

west, multi-family dwellings to east, and an industrial complex to the north. The existing structure was permitted under Planned Commercial Development No. 96-7938, for the construction of a strip mall for retail commercial uses.

DISCUSSION

Project Description

The project proposes the off-site sales of beer and wine within a 2,292 square-foot convenience store. A Conditional Use Permit for the off-site sale of alcoholic beverages is permitted pursuant to Section 141.0502(c) of the Land Development Code. The sales of beer and wine will be required to be limited between the hours of 7:00 a.m. to 12:00 midnight, Monday through Sunday as conditioned by the San Diego Police Department (SDPD) and LDR-Planning review (Attachment 6).

Section 141.0502(c) determines when the off-site 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 sale of alcohol requires a Conditional Use Permit in the following instances:

- 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 the California Business and Professional Code section 23958.4.
- In an adopted Redevelopment Project Area.
- Within 600 feet of a public or private accredited school, a public park, a playground or recreational area, a church except those established in association with section 141.0404(a), a hospital or a San Diego County welfare district office.
- Within 100 feet of a residentially zoned property.

A Conditional Use Permit is required for the subject site because the property is located within 100 feet from residentially zoned property.

The project is located within Federal Census Tract No. 170.39. Statistics provided by the San Diego Police Department (SDPD) for Federal Census Tract No. 170.39 shows the area to be 34.7-percent of the citywide average crime rate (Attachment 12). Census Tract No. 170.39 allows up to four alcoholic beverage outlets where one exists. The San Diego Police Department (SDPD) reviewed the proposed project and found that the project provides a public convenience and necessity and recommends approval with recommendations and conditions for the Conditional Use Permit (Attachment 6). Conditions within the permit restrict the hours that beer and wine can be sold, beer and wine advertising requirements, security obligations, and that no more than 10-percent of the square footage of the premises will only be

used for the display of alcoholic beverages. All SDPD recommendations and conditions are included in the draft permit (Attachment 6, SDPD Recommendations). The SDPD's Vice Unit will work with the applicant and the Department of Alcoholic Beverage Control to place additional conditions on the alcohol license to minimize the law enforcement concerns, if necessary.

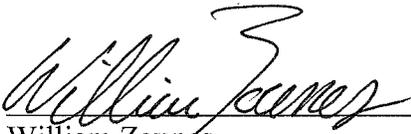
CONCLUSION

Staff has determined that the project complies with the development regulations of all applicable sections of the Land Development Code. Staff has also considered the alcohol beverage outlet statistics from the Department of Alcoholic Beverage Control and the recommendation and conditions from the SDPD-Vice Operations. Staff has determined 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

