



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: February 15, 2017 REPORT NO. HO-17-012

HEARING DATE: February 22, 2017

SUBJECT: HOPSY CUP, Process Three Decision

PROJECT NUMBER: [515629](#)

OWNER/APPLICANT: Sebastien Tron, Hopsy, Inc. / Mikaela Rosvall, Zaap, Inc.

SUMMARY

Issue: Should the Hearing Officer approve a Conditional Use Permit to allow the sale of beer and wine in accordance with a Type-20 liquor license within an existing commercial suite in the Linda Vista Community Plan area?

Staff Recommendation: Approve Conditional Use Permit No. 1806475.

Community Planning Group Recommendation: On January 23, 2017, the Linda Vista Community Planning Group voted 8-1-0 to recommend approval of the proposed project without recommendations or conditions.

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on January 13, 2017, and the opportunity to appeal that determination ended January 30, 2017.

BACKGROUND

The project proposes a Conditional Use Permit alcohol beverage outlet for a Type-20 liquor license to allow the sale of beer and wine within an 4,171-square-foot commercial suite on a site developed with other retail services. The 1.03-acre site is located at 5269 Linda Vista Road within the CC-3-4 Zone of the Linda Vista Community Planning area. The CC-3 -4 Zone allows for commercial retail and residential developments.

The strip mall, constructed in 1966, provides a wide variety of commercial uses to include other restaurants, a sign company, salon, and thrift store. No expansion is proposed with the project. Surrounding the site are commercial, residential, and light industrial uses.

DISCUSSION

The pending Alcohol Beverage Control (ABC) license (Type-20) is defined as "off sales" which would require retail sales of alcohol sold at the suite to be consumed off the premises. Alcoholic beverage outlets are permitted by right as a "Limited Use" pursuant to SDMC section 141.0502(b) of the Land Development Code (LDC). A limited Use may be permitted by right in the zone if the alcohol beverage outlet meets all of the development regulations and location criteria of a separately regulated use. Alcoholic beverage outlets, such as the proposed project, that do not comply with the location criteria of this section may still be permitted with a Conditional Use Permit pursuant to SDMC section 141.0502(c).

Section 141.0502(b) determines when the limited sale of alcohol is permitted by right or, when a Conditional Use Permit is required in accordance with a Process Three (Hearing Officer) decision. The limited sale of alcohol requires a Conditional Use Permit in the following instances if the project is:

- 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;
- Within a census tract, or within 600 feet of a census tract, where the ratio of alcohol beverage outlets exceeds the standards established by California Business and Professional Code section 23958.4;
- Within a Redevelopment Area.
- Within 600 feet of a public or private accredited school, a public park, playground or recreational area, a church, hospital or a San Diego County Welfare District Office.
- Within 100 feet of residentially zoned property.

A Conditional Use Permit is required for the subject project because the property is located within the North Bay Redevelopment Area and the proposed outlet would exceed the limit of two alcoholic beverage outlets within the census tract.

The San Diego Police Department has recommended approval of the requested Conditional Use Permit to allow the sale of alcohol of off-site consumption at this location. Their support for this request is based on several factors including the commercial location of the site. The site contains multiple commercial uses and is highly visible from the public right-of-way and access by law enforcement is not restricted. The proposed Type-20 outlet would not be detrimental to the public health, safety, and welfare of the community and the city. Draft permit conditions restrict hours of alcohol sale and limit the size and packaging of beer and wine. All conditions suggested by the Police Department have been added to the draft permit (Attachment 5, Police Department Requirements).

CONCLUSION

Staff has determined that the project complies with the development regulations of all applicable sections of the Land Development Code. Staff has considered the number of alcoholic beverage outlets and crime rate in the area. Staff suggests that the required findings can be made as

the project meets the applicable San Diego Municipal Code regulations and requirements. Staff recommends approval of the project as proposed.

ALTERNATIVES

1. Approve Conditional Use Permit No. 1806475, with modifications.
2. Deny Conditional Use Permit No. 1806475, if the findings required to approve the project cannot be affirmed.

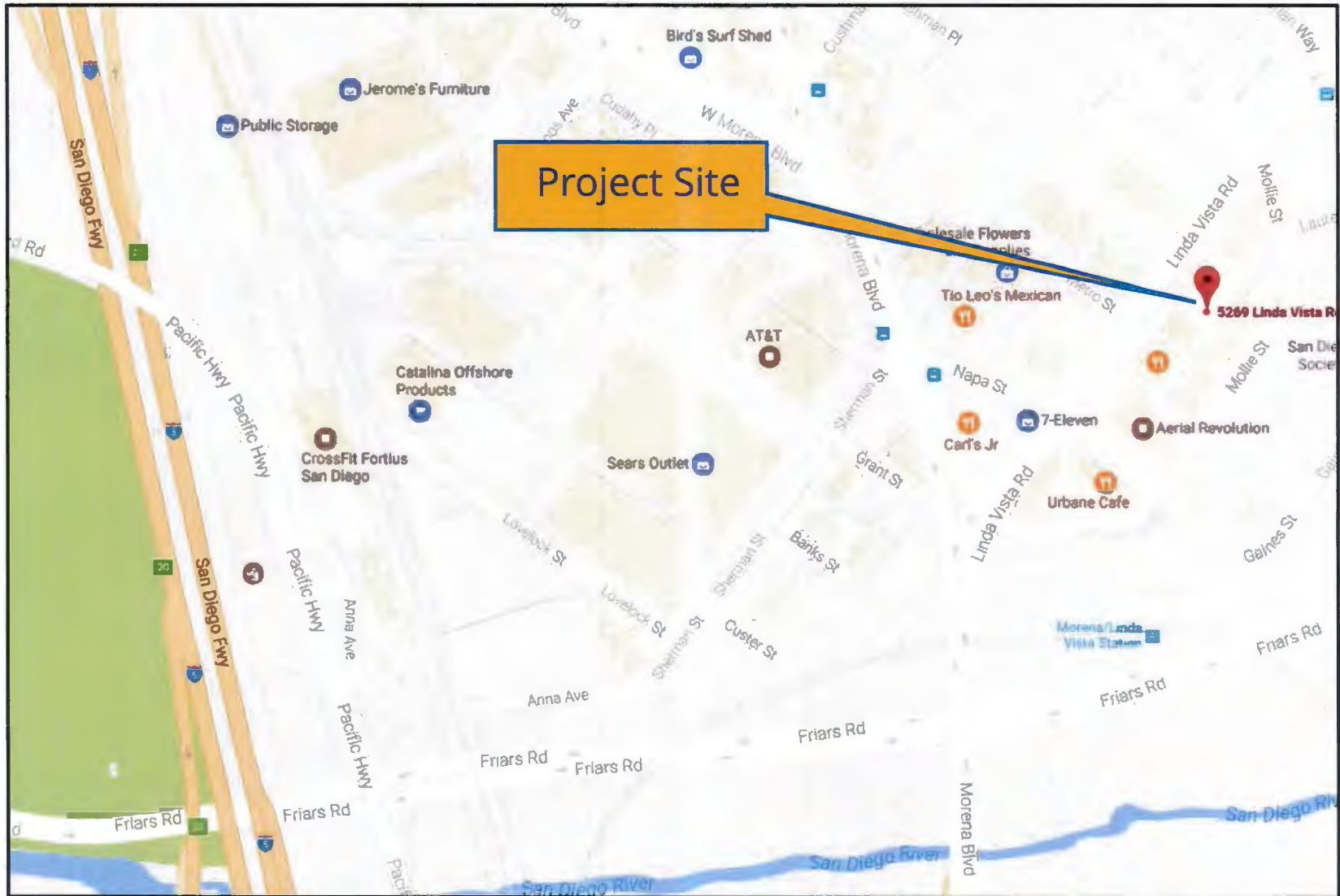
Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'FM', is written over a horizontal line.

