



THE CITY OF SAN DIEGO

## Report to the Hearing Officer

DATE ISSUED: January 11, 2017 REPORT NO. HO-17-001  
HEARING DATE: January 18, 2017  
SUBJECT: KEARNY MESA 76, Process Three Decision  
PROJECT NUMBER: 506397  
OWNER/APPLICANT: Aero Properties/Kearny Mesa 76 LLC.

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### SUMMARY:

Issue: Should the Hearing Officer approve a Conditional Use Permit for an alcohol beverage outlet (beer and wine only) in an existing convenience store and gas station within the Kearny Mesa Community Plan area?

Staff Recommendation: APPROVE Conditional Use Permit No. 1773724.

Community Planning Group Recommendation: On September 21, 2016, the Kearny Mesa Community Planning Group voted 11-1-1 to recommend approval of the project without recommendations (Attachment 6).

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 (existing facility). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on December 5, 2016, and the opportunity to appeal that determination ends December 19, 2016.

### BACKGROUND

The 0.52-acre project site is located at 3860 Kearny Mesa Road in the CC-1-3 zone of the Kearny Mesa Community Plan area. The site is at the northeast corner of Convoy Street and Kearny Mesa Road. The site contains an existing gas station, built in 1966, with six fuel dispensers in three canopied islands, an existing 1,311-square-foot convenience store, a 430-square-foot drive-through car wash and four parking spaces. The convenience store has an 11-door walk-in cooler and sells a variety of items including food, snacks, coffee and auto oriented supplies. The closest residential uses are located approximately five miles across Interstate 805.

The property is accessed by two existing driveways on Convoy Street and two existing driveways on Kearny Mesa Road. The area is primarily commercial in nature with various automotive and commercial businesses to the north and fast-food restaurants to the south, west and east.

## DISCUSSION

### Development Regulations and Location Criteria

The project proposes incorporating the use of an alcohol beverage outlet for a Type 20 Alcohol Beverage Control (ABC) License for the sale of beer and wine for off-site consumption within the existing 1,311-square-foot convenience store and gas station. The applicant proposes to use three of the eleven existing coolers for the display and sale of beer and wine and no expansion of any buildings are proposed.

The site is within the Community Commercial, CC-1-3 zone which allows retail sales as a permitted use. 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. These areas are developed with a mixture of uses, including automobile sales and repair centers, restaurants, fast food outlets, and furniture stores. In addition, large volume retail stores are located along these streets.

The project site is designated for general commercial land use in the Kearny Mesa Community Plan. The overriding objective for long-range general commercial development in the community is to have facilities that provide a wide range of goods and services to the community. To achieve this objective, the Community Plan promotes development of general commercial areas to provide opportunities for commercial uses that serve commuters traversing Kearny Mesa.

The proposed alcohol beverage outlet would add to the wide range of goods provided in the general area and would provide commercial services to people within industrial and commercial designated areas. The proposed project would also serve commuters traversing Kearny Mesa as the location is between two major highways, Interstate 805 and State Route 163. Therefore, the proposed use is in conformance to the general commercial land use designation within the Kearny Mesa Community Plan.

Alcohol beverage outlets are permitted by right as a Limited Use pursuant to Section 141.0502(b) of the San Diego Municipal Code (SDMC). Alcohol beverage outlets that are within a Census Tract, or within 600 feet of a Census Tract, where the ratio of alcoholic beverage outlets exceeds the standards established by the California Businesses and Professional Code Section 23958.4 may be permitted with a Conditional Use Permit pursuant to SDMC Section 141.0502(c). Currently the census tract has 28 existing alcohol licenses where one is allowed.

The Limited Use Regulations of SDMC, Section 141.0502(b)(1) does not permit alcohol beverage outlets by right (i.e. would require a Conditional Use Permit) in the following locations:

**1. Within a census tract, or within 600 feet of a Census Tract, where the general crime rate exceeds the citywide average general crime rate by more than 20 percent.**

The property is in Census Tract No. 85.11, which reported a crime rate 437.6 percent. This is considered high crime based on the statistics provided by the San Diego Police Department. A Census Tract is considered to have "high crime" if the crime rate exceeds 120 percent of the city-wide average. Therefore, a CUP is required for the off-sale of alcoholic beverages at this location based on this factor.

**2. Within a Census Tract, or within 600 feet of a Census Tract, where the ratio of alcoholic beverage outlets exceeds the standards established by the California Businesses and Professional Code Section 23958.4.**

The property is within Census Tract No. 85.11, which, based on the California Businesses and Professional Code Section 23958.4, permits a total of one off-sale alcohol beverage outlet. There are currently 28 existing off-sale alcohol beverage outlets within Census Tract 85.11 (Attachment 10) and this application would increase the number of licenses to 29. Therefore a CUP would be required for the off-sale of alcoholic beverages based on this factor.

**3. Within a Redevelopment Area.**

The project site is not within a Redevelopment Area. Therefore, a CUP would not be required for the off-sale of alcoholic beverages based on this factor.

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

The project is not 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. Therefore a CUP would not be required for the off-sale of alcoholic beverages based on this factor.

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

The project site is not within 100 feet of residentially zoned property. Therefore a CUP would not be required for the off-sale of alcoholic beverages based on this factor.

**6. Within 600 feet of a place of religious assembly.**

The project site is not known to be within 600 feet of a place of religious assembly. Therefore a CUP would not be required for the off-sale of alcoholic beverages based on this factor.

The proposed alcohol beverage outlet at this site requires a Conditional Use Permit because the project site does not meet all of the location criteria of the Municipal Code. As demonstrated above any one of these factors establishes the need for the Conditional Use Permit.

## Draft Conditions of Approval

Approval of this application would allow the sale of alcohol to be conditioned to prevent a negative impact on the surrounding neighborhood (Attachment 4). The proposed Conditional Use Permit includes a number of conditions that would limit the hours of sales, regulate the square footage of area for alcohol sales, regulate advertising, provide for a well-lighted, cleaner site and prohibit specific on-site activities to reduce the likelihood of loitering and other criminal activity on the property. The CUP includes enforceable conditions regulating the hours of alcohol beverage sales from 9:00 a.m. to 10:00 p.m. The CUP would prohibit amusement machines or video game devices on the premises. Exterior and interior public pay phones would not be permitted on the premises, on adjacent public sidewalks, or areas under the control of the owner or operator. Advertising would be limited and "No Loitering" signs would be required to be prominently displayed on the premises. Further, both staff and the San Diego Police Department concluded that if the permit were appropriately conditioned as proposed in Attachment 4, the project would not have a negative impact on the surrounding neighborhood.

## Conclusion

The project is consistent with the underlying commercial zone and the applicable land use plan and policies in affect for the site. The Development Services Department determined that the proposed project was exempt from further CEQA review as an existing facility. The project with the proposed conditions and the ABC license recommendations are supported by the San Diego Police Department. City staff and the San Diego Police Department support the request for a Conditional Use Permit for the sale of alcohol (beer and wine only) for off-site consumption.