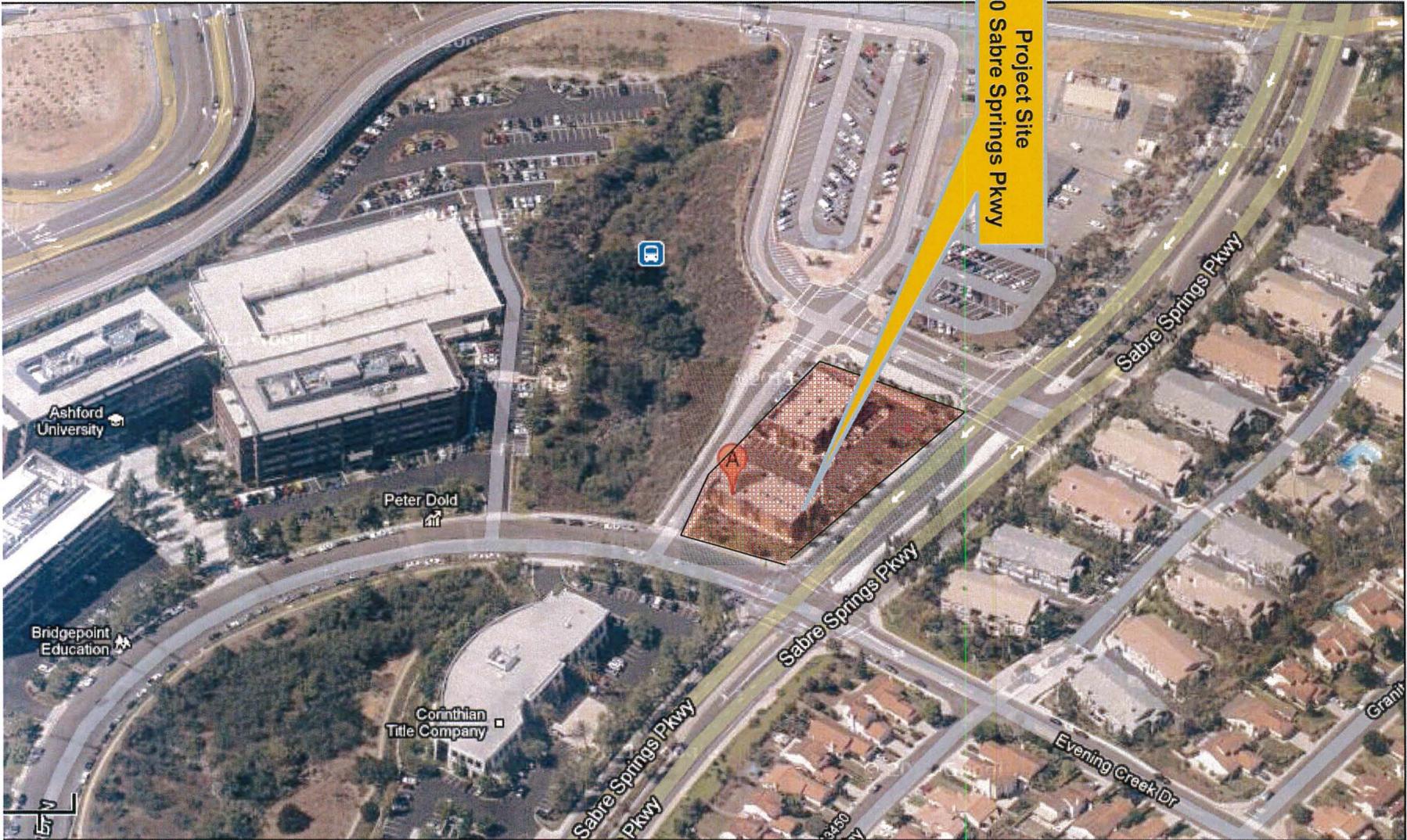
1. Approve Conditional Use Permit No. 1032755, with modifications or;
2. Deny Conditional Use Permit No. 1032755, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,


William Zounes,
Development Project Manager

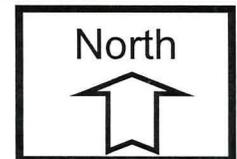
Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft Permit with Conditions
6. Draft Resolution with Findings
7. Ownership Disclosure Statement
8. Project Chronology
9. SDPD Conditional Use Permit Recommendation
10. Project Plan(s)



Aerial Photograph (Birds Eye)

7-Eleven Sabre Springs - Project No. 294628
13510 Sabre Springs Pkwy



Aerial Photograph of Site
Attachment 1



Map ONE

Sabre Springs Existing Conditions

Land Use

Legend

- Single-Family Residential
- Multi-Family Residential
- Group Quarters
- Mobile Home Park
- Commercial
- Industrial Warehouse/Storage
- Entertainment
- Communication Utilities, Transportation Related
- Institutional
- Military Use
- Schools
- Park Open Space
- Private Recreation
- Undeveloped
- Inland Waters of Value

Single-Family Residential: Single-family detached housing units, or two units in one detached building, including townhomes, duplexes, triplexes, and fourplexes. Includes mobile homes and trailers. Excludes mobile home parks and trailers.

Multi-Family Residential: Two or more units in one building, including row houses, townhomes, and apartment buildings. Excludes mobile home parks and trailers.

Group Quarters: Housing units for groups of people, including dormitories, barracks, and other institutional housing. Excludes mobile home parks and trailers.

Mobile Home Park: A tract of land containing two or more mobile homes or trailers, whether or not the homes or trailers are attached to the ground.

Commercial: Buildings and structures used for business, professional, or service purposes. Includes retail stores, offices, and restaurants. Excludes mobile home parks and trailers.

Industrial Warehouse/Storage: Buildings and structures used for manufacturing, warehousing, or storage. Excludes mobile home parks and trailers.