Francisco Mendoza, Development Project Manager

Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Project Data Sheet
5. SDPD Conditional Use Permit Recommendation
6. Draft Resolution with Findings
7. Draft Permit with Conditions
8. Environmental Exemption
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement
11. Project Plans



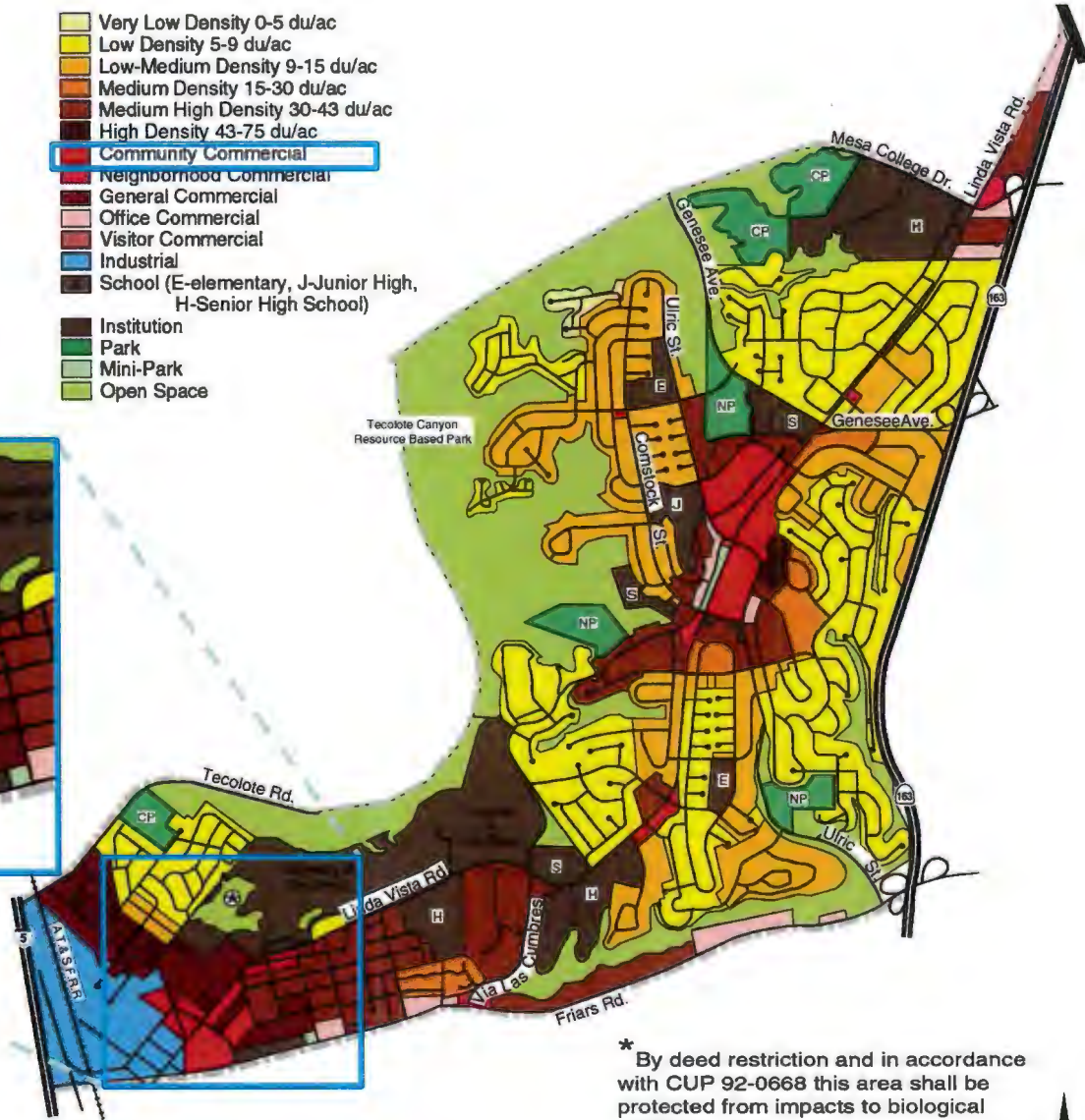
Project Location Map

Hopsy CUP / 5269 Linda Vista Road
PROJECT NO. 515629



- Very Low Density 0-5 du/ac
- Low Density 5-9 du/ac
- Low-Medium Density 9-15 du/ac
- Medium Density 15-30 du/ac
- Medium High Density 30-43 du/ac
- High Density 43-75 du/ac
- Community Commercial**
- Neighborhood Commercial
- General Commercial
- Office Commercial
- Visitor Commercial
- Industrial
- School (E-elementary, J-Junior High, H-Senior High School)
- Institution
- Park
- Mini-Park
- Open Space

