all Federal, State and local laws, ordinances and regulations at all times.

17. The owner or operator shall maintain the CUP and other business licenses in the establishment and shall make these documents available to anyone lawfully engaged in the inspections of the premises.

APPROVED by the Hearing Officer of the City of San Diego on November 20, 2019 and approved by Resolution No. _____.

CIVIC SAN DIEGO

Date of Decision: November 20, 2019

ATTEST:

Nicole Paré Date
Assistant Planner

The undersigned Owner/Permittee, by execution hereof, agree to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

OWNER:

Richard Weir Date
Executive Vice President
Bosa Development California II, Inc.

PERMITTEE:

NOTE: Notary acknowledgements must be attached per Civil Code Section 1189 et seq.

Pamela Burke Date
Secretary
Grocery Outlet, Inc.



Downtown Community Planning Council San Diego

DOWNTOWN COMMUNITY PLANNING COUNCIL MINUTES OF THE MEETING OF September 18, 2019

Call to Order: Chair Michael Rosenbaum @ 5:33 pm.

1. Roll Call: Link noted that 15 of 23 members were present, constituting a quorum.

Members Present @ Call to Order (15): Ball, Barbano, Blair, Clark, DiFrancesca, Dion, Hunt, Lawson, Link, Orabone, Pensabene, Rosenbaum, Swearingen, Takara, Wilson-Ramon

Late Arrival: none

Members Absent (8): Baker, Collin, Egan, Gattey, Meloncelli, Priver, Theisen, Wery

Early Departure: Clark, Dion

Noted: Current vacancies EV South Biz (Perry), Little Italy Biz (Cepada), Gaslamp/Horton Res (Nauta), EV North Res Owner (Lachman)

2. Approval of AUG 21, 2019 Meeting Minutes

Motion: No corrections noted. *In favor unanimous consent of those in attendance at August meeting.*

3. Public Comments on Non-Agenda Items –

- Tei Newman-Lehucu (Petco Park Noise)
 - Expressed concern with special event noise in outdoor space
 - Reported 3 days at 105 decibels
 - Regulations unknown to speaker.

4. Elected Representative Comments: (none present)

5. Chairperson's Report:

- **Chair (Rosenbaum):**
 - Reported Ned Lachman resignation, Chair: Budget & Finance Subcommittee
 - Expressed concern with critical committee chair vacancy with 10/1/19 due date for DCPC CIP report. Rosenbaum offered to chair committee unless another comes forward. Bill Orabone subsequently stepped forward to chair the committee.

6. Project Updates (Richter)

- 777 Beech –approval appealed. Hearing 10.10.2019
- Anticipated OCT projects – 1st block of 14th Street Promenade out to bid, 2nd block conceptual plans in process; EV Green and Children's Park (Capital Improvement) objective is to get out to bid by JAN 2020 (delayed in transition through City Council)
- In response to members:
 - (Hunt) new Pinnacle project anticipated to be OCT design review
 - (Pensabene) commented on parking review
 - (Blair) confirmed Children's Park status for 2020; Confirmed Fron Street Closure Broadway – F for approximately 2 years due to tunnel work.
- **(Public Request)** None

Action Items

7. SANDAG Presentation - Coleen Clemntson - "A bold new transportation vision"

- Highlighted that greenhouse gas emissions in San Diego and all of CA are not on track to meet goals resulting in loss of funds and SANDAG inability to take credit for electric vehicle contributions until CA meets minimum goals.
- Highlighted plan as data driven approach and including recommendations to address home to job commute, transit leap with high speed, mobility hub on Navy Property, flexible fleets, interactive, real time operating systems, make significant difference in transit investment, include underground tunneling such as at Palomar Airport
- In response to member questions:
 - (Dion) re "100mph" – vision, costs, payment considerations
 - (Wilson-Ramon) re terrain – flexible fleets, on demand small vehicles for uphill walks
 - (Pensabene) re costs and what we have – example blue line trolley – fewer stops, multiple grades, tunneling
 - (Dion) re other central hubs – help shape land use plans
 - (Orabone) questioned credit if fix traffic delays – State Law is to reduce miles driven
 - (Blair) re express trolley – solutions include more coaster trains, double tracks, traffic signal priorities

