



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: November 29, 2017 REPORT NO. HO-17-084

HEARING DATE: December 6, 2017

SUBJECT: LOMA RIVIERA 76 CUP/NUP - Process Three Decision

PROJECT NUMBER: 490064

OWNER/APPLICANT: PD Services, LLC. Owner and Mark Conger, Applicant

SUMMARY

Issue: Should the Hearing Officer approve a Conditional Use Permit and a Neighborhood Use Permit for the conversion of an existing service bay and storage room of an existing automobile service station to a 910-square-foot convenience store, to allow an Alcoholic Beverage Outlet (Type 20 Beer and Wine License) to operate on site located at 4049 West Point Loma Blvd, in the CC-1-3 Zone, within the Peninsula Community Plan area?

Staff Recommendation:

1. Approve Conditional Use Permit No.1717302.
2. Approve Neighborhood Use Permit No. 1717304.

Community Planning Group Recommendation: On September 15, 2016, the Peninsula Community Planning Board voted 12-0-0 to recommend approval of the proposed project without conditions (Attachment 8).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 (New Construction or Conversion of Small Structures). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on October 20, 2017 and the opportunity to appeal that determination ended November 6, 2017 (Attachment 7).

BACKGROUND

The project proposes the conversion of an existing service bay and storage room to a 910-square-foot convenience store, to allow an Alcoholic Beverage Outlet (Type 20 Beer and Wine License) to operate on site, the site has an existing automobile service station. The 0.51- acre site is located at

4049 West Point Loma Blvd, in the CC-1-3 Zone, the Coastal Height Limit Overlay Zone, the Airport Influence Area, FAA Part 77 Notification Area, Residential Tandem Parking Overlay Zone, and the Transit Area Overlay Zone, within the Peninsula Community Plan area (Attachment 2).

The project is within a commercial zone surrounded by commercial, retail, and residential uses and commercial uses are permitted by right in the CC-1-3 Zone. The project site is regulated by a previously approved Conditional Use Permit (CUP) No. 83-0552, which allowed the remodel of an existing gasoline service station to a facility comprised of a service building, two pump island, a canopy, cashiers booth, eight parking spaces, landscaping and a trash enclosure. The project requires a Conditional Use Permit (CUP) for an Alcoholic Beverage Outlet, in accordance with Process Three (Hearing Officer as decision-maker). In addition, the project requires approval of a Neighborhood Use Permit (NUP) for the continued use of the property as an auto service station, per San Diego Municipal Code Section (SDMC) [141.0801](#), Amending CUP 83-0552.

DISCUSSION

Development Regulations and Location Criteria

A Type 20 Off Sale Beer & Wine Alcohol Beverage License is defined as “off-sales,” which does not allow the alcohol sold at the store to be consumed on the premises. The underlying CC-1-3 Zone is intended to accommodate community-serving commercial services, retail uses, and limited industrial uses of moderate intensity and small to medium scale. 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. In addition the CC-1-3 Zone is intended to accommodate development with an auto orientation and permits a maximum density of one dwelling unit for each 1,500-square-foot of lot area. The CC-1-3 Zone also allows alcoholic beverage outlets as a limited use subject to regulations set forth in SDMC Section [141.0502\(b\)](#). An alcoholic beverage outlet that does not comply with these requirements, including certain location criteria per SDMC Section [141.0502\(b\)\(1\)](#), may still be permitted with a Process Three CUP pursuant to SDMC Section [141.0502\(c\)](#), and requires a recommendation from the San Diego Police Department (SDPD) (Attachment 11). The proposed Type 20 license for this location requires a CUP because the project site does not meet all of the locational criteria set forth in SDMC Section [141.0502\(b\)\(1\)](#) as explained below:

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

The subject property is in Census Tract No. 68.02, which reported a crime rate of 183.5 percent of the city-wide average based on the statistics provided by the SDPD (Attachment 9). The project site is located within a “high crime” Census Tract. According to SDPD data, the majority of the crime in the area consists of noise and alcohol related crimes. A Census Tract is considered to have “high crime” if the crime rate exceeds 120 percent of the city-wide average; therefore the project does not meet this locational criteria and a Conditional Use Permit is required.

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 Business and Professional Code Section 23958.4.

The subject property is in Census Tract No. 68.02, which based on the California Business and Professional Code Section 23958.4 permits a total of three off-sale alcoholic beverage outlets. Currently there are five existing off-sale alcoholic beverage outlets within Census Tract 68.02. The new ABC license at this project would increase the number of licenses, the project does not meet this locational criteria as it would still exceed the total allowed off-sale alcoholic beverage outlets.

3. 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.

No such institutions are within 600 feet of the project site; therefore the project meets this locational criteria.

4. Within 100 feet of residentially zoned property.

The project site is not within 100 feet of residentially zoned properties; therefore the project meets this locational criterion.

Community Plan Consistency

The project site is designated for Neighborhood Commercial uses in the Peninsula Community Plan (Figure 9, p. 41) and is located within the Loma Palisades Commercial District. The proposed accessory use to an existing Automobile Service Station would not adversely affect any applicable land use policies in the Peninsula Community Plan and the proposed commercial land use is consistent with the permitted uses allowed in the underlying CC-1-3 Zone, and does not conflict with applicable policies in the Plan. The sale of alcoholic beverages is not addressed in the Community Plan. The Peninsula Community Plan does not specifically address alcoholic beverage outlets; however the sale of alcohol products is defined as a commercial retail use in the Land Development Code and permitted with the approval of a CUP. The Peninsula Community Plan states the site is designated for commercial development; therefore the CUP to allow the sale of alcohol would not adversely affect the Peninsula Community plan.

Alcohol Sales-Project Analysis

The new Type 20 Off-Sale Beer & Wine Alcohol Beverage License will increase the number of licenses within the Community or within census tract 68.02. The Type 20 Off-Sale Beer & Wine Alcohol Beverage License is defined as "off sales" which would require all of the alcohol sold at the store to be consumed off the premises. The proposed alcoholic beverage outlet at this location requires a CUP because the project site does not meet the locational criteria of SDMC Section 141.0502(b)(1). Staff is recommending approval of the project as conditioned by staff and the SDPD in the CUP and NUP, (Attachment 6).

The CUP includes conditions that limit the hours of sales; limit advertising, address loitering and graffiti through immediate corrective action, with the objective to reduce the potential for loitering and criminal activity on the property. Additionally, the CUP includes a 10-year expiration date. The permit could be extended through the appropriate review and decision process and may be subject to additional conditions at that time.

The project has been reviewed by City staff and the SDPD for conformance to the applicable development regulations and land use policies. Staff support of the proposed alcoholic beverage outlet at this location is based on the commercial nature of the site, and its location within the Loma Palisades Commercial District. The operation of a convenience including the sale of beer and wine for off-premises consumption is consistent with the commercial land use designation of the Peninsula Community Plan and is permitted by the underlying CC-1-3 Zone.

Conclusion:

Furthermore, both staff and SDPD concluded that if the permit were appropriately conditioned, the proposed alcohol sales would not have an adverse impact on the surrounding neighborhood. SDPD provided conditions which have been included in the CUP and NUP (Attachment 6). The conditions would limit the hours of alcohol beverage sales from 9:00 a.m. to 11:00 p.m. each day of the week.

ALTERNATIVES

1. Approve Conditional Use Permit No.1717302 and Neighborhood Use Permit No. 1717304, with modifications.
2. Deny Conditional Use Permit No.1717302 and Neighborhood Use Permit No. 1717304, if the findings required to approve the project cannot be affirmed.

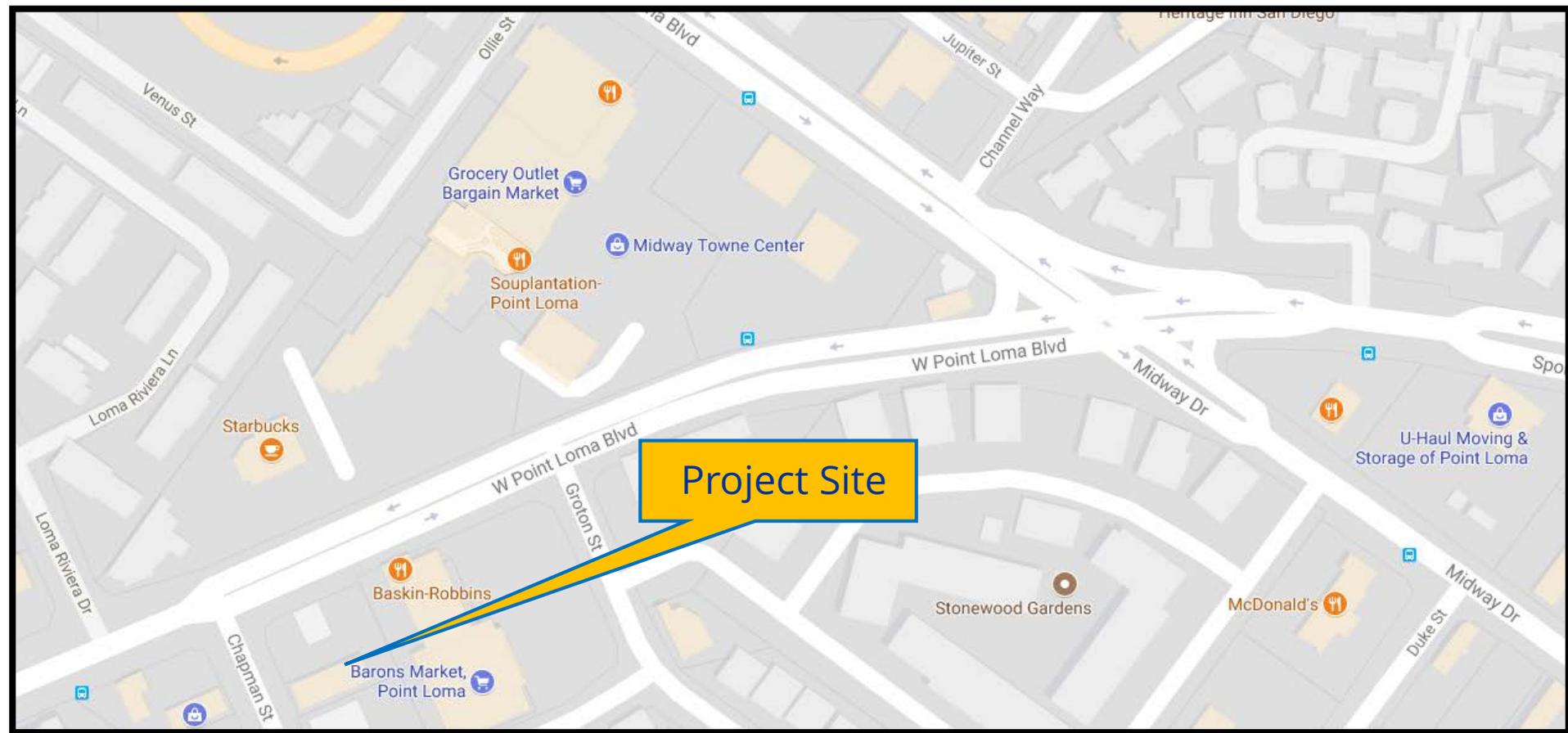
Respectfully submitted,



Derrick Johnson (D.J.), Development Project Manager

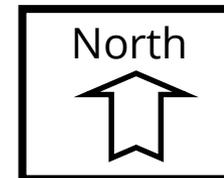
Attachments:

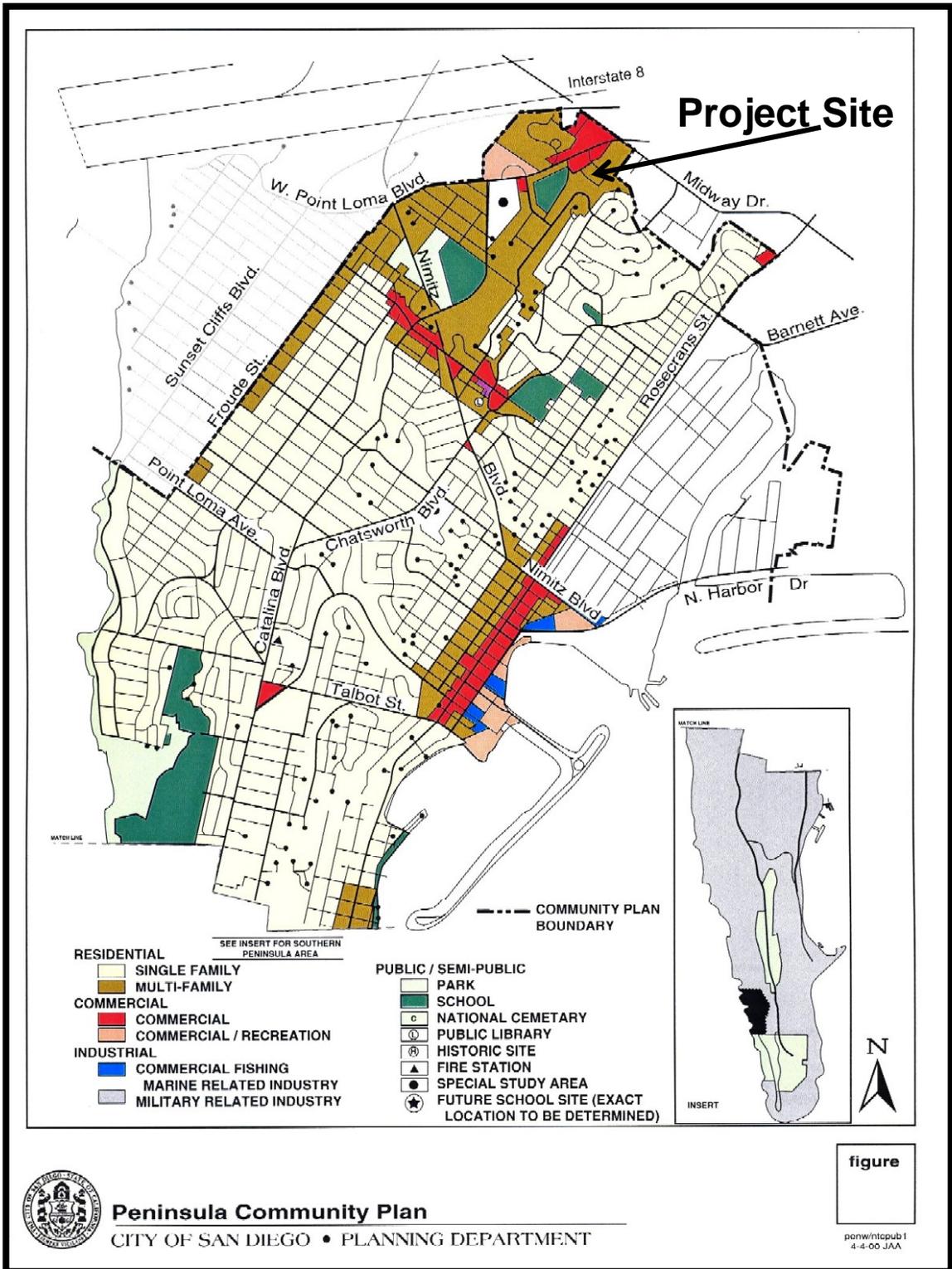
1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Project Data Sheet
5. Draft Resolution with Findings
6. Draft Permit with Conditions
7. Environmental Exemption
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement
10. Liquor Licenses within Census Tract Number 68.02
11. SDPD CUP Recommendation
12. Project Plans



Project Location Map

Loma Riviera 76 Conditional Use Permit / 4049 West Point Loma Boulevard
PROJECT NO. 490064





Peninsula Community Plan
CITY OF SAN DIEGO • PLANNING DEPARTMENT



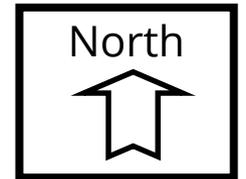
Loma Riviera 76 Conditional Use Permit / 4049 West Point Loma Boulevard
PROJECT NO. 490064



Aerial Photo

Loma Riviera 76 Conditional Use Permit / 4049 West Point Loma Boulevard

PROJECT NO. 490064



PROJECT DATA SHEET

PROJECT NAME:	Project No. 490064 – Loma Riviera	
PROJECT DESCRIPTION:	Conversion of existing service bay & storage room to a 910sf Alcoholic Beverage Outlet (ABO) convenience store	
COMMUNITY PLAN AREA:	Peninsula	
DISCRETIONARY ACTIONS:	Conditional Use Permit (Process 3) for ABO / Neighborhood Use Permit to amend CUP 83-0552	
COMMUNITY PLAN LAND USE DESIGNATION:	Neighborhood Commercial	
<u>ZONING INFORMATION:</u>		
ZONE: CC-1-3 HEIGHT LIMIT: 45-feet LOT SIZE: 0.51-acre FLOOR AREA RATIO: 0.75 max FRONT SETBACK: None SIDE SETBACK: 10 min / 0' option STREETSIDE SETBACK: None REAR SETBACK: 10 min / 0' option PARKING: 8 required/ 8 provided		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Commercial; CN-1-2	Commercial
SOUTH:	Commercial; CC-1-3	Commercial
EAST:	Commercial; CC-1-3	Commercial
WEST:	School & Multi-Family; CC-1-3 & RM-1-1	Commercial & Residential
DEVIATIONS OR VARIANCES REQUESTED:	none	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On September 15, 2016, the Peninsula Community Planning Board voted 12-0-0 to recommend approval of the proposed project without conditions.	

HEARING OFFICER
RESOLUTION NO. _____
CONDITONAL USE PERMIT No. 1717302, NEIGHBORHOOD USE PERMIT No. 1717304
LOMA RIVIERA 76 CUP/NUP PROJECT NO. 490064

WHEREAS, PD SERVICES, LLC, a California Limited Liability Corporation, Owner/Permittee, filed an application with the City of San Diego for the conversion of a service bay and storage room of an existing automobile service station to a 910-square-foot convenience store, to allow an Alcoholic Beverage Outlet (Type 20 Beer and Wine License) to operate on site, (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Conditional Use Permit No. 1717302 and Neighborhood Use Permit No. 1717304), on portions of a 0.51-acre site;

WHEREAS, the project site is located at 4049 West Point Loma Blvd, in the CC-1-3 Zone, the Coastal Height Limit Overlay Zone, the Airport Influence Area, FAA Part 77 Notification Area, Residential Tandem Parking Overlay Zone, and the Transit Area Overlay Zone, within the Peninsula Community Plan area;

WHEREAS, the project site is legally described as Portion of Lot 1 Palisades Plaza; Map No 5199, County Recorder, San Diego County, filed June 5, 1963;

WHEREAS, on October 20, 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 15303 (New Construction or Conversion of Small Structures); 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 December 6, 2017, the Hearing Officer of the City of San Diego considered Conditional Use Permit No.1717302, and Neighborhoods Use Permit No. 1717304, 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 December 6, 2017.

CONDITIONAL USE PERMIT (CUP) FINDINGS – SAN DIEGO MUNICIPAL CODE SECTION 126.0305:

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

The project proposes the conversion of an existing service bay and storage room to a 910-square-foot convenience store, to allow an Alcoholic Beverage Outlet (Type 20 Beer and Wine License) to operate on site, the site has an existing automobile service station. The project site is designated for Neighborhood Commercial uses in the Peninsula Community Plan and is located within the Loma Palisades Commercial District.

The proposed accessory use to an existing Automobile Service Station would not adversely affect any applicable land use policies in the Peninsula Community Plan and the proposed commercial land use is consistent with the permitted uses allowed in the underlying CC-1-3 Zone, and does not conflict with applicable policies in the Plan. The sale of alcoholic beverages is not addressed in the Community Plan. The Peninsula Community Plan does not specifically address alcoholic beverage outlets; however the sale of alcohol products is defined as a commercial retail use in the Land Development Code and permitted with the approval of a CUP. The Peninsula Community Plan states the site is designated for commercial development; therefore the CUP to allow the sale of alcohol would not adversely affect the Peninsula Community plan.

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

The project proposes the conversion of an existing service bay and storage room to a 910-square-foot convenience store, to allow an Alcoholic Beverage Outlet (Type 20 Beer and Wine License) to operate on site, the site has an existing automobile service station.

Separate from the Alcoholic Beverage Control (ABC), this CUP places restrictions on the convenience store which relate to the sale of alcohol. Approval of this application would condition the sale of alcohol so that the alcohol sales would not have a negative impact on the surrounding neighborhood. The CUP will have to comply with all the regulations listed in SDMC 141.0502(b) and includes conditions that limit the hours of sales; limit advertising, address loitering and graffiti through immediate corrective action, with the objective to reduce the potential for loitering and criminal activity on the property. The conditions would also limit the hours of alcohol beverage sales from 9:00 a.m. to 11:00 p.m. each day of the week. Advertising will be limited and "No Loitering" signs would be required to be prominently displayed on the premises. Additionally, the CUP includes a 10-year expiration date.