Project Site

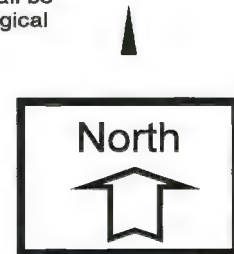


* By deed restriction and in accordance with CUP 92-0668 this area shall be protected from impacts to biological or hillside resources



Land Use Map

Hopsy CUP / 5269 Linda Vista Road
PROJECT NO. 515629





Aerial Photograph

Hopsy CUP / 5269 Linda Vista Road
PROJECT NO. 515629



PROJECT DATA SHEET		
PROJECT NAME:	Hopsy CUP	
PROJECT DESCRIPTION:	Beer & Wine Sales within an existing Commercial Suite	
COMMUNITY PLAN AREA:	Linda Vista	
DISCRETIONARY ACTIONS:	Conditional Use Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	Commercial	
ZONING INFORMATION:		
<p style="margin-left: 40px;">ZONE: CC-3-4</p> <p style="margin-left: 40px;">HEIGHT LIMIT: 30 feet</p> <p style="margin-left: 40px;">LOT SIZE: 1.03-acres</p> <p style="margin-left: 40px;">FLOOR AREA RATIO: 1.0</p> <p style="margin-left: 40px;">FRONT SETBACK: 10 feet</p> <p style="margin-left: 40px;">SIDE SETBACK: 10 feet</p> <p style="margin-left: 40px;">STREETSIDE SETBACK: 10 feet</p> <p style="margin-left: 40px;">REAR SETBACK: 10 feet</p> <p style="margin-left: 40px;">PARKING: 5 per 1,000 square feet of gross floor area</p>		
ADJACENT PROPERTIES:	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Industrial Warehouse; CC-3-4 / CC-4-2	San Diego River
SOUTH:	Commercial; CC-3-4 / CC-5-1	Mission Valley Center
EAST:	Commercial; CC-5-1	Commercial Retail / Multi-family
WEST:	Multi-family; CC-3-4	Multi-family
DEVIATION REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On January 23, 2017, the Linda Vista Planning Group voted 8-1-0 to recommend approval without recommendations or conditions.	

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

PREMISE ADDRESS: 5269 Linda Vista Rd.

TYPE OF BUSINESS: Type 20 Off-Sale Beer & Wine location

FEDERAL CENSUS TRACT: 91.07

NUMBER OF ALCOHOL LICENSES ALLOWED: 2

NUMBER OF ALCOHOL LICENSES EXISTING: 3

CRIME RATE IN THIS CENSUS TRACT: 68.9%
(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: Hopsy will be selling "Growlers" (1 liter bottles) of local small brewery products. 70% of the business is expected to be deliveries out of the back of the store. These deliveries are limited to three days a week and are set to a schedule from internet sales. 30% of their business is expected to retail from the storefront itself. These 1 Liter bottles will have a cost of over \$10.00. The business will also be selling machines that offer a keg-type storage for the 2 liter bottles that would be kept cold and use a spigot.

There were two (2) calls for service resulting in .3 hours of service. None of those calls can be attributed to Hopsy since they are not open yet. There have been no (0) crime cases and no (0) arrests at 5269 Linda vista Rd in 2015. There were eighty two (82) arrests and One hundred and fifty nine (159) crime cases within a 0.2-mile radius of the location in 2015. There were eight (8) alcohol related arrests and citations (25.3%) in census track 91.07 in 2015. The crime rate for census tract 91.07 was reported as being 69.8%. Anything over 120% is considered a high crime rate area.

SUGGESTED CONDITIONS: The San Diego Police Department agrees to the issuance of a Type 20 (Off-Sale Beer & Wine) License as long as the following conditions are included within the Alcoholic Beverage Control License and/or the Conditional Use Permit. The applicant must obey the most restrictive conditon(s) within any and all licenses/permits governing the premise:

1. Sales of alcoholic beverages shall be permitted only between the hours of 9:00 AM and 11:00 PM each day of the week.

2. Wine shall not be sold in bottles or containers smaller than 750 ml and wine coolers or beer coolers must be sold in manufacturer pre-packaged multi-unit quantities.

3. No wine shall be sold with an alcoholic content greater than 15% by volume except for "Dinner Wines" which have been aged two years or more.

SAN DIEGO POLICE DEPARTMENT RECOMMENDATION:

APPROVE X

DENY _____

Linda Griffin
Name of SDPD Vice Sergeant (Print)

(9)531-2563
Telephone Number

[Signature]
Signature of SDPD Vice Sergeant

01-18-17
Date of Review

HEARING OFFICER RESOLUTION NO. HO-XXXX
CONDITIONAL USE PERMIT NO. 1806475
HOPSY CUP - PROJECT NO. 515629

WHEREAS, PRESIDIO LLC, a California Limited Liability Company, Owner, and HOPSY INC., a Delaware Corporation, Permittee, filed an application with the City of San Diego for a permit to operate an alcoholic beverage outlet to sell beer and wine within an existing commercial suite (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1806475), on portions of a 1.03-acre site;

WHEREAS, the project site is located at 5269 Linda Vista Road in the CC-3-4 Zone of the Linda Vista Community Plan area;

WHEREAS, the project site is legally described as Parcel 4 of Parcel Map No. 15009, Old San Diego, San Diego, California;

WHEREAS, on January 13, 2017, 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 Facilities); and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

WHEREAS, on February 22, 2017, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1806475 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

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

That the Hearing Officer adopts the following written Findings, dated February 22, 2017.

FINDINGS:

Conditional Use Permit Findings – Section 126.0305

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

The proposed alcoholic beverage outlet is located within an existing 4,171-square-foot commercial suite in a one-story, commercial building developed with other retail services. The 1.03-acre site is designated for commercial uses within the Linda Vista Community Plan (Plan) which allows commercial developments and related uses. The objectives of the of the Commercial Element of the Plan include the provision of commercial services to ensure the availability of adequate commercial facilities offering a variety of goods and services to meet the needs of the public. At this specific location, the Plan emphasizes community-serving, transit-supportive retail uses. Although no new construction of the premises is proposed,

the existing commercial suite would be modified to allow the operation of the alcoholic beverage outlet. As a retail use, the project is consistent with the designation of the Plan. Therefore, the proposed development will not adversely affect the applicable land use plan.