## ALTERNATIVES:

1. Approve Conditional Use Permit No. 1773724, with modifications; or
2. Deny Conditional Use Permit No. 1773724, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



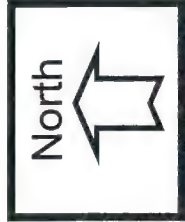
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Renee Mezo  
Development Project Manager

## Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Draft Resolution with Findings

4. Draft Permit with Conditions
5. Environmental Exemption
6. Community Planning Group Recommendation
7. Ownership Disclosure Statement
8. Project Plans
9. San Diego Police Department Recommendation
10. Liquor Licenses within Census Tract 85.11



**Aerial Photo**  
Kearney Mesa 76 / 3860 Kearney Mesa Road  
PROJECT NO. 506397





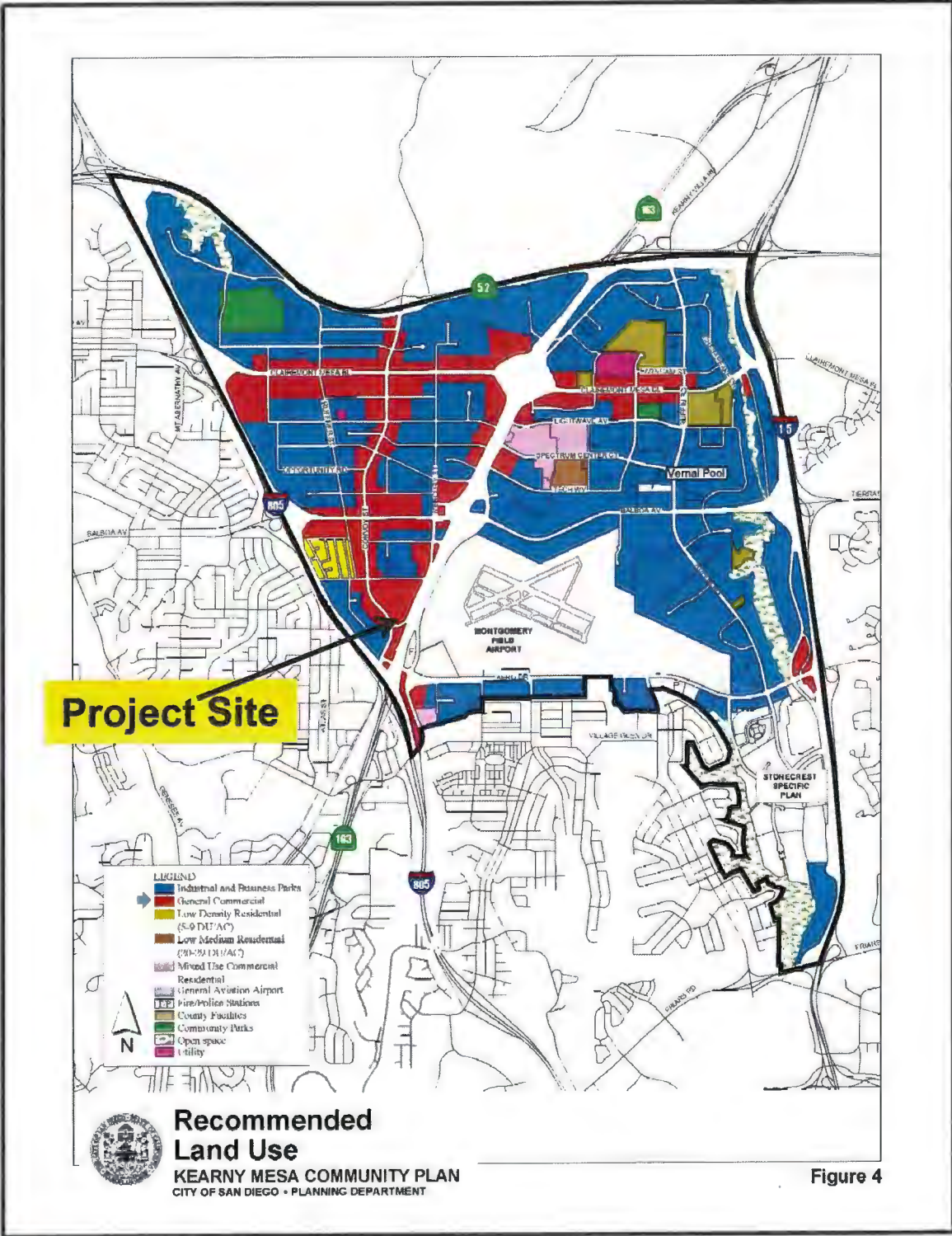


Figure 4



# Land Use Map

Kearny Mesa 76 / 3860 Kearney Mesa Road  
PROJECT NO. 506397



HEARING OFFICER RESOLUTION NO. \_\_\_\_\_  
 CONDITIONAL USE PERMIT NO. 1773724  
**KEARNY MESA 76 - PROJECT NO. 506397**  
 DRAFT

WHEREAS, Aero Properties, Owner, and Kearny Mesa 76 LLC, a California Limited Liability Corporation, Permittee, filed an application with the City of San Diego to operate an alcohol beverage outlet within an existing 1,311-square-foot convenience store conditioned upon the issuance of a license (Type 20 Off-Sales Beer and Wine for off-site consumption) from the State Department of Alcohol Beverage Control (ABC) and subject to the City of San Diego land use regulations (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1773724), on portions of a 0.52-acre site;

WHEREAS, the project site is located at 3860 Kearny Mesa Road in the CC-1-3 zone of the Kearny Mesa Community Plan area;

WHEREAS, the project site is legally described as Parcel 4, of Parcel Map No. 16592;

WHEREAS, on January 18, 2017, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1773724 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on December 5, 2016, 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 (existing facility) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520; 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 January 18, 2017.

**CONDITIONAL USE PERMIT (CUP) FINDINGS - SECTION 126.0305:**

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

The project proposes a CUP for the operation of an alcohol beverage outlet, accessory to the existing convenience store and gas station, specifically for a Type 20 license allowing for the sale of beer and wine only for off-site consumption.

The project site is designated for general commercial land use in the Kearny Mesa Community Plan. The overriding objective for long-range general commercial development in the community is to have facilities that provide a wide range of goods and services to the community. To achieve this objective, the Community Plan promotes development of general commercial areas to provide opportunities for commercial uses that serve commuters traversing Kearny Mesa.



These areas are developed with a mixture of uses, including automobile sales and repair centers, restaurants, fast food outlets, and furniture stores. In addition, large volume retail stores have located along these streets.

The proposed alcohol beverage outlet would add to the wide range of goods provided in the shopping center and would provide commercial services to people within industrial and commercially designated areas. The proposed project would also provide opportunities for commercial uses that serve commuters traversing Kearny Mesa as the location is between two major highways, Interstate 805 and State Route 163. Therefore, the proposed use will not adversely affect the Kearny Mesa Community Plan or the General Plan.

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

The project proposes a CUP for the operation of an alcohol beverage outlet accessory to the existing convenience store and gas station, specifically for a Type 20 license allowing for the sale of beer and wine only for off-site consumption. The applicant proposes to use three of the eleven existing coolers for the display and sale of beer and wine, and no expansion of any buildings is proposed.

The site is zoned CC-1-3 (Community Commercial) which allows for community-serving commercial services, retail uses, and limited industrial uses of moderate intensity. 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.

The existing convenience store is and would continue to be consistent with the recommended commercial land use and therefore, there would be no conflict with the current development pattern in the neighborhood. An environmental review was conducted by the Development Services Department and concluded the project was exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 (existing facility).

Separate from the Alcohol Beverage Control (ABC) license, the approval of this CUP allows the City to regulate and place restrictions on the convenience store which relate to the sale of alcohol. The CUP includes a number of conditions that would limit the hours of sales, regulate advertising, provide for a well-lighted, clean site and prohibit specific on-site activities with the objective of reducing the likelihood of loitering and other criminal activity on the property, thereby protecting public health and safety. Additionally, the CUP includes conditions regulating the type, size and quantities of the beverages. The CUP conditions would limit the hours of alcohol beverage sales from 9:00 a.m. to 10:00 p.m. The CUP would prohibit amusement machines or video game devices on the premises. Exterior and interior public pay phones would not be permitted on the premises, on adjacent public sidewalks, or areas under the control of the owner or operator. Advertising would be limited and "No Loitering" signs would be required to be prominently displayed on the premises.

Further, both staff and the San Diego Police Department concluded that if the permit were appropriately conditioned, the proposed alcohol sales would not have a negative impact on the surrounding neighborhood. Therefore, with the proposed conditions regulating the sale of alcoholic beverages, the proposed development would not be detrimental to the public health, safety or 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.**

The site is zoned CC-1-3 (Community Commercial) which allows for community-serving commercial services, retail uses, and limited industrial uses of moderate intensity. 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.