Entertainment: Buildings and structures used for recreation, amusement, or entertainment. Includes theaters, arenas, and casinos. Excludes mobile home parks and trailers.

Communication Utilities, Transportation Related: Buildings and structures used for communication, utility, or transportation purposes. Includes power plants, substations, and transit stations. Excludes mobile home parks and trailers.

Institutional: Buildings and structures used for educational, religious, or social purposes. Includes schools, churches, and community centers. Excludes mobile home parks and trailers.

Military Use: Buildings and structures used for military purposes. Includes barracks, armories, and military headquarters. Excludes mobile home parks and trailers.

Schools: Buildings and structures used for educational purposes. Includes elementary schools, high schools, and colleges. Excludes mobile home parks and trailers.

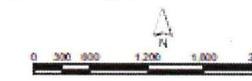
Park Open Space: Land used for recreation, including parks, playgrounds, and sports fields. Excludes mobile home parks and trailers.

Private Recreation: Land used for private recreation, including golf courses, country clubs, and resorts. Excludes mobile home parks and trailers.

Undeveloped: Land that is not developed for any purpose. Includes agricultural land, vacant lots, and natural areas. Excludes mobile home parks and trailers.

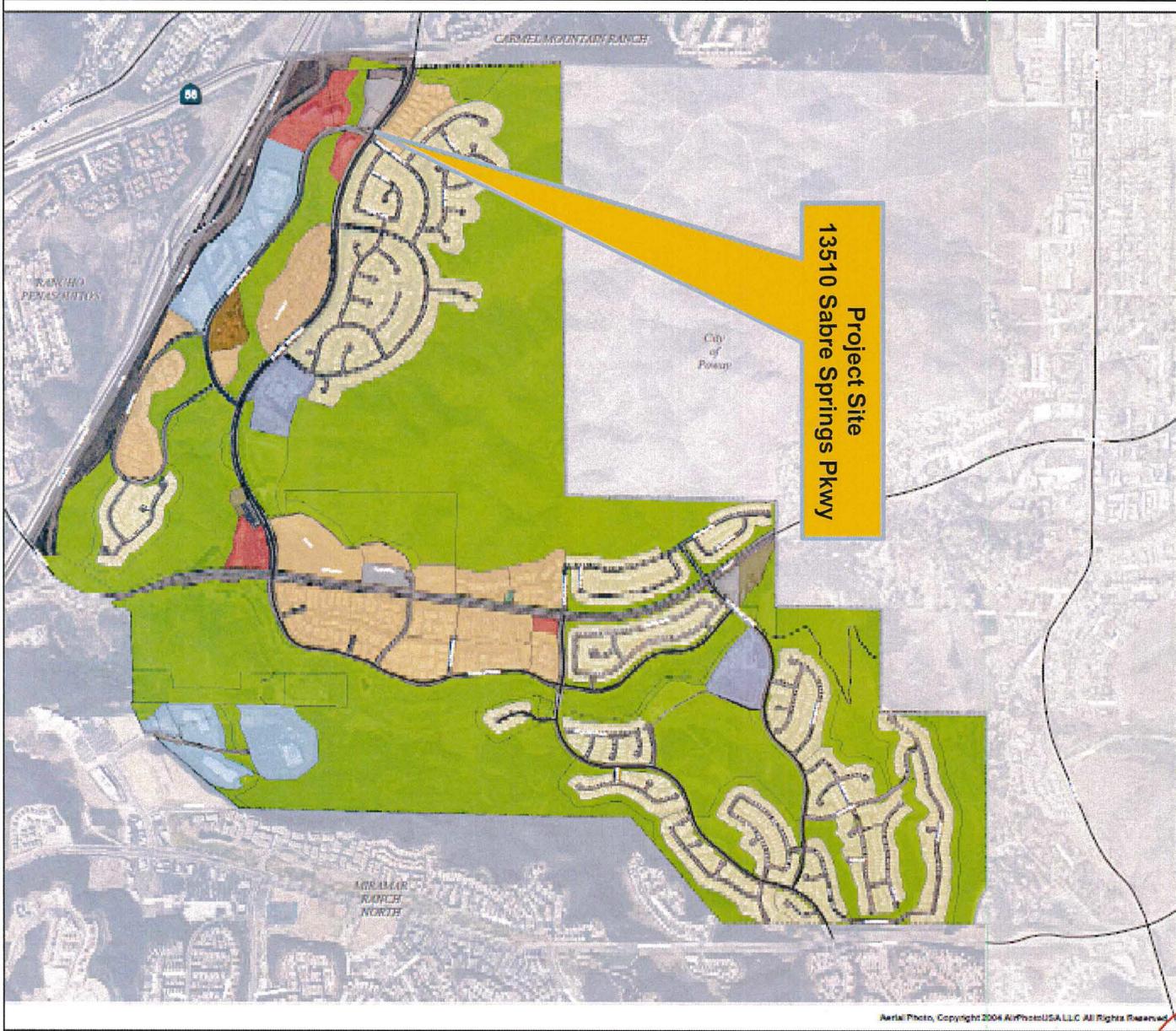
Inland Waters of Value: Water bodies that are subject to state or federal regulation. Includes rivers, streams, and lakes. Excludes mobile home parks and trailers.