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

The proposed alcoholic beverage outlet was determined to be exempt from the California Environmental Quality Act, and would therefore, not have a significant environmental effect on the public health. The San Diego Police Department supports the Type-20 liquor license as conditioned by this permit to ensure the safety and welfare of the public. San Diego Police Department conditions include restricting hours of operation and limiting the size and packaging of beer and wine. With these restrictions and conditions, the proposed development will not be detrimental to the public health, safety, and welfare.

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

The proposed alcoholic beverage outlet would be limited to beer and wine for off-site consumption and subject to limited use regulations as identified in Section 141.0502(b) and 141.0502(c). Due to the number of alcoholic beverage outlets within the census tract and the project location within a redevelopment area, approval of a Conditional Use Permit is required pursuant SDMC Section 141.0502(c). The permit controlling the development and continued use of the development for this site contains conditions addressing the project compliance with the City's regulations and other regional, state and federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in this area. No deviations or variances are requested. Therefore, the proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code.

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

The proposed alcoholic beverage outlet is located within a 4,171-square-foot commercial suite on a site developed with other retail services. The existing strip mall, constructed in 1966, provides a wide variety of commercial uses including other restaurants, a sign company, salon, and thrift store. No expansion of the existing development is proposed with the project. Surrounding the site are commercial, residential, and light industrial uses.

In contrast to typical alcoholic beverage outlets, the proposed outlet would focus on making deliveries directly to the home versus promoting in-store purchases. The outlet focuses on dispensing and refilling larger size containers (growlers and small kegs) with craft beer. The San Diego Police Department supports the Type-20 liquor license as conditioned by this permit, based on low crime rate and the type of sales and deliveries proposed with this alcoholic beverage outlet. Therefore the proposed use is appropriate at the proposed location.

ATTACHMENT 6

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 1806475 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. 1806475, a copy of which is attached hereto and made a part hereof.

Francisco Mendoza
Development Project Manager
Development Services

Adopted on: February 22, 2017

IO#: 24007043

3-3-16

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

INTERNAL ORDER NUMBER: 24007043

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 1806475
HOPSY CUP - PROJECT NO. 515629
HEARING OFFICER

This Conditional Use Permit No. 1806475 is granted by the Hearing Officer of the City of San Diego to PRESIDIO LLC, a California Limited Liability Company, Owner, and HOPSY INC., a Delaware Corporation, Permittee, pursuant to San Diego Municipal Code [SDMC] section 141.0502. The 1.03-acre site is located at 5269 Linda Vista Road in the CC-3-4 Zone of the Linda Vista Community Plan area. The project site is legally described as: Parcel 4 of Parcel Map No. 15009, Old San Diego, San Diego, California;

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to operate an alcoholic beverage outlet conditioned upon the issuance of a Type 20 license from the State Department of Alcoholic Beverage Control and subject to the City's land use regulations described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A" of Conditional Use Permit No. 1806475] dated February 22, 2017, on file in the Development Services Department.

The project shall include:

- a. Operation of an alcoholic beverage outlet for the sales of beer and wine for off-site consumption within a commercial suite conditioned upon the issuance of a Type-20 license from the State Department of Alcoholic Beverage Control;
- b. Sales and service of alcoholic beverage shall be permitted between the hours of 9:00 a.m. and 11:00 p.m. each day of the week;

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

ATTACHMENT 7

guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by March 9, 2020.

2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on March 9, 2037. Upon expiration of this Permit, the facilities and improvements described herein shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.

3. The utilization of this CUP is contingent upon the approval of a Type-20 license to sell alcohol at this location by the California Department of Alcoholic Beverage Control [ABC]. The issuance of this CUP does not guarantee that the ABC will grant an alcoholic beverage license for this location.

4. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:

- a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
- b. The Permit is recorded in the Office of the San Diego County Recorder.

5. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.

6. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

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

8. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

9. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

10. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

11. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

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

PLANNING/DESIGN REQUIREMENTS:

13. Off-street parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

POLICE DEPARTMENT REQUIREMENTS:

14. The sales of alcoholic beverage shall be permitted between the hours of 9:00 a.m. and 11:00 p.m. each day of the week.

POLICE DEPARTMENT RECOMMENDATIONS FOR ABC LICENSE:

- Wine shall not be sold in containers of less than 750 milliliters, with the exception of wine coolers or beer coolers must be sold in manufacturer pre-packaged multi-unit quantities.
- Wine shall not be sold with an alcoholic content greater than 15 percent by volume, except for "Dinner Wines" which have been aged two years or more.

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 February 22, 2017 and [Approved Resolution Number].

ATTACHMENT 7

Conditional Use Permit No. 1806475
Date of Approval: February 22, 2017

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Francisco Mendoza
Development Project Manager

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

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

Hopsy Inc., a Delaware Corporation
Permittee

By _____
Name:
Title:

Presidio LLC,
a California limited liability copmany
Owner

By _____
Name:
Title:

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

NOTICE OF EXEMPTION

ATTACHMENT 8

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

FROM: CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
1222 FIRST AVENUE, MS 501
SAN DIEGO, CA 92101

 OFFICE OF PLANNING AND RESEARCH
1400 TENTH STREET, ROOM 121
SACRAMENTO, CA 95814

PROJECT No.: 515629 PROJECT TITLE: Hopsy CUP

PROJECT LOCATION-SPECIFIC: 5269 Linda Vista Road, San Diego, CA 92110

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

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: The applicant is requesting a CONDITIONAL USE PERMIT to allow the sales of beer and wine in an existing 4,171 square-foot commercial suite. The 1.03 acre site is located within the CC-3-4 and CC-5-1 zones. The project site is located in the Linda Vista Community Plan area and Council District 2.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Sebastien Tran, Hopsy, Inc., 1131 Solano Ave., Suite 101
Albany, CA. 510-646-5860.