Alcohol sales are an allowed use with a Conditional Use Permit pursuant to San Diego Municipal Code Section 141.0502 and the project complies with the applicable regulations of the Land Development Code including the use of the convenience store and floor area ratio. No deviations are requested.

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

The project proposes a CUP for the operation of an alcohol beverage outlet accessory to the existing convenience store and gas station, specifically for a Type 20 license allowing for the sale of beer and wine only for off-site consumption.

The 0.52-acre project site is located at 3860 Kearny Mesa Road in the CC-1-3 zone of the Kearny Mesa Community Plan Area. The site is at the northeast corner of Convoy Street and Kearny Mesa Road. The site contains an existing gas station, built in 1966, with six fuel dispensers in three canopies islands, an existing 1,311-square-foot convenience store, a 430-square-foot drive-thru car wash and four parking spaces. The existing convenience store has an 11-door walk-in cooler and sells a variety of items including food, snacks, coffee and auto orientated supplies. The applicant proposes to use three of the eleven existing coolers for the display and sale of beer and wine and no expansion of any buildings are proposed.

To the north there are various automotive commercial businesses and a variety of fast-food restaurants to the south, west and east. The closest residential uses are approximately five miles across Interstate 805. The property is accessed by two existing driveways on Convoy Street and two existing driveways on Kearny Mesa Road which allows ample access for automobiles. Therefore, the proposed use to sell beer and wine within an existing convenience store is appropriate at the proposed location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 1773724 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. 1773724, a copy of which is attached hereto and made a part hereof.

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Renee Mezo  
Development Project Manager

Adopted on: January 18, 2017

IO#: 24006913

**RECORDING REQUESTED BY**  
 CITY OF SAN DIEGO  
 DEVELOPMENT SERVICES  
 PERMIT INTAKE, MAIL STATION  
 501

**PROJECT MANAGEMENT**  
**PERMIT CLERK**  
**MAIL STATION 501**

INTERNAL ORDER NUMBER: 24006913

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 1773724  
**KEARNY MESA 76 - PROJECT NO. 506397**  
 HEARING OFFICER  
 DRAFT

This Conditional Use Permit No. 1773724 is granted by the Hearing Officer of the City of San Diego to Aero Properties, Owner, and Kearny Mesa 76 LLC, a California Limited Liability Corporation, Permittee, pursuant to San Diego Municipal Code [SDMC] section 141.0502. The 0.52-acre project site is located at 3860 Kearny Mesa Road in the CC-1-3 zone of the Kearny Mesa Community Plan area. The project site is legally described as: Parcel 4, of Parcel Map No. 16592.

Subject to the terms and conditions set forth in this Permit, permission is granted to the Owner and Permittee to operate an alcohol beverage outlet conditioned upon the issuance of a license from the State Department of Alcohol Beverage Control (ABC) and subject to the City's land use regulations, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated January 18, 2017, on file in the Development Services Department.

The project shall include:

- a. The operation of an alcohol beverage outlet within an existing 1,311-square-foot convenience store pending the issuance of a license (Type 20 Off-Sales Beer and Wine for off-site consumption) from the State Department of Alcohol Beverage Control;
- b. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has

been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by February 1, 2020.

2. The utilization of this CUP is contingent upon a license to sell alcohol at this location by the California Department of Alcohol Beverage Control [ABC]. The issuance of this CUP does not guarantee that the ABC will grant an alcohol beverage license for this location.

3. 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.

4. 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.

5. 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.

6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

7. 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.).

8. 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.

9. 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.

10. 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.

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

**ENGINEERING REQUIREMENTS:**

12. Prior to the issuance of any construction permit, the Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

13. Prior to the issuance of any construction permit, the Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

14. Within 60 calendar days of approval of this Permit, the applicant shall reconstruct the northernmost driveway on Convoy Street to a 30-foot wide current City Standard commercial concrete driveway, adjacent to the site, to the satisfaction of the City Engineer.

**PLANNING/DESIGN REQUIREMENTS:**

15. All signs shall be consistent with sign criteria established by the City-wide sign regulations.
16. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.
17. Pool or billiard tables, foosball or pinball games, arcade style video and electronic games, or coin-operated amusement devices are not permitted on the premises at any time.
18. Exterior public pay phones that permit incoming calls are not permitted on the premises, adjacent public sidewalks, or areas under the control of the owner or operator.

**POLICE DEPARTMENT REQUIREMENTS:**

19. Sales and service of alcoholic beverages shall be permitted only between the hours of 9:00 AM and 10:00 PM each day of the week.
20. Beer, malt beverages and wine coolers in containers of 16-ounce or less cannot be sold in single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.
21. Wine shall not be sold in bottles smaller than 750 ml. and wine coolers or beer coolers must be sold in manufacturer pre-packaged multi-unit quantities.
22. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the license shall be removed or painted over within 48 hours of being applied.
23. The applicant shall post and maintain a professional quality sign facing the premises parking lot that reads: NO LOITERING, NO LITTERING, NO DRINKING OF ALCOHOLIC BEVERAGES. 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. Windows shall not be covered to provide law enforcement a clear view inside the premises.
24. No loitering shall be allowed on the premises. If it is necessary, a licensed security guard shall be present to control enforcement of this provision. Cameras shall cover both interior and exterior of the property.
25. There shall be no exterior advertising or sign of any kind, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages which are clearly visible from the exterior shall constitute a violation of these conditions.



**POLICE DEPARTMENT RECOMMENDATIONS FOR ABC LICENSE:**

- Wine shall not be sold in containers of less than 750 ml. with the exception of wine coolers sold in four-pack containers or more per sale.
- Malt beverages shall not be sold in less than-six-pack containers per sale.
- Wine shall not be sold with an alcohol content greater than 15 percent by volume.

**INFORMATION ONLY:**

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

APPROVED by the Hearing Officer of the City of San Diego on January 18, 2017 and Resolution No. XXXX.

## NOTICE OF EXEMPTION

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

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

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

**Project Name:** Kearny Mesa 76

**Project No. / SCH No.:** 506397

**Project Location-Specific:** 3860 Kearny Mesa Road, San Diego, CA 92111

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

**Description of nature and purpose of the Project:** The project proposes a Conditional Use Permit (CUP) for a Type 20 Alcohol Beverage Control (ABC) License for the sale of beer and wine for off-site consumption at an existing 1,311-square-foot convenience store with service/gas station. No expansion of any buildings is proposed. The project site is located at 3860 Kearny Mesa Road, in the CC-1-3 zone within the Kearny Mesa Community Plan Area.

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

**Name of Person or Agency Carrying Out Project:** Steve Laub, 7593 El Paso St., La Mesa, CA 91942; 619-644-3300

Exempt Status: (CHECK ONE)

- ( ) Ministerial (Sec. 21080(b)(1); 15268);  
( ) Declared Emergency (Sec. 21080(b)(3); 15269(a));  
( ) Emergency Project (Sec. 21080(b)(4); 15269 (b)(c))  
(  ) Categorical Exemption: 15301  
( ) Statutory Exemptions:

Reasons why project is exempt: This Class 1 exemption allows for the minor alteration of private structures or facilities that involve negligible expansion of use. None of the exceptions listed in CEQA Guidelines Section 15003.2 apply.