8. Scooter Enforcement Regulations Update - Erik Caldwell, City of San Diego

- Intent is to consolidate multiple City Departments
- 10,000 scooters, 18,000 rides with permitted cap of 20,000 scooters is the scope of challenge
- Objective is transition to scooter operators to "police" scooter use
- Distributed maps of Scooter/Bike Corrals, reviewed parking and staging guidelines
- J Street becoming mobility highway
- Geofencing enforcement issues re corral staging
- Recommends use app Get IT Done for reporting
- Parking by riders is a violation that requires correction within 3 hours (operating companies)
- Vehicle code violations enforceable by police include double riding, minors, speed
- OCT 23rd 2:00 pm Council update to be provided by Elise Lowe focused on end of year City Council updates
- Member Questions
 - (Hunt) appreciate changes re geo fencing, corrals
 - (Wilson-Ramon) re blocks w/o corrals – response is this is traffic engineer responsibility to be revisited. Recommendations welcome by email. Re multiple corrals at 9th & Beech – they will be removed if not utilized. Details welcome by email.
 - (Blair) re best way to get recommendations to Erik – prefer consolidated DCPC action by end of September, list to Erik by 9/25 with updated corrals
 - (Ball) re wrong way drivers – agreed this should be fined offense including "blow thru" scooters in red zones
 - (Swearingen) re vehicle accident stats
 - (Hunt) re enforce education eg bike coalition safety classes – have not evaluated re scooters. Should be app based. Not scaleable technology on city wide basis, BUT invite feedback to City Council
- Blair motion, Barbano 2nd to send DCPC letter to Public Spaces Committee for an update.

- 13 voted in favor. Lawson recused.

Consent Item Projects pulled to action.

9. Cedar & Ketner

- **Chopyk** provided overview of agenda packet
- **Public Speaker (Marty Poipier)** – comment (neutral) re access overlay zone (Gary Smith/DRG) spoke in favor
- **Members**
 - (Ball) requested clarification re County Garage. Brad reviewed 85' limit and exceptions
 - (Pensabene) questioned sun overlay – complies with Health and Safety codes. Re Bike Parking – one-fifth of units.
- Barbano motioned to support staff recommendation, DiFrancesca 2nd. Unanimous approval.

10. Grocery Outlet CUP Amendment - Alcohol

- **Pare** provided overview of agenda packet
- **Public Speaker** (Gary Smith/DRG) spoke in favor. Noted success with beer / wine. CUP runs with land. Has not become a nuisance. No way to know with hard liquor. Recommends yes to hard liquor with expiration date remaining in place, if no CUP complaints the expiration date is disbanded.
- **Members**
 - (Swearington) very positive for community. Well run. Glad for wine.
 - (Hunt) requests percentage of current sales – beer/wine – 13% Liquor expected to add ½% increase.
 - (Blair) do complaints go to City (vice Civic) – (Brad) - Code Enforcement first
 - (Ball) Report on Get It Done app
- Link Motion, Dion 2nd – Grant approval for liquor but keep existing expiration date subject to complaint review. Unanimous board approval.

11. Backyard Axe Throwing League

- **Pare** overview of agenda packet
- **Public Speaker** (Gary Smith/DRG) spoke in opposition. Highlighted as DRG three attempt, one vote decision.
- **BATL Steve Rawlings:**
 - Highlighted as by appointment business plan, employees actively oversee play
 - Comprehensive plan to control. Examples include Restaurant that started Axe Throwing, Canadian successes
- **Members**
 - (Hunt) re liquor license (A.) Beer and Wine. No food (no space in 2000 sf)
 - (Clark) would business be viable w/o alcohol – no, business would move.
 - (Blair) for beer and wine no food required? (Brad) – no. No back screen – true, only table.
 - (Lawson) PD recommended no alcohol (Brad) recommendation is not consistent.
 - (Blair) would alcohol be permitted if axe throwing removed – (Brad/Pare) Establishment is entertainment with Axe Throwing
 - (Pensabene) what is planned security – (A. Steve) stationed trained individuals at one ee per 2 throwers

- (Hunt) Axe does not bounce? (Steve) receiving mats are absorbent, side fence goes “all the way” up. No need for extension. Re injury stats – blisters.no reported critical injuries.
- Penabene motion, DiFrancesca 2nd – support applicants request for alcohol license. Vote was eleven (11) in favor, three opposed (Ball, Swearingen, Wilson-Ramon). Passed.