EXEMPT STATUS: (CHECK ONE)

- () MINISTERIAL
- () DECLARED EMERGENCY
- () EMERGENCY PROJECT
- () CATEGORICAL EXEMPTION: SECTION 15301: EXISTING FACILITIES

REASONS WHY PROJECT IS EXEMPT: The project has been determined to be exempt from CEQA pursuant to Section 15301 of CEQA Guidelines. Section 15301 applies to the permitting of uses in existing private structures that would result in no or negligible expansion of the use that exists at the time of this environmental determination. None of the exceptions listed in CEQA Guidelines Section 15003.2 apply, therefore this exemption is applicable to the proposed project.

LEAD AGENCY CONTACT PERSON: M. Brunette

TELEPHONE: (619) 446-5379

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

M. Brunette
SIGNATURE/SENIOR PLANNER

FEBRUARY 8, 2017
DATE

CHECK ONE:

- (X) SIGNED BY LEAD AGENCY
- () SIGNED BY APPLICANT

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:



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

Community Planning
 Committee
 Distribution Form Part 2

Project Name: Hopsy - CUP	Project Number: 515629	Distribution Date: 12/6/2016
-------------------------------------	----------------------------------	--

Project Scope/Location:
 LINDA VISTA - (Process 3) Conditional Use Permit for the sales of Alcohol (Type 20) Liquor License to allow sales of beer and wine in an existing 4,171 square foot commercial suite. The 1.03-acre site is located at 5269 Linda Vista Road within the CC-3-4 and CC-5-1 zone of the Linda Vista community plan in council district 2. CPIOZ - A.

Applicant Name: Mikaela Rosvall	Applicant Phone Number: (619) 233 6450
---	--

Project Manager: Pancho Mendoza	Phone Number: (619) 446-5433	Fax Number: (619) 321-3200	E-mail Address: FMendoza@sandiego.gov
---	--	--------------------------------------	---

Committee Recommendations (To be completed for Initial Review):

<input checked="" type="checkbox"/> Vote to Approve	Members Yes 8	Members No 1	Members Abstain 0
<input type="checkbox"/> Vote to Approve With Conditions Listed Below	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Deny	Members Yes	Members No	Members Abstain
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			<input type="checkbox"/> Continued

CONDITIONS:

NAME: Noli Zosa	TITLE: Chairman LUPG
SIGNATURE: <i>[Signature]</i>	DATE: 1/27/17

Attach Additional Pages If Necessary.

Please return to:
 Project Management Division
 City of San Diego
 Development Services Department
 1222 First Avenue, MS 302
 San Diego, CA 92101

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

Project Title: HOPSY CUP	Project No. (For City Use Only) 515629
---------------------------------	--

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? DE Corporate Identification No. 47-3596288
 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):
HOPSY, INC.

Owner Tenant/Lessee

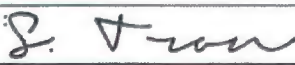
Street Address:
1137 Solano Avenue, suite #101

City/State/Zip:
Albany CA 94706

Phone No: **(510) 646-5860** Fax No:

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

Title (type or print):
President

Signature:  Date: **09/22/2016**

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:

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:

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:

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:

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:

Project Title: Hopsy CUP Project No. (For City Use Only) 575629

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? CA Corporate Identification No. 46-5090957
 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):
Presidio LLC
 Owner Tenant/Lessee
 Street Address:
1545 Faraday Avenue
 City/State/Zip:
Carlsbad, CA 92008
 Phone No: (760) 804-6900 Fax No: (760) 804-6902
 Name of Corporate Officer/Partner (type or print):
Alex Zikakis
 Title (type or print):
Partner
 Signature:  Date: 9/26/2016

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: _____

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: _____

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: _____

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: _____

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):

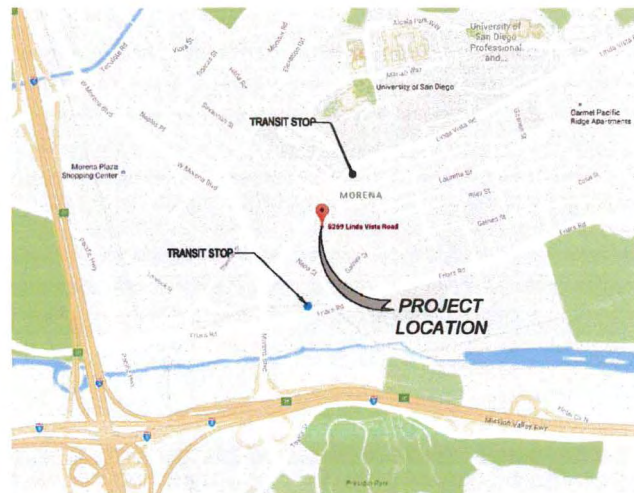
 Title (type or print):