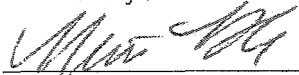
Lead Agency Contact Person: M. Blake

Telephone: (619) 446-5375

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/Senior Planner

12/20/16

Date

Check One:

(X) Signed By Lead Agency

( ) Signed by Applicant

Date Received for Filing with County Clerk or OPR:

Minutes of the Monthly Meeting of the  
Kearny Mesa Planning Group  
Sept 21, 2016  
Serra Mesa/Kearny Mesa Library  
9005 Aero Drive, San Diego, CA 92123

Planning Group Members in Attendance: John Turpit, Mark Stevens, Ed Quin, Richard Vernan, Mark Olsson, Peter Fayette, Buzz Gibbs, Todd Majcher, Brian Gates, Kate Phin, Ray Richmond, Paul Young, Allen Chan

Community Members in Attendance: Jeanne Krosch, Jackie Ander, Cindy Moore, Wayne Cox, Erika Saari, Ben Justes, Jesses Gipe, Mike Hunton, Steve Laub, Elizabeth Dickson, Mark Smith, Chris Cate, Dlom young, Pung wang,

The Meeting was brought to order at 12:05 PM by Buzz Gibs, vice chair of the Kearny-Mesa Planning Group. Copies of the Minutes of the Aug 17th meeting were distributed and discussed. After the members reviewed the minutes, Jeff asked for any changes or corrections. There were none and the minutes were approved 13-0-0.

**Public comments:**

Friends of the library is looking for donations for a new projector.

**Agenda Items:**

**Elections of the KMPG Officers:**

- Chair Jeff Sallen
- Vice Chair: Buzz Gibbs
- Secretary: Kate Phin

Approved 12-0-0

**4. KM Community Plan Update:**

Kicking off outreach next month, subcommittee 7 reps max (voted in). If more than 7 there will be a lottery to determine who will be on the committee.

Meetings will be specific to a topic, and meet every other month for 1 year.

Working on a website, but 1 month behind.

**5. Zip Car:**

General information on the program. Asking if KM thinks this would be a good idea for our area, and to talk to specific businesses about this. Costs: \$35 for a membership and \$8.75/hour, or \$69/day. ([bjustus@zipcar.com](mailto:bjustus@zipcar.com) for more information)

Mark Olsen from See-Scan wants to install fiber cabling between 2 buildings with in their property. This will cross link they systems and is a private utility. Approved 12-0-0

**7. Project #506397 (Beer and wine sale at KM 76 Station)**

11-approved, 1-observation, 1-opposed

**8. Vernal Pools Habitat project**

Jenne Krosch from the City [jkrosch@sandiego.gov](mailto:jkrosch@sandiego.gov)- no planned changes to KM areas

Complaints about the vernal pools maps:

MHPA lines/boundary are unusable, very difficult to see

City: This can be corrected during the KMP update

**Allen Young (Councilman Cate's Office):**

- Wants people to start thinking about what items you may want to get funded next FY (July 2017)
- He needs input from the community.
- Email or call him 619-236-6616, or submit something on the website

Buzz concluded the meeting at 12:55 pm.



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

# Ownership Disclosure Statement

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: Kearny Mesa 76 Project No. For City Use Only: \_\_\_\_\_

Project Address:  
3860 Kearny Mesa Road

**Part I - To be completed when property is held by individual(s)**

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, 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) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, 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). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. 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.

Additional pages attached  Yes  No

Name of Individual (type or print): \_\_\_\_\_  
 Owner  Tenant/Lessee  Redevelopment Agency  
 Street Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_  
 Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Individual (type or print): \_\_\_\_\_  
 Owner  Tenant/Lessee  Redevelopment Agency  
 Street Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_  
 Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Individual (type or print): \_\_\_\_\_  
 Owner  Tenant/Lessee  Redevelopment Agency  
 Street Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_  
 Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Individual (type or print): \_\_\_\_\_  
 Owner  Tenant/Lessee  Redevelopment Agency  
 Street Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_  
 Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Project Title: Kearny Mesa 76	Project No. (For City Use Only) <b>506397</b>
----------------------------------	--

**Part II - To be completed when property is held by a corporation or partnership**

**Legal Status (please check):**

Corporation  Limited Liability -or-  General) What State? \_\_\_\_\_ Corporate Identification No. \_\_\_\_\_  
 Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, 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 names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. 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. Additional pages attached  Yes  No

Corporate/Partnership Name (type or print):  
Kearny Mesa 76 LLC

Owner  Tenant/Lessee

Street Address:  
427 El Sueno

City/State/Zip:  
Solana Beach, CA 92075

Phone No: 858-395-8546 Fax No:

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

Title (type or print):  
Manager

Signature : \_\_\_\_\_ Date: \_\_\_\_\_

Corporate/Partnership Name (type or print):  
Northwest DealerCo Holdings, LLC

Owner  Tenant/Lessee

Street Address:  
29501 Canwood St., Suite 200

City/State/Zip:  
Agoura Hills, CA 91301

Phone No: (818) 206-5700 Fax No: (818) 206-5715

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

Title (type or print):  
President

Signature : \_\_\_\_\_ Date: \_\_\_\_\_

Corporate/Partnership Name (type or print):  
Mark Conger - Manager of Kearny Mesa 76 LLC

Owner  Tenant/Lessee

Street Address:  
427 El Sueno

City/State/Zip:  
Solana Beach CA 92075

Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

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

Title (type or print):

Signature : \_\_\_\_\_ Date: \_\_\_\_\_

Corporate/Partnership Name (type or print):  
AERO PROPERTIES

Owner  Tenant/Lessee

Street Address:  
PO Box 420950

City/State/Zip:  
SAN DIEGO CA 92142

Phone No: 619-469-3600 Fax No:

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

Title (type or print):  
GENERAL Partner

Signature : \_\_\_\_\_ Date: 7/22/16

Corporate/Partnership Name (type or print):  
Becky Conger - Manager of Kearny Mesa 76 LLC

Owner  Tenant/Lessee

Street Address:  
427 El Sueno

City/State/Zip:  
Solana Beach CA 92075

Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

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

Title (type or print):

Signature : \_\_\_\_\_ Date: \_\_\_\_\_

Corporate/Partnership Name (type or print):

Owner  Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

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

Title (type or print):

Signature : \_\_\_\_\_ Date: \_\_\_\_\_



# KEARNY MESA 76



**CONDITIONAL USE PERMIT  
FOR ALCOHOLIC BEVERAGE OUTLET  
FOR OFF-SALE OF BEER & WINE**  
3860 KEARNY MESA RD.  
SAN DIEGO, CA. 92111

**HAGMAN & ASSOCIATES**  
ARCHITECTURE & PLANNING  
1916 W. REDWOOD ST.  
SAN DIEGO, CA. 92101  
(619) 298-8058



**KEARNY MESA 76**  
REQUEST FOR OFF-SALE  
OF BEER AND WINE  
3860 KEARNY MESA RD. SAN DIEGO, CA. 92111



Date \_\_\_\_\_  
Scale \_\_\_\_\_  
Drawn \_\_\_\_\_  
Jtb \_\_\_\_\_

**TS**

**PROJECT'S PUBLIC UTILITIES**

WATER & SEWER CITY OF SAN DIEGO WATER DEPT.  
SAN DIEGO, CA. 92187  
(619) 515-3500

GAS AND ELECTRIC SAN DIEGO GAS & ELECTRIC  
(800) 227-2600

TELEPHONE A T & T  
(800) 750-2355

CABLE COX COMMUNICATION CENTER  
(800)

**PROJECT DIRECTORY**

ARCHITECT: HAGMAN & ASSOCIATES  
1516 W. REDWOOD ST. # 205  
SAN DIEGO, CA. 92101  
TEL: 619-298-8058  
CONTACT: PARIS HAGMAN, ARCHITECT

PLANNING CONSULTANT: STEVE LAUB  
LAND SOLUTIONS, INC.  
7593 EL PASO ST.  
LA MESA, CA 91942  
619-644-3300  
SLAUB@LANDSOLUTIONSINC.NET

**PROJECT DATA**

PROJECT NAME: KEARNY MESA 76

PROJECT ADDRESS: 3860 KEARNY MESA RD.  
SAN DIEGO, CA. 92111

OWNER'S NAME: KEARNY MESA 76, LLC  
427 EL SEND  
SOLANA BEACH CA 92075

ARCHITECT: HAGMAN & ASSOCIATES  
1516 W. REDWOOD ST. SUITE 205  
SAN DIEGO, CA. 92101  
(619) 298-8058 PHONE, (619) 298-2594 FAX  
PARISHAG@PACBELL.NET

ASSESSOR'S PARCEL NO. 356-362-30

LEGAL DESCRIPTION: PAR 4, MAP PM 16592.