Map One of Sabre Springs Land Use Plan. The map is shown for informational purposes only. It is not intended to be used for any other purpose.



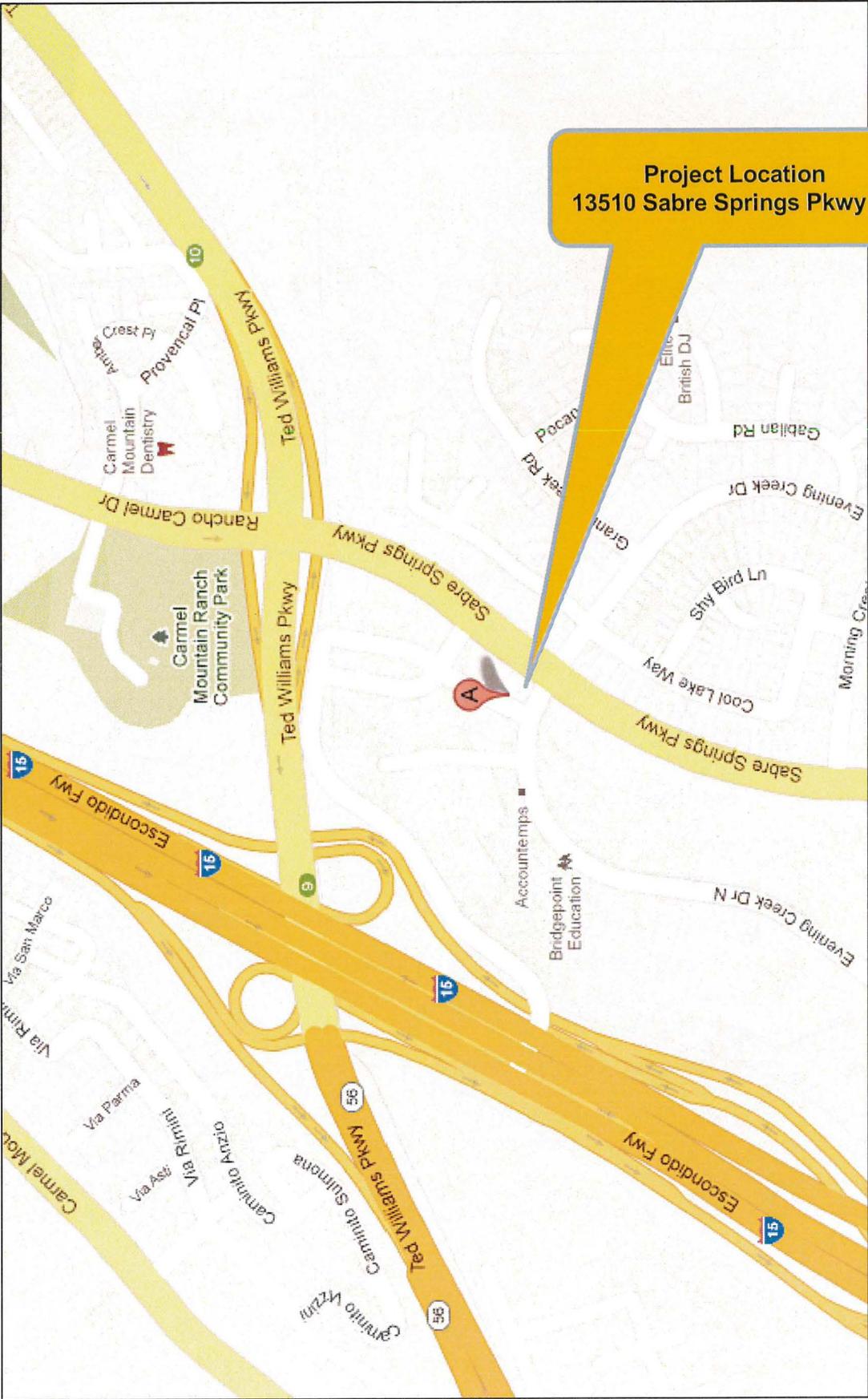
City of San Diego
Planning Department
May 20, 2004