 Signature : _____ Date: _____

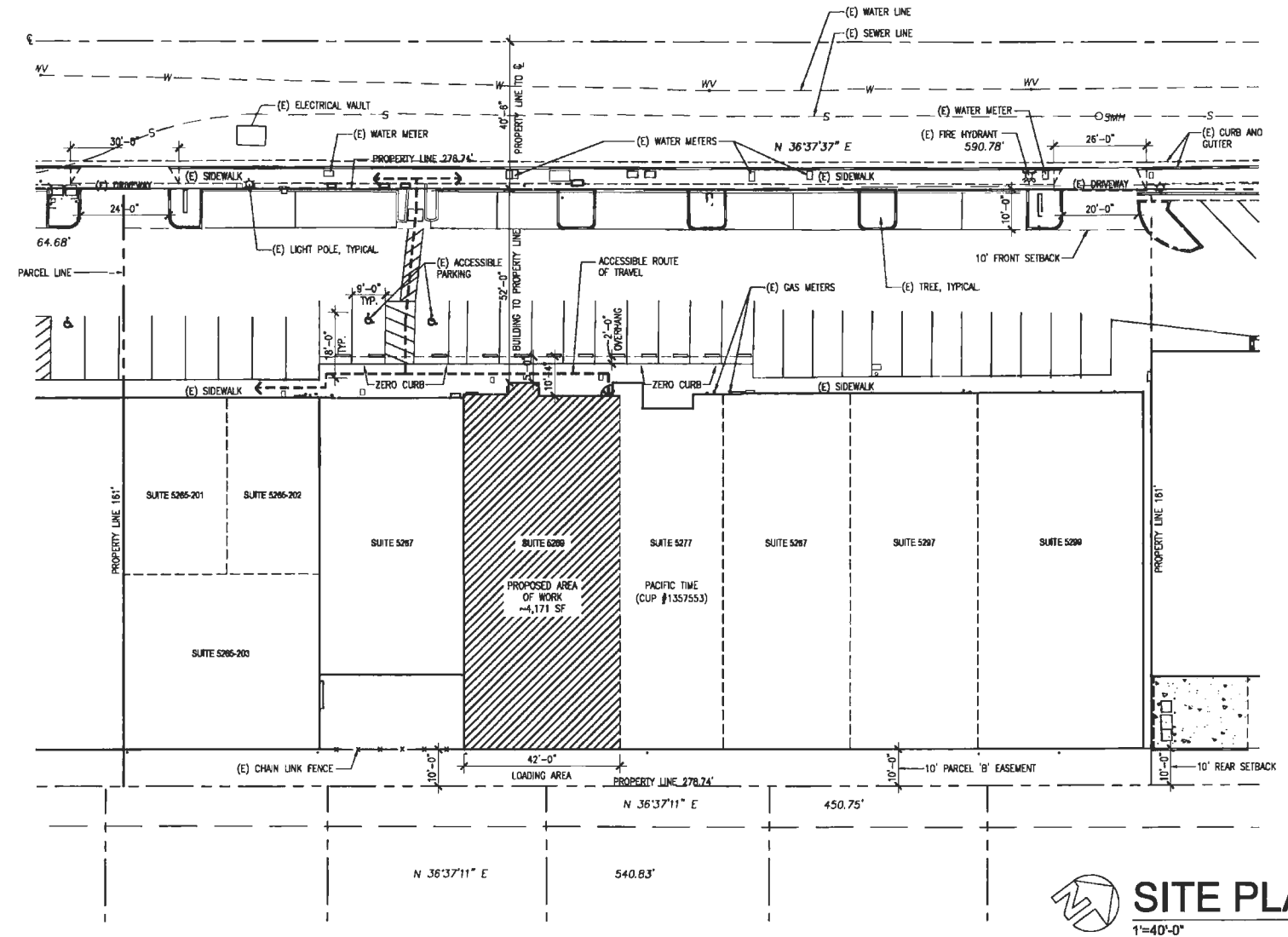
HOPSY CUP

5269 LINDA VISTA ROAD

VICINITY MAP



FIRE HYDRANT LOCATIONS



SITE PLAN
1"=40'-0"

SCOPE OF WORK / LIMIT OF WORK

- DEVELOPMENT SUMMARY:**
- INTERIOR TENANT IMPROVEMENT WITHIN AN EXISTING COMMERCIAL SPACE FOR A NEW RETAIL SPACE.
 - NEW LIGHTING, ELECTRICAL POWER CIRCUITS, MECHANICAL SYSTEMS, GAS AND WATER PLUMBING.
 - NO PROPOSED ADDITIONAL ENCLOSED SPACING TO THE EXISTING BUILDING AND SITE.
 - THIS PROJECT PROPOSES A CONDITIONAL USE PERMIT ALCOHOL BEVERAGE OUTLET FOR A TYPE 20 LIQUOR LICENSE TO ALLOW THE SALES OF BEER AND WINE FOR AN EXISTING 4,171 SQ. FT. COMMERCIAL SUITE LOCATED AT 5269 LINDA VISTA ROAD IN SAN DIEGO, CA. THE EXISTING 1.03 ACRE SITE IS LOCATED IN THE CC-3-4 ZONE OF THE LINDA VISTA COMMUNITY PLAN AREA.

CODE SUMMARY

GOVERNING AGENCY: CITY OF SAN DIEGO, CALIFORNIA
CODING AS AMENDED PER THE CITY OF SAN DIEGO MUNICIPAL CODE:

- 2013 CALIFORNIA CODE OF REGULATIONS TITLE 24
- 2013 CALIFORNIA BUILDING CODE
- 2013 CALIFORNIA PLUMBING CODE
- 2013 CALIFORNIA FIRE CODE
- 2013 CALIFORNIA MECHANICAL CODE
- 2013 CALIFORNIA ELECTRICAL CODE
- 2013 CALIFORNIA GREEN BUILDING CODE
- 2013 NFPA 13

EXISTING USE: COMMERCIAL
PROPOSED USE: COMMERCIAL
PREVIOUS OCCUPANCY GROUP: M
PROPOSED OCCUPANCY GROUP: M
STORIES: 1 STORY (EXISTING, NO CHANGE)
TYPE OF CONSTRUCTION: V-B, SPRINKLERED (EXISTING)
LOT SIZE: 1.03 ACRES OR 44,867 SF
EXISTING FLOOR AREA: 4,171 SF
FLOOR AREA RATIO: EXISTING, NO CHANGE.

PROJECT DATA

PROJECT NAME: HOPSY
PROJECT ADDRESS: 5269 LINDA VISTA ROAD, SAN DIEGO, CA 92110
YEAR BUILT: 1986
ZONE: CC-3-4
ZONING OVERLAY: COMMUNITY PLAN IMPLEMENTATION OVERLAY ZONE A, SAN DIEGO INTERNATIONAL AIRPORT INFLUENCE AREA OVERLAY
GEOLOGIC HAZARD CATEGORY 52
A.P.N.: 438-350-21-00
LEGAL DESCRIPTION:
PARCEL A:
PARCELS 3, 4 AND 5 OF PARCEL MAP NO. 15009, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 22, 1987.
PARCEL B:
AN EASEMENT FOR INGRESS AND EGRESS PURPOSES 20.00 FEET WIDE OVER AND ACROSS A PORTION OF PARCELS 6 THROUGH 12 OF PARCEL MAP NO. 9223, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 05, 1979 AS FILE NO. 79-417376 AND ACROSS A PORTION OF PARCELS 1 THROUGH 5 OF PARCEL MAP NO. 15009, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 22, 1987 AS INSTRUMENT NO. 87-595943, BOTH OF OFFICIAL RECORDS, THE CENTER LINE OF SAID 20.00 FOOT EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE POINT ON THE MOST NORTHERLY CORNER OF PARCEL 6 OF SAID PARCEL MAP NO. 9223, SAID POINT ALSO BEING AN ANGLE IN THE SOUTHERLY BOUNDARY OF PARCEL 5 OF SAID PARCEL MAP NO. 15009; THENCE SOUTH 36°37'37" WEST ALONG THE NORTHERLY LINE OF PARCELS 6, 7, 8, 9, 10 AND 11 OF SAID PARCEL MAP NO. 9223, SAID LINE ALSO BEING THE SOUTHERLY LINE OF SAID PARCEL MAP NO. 15009, A DISTANCE OF 540.56 FEET; THENCE CONTINUING SOUTH 35°27'37" WEST A DISTANCE OF 10.00 FEET; THENCE SOUTH 53°21'13" EAST A DISTANCE OF 124.37 FEET TO THE NORTHERLY RIGHT OF WAY OF RILEY STREET AS SHOWN ON SAID PARCEL MAP NO. 9223.
EXCEPTING THEREFROM THAT PORTION LYING WITHIN PARCEL A HEREIN ABOVE DESCRIBED.