EXISTING USE: GAS STATION, C-STORE, & CAR WASH

PROPOSED USE: GAS STATION, C-STORE W. BEER & WINE, & CAR WASH

OCCUPANCY TYPE: GAS STATION 5-1/2 M  
C-STORE M  
CAR WASH B

OCCUPANCY LOAD: 28

CONSTRUCTION TYPE: V-B

YEAR CONSTRUCTED: 1966

HOURS OF BEER & WINE SALE: 9:00 A.M. TO 10:00 P.M.

ZONING: CC-1-B

OVERLAY ZONES: AIRPORT INFLUENCE AREA - MCAS  
MIRAMAR, MONTGOMERY FIELD

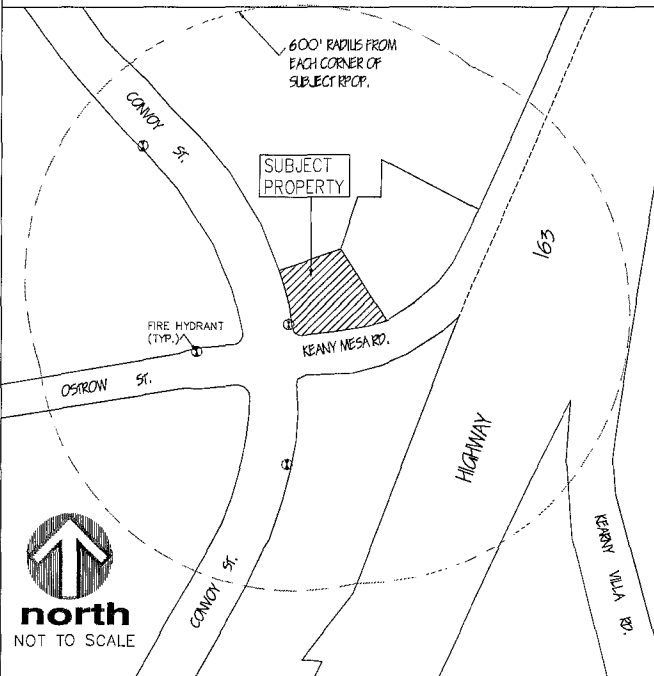
AREAS:  
LOT AREA: PARCEL 1 (SUBJECT PROPERTY) 29,000 SF (APPROX.)  
PARCEL 2 (NOT A PART) 69,500 SF (APPROX.)

**SCOPE OF WORK**

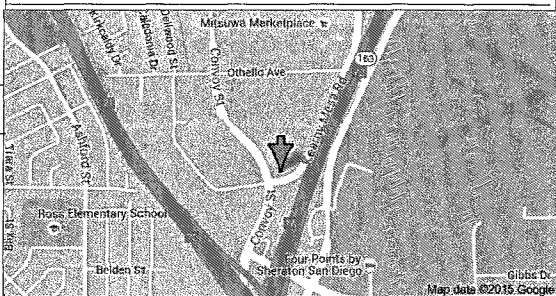
CONDITIONAL USE PERMIT FOR THE PROVISION FOR AN ALCOHOLIC BEVERAGE OUTLET FOR OFF-SALE OF BEER AND WINE IN AN EXISTING CONVENIENCE STORE.

NO NEW OTHER WORK IS PROPOSED.

**FIRE HYDRANTS WITHIN 600' RADIUS**



**VICINITY MAP**



**OCCUPANCY AREA CALCULATION**

USE	AREA (SF)	OLF	OCCUPANT LOAD
SALES AREA	683 SF	30	23
SUPPORT AREA	448 SF	200	3
CAR WASH	430 SF	200	2
<b>TOTAL OCCUPANT LOAD</b>			<b>28.0</b>

FLOOR AREAS - NO CHANGE IS PROPOSED  
C-STORE FLOOR AREA 1211 SF GROSS  
CAR WASH BAY 450 SF GROSS  
TOTAL GROSS AREA 1,741 SF GROSS

TRANSIT STOPS: THERE ARE NO ADJACENT TRANSIT STOPS

PARKING: (4) PARKING SPALLS EXISTING PER ORIGINAL 1966 BUILDING PERMIT

F.A.R. NO CHANGE PROPOSED

LOT COVERAGE: NO CHANGE PROPOSED

MAX. HEIGHT: NO CHANGE PROPOSED

**SHEET INDEX**

- TS TITLE SHEET
- A1 EXISTING PARCEL 1 & 2 SITE PLAN
- A2 EXISTING PARCEL 1 SITE PLAN
- A3 EXISTING FLOOR PLAN
- A4 EXISTING BUILDING ELEVATIONS

**TITLE BLOCK**

**REQUEST:**  
A NEW CONDITIONAL USE PERMIT FOR AN ALCOHOLIC BEVERAGE OUTLET FOR OFF-SALE OF BEER & WINE

**TITLE SHEET**

ORIGINAL APPLICATION DATE: \_\_\_\_\_  
CYCLE 1 REVISION DATE: \_\_\_\_\_  
CYCLE 2 REVISION DATE: \_\_\_\_\_

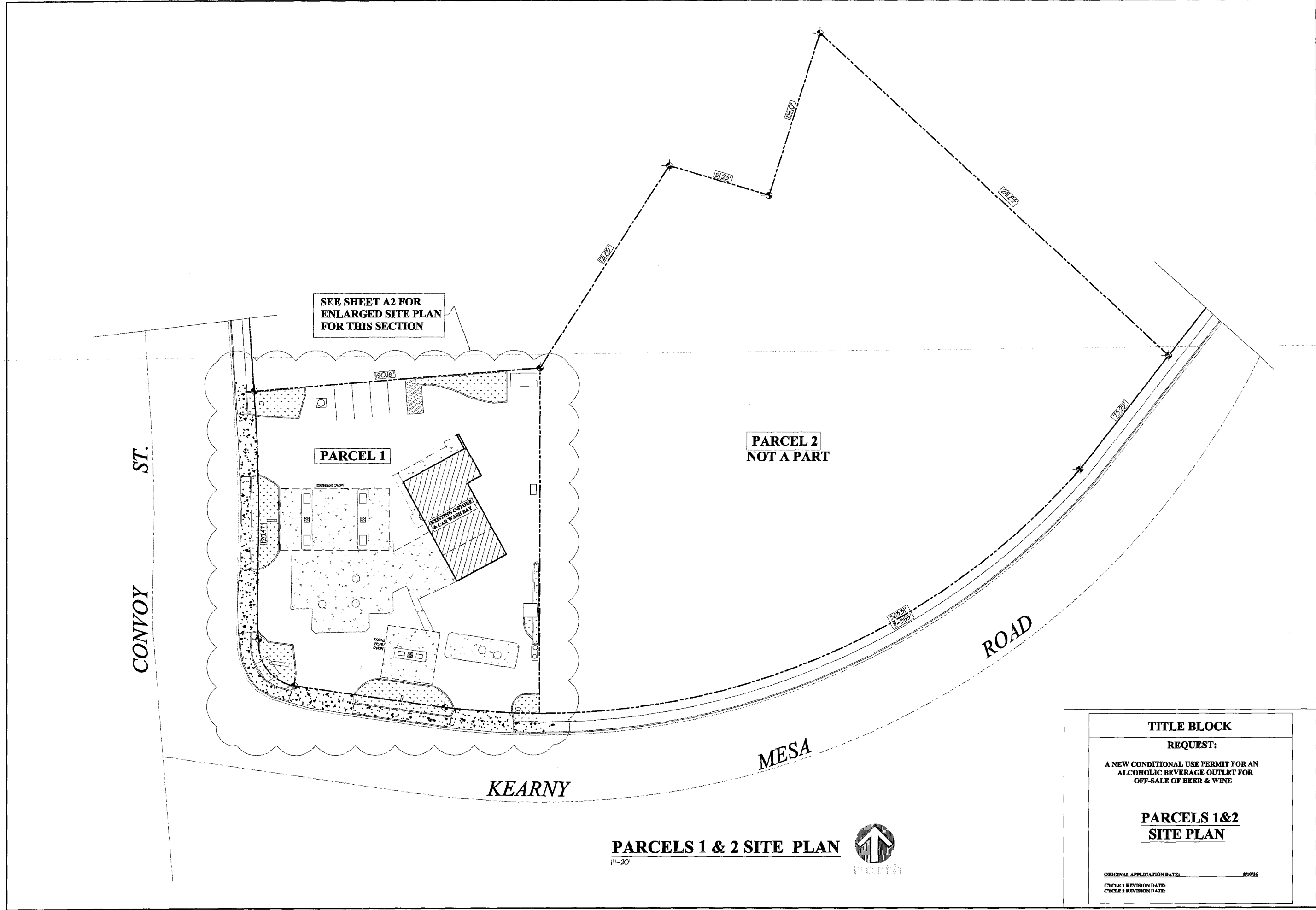
**HAGMAN & ASSOCIATES**  
ARCHITECTURE & PLANNING  
1916 W. Belmont St. San Diego, Ca. 92101  
(619) 298-8068