The conversion of an existing service bay and storage room to a 910-square-foot convenience store will be consistent with the recommended commercial land use, therefore there will be no conflict with the current development pattern in the neighborhood. The project was determined to be exempt pursuant to California Environmental Quality Act CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures); and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520.

Both staff and the San Diego Police Department have concluded that the CUP as conditioned would not have a negative impact on the surrounding neighborhood. Therefore, with the proposed conditions regulating the sale of alcoholic beverages, the proposed development will not be detrimental to the public's 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 underlying CC-1-3 Zone is intended to accommodate community-serving commercial services, retail uses, and limited industrial uses of moderate intensity and small to medium scale. 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.

In addition the CC-1-3 Zone is intended to accommodate development with an auto orientation and permits a maximum density of one dwelling unit for each 1,500-square-foot of lot area. 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 parking, floor area ratio and no deviations are requested as a part of this application.

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

The project proposes the conversion of an existing service bay and storage room to a 910-square-foot convenience store, to allow an Alcoholic Beverage Outlet (Type 20 Beer and Wine License) to operate on site, the site has an existing automobile service station. The project is within a commercial zone surrounded by commercial, retail services, and residential uses.

Separate from the Alcoholic Beverage Control (ABC), this CUP places restrictions on the convenience store which relate to the sale of alcohol. Approval of the CUP as conditioned would not have a negative impact on the surrounding neighborhood. The CUP includes a number of conditions that would limit the hours of sales, regulate the square footage of area for alcohol to be sold, 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.

The project will have to comply with all the regulations listed in SDMC [141.0502\(b\)](#), and the sales will be limited to the hours of 9:00 a.m. to 11:00 p.m.

Both staff and the San Diego Police Department have concluded that the CUP as conditioned not have a negative impact on the surrounding neighborhood. Therefore, with the proposed use is appropriate at the proposed location.

NEIGHBORHOOD USE PERMIT (NUP) FINDINGS SAN DIEGO MUNICIPAL CODE SECTION 126.0205

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

The project proposes the conversion of an existing service bay and storage room to a 910-square-foot convenience store, to allow an Alcoholic Beverage Outlet (Type 20 Beer and Wine License) to operate on site, the site has an existing automobile service station. The project site is designated for Neighborhood Commercial uses in the Peninsula Community Plan and is located within the Loma Palisades Commercial District. The proposed accessory use to an existing Automobile Service Station would not adversely affect any applicable land use policies in the Peninsula Community Plan and the proposed commercial land use is consistent with the permitted uses allowed in the underlying CC-1-3 Zone, and does not conflict with applicable policies in the Plan. The sale of alcoholic beverages is not addressed in the Community Plan. The Peninsula Community Plan does not specifically address alcoholic beverage outlets; however the sale of alcohol products is defined as a commercial retail use in the Land Development Code and permitted with the approval of a CUP. The Peninsula Community Plan states the site is designated for commercial development; therefore the CUP to allow the sale of alcohol would not adversely affect the Peninsula Community plan.

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

The project proposes the conversion of an existing service bay and storage room to a 910-square-foot convenience store, to allow an Alcoholic Beverage Outlet (Type 20 Beer and Wine License) to operate on site, the site has an existing automobile service station.

Separate from the Alcoholic Beverage Control (ABC), this CUP places restrictions on the convenience store which relate to the sale of alcohol. Approval of this application would condition the sale of alcohol so that the alcohol sales would not have a negative impact on the surrounding neighborhood. The CUP will have to comply with all the regulations listed in SDMC 141.0502(b) and includes conditions that limit the hours of sales; limit advertising, address loitering and graffiti through immediate corrective action, with the objective to reduce the potential for loitering and criminal activity on the property. The conditions would also limit the hours of alcohol beverage sales from 9:00 a.m. to 11:00 p.m. each day of the week. Advertising will be limited and "No Loitering" signs would be required to be prominently displayed on the premises. Additionally, the CUP includes a 10-year expiration date.

The conversion of an existing service bay and storage room to a 910-square-foot convenience store will be consistent with the recommended commercial land use, therefore there will be no conflict with the current development pattern in the neighborhood. The project was determined to be exempt pursuant to California Environmental Quality Act CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures); and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520.

Both staff and the San Diego Police Department have concluded that the CUP as conditioned would not have a negative impact on the surrounding neighborhood. Therefore, with the proposed conditions regulating the sale of alcoholic beverages, the proposed development will not be detrimental to the public's 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 underlying CC-1-3 Zone is intended to accommodate community-serving commercial services, retail uses, and limited industrial uses of moderate intensity and small to medium scale. 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. In addition the CC-1-3 Zone is intended to accommodate development with an auto orientation and permits a maximum density of one dwelling unit for each 1,500-square-feet of lot area. 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 parking, floor area ratio and no deviations are requested as a part of this application.

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

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 1717302 and Neighborhood Use Permit No. 1717304 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms

ATTACHMENT 5

and conditions as set forth in Permit No. Conditional Use Permit No. 1717302 and Neighborhood Use Permit No. 1717304, a copy of which is attached hereto and made a part hereof.

Derrick Johnson (D.J.)
Development Project Manager
Development Services

Adopted on: December 6, 2017

IO#: 24006709

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: 24006709

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT No. 1717302, NEIGHBORHOOD USE PERMIT No. 1717304

LOMA RIVIERA 76 CUP/NUP PROJECT NO. 490064

HEARING OFFICER

This Conditional Use Permit No. 1717302 and Neighborhood Use Permit No. 171304 is granted by the Hearing Officer of the City of San Diego to PD Services LLC, a California Limited Liability Corporation Owner/ Permittee, pursuant to San Diego Municipal Code [SDMC] section 141.0502, 126.0305 and 126.0201. The 0.51-acre site is located at 4049 West Point Loma Blvd, in the CC-1-3 Zone, the Coastal Height Limit Overlay Zone, the Airport Influence Area, FAA Part 77 Notification Area, Residential Tandem Parking Overlay Zone, and the Transit Area Overlay Zone, within the Peninsula Community Plan area. The project site is legally described as: Portion of Lot 1 Palisades Plaza; Map No 5199, County Recorder, San Diego County, filed June 5, 1963;

Subject to the terms and conditions set forth in these Permits, permission is granted to Owner/Permittee to convert a service bay and storage room of an existing automobile service station to a convenience store and to operate an alcoholic beverage outlet conditioned upon the issuance of a license from the State Department of Alcoholic Beverage Control and subject to the City's land use regulations described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated December 6, 2017, on file in the Development Services Department.

The project shall include:

- a. The conversion of an existing service bay and storage room to a 910-square-foot convenience store;
- b. Operate an alcoholic beverage outlet conditioned upon the issuance of a Type 20 beer and wine license from the State Department of Alcoholic Beverage Control;
- c. Off-street parking;
- d. 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 December 20, 2020.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on December 20, 2030. The Owner/Permittee may request that the expiration date be extended in accordance with SDMC section 141.0502(c) (7).
3. The utilization of this CUP is contingent upon the approval of a license to sell alcohol at this location by the California Department of Alcoholic Beverage Control [ABC]. The issuance of this CUP does not guarantee that the ABC will grant an alcoholic beverage license for this location.
4. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
5. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
6. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
7. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
8. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

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

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

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

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

12. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify 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.

CLIMATE ACTION PLAN REQUIREMENTS:

13. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A."

Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

ENGINEERING REQUIREMENTS:

14. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the removal of the westerly driveway along West Point Loma Boulevard and the construction of City standard curb, gutter, and sidewalk, satisfactory to the City Engineer.

15. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the reconstruction of the existing curb ramp at the southeast corner of West Point Loma Boulevard and Chapman Street to current City standards, satisfactory to the City Engineer.

16. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the reconstruction of both remaining driveways (one on West Point Loma Boulevard and one on Chapman Street) to current City standards, satisfactory to the City Engineer.

17. The project proposes to export no material from the project site. Any excavated material that is exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2015 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

18. 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 Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

19. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for Existing private curb and landscaping within Chapman Street and West Point Loma Boulevard public right of way.

PLANNING/DESIGN REQUIREMENTS:

20. The automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing authorized by the appropriate City decision maker in accordance with the SDMC.

21. Owner/Permittee shall post a copy of the Conditional Use Permit conditions in the licensed premises in a place where they may be readily viewed by any member of the general public or any member of a government agency.

22. The sale of alcoholic beverages shall be accessory and limited to a maximum of 15% of the floor area of the market as shown on Exhibit "A".

ATTACHMENT 6

23. 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.
24. 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.
25. Exterior public pay phones that permit incoming calls are not permitted on the premises, adjacent public sidewalks, or areas under the control of the Owner/Permittee.
26. The Owner/Permittee shall provide illumination, at a minimum level of 0.4 foot candles per square foot, on the exterior of the alcoholic beverage outlet, including adjacent public sidewalks and areas under the control of the Owner/Permittee. The illumination shall be in operation during all hours of darkness while the outlet is open for business so that persons standing on or near the premises at night are identifiable by law enforcement personnel. The required illumination shall be shielded and directed so that it does not shine on adjacent properties.
27. The Owner/Permittee of the alcoholic beverage outlet shall post a prominent, permanent sign or signs stating, "No loitering, consumption of alcoholic beverages, or open alcoholic beverage containers are allowed inside the premises, in the parking area, or on the public sidewalks adjacent to the premises,
28. The Owner/Permittee shall list a business address and telephone number in the Pacific Bell/San Diego telephone directory or other similarly distributed directory.
29. The Owner/Permittee shall provide trash receptacles, conveniently located for use by patrons, inside and outside the alcoholic beverage outlet, including adjacent public sidewalks and areas under the control of the Owner/Permittee. At least one 13-gallon trash receptacle shall be located inside the premises. At least one 32-gallon trash receptacle shall be located outside the alcoholic beverage outlet, and at least one additional 32-gallon trash receptacle shall be located in the parking areas under the control of the Owner/Permittee.
30. The sign area pertaining to or referencing alcoholic sales or beverages shall not exceed 630 square inches.
31. The Owner/Permittee shall maintain the premises, adjacent public sidewalks, and areas under the control of the Owner/Permittee, free of litter and graffiti at all times. The Owner/Permittee shall provide for daily removal of trash, litter, and debris. The Owner/Permittee shall eliminate graffiti within 48 hours of application.

POLICE DEPARTMENT REQUIREMENTS:

32. The sales of alcoholic beverage shall be permitted only between the hours of 9:00 am – 11:00 p.m.
33. Exterior advertising of alcoholic beverages, or interior advertising of alcoholic beverages that is visible from the exterior of the premises shall be prohibited.