STORM WATER QUALITY NOTES CONSTRUCTION BMP'S:

- THIS PROJECT SHALL COMPLY WITH ALL CURRENT REQUIREMENTS OF THE STATE PERMIT; CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD (SRWQCB), SAN DIEGO MUNICIPAL STORM WATER PERMIT, THE CITY OF SAN DIEGO LAND DEVELOPMENT CODE, AND THE STORM WATER STANDARDS MANUAL. (<http://docs.sandiego.gov/municipalcode/MunicipalCodeChapter14/Ch14/Ch14Article20/Revision02.pdf>) & Storm Water Manual <http://www.sandiego.gov/development-services/pdf/news/stormwatermanual.pdf>)
- NOTES BELOW REPRESENT KEY MINIMUM REQUIREMENTS FOR CONSTRUCTION BMP'S.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR CLEANUP OF ALL SILT & MUD ON ADJACENT STREET(S), DUE TO CONSTRUCTION VEHICLES OR ANY OTHER CONSTRUCTION ACTIVITY, AT THE END OF EACH WORK DAY, OR AFTER A STORM EVENT THAT CAUSES A BREACH IN INSTALLED CONSTRUCTION BMP'S WHICH MAY COMPROMISE STORM WATER QUALITY WITHIN ANY STREET(S). A STABILIZED CONSTRUCTION EXIT MAY BE REQUIRED TO PREVENT CONSTRUCTION VEHICLES OR EQUIPMENT FROM TRACKING MUD OR SILT ONTO THE STREET.
 - ALL STOCKPILES OF SOIL &/OR BUILDING MATERIALS THAT ARE INTENDED TO BE LEFT FOR A PERIOD GREATER THAN 7 CALENDAR DAYS ARE TO BE COVERED. ALL REMOVABLE BMP DEVICES SHALL BE IN PLACE AT THE END OF EACH WORKING DAY WHEN 5 DAY RAIN PROBABILITY FORECAST EXCEEDS 40%.
 - A CONCRETE WASHOUT SHALL BE PROVIDED ON ALL PROJECTS WHICH PROPOSE THE CONSTRUCTION OF ANY CONCRETE IMPROVEMENTS WHICH ARE TO BE POURED IN PLACE ON SITE.
 - THE CONTRACTOR SHALL RESTORE ALL EROSION/SEDIMENT CONTROL DEVICES TO WORKING ORDER AFTER EACH RUN-OFF PRODUCING RAINFALL OR AFTER ANY MATERIAL BREACH IN EFFECTIVENESS.
 - ALL SLOPES THAT ARE CREATED OR DISTURBED BY CONSTRUCTION ACTIVITY MUST BE PROTECTED AGAINST EROSION AND SEDIMENT TRANSPORT AT ALL TIMES.
 - THE STORAGE OF ALL CONSTRUCTION MATERIALS AND EQUIPMENT MUST BE PROTECTED AGAINST ANY POTENTIAL RELEASE OF POLLUTANTS INTO THE ENVIRONMENT.

SHEET INDEX

- ARCHITECTURAL:**
A-1 TITLE SHEET & SITE PLAN
A-2 FLOORPLAN, ROOF PLAN & ELEVATIONS

PROJECT TEAM

PROPERTY OWNER: CAPSTONE ADVISORS, 1545 FARADAY AVENUE, CARLSBAD, CA 92008, (760) 804-6900 (T), (760) 804-6901 (F), CONTACT: STEPHEN LEWIS, lewis@capstoneadvisors.com

TENANT: HOPSY, INC., 1137 SOLANO AVENUE #101, ALBANY, CA, 94706, (510) 646-5860 (T), CONTACT: SEBASTIEN TRON, seb@hopsy.beer

ARCHITECT: ZAAP, INC., 2900 FOURTH AVENUE #204, SAN DIEGO, CA 92103, (619) 233-6450 (T), (619) 233-6449 (F), CONTACT: JOHN ZIEBARTH, john@zaap.biz

NOTES

- PARCEL B: AN EASEMENT FOR INGRESS AND EGRESS PURPOSES PER PARCEL MAP 15009.
- NEAREST BUS STOP IS SHOWN ON VICINITY MAP.
- PROVIDE BUILDING ADDRESS NUMBERS VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY PER FHPS POLICY P-00-6 (UFC 901.4.4).
- HOURS OF OPERATION:
REGULAR HOURS: MONDAY THRU SUNDAY - 7AM TO 12 MIDNIGHT
SPECIAL HOURS: MONDAY THRU SUNDAY - 7AM TO 12 MIDNIGHT
THIS PROJECT PROPOSES NO DEVELOPMENT IMPROVEMENTS OUTSIDE THE EXISTING BUILDING FOOTPRINT FOR THIS DISCRETIONARY REVIEW AND THEREFORE DOES NOT REQUIRE ANY PERMANENT STORM WATER BEST MANAGEMENT PRACTICES (BMPs).
- DUE TO EXISTING SITE CONSTRAINTS INCLUDING A STREET LIGHT, FIRE HYDRANT AND WATER METER, ENGINEERING REVIEW HAS DETERMINED THE EAST ACCESS DRIVEWAY CANNOT BE RECONSTRUCTED AT THIS TIME.
- OFF-STREET PARKING SHALL BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS FOR RETAIL SALES ON TABLE 142.05E AND/OR THE REQUIREMENTS OF THE MUNICIPAL CODE.