**KEARNY MESA 76**  
REQUEST FOR OFF-SALE  
OF BEER AND WINE  
3860 KEARNY MESA RD. SAN DIEGO, CA. 92111



Date  
Scale  
Drawn  
Job

**A1**



**TITLE BLOCK**

**REQUEST:**  
A NEW CONDITIONAL USE PERMIT FOR AN ALCOHOLIC BEVERAGE OUTLET FOR OFF-SALE OF BEER & WINE

**PARCELS 1&2**  
**SITE PLAN**

ORIGINAL APPLICATION DATE: 8/19/16

CYCLE 1 REVISION DATE:  
CYCLE 2 REVISION DATE:

BY \_\_\_\_\_

**HAGMAN & ASSOCIATES**  
ARCHITECTURE & PLANNING  
1616 W. Richard St., San Diego, CA 92101  
(619) 298-6958

---

**KEARNY MESA 76**  
REQUEST FOR OFF-SALE  
OF BEER AND WINE  
3860 KEARNY MESA RD., SAN DIEGO, CA. 92111

---

Date \_\_\_\_\_  
Scale \_\_\_\_\_  
Drawn \_\_\_\_\_  
Job \_\_\_\_\_

**A2**

**SITE PLAN NOTES**

01.0001WA 1 06/11/2016 11:51:11 Temp: 4854282808.dwg

**GENERAL CONDITIONS**

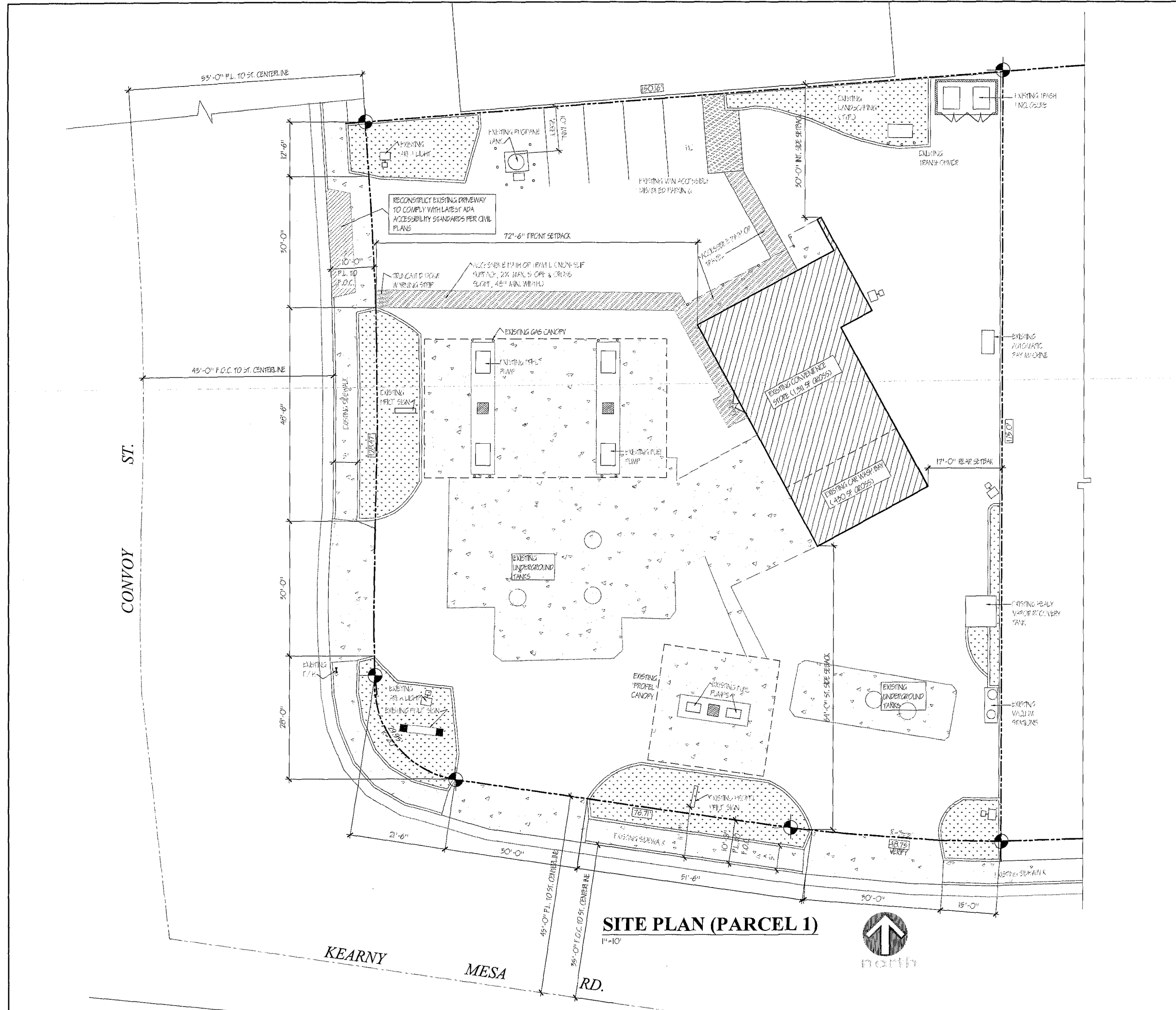
1. POOL/BILLIARD TABLES, FOOTBALL, PINBALL GAMES, ARCADE STYLE VIDEO AND ELECTRONIC GAMES, OR COIN-OPERATED AMUSEMENT DEVICES ARE NOT PERMITTED ON THE PREMISES WITH AN ALCOHOLIC BEVERAGE OUTLET.
2. EXTERIOR PAY PHONES THAT PERMIT INCOMING CALLS ARE NOT PERMITTED ON THE PREMISES, ADJACENT PUBLIC SIDEWALKS, OR AREAS UNDER THE CONTROL OF THE OWNER OR OPERATOR OF AN ALCOHOLIC BEVERAGE OUTLET.
3. THE OWNER OR OPERATOR SHALL PROVIDE ILLUMINATION, AT A MINIMUM LEVEL OF 0.4 FOOT CANDLES PER SQUARE FOOT, ON THE EXTERIOR OF THE ALCOHOLIC BEVERAGE OUTLET, INCLUDING THE ADJACENT SIDEWALKS AND AREAS UNDER CONTROL OF THE OWNER OR OPERATOR. THE ILLUMINATION SHALL BE IN OPERATION DURING ALL HOURS OF DARKNESS WHILE THE OUTLET IS OPEN FOR BUSINESS SO THAT PERSONS STANDING SQUARED ILLUMINATION SHALL BE SHIELDED AND DIRECTED SO THAT IT DOES NOT SHINE ON ADJACENT PROPERTIES.
4. THE SIGN AREA PERTAINING TO OR REFERENCING ALCOHOL SALES OR BEVERAGES SHALL NOT EXCEED 650 SQUARE INCHES.
5. A MAXIMUM OF 35% OF THE SQUARE FOOTAGE OF THE WINDOWS AND DOORS OF THE PREMISES MAY BEAR ADVERTISING OR SIGNS OF ANY SORT, AND 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.
6. THE OWNER OR OPERATOR OF THE ALCOHOLIC BEVERAGE OUTLET SHALL POST A PROMINENT, PERMANENT SIGN STATING "NO LOITERING, CONSUMPTION OF ALCOHOLIC BEVERAGES, OR OPEN ALCOHOLIC CONTAINERS ARE ALLOWED INSIDE THE PREMISES, IN THE PARKING LOT AREA, OR ON THE PUBLIC SIDEWALKS ADJACENT TO THE PREMISES."
7. THE OWNER OR OPERATOR SHALL POST A BUSINESS ADDRESS AND TELEPHONE NUMBER IN THE PACIFIC BELL / SAN DIEGO TELEPHONE DIRECTORY OR OTHER SIMILARLY DISTRIBUTED DIRECTORY.
8. THE OWNER OR OPERATOR SHALL PROVIDE TRASH RECEPTACLES, CONVENIENTLY LOCATED FOR USE BY PATRONS, INSIDE AND OUTSIDE THE ALCOHOLIC BEVERAGE OUTLET, INCLUDING ADJACENT SIDEWALKS AND AREAS UNDER THE CONTROL OF THE OWNER OR OPERATOR. AT LEAST ONE 15-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 OR OPERATOR.
9. THE OWNER OR OPERATOR SHALL MAINTAIN THE PREMISES, ADJACENT PUBLIC SIDEWALKS, AND AREAS UNDER CONTROL OF THE OWNER OR OPERATOR, FREE OF LITTER AND GRAFFITI AT ALL TIMES. THE OWNER OR OPERATOR SHALL PROVIDE FOR DAILY REMOVAL OF TRASH, LITTER, AND DEBRIS. THE OWNER OR OPERATOR SHALL ELIMINATE GRAFFITI WITHIN 48 HOURS OF APPLICATION.
10. OFF-STREET PARKING SHALL BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS FOR RETAIL SALES LISTS IN TABLE 142.0305.
11. THE OWNER OR OPERATOR 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.