34. The petitioner shall post and maintain a professional quality sign facing on the front of the premises that reads as follows: NO LOTIERING, NO LITTERING, NO DRINKING OF ALCHOLIC 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.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

35. Prior to the issuance of any building permits, the Owner/Permitte shall assure, by permit and bond, to Install a high rated traffic lid box for the existing water meter.

LANDSCAPING CONDITIONS:

36. Prior to issuance of any construction permits, the Owner/Permittee shall submit complete landscape and irrigation construction documents, which are consistent with the Landscape Standards, to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A' (Landscape Development Plan. Construction plans shall provide a 40-square feet area around each tree that is unencumbered by hardscape and utilities unless otherwise approved.

37. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way. All required landscape shall be maintained in a disease, weed, and litter free conditions. Severe pruning or "topping" of trees is not permitted.

INFORMATION ONLY:

POLICE DEPARTMENT RECOMMENDATIONS FOR ABC LICENSE:

38. Wine shall not be sold in bottles or containers smaller than 750 ml.

39. The sales of beer or malt beverages in quantities of quarts or 40 oz., or similar size containers are prohibited.

40. No wine shall be sold with an alcohol content of greater than 15% by volume expect for "Dinner Wines".

41. Beer, malt beverages or wine cooler products, regardless of container sizes, must be sold in manufacture pre-packaged multi-unit quantities.

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

ATTACHMENT 6

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received 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 December 6, 2017 and Resolution Number .

ATTACHMENT 6

Conditional Use Permit No. 1717302, Neighborhood Use Permit No. 1717304
Date of Approval: December 6, 2017

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Derrick Johnson (D.J.)
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.

**PD SERVICES LLC, a California limited
liability company**
Owner/Permittee

By _____
Mark Conger
Manager

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



THE CITY OF SAN DIEGO

DATE OF NOTICE: October 20, 2017

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. : 24006709

PROJECT NO: 490064
PROJECT NAME: Loma Riviera 76 CUP
COMMUNITY PLAN AREA: Peninsula
COUNCIL DISTRICT: 2
LOCATION: 4049 W. Point Loma Boulevard, San Diego, California 92110

PROJECT DESCRIPTION: A request for a NEIGHBORHOOD USE PERMIT and CONDITIONAL USE PERMIT to amend CUP No. 83-0552 for the sale of alcoholic beverages for off-site consumption. An existing storage area and one auto maintenance bay would be converted to a 910-square-foot retail convenience store at an existing gas station with four auto maintenance bays. The 0.51 acre project site is located at 4049 W. Point Loma Boulevard, designated Neighborhood Commercial in the CC-1-3 zone of the Peninsula Community Plan area. Additionally the project site is located in the San Diego International Airport ALUCP Noise Contours (60-65 CNEL), Airport Influence Area (San Diego International Airport - Review Area 1), FAA Part 77 Noticing Area (North Island NAS and San Diego International Airport), and Coastal Height Limitation Overlay Zone. (LEGAL DESCRIPTION: Parcel 1 per 'ROS' 6281 in lot 1 of tract 5199, Palisades Plaza).

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Hearing Officer

ENVIRONMENTAL DETERMINATION: Categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA State Guidelines, 15303 (New Construction or Conversion of Small Structures).

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: The City of San Diego conducted an environmental review which determined the project would not have the potential for causing a significant effect on the environment in that the project is consistent with the community plan and the applicable zone. The project would not result in any significant environmental impacts. The project meets the criteria set forth in CEQA Section 15303 (New Construction or Conversion of Small Structures) which allows for the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structures. Examples include a store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor

area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and surrounding area is not environmentally sensitive. Furthermore, the exceptions listed in 15300.2 would not apply.

CITY PROJECT MANAGER: Derrick Johnson
MAILING ADDRESS: 1222 First Avenue, MS 401, San Diego, California 92101-4153
PHONE NUMBER/E-MAIL: (619) 446-5477/ dnjohnson@sandiego.gov

On October 20, 2017 the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk within 10 business days from the date of the posting of this Notice (November 6, 2017). The appeal application can be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101.

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





MINUTES

Meeting Date: September 15, 2016

The regularly scheduled meeting of the Peninsula Community Planning Board was held on September 15, 2016, at the Point Loma/Hervey Branch Library, located at 3701 Voltaire Street, San Diego, California 92107. Meeting called to order at 6:31pm.

All Board members present, with the exception of David Dick and voting as indicated.

1. Approval of Agenda. M/J. Hare, S/P. Webb to approve agenda to add urgency item of amendments to the residential multiple dwelling unit (RM) base zone height limit for properties within the Peninsula Community Planning area in the Coastal Height Limitation Overlay Zone as Action Item #1 renumbering Items 1-7 as 2-8. Hare indicated that the urgency requiring the addition of the matter to the agenda was: messages from a member of the community saying the matter was not correctly titled on the agenda as posted; the matter is scheduled before the Planning Commission prior to the next PCPB meeting; and that the PCPB was acting on advice from City Planning Department staff forwarded by email. **(No motion made to change agenda to add as an Info Item City of San Diego presentation on Sewer and AC Water Group Job 764A.)**
 Approved: 12/1/0 Chair not voting)
 Yes: P. Clark, B. Coons, R. Goldyn, J. Hare, B. Herrin, J. Holasek, M. Krencik, J. Lohla, L. Miller, P. Nystrom, D. Sevrens, P. Webb
 No: J. Quinn
 Abstain:
 Absent: D. Dick
2. Treasurer's Report. Treasurer Patricia Clark reported a bank account balance of \$396.09; has not received invoices from webmaster.
3. Chair's Report. Chair Linney had no report.
4. Approval of Minutes. M/J. Hare S/B. Coons to continue approval of 7/21/16 PCPB meeting minutes to October 2016 meeting and direct chair to discuss with secretary timing for meeting minutes as project action votes required by City for processing projects **(No motion slip provided for action; minutes based on my notes).**
 Approved: 13/0/0 (Chair not voting)
 Yes: P. Clark, B. Coons, R. Goldyn, J. Hare, B. Herrin, J. Holasek, M. Krencik, J. Lohla, L. Miller, P. Nystrom, J. Quinn, D. Sevrens, P. Webb
 No:
 Abstain:
 Absent: D. Dick
5. Secretary's Report. D. Dick absent. J. Quinn, filling in for secretary D. Dick advised that minutes from the July 21, 2016 meeting would be send out at a later date. Secretary, action on behalf of D. Dick, advised that the 7/21/16 minutes would be circulated for review after 9/15/16 meeting.

meeting with HOA that favored an undulating railing with suspension bridge appearance as drawn by Joe Holasek. As a backup, a railing with arches as seen on existing bridges designed by Caltrans in Oceanside and San Marcos would be preferred. Sevrens and Linney will be presenting to PLA and item was presented as information item at 9/8/16 PCPB project review committee. M/D. Sevrens, S/J. Lohla to support two above preferred alternatives.

Approved: 12/0/0 (Chair not voting)

Yes: Coons, Goldyn, Hare, Herrin, Holasek, Krencik, Lohla, Miller, Nystrom, Quinn, Sevrens, Webb

No: N/A

Abstain: N/A

Absent: Clark and Dick

6. **Grow Second Residence, Project No. 402946, 4572 Niagara Ave, Zone RM-1-1. Coastal Development Permit (CDP) to construct a 2151 SF two-story residence with roof deck over garage on a site with an existing residential unit. Coastal (non-appealable) overlay zone. Applicant: Tad Grow** Krencik advised that Project Review Committee recommended approval as previous issues with height, bedrooms, access to site were resolved with redesign. M/D. Sevrens, S/P. Webb to recommend approval with condition that top of proposed railing addition elevation not exceed elevation of 182.50 feet as shown on plans adjacent to neighbor's home at 4562 Niagara Ave. Approved: 12/0/0 (Chair not voting)

Yes: Coons, Goldyn, Hare, Herrin, Holasek, Krencik, Lohla, Miller, Nystrom, Quinn, Sevrens, Webb

No: N/A

Abstain: N/A

Absent: Clark and Dick

7. **Loma Riviera 76 CUP/NUP, Project No. 490064, 4049 W. Point Loma Blvd., Zone CC-1-3. Neighborhood Use Permit (NUP) to amend existing Conditional Use Permit (CUP) 83-0552 to remodel an existing gasoline service station to convert one service bay and storage area to a 910 SF retail convenience store. CUP for an Alcoholic Beverage Outlet. Applicant: Steve Laub** Krencik advised Project Review Committee recommended approval. M/D. Sevrens, S/P. Nystrom to approve. Approved: 12/0/0 (Chair not voting)

Yes: Coons, Goldyn, Hare, Herrin, Holasek, Krencik, Lohla, Miller, Nystrom, Quinn, Sevrens, Webb

No: N/A

Abstain: N/A

Absent: Clark and Dick

8. **Verizon Point Loma Fire Station NUP, Project No. 477005, 1055 Catalina Blvd., Zone RS-1-7. Neighborhood Use Permit (NUP) (Process 2) to install wireless communication facility on the new Point Loma Fire Station. Coastal Height Limit overlay zone.** Krencik advised Project Review Committee recommended approval. M/P. Webb, S/R. Goldyn to approve. Approved: 12/0/0 (Chair not voting)

Yes: Coons, Goldyn, Hare, Herrin, Holasek, Krencik, Lohla, Miller, Nystrom, Quinn, Sevrens, Webb

No: N/A

Abstain: N/A

Absent: Clark and Dick



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

ATTACHMENT 9 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 **Project No. For City Use Only**
 Loma Riviera 76

Project Address:
 4049 W. Point Loma Blvd. San Diego, CA 92110

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:
3295 Palm Avenue

4049 Lon. Riviere 76
W. H. Loma Blvd.

Project No. (For City Use Only) ATTACHMENT 9

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. 45-5260133
 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):
PD Services, LLC

Owner Tenant/Lessee

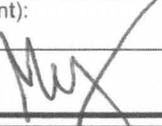
Street Address:
427 El Sueno

City/State/Zip:
Solana Beach, CA92075

Phone No: 858-395-8546 Fax No:

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

Title (type or print):
Manager

Signature :  Date: 3/17/16

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):
Mark Conger - Manager of PD Services LLC

Owner Tenant/Lessee

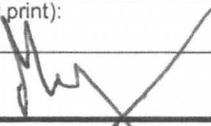
Street Address:
427 El Sueno

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: 3/17/16

Corporate/Partnership Name (type or print):
Becky Conger - Manager of PD Services LLC