CERTIFICATION STATEMENT

I HEREBY ACKNOWLEDGE AND CERTIFY THAT:

- I AM ACCOUNTABLE FOR KNOWING AND COMPLYING WITH THE GOVERNING POLICIES, REGULATIONS AND SUBMITTAL REQUIREMENTS APPLICABLE TO THIS PROPOSED DEVELOPMENT.
- I HAVE PERFORMED REASONABLE RESEARCH TO DETERMINE THE REQUIRED APPROVALS AND DECISION PROCESS FOR THE PROPOSED PROJECT, AND THAT FAILURE TO ACCURATELY IDENTIFY AN APPROVAL OR DECISION PROCESS COULD SIGNIFICANTLY DELAY THE PERMITTING PROCESS.
- I HAVE TAKEN THE PROFESSIONAL CERTIFICATION FOR DEVELOPMENT PERMIT COMPLETENESS REVIEW TRAINING AND AM ON THE APPROVED LIST FOR PROFESSIONAL CERTIFICATION.
- MAINTAINING MY PROFESSIONAL CERTIFICATION FOR DEVELOPMENT PERMIT COMPLETENESS REVIEW PRIVILEGE REQUIRES ACCURATE SUBMITTALS ON A CONSISTENT BASIS.
- SUBMITTING INCOMPLETE DOCUMENTS AND PLANS ON A CONSISTENT BASIS MAY RESULT IN THE REVOCATION OF MY PROFESSIONAL CERTIFICATION FOR DEVELOPMENT PERMIT COMPLETENESS REVIEW.
- IF REQUIRED DOCUMENTS OR PLAN CONTENT IS MISSING, PROJECT REVIEW WILL BE DELAYED, AND THIS SUBMITTAL PACKAGE MEETS ALL OF THE MINIMUM SUBMITTAL REQUIREMENTS CONTAINED IN LAND DEVELOPMENT MANUAL, VOLUME 1, CHAPTER 1, SECTION 4.

RESPONSIBLE CERTIFIED PROFESSIONAL NAME:
JOHN ZIEBARTH
NAME (PRINT) SIGNATURE DATE: 10/03/16

HOPSY CUP
5269 LINDA VISTA ROAD
SAN DIEGO, CA 92110



PREPARED BY:
ZAAP, INC.
2900 FOURTH AVENUE #204
SAN DIEGO, CA 92103
619 233-6450 (PHONE)
619 233-6449 (FAX)

PROJECT ADDRESS:
5269 Linda Vista Road
San Diego, CA 92110

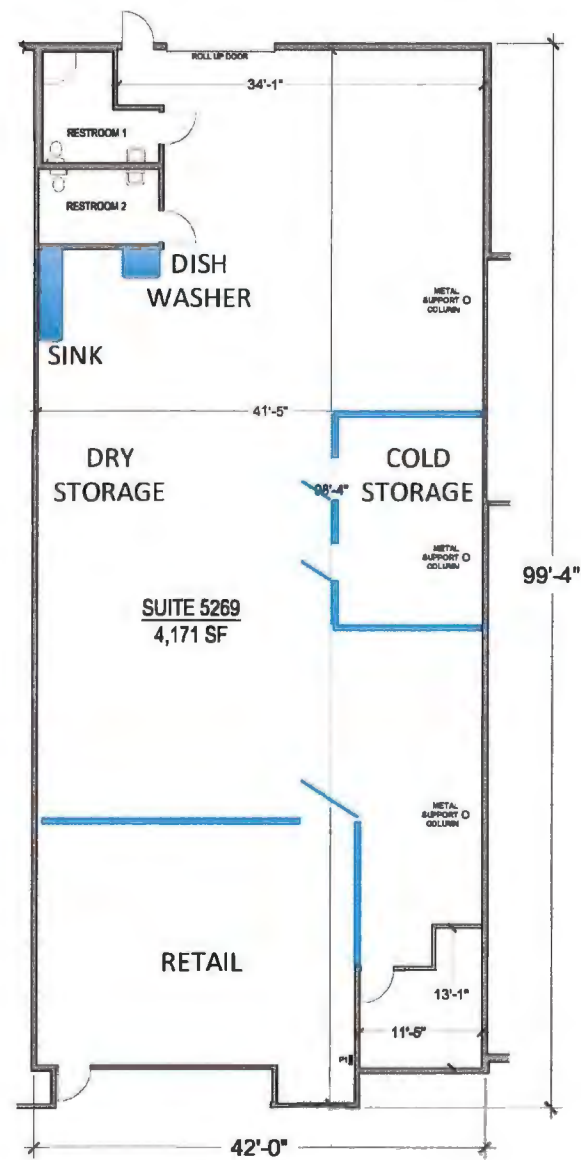
PROJECT NO: 18340
DATE: 10/04/2016

REVISION # DATE REVISION # DATE:
12/05/2016

PROJECT NAME: Hopsy CUP
SHEET TITLE: Title Sheet & Site Plan

2900 Fourth Avenue #204
San Diego, CA 92103
Phone: 619.233.6450
Fax: 619.233.6449
Web: www.zaap.biz

1/2 of 2
SHT #



FLOORPLAN
1/8"=1'-0"



ROOF PLAN
1/8"=1'-0"



NORTHWEST ELEVATION
N.T.S.



SOUTHEAST ELEVATION
N.T.S.

HOPSY CUP
5269 LINDA VISTA ROAD
SAN DIEGO, CA 92110



2900 Fourth Avenue #204
San Diego, CA 92103
Phone: 619.233.6450
Fax: 619.233.6449
Web: www.zaap.biz

PREPARED BY:
ZAAP, INC.
2900 FOURTH AVENUE #204
SAN DIEGO, CA 92103
619-233-6450 (PHONE)
619-233-6449 (FAX)

PROJECT ADDRESS:
5269 Linda Vista Road
San Diego, CA, 92110

PROJECT NO: 15340

DATE: 10/04/2016

REVISION #	DATE	REVISION #	DATE
1	12/05/2016		

PROJECT NAME: Hopsy CUP

SHEET # **A-2** / 2

SHEET TITLE: Floorplan, Roof Plan, Elevations