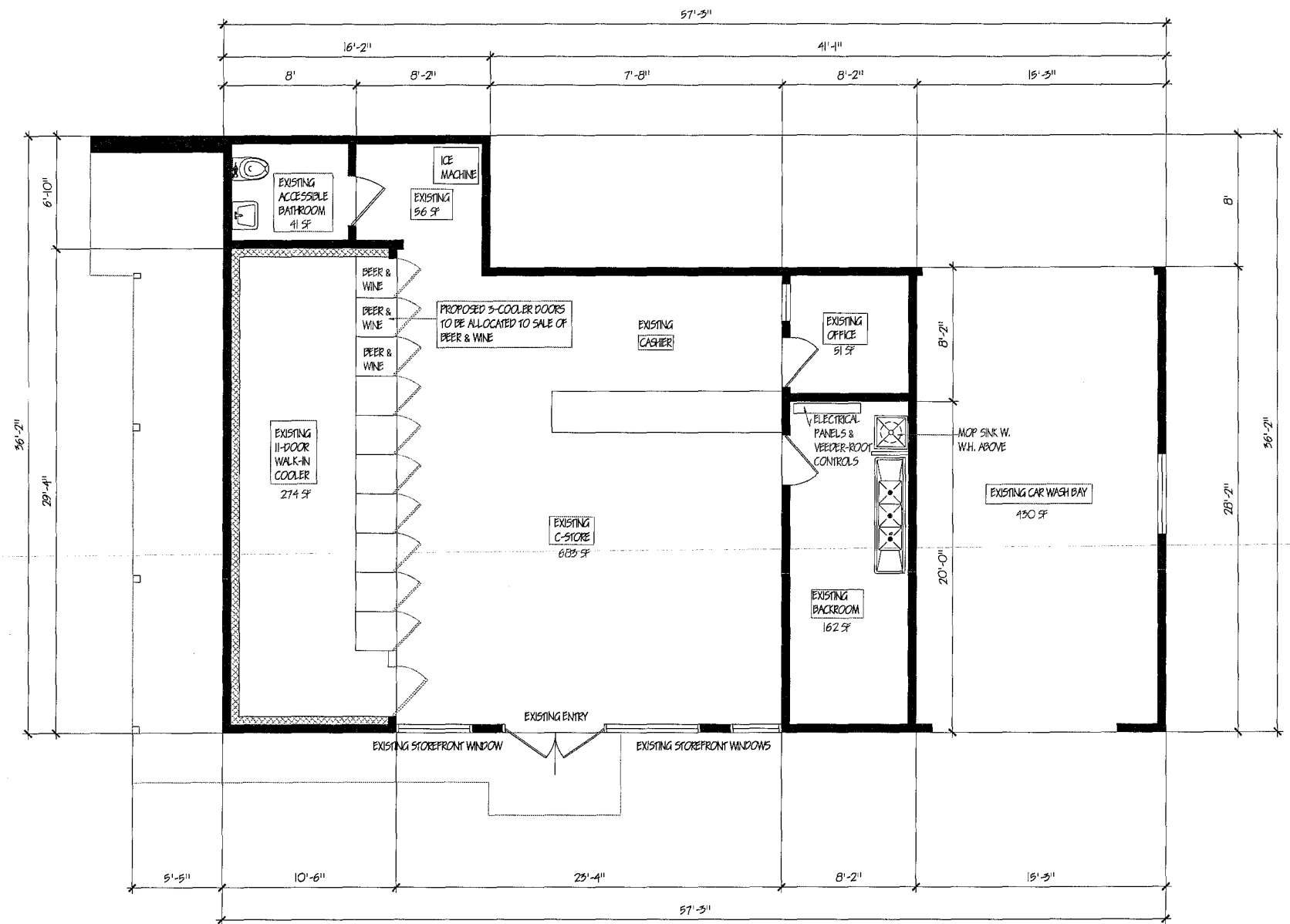
**TITLE BLOCK**

**REQUEST:**  
A NEW CONDITIONAL USE PERMIT FOR AN  
ALCOHOLIC BEVERAGE OUTLET FOR  
OFF-SALE OF BEER & WINE

**SITE PLAN (PARCEL 1)**

ORIGINAL APPLICATION DATE: 8/10/16  
CYCLE 1 REVISION DATE:  
CYCLE 2 REVISION DATE:





**FLOOR PLAN**  
1/4"=1'-0"



NOTE:  
ALL DIMENSIONS SHOWN ARE EXISTING AND  
MUST BE FIELD VERIFIED PRIOR TO USE.