Owner Tenant/Lessee

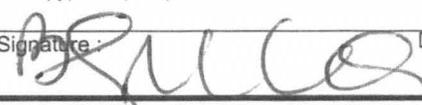
Street Address:
427 El Sueno

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: 3/17/16

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:

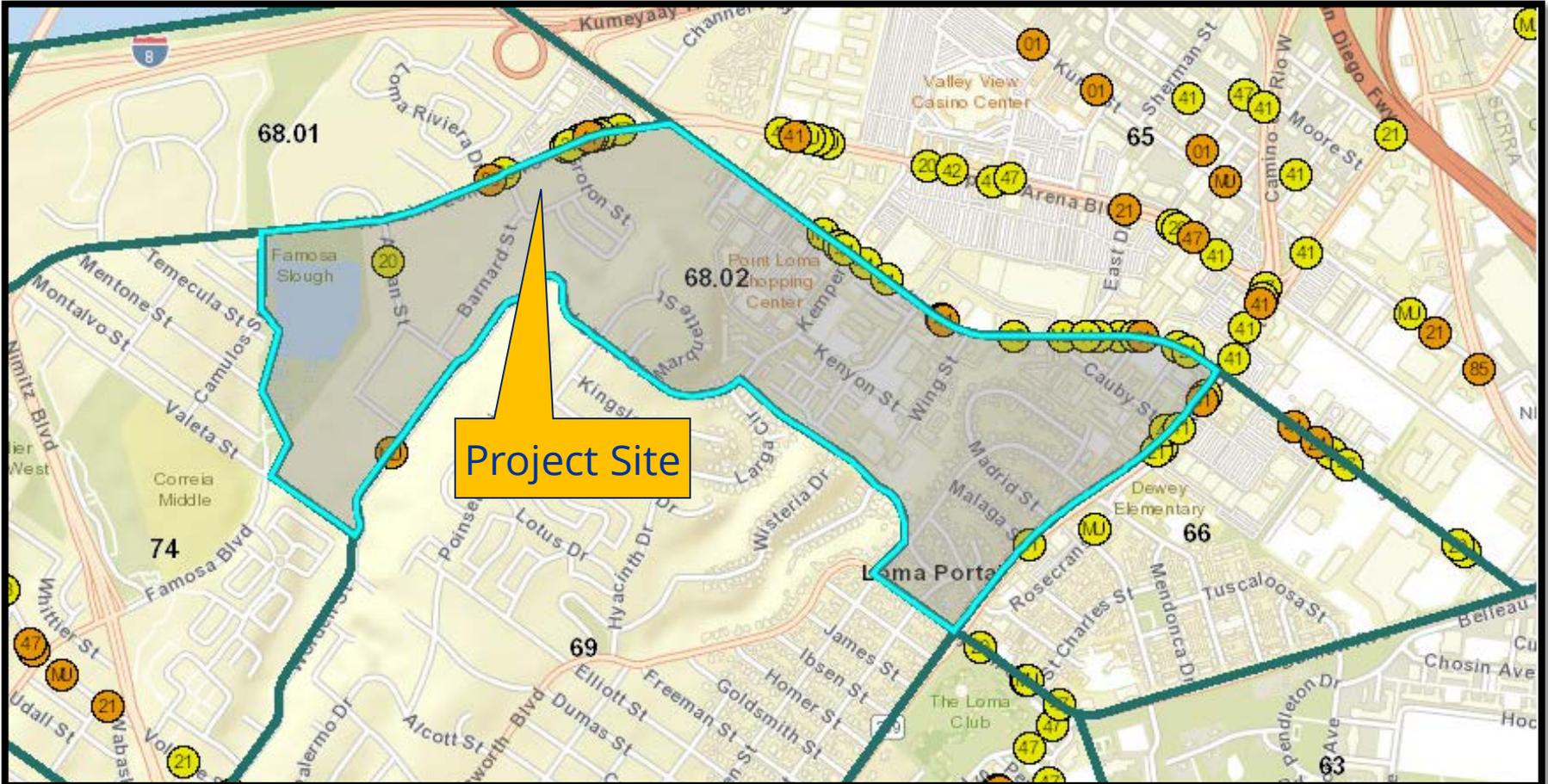
City/State/Zip:

Phone No: Fax No:

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

Title (type or print):

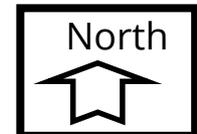
Signature : Date:



Liquor Licenses within Census Tract Number 68.02

LOMA RIVIERA 76 CONDITIONAL USE PERMIT - PROJECT NO 490064

4049 WEST POINT LOMA BOULEVARD



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

PREMISE ADDRESS: 4049 W. Point Loma Blvd, San Diego, CA. 92110

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

FEDERAL CENSUS TRACT: 68.02

NUMBER OF ALCOHOL LICENSES ALLOWED: 3

NUMBER OF ALCOHOL LICENSES EXISTING: 5

CRIME RATE IN THIS CENSUS TRACT: 183.5%
(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 68.02 is 183.5%. A crime rate above 120% is considered high. The concentration level for On-sale licenses are Five (5) licenses in an census tract that allows Three (3) licenses. 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 number of transient related crimes in the surrounding areas and the ability to alcoholic beverages.

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 11:00 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.

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

6/13/16
Date of Review

REVISIONS	BY
5/8/17	PH
5/30/17	PH
6/26/17	PH
7/27/17	PH
9/8/17	PH

HAGMAN & ASSOCIATES
 ARCHITECTURE & PLANNING
 1916 W. Edgewood St., San Diego, CA 92104
 (619) 295-8058



LOMA RIVIERA 76
 CONVERSION OF AN EXISTING STORAGE AREA & 1-MECH. BAY INTO A FOOD MART
 4049 W. POINT LOMA BLVD., SAN DIEGO, CA. 92110



Date: _____
 Scale: _____
 Drawn: _____
 Job: _____

A1

- SITE NOTES:**
- NO CURBS OR TREES MAY BE LOCATED WITHIN TEN FEET OF ANY SEWER FACILITIES, NOR SHRUBS EXCEEDING THREE FEET IN HEIGHT AT MATURITY MAY BE LOCATED WITHIN 10 FEET OF ANY PUBLIC SEWER MAIN.
 - THERE ARE NO BUS-STOPS @ THE SITE FRONTAGE
 - NO FENCES, SHRUBS, OR OTHER OBJECTS HIGHER THAN 36" ARE PERMITTED IN THE VISIBILITY TRIANGLE AREAS.
 - THERE ARE NO KNOWN EASEMENTS ON THIS SITE.
 - PROVIDE BUILDING ADDRESS NUMBERS, VISIBLE & LEGIBLE FROM STREET PER PHPS POLICY P-00-6

ENVIRONMENT NOTE:

- ALL MODIFICATIONS WILL OCCUR EXCLUSIVELY IN THE INTERIOR OF THE BUILDING STRUCTURE. NO SOIL DISTURBANCE IS PROPOSED.

- ENGINEERING NOTES:**
- DURING ANY CONSTRUCTION PHASE OF THE PROJECT THE APPLICANT 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".
 - APPLICANT WILL OBTAIN A CITY RIGHT-OF-WAY PERMIT FOR EXISTING IMPROVEMENTS IN THE STREET EASEMENTS FOR W. POINT LOMA BLVD. AND CHAPMAN ST."
 - THE EXISTING WATER AND SEWER LATERAL WILL BE USED.
 - PLANT MATERIAL, OTHER THAN TREES, WITHIN THE PUBLIC RIGHT-OF-WAY THAT IS LOCATED WITHIN VISIBILITY AREAS SHALL NOT EXCEED 24 INCHES IN HEIGHT, MEASURED FROM THE TOP OF THE ADJACENT CURB".
 - NO OBSTRUCTIONS INCLUDING SOLID WALLS IN THE VISIBILITY AREA SHALL EXCEED 3 FEET IN HEIGHT.
 - PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS, THE OWNER/PERMITEE SHALL ASSURE, BY PERMIT AND BOND, THE REMOVAL OF THE WESTERLY DRIVEWAY ALONG WEST POINT LOMA BOULEVARD AND THE CONSTRUCTION OF CITY STANDARD CURB, GUTTER, AND SIDEWALK, SATISFACTORY TO THE CITY ENGINEER.
 - PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS, THE OWNER/PERMITEE SHALL ASSURE, BY PERMIT AND BOND, THE RECONSTRUCTION OF BOTH REMAINING DRIVEWAYS (ONE ON WEST POINT LOMA BOULEVARD AND ONE ON CHAPMAN STREET) CURRENT CITY STANDARDS, SATISFACTORY TO THE CITY ENGINEER.
 - PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS, THE OWNER/PERMITEE SHALL ASSURE, BY PERMIT AND BOND, THE RECONSTRUCTION OF BOTH REMAINING DRIVEWAYS (ONE ON WEST POINT LOMA BOULEVARD AND ONE ON CHAPMAN STREET) CURRENT CITY STANDARDS, SATISFACTORY TO THE CITY ENGINEER.
 - ALL PRIVATE IMPROVEMENTS IN PUBLIC RIGHT OF WAY (SUCH AS CURBS, LANDSCAPING, ETC.) WILL REQUIRE APPROVAL THROUGH ENCROACHMENT MAINTENANCE & REMOVAL AGREEMENT (EMRA)