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Aerial Photo, Copyright 2004 AirPhotoUSA LLC All Rights Reserved

Attachment 3 Project Location Map



Project Location
13510 Sabre Springs Pkwy

PROJECT DATA SHEET

PROJECT NAME:	7-Eleven Sabre Springs	
PROJECT DESCRIPTION:	Conditional Use Permit to allow the sales of beer and wine in accordance with a Type 20 liquor license within a convenience store .	
COMMUNITY PLAN AREA:	Sabre Springs	
DISCRETIONARY ACTIONS:	Conditional Use Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	Specialty Commercial	
<u>ZONING INFORMATION:</u>		
ZONE: CC-2-3 HEIGHT LIMIT: 45 feet LOT SIZE: 1.04-acres. FLOOR AREA RATIO: 0.75 FRONT SETBACK: N/A SIDE SETBACK: 10 feet STREETSIDE SETBACK: N/A REAR SETBACK: 10 feet PARKING: 61 spaces		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	School, CC-2-3	Metropolitan Transit Development Offices
SOUTH:	Commercial; CO-1-2	Commercial Offices
EAST:	Multi & Single-Family/RM-1-3 & RS-1-14	Multi and Single Family Dwellings
WEST:	Commercial/IP-2-1	Light Industrial/Commercial Offices
DEVIATIONS OR VARIANCES REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	There is no recognized community planning group for the area. The group was disbanded due to a lack of a quorum as of May 18, 2011.	

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24002273

CONDITIONAL USE PERMIT NO. 1032755
7-ELEVEN SABRE SPRINGS PROJECT NO. 294628
HEARING OFFICER

This Conditional Use Permit No. 1032755 is granted by the Hearing Officer of the City of San Diego to MJF PARTNERS, LLC, Owner and JENNIFER BRIDGES Permittee, pursuant to San Diego Municipal Code [SDMC] section 141.0502 and 126.0303. The 1.04-acre site is located at 13510 Sabre Springs Parkway in the CC-2-3 Zone within the Sabre Springs Community Plan. The project site is legally described as: Lot 1 of amended map of Sabre Springs Parcel 1, in the City of San Diego, County of San Diego, State of California, according to map thereof No. 13569, filed in the office of the County Recorder of San Diego County, April 27, 1998;

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to operate an alcoholic beverage outlet to sell beer and wine within a convenience store 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"] dated March 20, 2013, on file in the Development Services Department.

The project shall include:

- a. Operation of an alcoholic beverage outlet within a convenience store conditioned upon the issuance of a Type 20 license from the State Department of Alcoholic Beverage Control;

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 April 4, 2016.
2. This Conditional Use Permit (CUP) and corresponding use of this site shall expire on April 4, 2038. Prior to the expiration date of this CUP, the Owner/Permittee may submit a new CUP application to the City Manager for consideration with review and a decision by the appropriate decision maker at that time. The request for consideration shall be made at least 60 calendar days prior to the expiration of this Conditional Use Permit. An application for an extension shall be considered in accordance with Process Two if there is no record in the City of San Diego Police Department or other department or with any other governmental agency of any violations of the State of California Department of Alcoholic Beverage Control rules, regulations, and orders or of any violation of city, county, state or federal law, code, regulation or policy related to prostitution, drug activity or other criminal activity on the premises. An application for an extension shall be considered in accordance with Process Three if there is a record of violations as described in Section 141.0502(c)(7)(B).
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. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