**TITLE BLOCK**

**REQUEST:**

A NEW CONDITIONAL USE PERMIT FOR AN  
ALCOHOLIC BEVERAGE OUTLET FOR  
OFF-SALE OF BEER & WINE

**FLOOR PLAN**

ORIGINAL APPLICATION DATE: 8/19/16  
CYCLE 1 REVISION DATE:  
CYCLE 2 REVISION DATE:

**HAGMAN & ASSOCIATES**  
ARCHITECTURE & PLANNING  
198 W. 1st St., Ste. 200, La Jolla, CA 92031  
(619) 295-8056

**KEARNY MESA 76**  
REQUEST FOR OFF-SALE  
OF BEER AND WINE  
3860 KEARNY MESA RD., SAN DIEGO, CA. 92111



Date  
Scale  
Drawn  
Job

**A3**



**EXISTING SOUTH ELEVATION**



**EXISTING FRONT (WEST) ELEVATION**



**EXISTING EAST ELEVATION**



**EXISTING NORTH ELEVATION**

**HAGMAN & ASSOCIATES**  
ARCHITECTURE & PLANNING  
1916 W. 14th St., San Diego, CA 92101  
(619) 295-0098

**KEARNY MESA 76**  
REQUEST FOR OFF-SALE  
OF BEER AND WINE  
3860 KEARNY MESA RD., SAN DIEGO, CA. 92111

**TITLE BLOCK**  
**REQUEST:**  
A NEW CONDITIONAL USE PERMIT FOR AN  
ALCOHOLIC BEVERAGE OUTLET FOR  
OFF-SALE OF BEER & WINE  
  
**EXISTING BUILDING**  
**ELEVATIONS**  
  
ORIGINAL APPLICATION DATE: 8/10/16  
CYCLE 1 REVISION DATE:  
CYCLE 2 REVISION DATE:



Date  
Scale  
Drawn  
Job

**A4**

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

PREMISE ADDRESS: 3860 Kearney Mesa Blvd #3888

TYPE OF BUSINESS: Kearney Mesa Riviera 76 (Type-20 Off-Sales Beer and Wine License )

FEDERAL CENSUS TRACT: 85.11

NUMBER OF ALCOHOL LICENSES ALLOWED: 1

NUMBER OF ALCOHOL LICENSES EXISTING: 28

CRIME RATE IN THIS CENSUS TRACT: 437.6%  
(Note: Considered High Crime If Exceeds 120% of City-wide Average)

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

IS THE PREMISE WITHIN 600 FEET OF INCOMPATIBLE FACILITY  YES  NO

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

ABC LICENSE REVOKED AT THIS PREMISE WITHIN PAST YEAR  YES  NO

HAS APPLICANT BEEN CONVICTED OF ANY FELONY  YES  NO

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

COMMENTS/OTHER FACTORS CONSIDERED: The crime rate for census tract 85.11 is 437.6%. A crime rate above 120% is considered high. The concentration level for On-sale licenses are Twenty eight (28) licenses in a census tract that allows One (1) license. This shows the area is over concentrated with off sale licenses. The Police Department denied a Public Convenience and Necessity determination that was over-turned in a hearing concerning this proposed Type-20 license. The Police had concerns due to the high crime rate and the 81 (259%) alcohol arrests in census tract 85.11

SUGGESTED CONDITIONS: The San Diego Police Department agrees to the issuance of this license as long as the following conditions are included in the Alcoholic Beverage Control License:

1. Sales and service of alcoholic beverages shall be permitted only between the hours of 09:00 AM and 10:00 PM each day of the week.
2. Wine shall not be sold in bottles or containers smaller than 750 ml.
3. The sales of beer or malt beverages in quantities of quarts or 40 oz., or similar size containers are prohibited.
4. No wine shall be sold with an alcohol content of greater than 15% by volume except for "Dinner Wines".



5. The petitioner(s) shall post and maintain a professional quality sign facing on the front of the premises that reads as the following: NO LOITERING, NO LITTERING, NO DRINKING OF ALCOHOLIC BEVERAGES. VIOLATORS ARE SUBJECT TO ARREST. The sign shall be at least two feet square with two inch block lettering. The sign shall be in English and Spanish.

6. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the licensee(s) shall be removed or painted over within 48 hours of being applied.

7. Beer, malt beverages or wine cooler products, regardless of container size, must be sold in manufacturer pre-packaged multi-unit quantities.

8. No loitering shall be allowed on the premises. If it necessary, a licensed security guard shall be present to control enforcement of this provision. Cameras should cover both interior and exterior of the property.

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

10. There shall be no amusement machines or video game devices on the premises at any time.

11. Windows shall not be covered to provide law enforcement a clear view inside the premises

SAN DIEGO POLICE DEPARTMENT RECOMMENDATION:

APPROVE

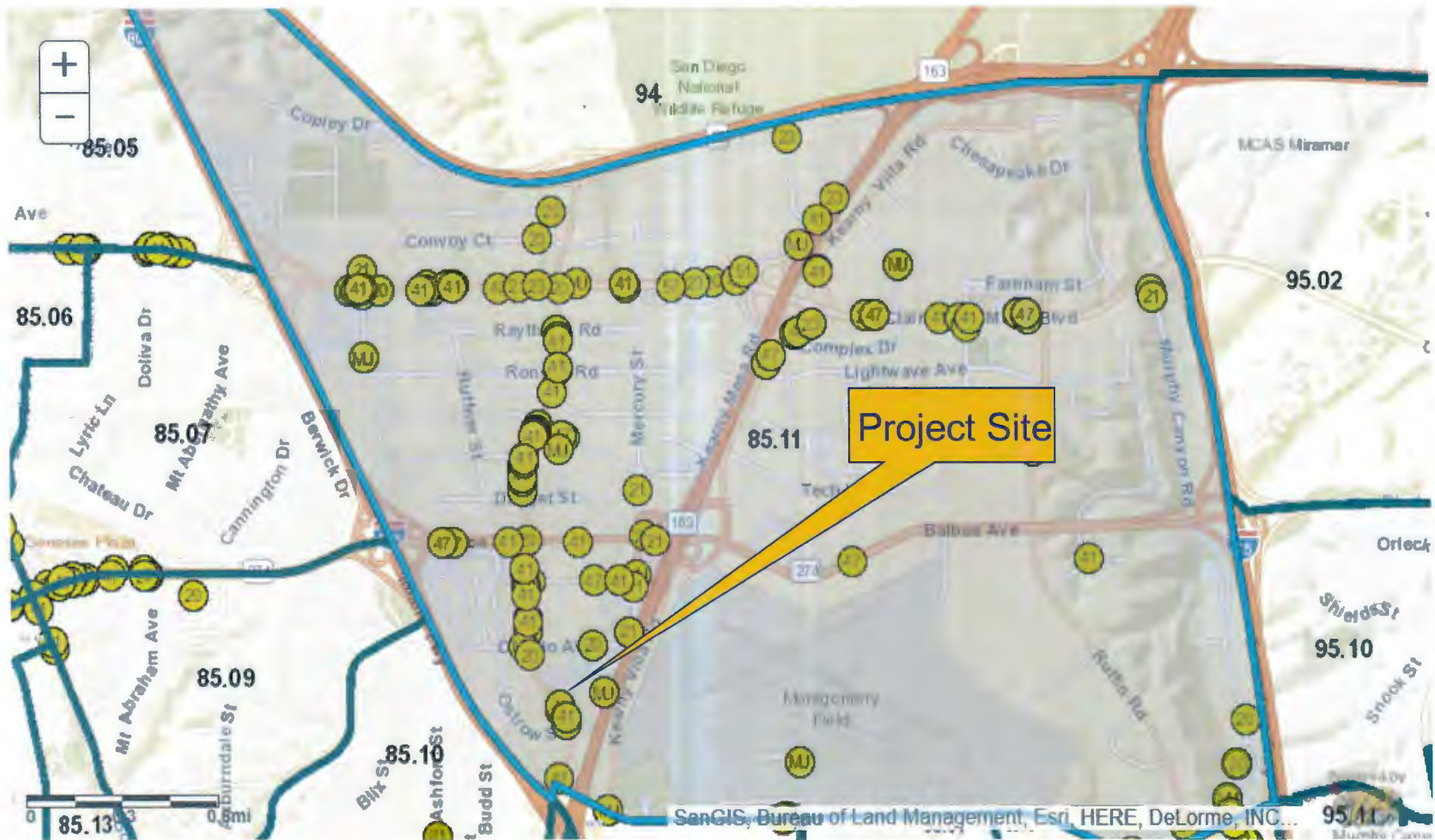
DENY

ROBERT STINSON  
Name of SDPD Vice Sergeant (Print)

619-531-2282  
Telephone Number

[Signature]  
Signature of SDPD Vice Sergeant

09-12-16  
Date of Review



## Liquor Licenses within Census Tract 85.11

KEARNY MESA 76- PROJECT NO. 506397  
3860 KEARNY MESA ROAD