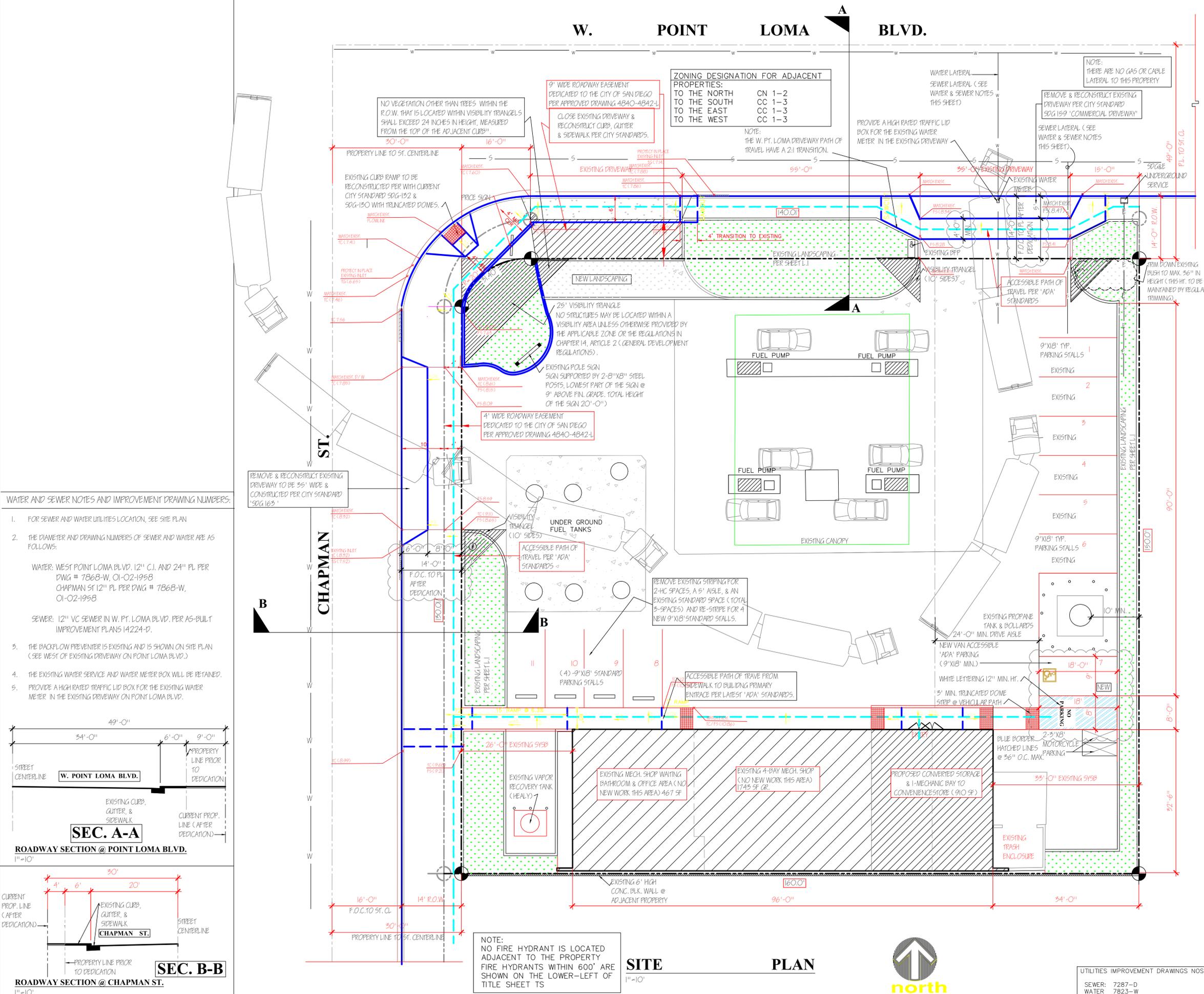
TITLE BLOCK

- REQUEST:**
- A NEIGHBORHOOD USE PERMIT TO AMEND AN EXISTING CONDITIONAL USE PERMIT (CUP# 83-0552) TO CONVERT AN EXISTING STORAGE AREA & 1-MECHANIC BAY INTO A CONVENIENCE STORE (FOOD-MART)
 - A NEW CONDITIONAL USE PERMIT FOR AN ALCOHOLIC BEVERAGE OUTLET FOR OFF-SALE OF BEER & WINE

SITE PLAN

ORIGINAL APPLICATION DATE: 5/10/15
 CYCLE 1 REVISION DATE:
 CYCLE 2 REVISION DATE:

UTILITIES IMPROVEMENT DRAWINGS NOS.
 SEWER: 7287-D
 WATER: 7823-W

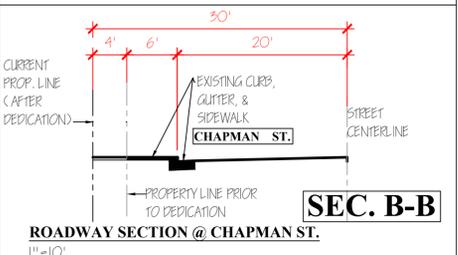
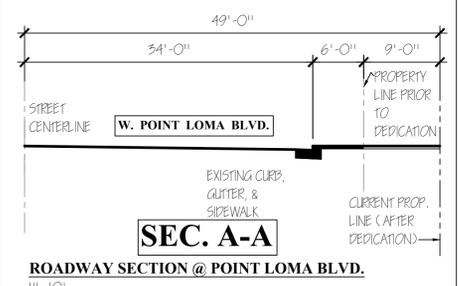


WATER AND SEWER NOTES AND IMPROVEMENT DRAWING NUMBERS:

- FOR SEWER AND WATER UTILITIES LOCATION, SEE SITE PLAN
- THE DIAMETER AND DRAWING NUMBERS OF SEWER AND WATER ARE AS FOLLOWS:

 WATER: WEST POINT LOMA BLVD. 12" C.I. AND 24" PL PER DWG # 7868-W, 01-02-1958
 CHAPMAN ST 12" PL PER DWG # 7868-W, 01-02-1958

 SEWER: 12" VC SEWER IN W. PT. LOMA BLVD. PER AS-BUILT IMPROVEMENT PLANS 14224-D.
- THE BACKFLOW PREVENTER IS EXISTING AND IS SHOWN ON SITE PLAN (SEE WEST OF EXISTING DRIVEWAY ON POINT LOMA BLVD.)
- THE EXISTING WATER SERVICE AND WATER METER BOX WILL BE RETAINED.
- PROVIDE A HIGH RATED TRAFFIC LID BOX FOR THE EXISTING WATER METER IN THE EXISTING DRIVEWAY ON POINT LOMA BLVD.



REVISIONS	BY

HAGMAN & ASSOCIATES
 ARCHITECTURE & PLANNING
 1916 W. Redwood St., San Diego, Ca. 92101
 (619) 295-8098

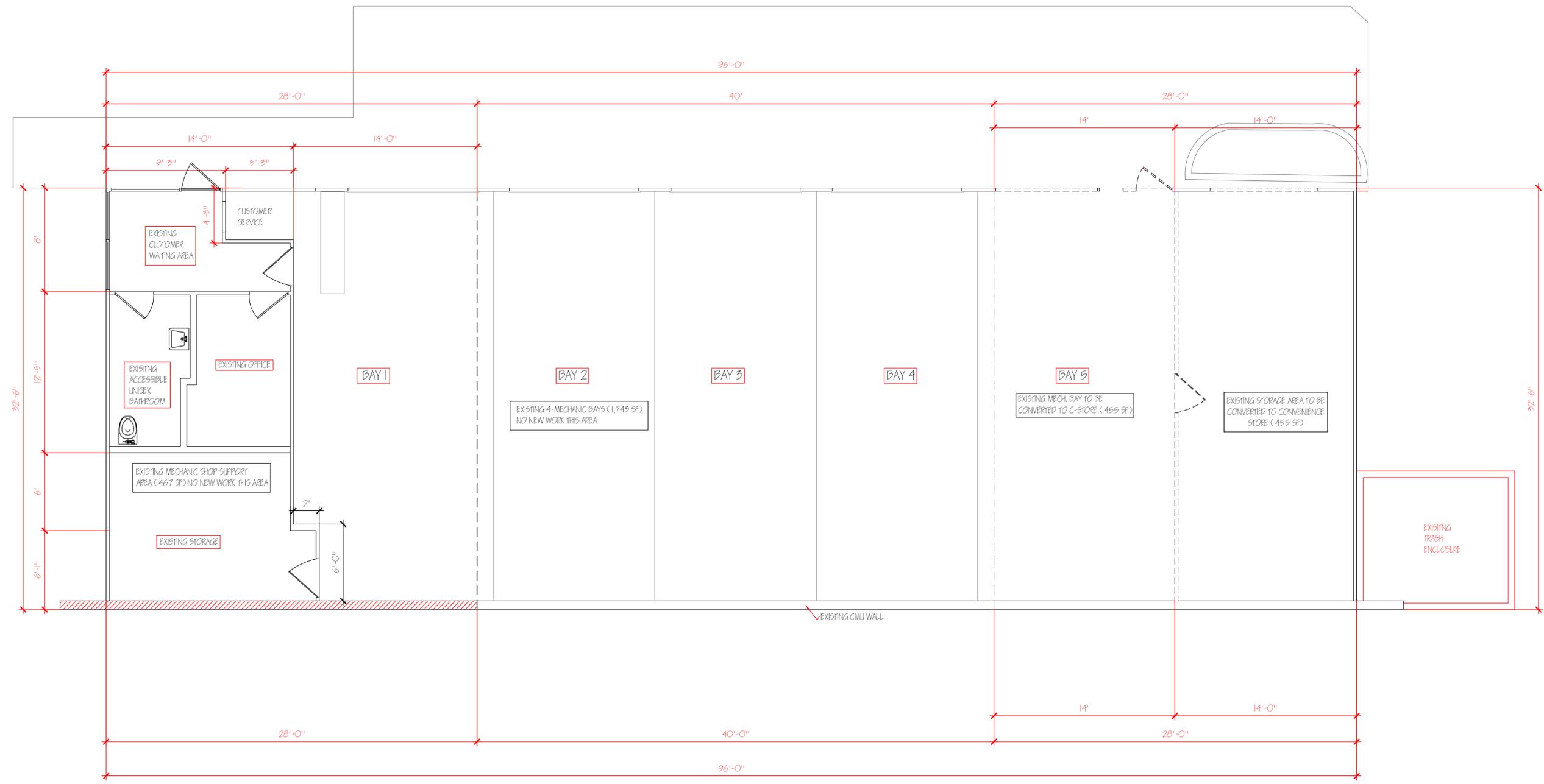


LOMA RIVIERA 76
 CONVERSION OF AN EXISTING STORAGE AREA & 1-MECH. BAY INTO A FOOD MART AREA
 4049 W. POINT LOMA BLVD., SAN DIEGO, CA. 92110



Date: _____
 Scale: _____
 Drawn: _____
 Job: _____

A2



EXISTING FLOOR PLAN/ DEMOLITION PLAN

1/4"=1'-0"



WALL LEGEND:

	EXISTING WALL TO REMAIN
	EXISTING WALL TO BE REMOVED

TITLE BLOCK

REQUEST:

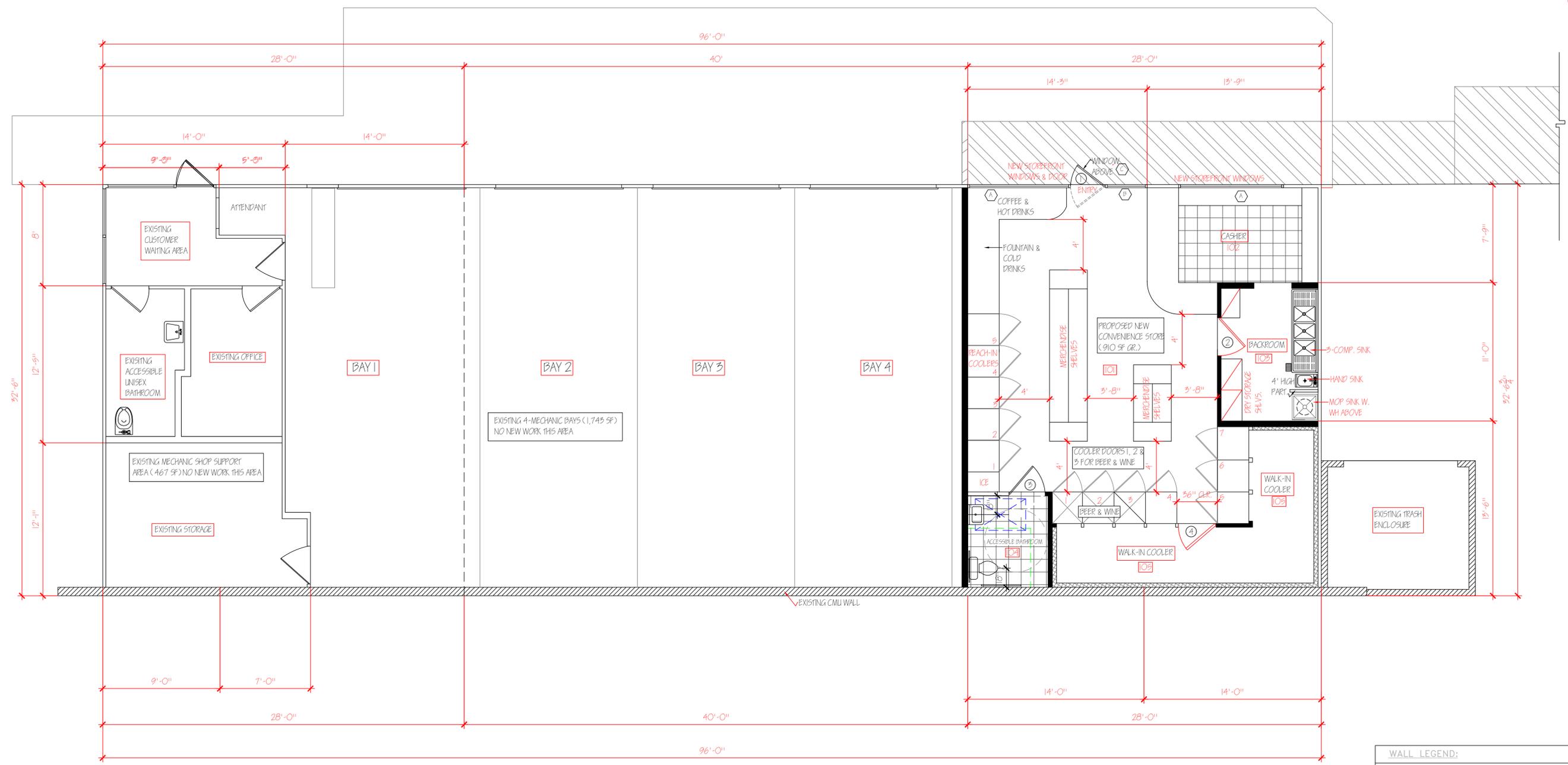
- A NEIGHBORHOOD USE PERMIT TO AMEND AN EXISTING CONDITIONAL USE PERMIT (CUP# 83-0552) TO CONVERT AN EXISTING STORAGE AREA & 1-MECHANIC BAY INTO A CONVENIENCE STORE (FOOD-MART)
- A NEW CONDITIONAL USE PERMIT FOR AN ALCOHOLIC BEVERAGE OUTLET FOR OFF-SALE OF BEER & WINE

EXISTING FLOOR PLAN

ORIGINAL APPLICATION DATE: _____ 5/10/15
 CYCLE 1 REVISION DATE: _____
 CYCLE 2 REVISION DATE: _____

REVISIONS	BY

HAGMAN & ASSOCIATES
 ARCHITECTURE & PLANNING
 1916 W. REARWOOD ST., SAN DIEGO, CA. 92101
 (619) 295-8058



PROPOSED FLOOR PLAN/DEMOLITION PLAN

1/4" = 1'-0"
 910 SF TOTAL COVERED AREA TO C-STORE



WALL LEGEND:

	NEW FRAMED WALL
	EXISTING WALL
	COOLER ENCLOSURE

WINDOW SCHEDULE

WINDOW DESIGNATION	WINDOW OPENING SIZE		TYPE	MATERIALS				
	WIDTH	HEIGHT		STOREFRONT	FIXED	ALUMINUM FRAME	1/4" TEMP'D. GLASS	QUANTITY
A	8'-0"	5'-6"	●	●	●	●	5	
B	3'-0"	5'-6"	●	●	●	●	3	
C	3'-0"	1'-8"	●	●	●	●	1	

DOOR SCHEDULE

DOOR NUMBER	DOOR TYPE	DOOR OPENING SIZE	DOOR THICKNESS	MATERIALS		DETAILS
				ALUMINUM & GLASS HOLLOW METAL	ALUMINUM METAL	
1	1	3'-0" X 7'-0"	1 3/4"	●	●	GENERAL NOTES 1. UNDERCUT ALL INTERIOR DOORS 1-5/8" FROM FIN. FLR. 2. ALL INTERIOR DOORS TO HAVE SELF-CLOSING HINGES. 3. LATCHING AND LOCKING DOORS THAT ARE HAND-ACTIVATED AND WHICH ARE IN A PATH OF TRAVEL SHALL BE OPERABLE WITH A SINGLE EFFORT BY LEVER TYPE, PUSH TYPE, PANIC BAR HARDWARE OR OTHER HARDWARE DESIGNED TO PROVIDE PASSAGE WITHOUT REQUIRING THE ABILITY TO GRASP THE OPENING HARDWARE. REMARKS KAWNEER OR EQUAL ONE WAY MIRROR, SELF-CLOSING, KICK PLATE ONE WAY MIRROR, SELF-CLOSING, TIGHT FITTING WALK-IN COOLER DOOR PER MANUF.
2	2	3'-0" X 7'-0"	1 3/4"	●	●	
3	3	3'-0" X 7'-0"	1 3/4"	●	●	
4	4	3'-0" X 7'-0"	1 3/4"	●	●	

TITLE BLOCK

REQUEST:

- A NEIGHBORHOOD USE PERMIT TO AMEND AN EXISTING CONDITIONAL USE PERMIT (CUP# 83-0552) TO CONVERT AN EXISTING STORAGE AREA & 1-MECH. BAY INTO A FOOD MART AREA & 1-MECH. BAY INTO A FOOD MART CONVENIENCE STORE (FOOD-MART)
- A NEW CONDITIONAL USE PERMIT FOR AN ALCOHOLIC BEVERAGE OUTLET FOR OFF-SALE OF BEER & WINE

PROPOSED NEW FLOOR PLAN

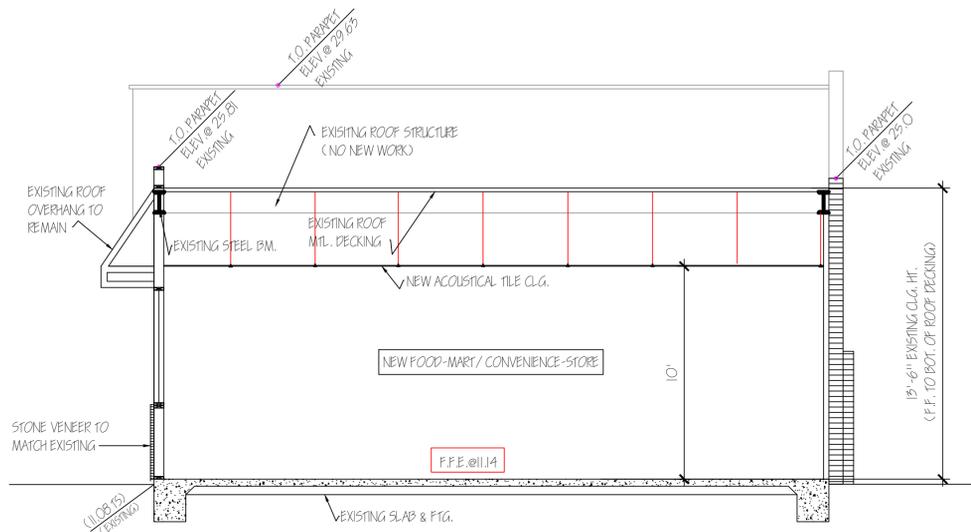
ORIGINAL APPLICATION DATE: 5/10/15
 CYCLE 1 REVISION DATE:
 CYCLE 2 REVISION DATE:

LOMA RIVIERA 76
 CONVERSION OF AN EXISTING STORAGE AREA & 1-MECH. BAY INTO A FOOD MART AREA
 4049 W. POINT LOMA BLVD., SAN DIEGO, CA. 92110



Date
 Scale
 Drawn
 Job

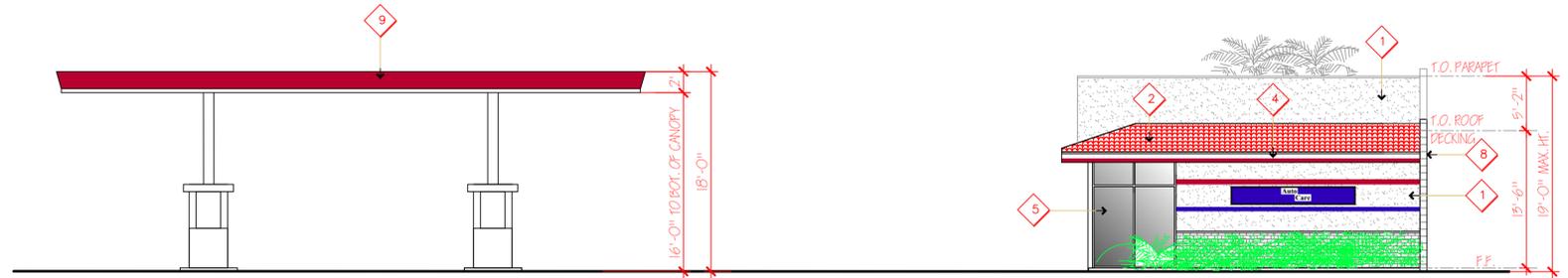
A3



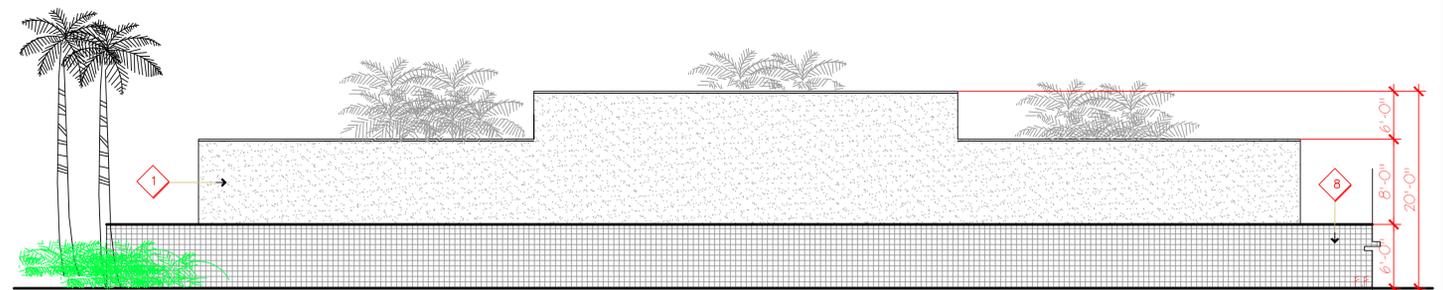
BUILDING SECTION A-A
 1/4"=1'-0"