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

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

ENGINEERING REVIEW REQUIREMENTS:

12. Subsequent to the recordation of the Conditional Use Permit (CUP) the applicant shall provide documentation to the Development Services Project Manager that the applicant has reconstructed the existing curb ramp at the northwest corner of Sabre Springs Parkway and Evening Creek Drive, with current City Standard curb ramp Standard Drawing SDG-130 and SDG-132 with truncated domes, to the satisfaction of the City Engineer. If this work is not completed within 60 days of the public hearing approval of the CUP, the Permittee shall be deemed to be in non-compliance with the Conditional Use Permit, and the Permit is subject to rescission by the Development Services Director.

13. Any party, on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within 90 days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code 66020.

PLANNING/DESIGN REQUIREMENTS:

14. Pool or billiard table, football, or pinball games, arcade style video and electronic games, or coin-operated amusement devices are not permitted on the premises with an alcoholic beverage outlet.

15. Exterior public pay phones that permit incoming calls are not permitted on the premises, adjacent public sidewalks, or areas under the control of the owner or operator.

16. The owner or operator shall provide illumination, at a minimum level of 0.4 footcandles per square foot, on the exterior of the alcoholic beverage outlet, including adjacent public sidewalks and areas under the control of the owner or operator. The illumination shall be in operation during all hours of darkness while the outlet is open for business so that persons standing 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.

17. The sign area pertaining to or referencing alcoholic sales or beverages shall not exceed 630 square inches.

18. The owner or operator 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."

19. The owner or operator shall list a business address and telephone number in the AT&T/San Diego telephone directory or other similarly distributed directory.

20. A maximum of 33 percent of the square footage of the windows and doors of the premises may bear advertising or signs of any sort, and all advertising and signs shall be placed and

maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the outlet.

21. The owner or operator shall maintain the premises, adjacent public sidewalks, and areas under the control of the owner or operator, free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter, and debris. The owner or operator shall eliminate graffiti within 48 hours of application.

22. The owner or operator 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 or operator. 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 or operator.

23. The owner or operator shall post a copy of the Conditional Use Permit conditions in the licensed premises in a place where they may be readily viewed by any member of the general public or any member of a government agency. The Conditional Use Permit shall include a date on which the permit will expire and become void. This date shall not be less than 25 years from the approval date of the Conditional Use Permit.

POLICE DEPARTMENT REQUIREMENTS:

24. 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.

25. No loitering shall be allowed on the premises and if necessary a security guard to control enforcement of this provision will be required.

26. Security cameras covering both interior and exterior of the premises shall be required.

27. No more than 10-percent of the square footage of the premises will be used for the display of alcoholic beverages.

POLICE DEPARTMENT RECOMMENDATIONS FOR ABC LICENSE:

- Wine shall not be sold in containers of less than 750 milliliters, with the exception of wine coolers sold in four-pack containers or more per sale.
- Malt beverages shall not be sold in less than six-pack containers per sale.
- Wine shall not be sold with an alcoholic content greater than 15 percent by volume except for "Dinner Wines" which have been aged two years or more.

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

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 March 20, 2013.

Permit Type/PTS Approval No.: CUP No. 1032755
Date of Approval: March 20, 2013

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

William Zounes
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.**

Owner

By _____

MJF PARTNERS, LLC

Permittee

By _____

JENNIFER BRIDGES

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

HEARING OFFICER
RESOLUTION NO. XXXXXX
CONDITIONAL USE PERMIT NO. 1032755
7-ELEVEN SABRE SPRINGS PROJECT NO. 294628

WHEREAS, MJF PARTNERS, LLC, Owner and 7-Eleven, Inc Permittee, filed an application with the City of San Diego for a permit to operate an off-site sales alcoholic beverage outlet within a convenience store 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 (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Planned Commercial Development No. 96-7936), on portions of a 1.04-acre site;

WHEREAS, the project site is located at 13510 Sabre Springs Parkway in the CC-2-3 Zone within the Sabre Springs Community Plan, Council District 6;

WHEREAS, the project site is legally described as Lot 1 of amended map of Sabre Springs Parcel 1, in the City of San Diego, County of San Diego, State of California, according to map thereof No. 13569, filed in the office of the County Recorder of San Diego County, April 27, 1998;

WHEREAS, on March 20, 2013, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1032755 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on February 22, 2013, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15301 and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

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 March 20, 2013.