12. Elections. No candidates. Postponed to next meeting. Members encouraged to seek candidates

13. Review and Update Scooter Regulations (Blair)

- **Public – (Marty Poipier)** – spoke as neutral with casual observations
- Leadership to revise letter unanimous approval. One recusal (Lawson)

14. Subcommittee Reports – none – Chair reminded subcommittees to meet and report.

15. Potential Agenda Items and Member Comments

- (Orabone) re Staff Recommendations (NUP w/o recommendation) – concern that City may offer NUP w/o recommendation. Gary Smith offered that would be typical.
- (Swearingen) concerned with Petco Park noise – as nearby resident would “go to “ event whether ticketed or not. Described as abuse of neighborhood. Brad commented that as Real Estate Asset it is administered by ballpark.

16. Urgent Non Agenda Items

- **(Swearingen)** Noted 2012 vote (Alvarez) to give ballpark 75% of non ball events revenue. Chair recommended agendize for October. Invite Padres rep.

Meeting Adjourned 7:55pm. Next meeting Wednesday October 16, 2019

Nicole Paré

From: Mccurry, Benjamin <bmccurry@pd.sandiego.gov>
Sent: Wednesday, August 7, 2019 7:26 AM
To: Nicole Paré
Subject: RE: SDPD Recommendations (Grocery Outlet CUP Amendment and Backyard Axe Throwing League NUP and)

Nicole:

For the following CUP amendment:

Grocery Outlet CUP Amendment 2012-08A (1002 Market Street) – this one is pretty straight forward. It's a request for an amendment to their existing CUP which allows off-site sales under a Type 20 liquor license. They want to remove the specific license type (beer and wine only) and also the expiration date.

I approve of the removal of the beer and wine only wording in the CUP for Grocery Outlet located at 1002 Market Street. I also approve of the removal of the expiration date to bring their CUP in line with current conditions for other Off-Sale establishments in the surrounding area.

Please let me know if you need anything else.

Sincerely

Ben McCurry
 Detective Sergeant
 San Diego Police Department
 Investigations I-Vice Permits & Licensing
 1401 Broadway #735
 San Diego, Ca. 92101
 Office: 619-531-2973

From: Nicole Paré [mailto:pare@civicsd.com]
Sent: Tuesday, July 23, 2019 5:25 PM
To: Mccurry, Benjamin <bmccurry@pd.sandiego.gov>
Subject: SDPD Recommendations (Grocery Outlet CUP Amendment and Backyard Axe Throwing League NUP and)

Hi Sgt. McCurry,

I hope you had a nice weekend. I'm processing two land use permits related to alcohol beverage sales that I need recommendations for. Please see attached request memos and application materials for each.

- Grocery Outlet CUP Amendment 2012-08A (1002 Market Street) – this one is pretty straight forward. It's a request for an amendment to their existing CUP which allows off-site sales under a Type 20 liquor license. They want to remove the specific license type (beer and wine only) and also the expiration date. By today's standards we typically wouldn't put a specific liquor license type in the CUP, rather we just require a valid liquor license be maintained at all times. We also don't put expiration dates anymore because we find it's difficult to track and we already have the standard condition about modifications and revocation in the event of numerous documented nuisance to the neighborhood.

- Backyard Axe Throwing League NUP 2019-17 (1601 Broadway, Suite A) – this is the application we briefly talked about last week. It's a Process Two NUP for the sale of alcoholic beverages for an axe throwing facility (entertainment/public assembly land use category). Do you know who was assigned to the ABC license? I'd like to speak to them about the application if possible.

Thank you for your assistance.

With best regards,

Nicole Paré
Assistant Planner

Civic San Diego
401 B Street, Suite 400
San Diego, CA 92101
619.533.7180
pare@civicsd.com
www.civicsd.com

Please Note: This email communication may be subject to the California Public Record Act and may be viewed by third parties upon request.