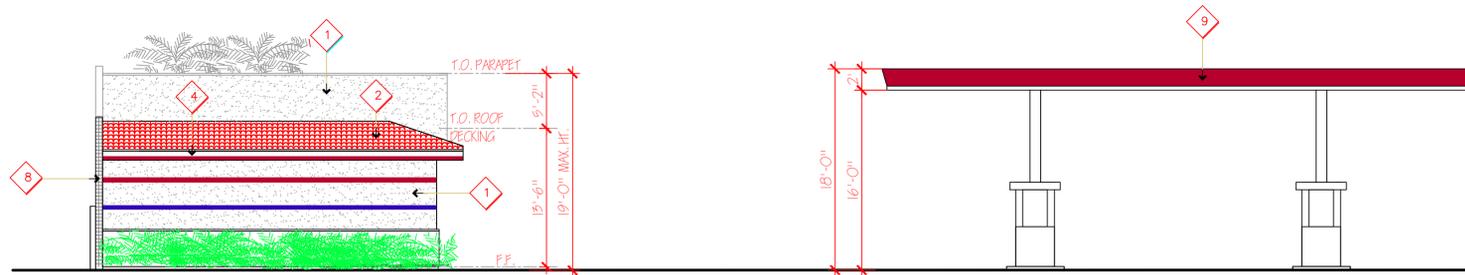
FRONT (NORTH) ELEVATION
 1/8"=1'-0"



RIGHT SIDE (WEST) ELEVATION
 1/8"=1'-0"
 NO NEW WORK IS PROPOSED @ THIS ELEVATION



LEFT SIDE (EAST) ELEVATION
 1/8"=1'-0"
 NO NEW WORK IS PROPOSED @ THIS ELEVATION



REAR (SOUTH) ELEVATION
 1/8"=1'-0"
 NO NEW WORK IS PROPOSED @ THIS ELEVATION

ELEVATION KEY NOTES

- 1 EXISTING INTEGRAL COLORED STUCCO FIN. SIDING (TYP.)
- 2 EXISTING 'MISSION' CLAY TILE ROOFING
- 3 EXISTING BRICK STONE VENEER
- 4 EXISTING WOOD FASCIA BRD.
- 5 EXISTING STORE FRONT DOOR & WINDOWS (W. GRAY TINT)
- 6 NEW STORE FRONT DOOR & WINDOWS (MATCH EXISTING)
- 7 EXISTING ROLL-UP MECHANIC BAY DOOR
- 8 EXISTING CONC. BLOCK MASONRY WALL
- 9 EXISTING FUEL CANOPY (NO NEW WORK PROPOSED)

TITLE BLOCK

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ELEVATIONS & BLD'G. SECTION

ORIGINAL APPLICATION DATE: 5/10/15
 CYCLE 1 REVISION DATE:
 CYCLE 2 REVISION DATE:

HAGMAN & ASSOCIATES
 ARCHITECTURE & PLANNING
 1516 W. Railroad St., San Diego, Ca. 92101
 (619) 295-8098

LOMA RIVIERA 76
 CONVERSION OF AN EXISTING STORAGE AREA & 1-MECH. BAY INTO A FOOD MART
 4049 W. POINT LOMA BLVD. SAN DIEGO, CA. 92110

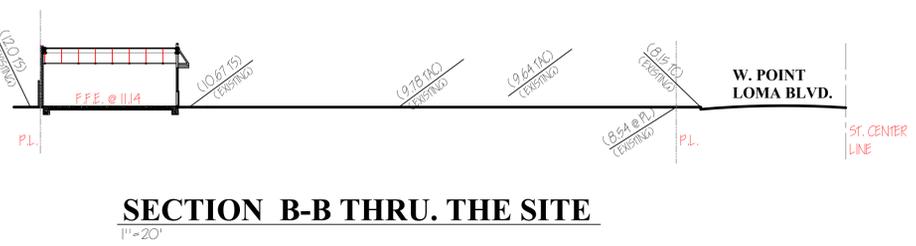
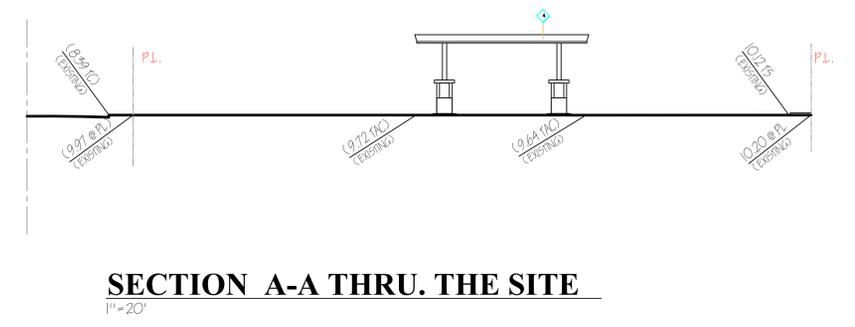
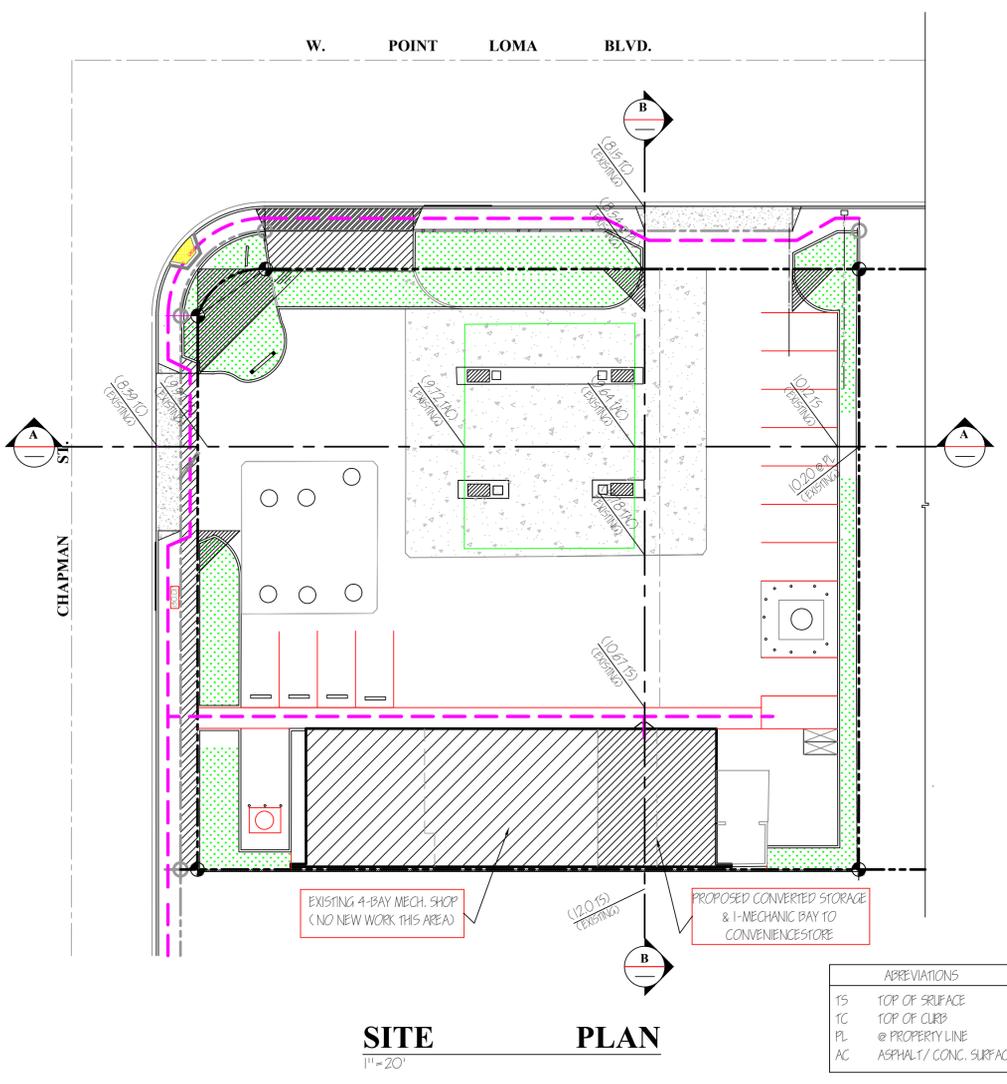


Date
 Scale
 Drawn
 Job

A4

REVISIONS	BY
7/27/17	PH

HAGMAN & ASSOCIATES
 ARCHITECTURE & PLANNING
 1916 W. Edmond St., San Diego, Ca. 92101
 (619) 295-8098



TITLE BLOCK

REQUEST:

- A NEIGHBORHOOD USE PERMIT TO AMEND AN EXISTING CONDITIONAL USE PERMIT (CUP# 83-0552) TO CONVERT AN EXISTING STORAGE AREA & 1-MECH. BAY INTO A FOOD MART CONVENIENCE STORE (FOOD-MART)
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SITE SECTIONS

ORIGINAL APPLICATION DATE: 5/10/15
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LOMA RIVIERA 76
 CONVERSION OF AN EXISTING STORAGE AREA & 1-MECH. BAY INTO A FOOD MART
 4049 W. POINT LOMA BLVD., SAN DIEGO, CA. 92110



Date
 Scale
 Drawn
 Job

A5