FINDINGS:

Conditional Use Permit - Section 126.0305

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

The project proposes a Conditional Use Permit for a Type 20 liquor license to allow the "off- sales" of beer and wine within a convenience store on a site developed with other retail uses. The site is located at 13510 Sabre Springs Parkway in the CC-2-3 Zone within the Sabre Springs Community Plan area.

The proposed use is to allow the "off- sales" of beer and wine within a convenience store. A goal of the Sabre Springs's Community Plan include to complement all commercial development in the community with the existing and proposed commercial in surrounding areas, in order to adequately meet commercial needs and provide a diversity of goods and services, while ensuring market viability and provide

sufficient commercial area for retailing, offices and services to meet the day to-day necessity and convenience commercial needs of community residents.

Currently there are multi-family residences to the east of the site and commercial offices to the south and west of the site. The only shopping facility is within Carmel Mountain Ranch, located at the intersection of Carmel Mountain Road and Rancho Carmel Drive approximately 1.5 miles from the site and the residential development across the street from the site. In addition, residents of Sabre Springs must travel to Carmel Mountain, Rancho Penasquitos, and Poway or other communities for groceries and other sundries.

The proposed use in connection with its retail establishment is located in the Specialty Commercial designation within the Sabre Springs Community Plan. The designation recommends development which provides support to industrial parks, including business, professional, visitor commercial, financial services, and office services. Additionally the Specialty Commercial designation recommends providing attractive, accessible commercial development which meets community convenience needs and complements the full range of commercial activities within the I-15 corridor. Therefore, the proposed use, the limited sales of alcoholic beverages within a convenience store, implements a recommendation of the Community 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 project proposes a Conditional Use Permit for a Type 20 liquor license to allow the “off- sales” of beer and wine within a convenience store on a site developed with other retail uses. The site is located at 13510 Sabre Springs Parkway in the CC-2-3 Zone within the Sabre Springs Community Plan.

Alcoholic beverage sales for off-site consumption has been determined to serve a public convenience or necessity by the San Diego Police Department (SDPD). The SDPD staff has determined that the proposed “off- sales” of beer and wine is a small component of the convenience store and is not the principal sales product. The products sold at the store vary in diversity and will serve mostly residential and the surrounding commercial traffic. The San Diego Police Department supports the limited sale of beer and wine as conditioned by the Conditional Use Permit to ensure that the sale of alcoholic beverages is maintained as an incidental part of the store. Conditions within the permit restrict the hours that beer and wine can be sold, beer and wine advertising requirements, security obligations, and that no more than 10-percent of the square footage of the premises will only be used for the display of alcoholic beverages. All Police Department recommendations have been added to the draft permit as conditions or recommended conditions to the Department of Alcoholic Beverage Control (ABC). The San Diego Police Department’s Vice Unit will work with the applicant and the ABC to place additional conditions on the alcohol license to minimize the law enforcement concerns, if necessary. The SDPD has determined that the proposed off-site sales of beer and wine at the proposed site would not be detrimental to the public health, safety, and welfare.

The project was determined to be exempt from the California Environmental Quality Act (CEQA) 15301 (Existing Facilities). Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

The project proposes a Conditional Use Permit for a Type 20 liquor license to allow the “off- sales” of beer and wine within a convenience store on a site developed with other retail uses. The site is located at 13510 Sabre Springs Parkway in the CC-2-3 Zone within the Sabre Springs Community Plan.

The site is designated for Specialty Commercial within the Sabre Springs Community Plan which in general, recommends retail sales of convenient items. The proposed sales of alcoholic beverages within a convenience store will be in accordance with the California Building Code and Municipal Code and is contingent upon the issuance of a license by the State of California Alcohol Beverage Control Board (ABC). The SDPD has reviewed the project and concluded the proposed use will provide a public convenience or necessity. No development regulation deviations are being proposed with this application. For the reasons above the proposed development will comply with the regulations of the Land Development Code.

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

The project proposes a Conditional Use Permit for a Type 20 liquor license to allow the “off- sales” of beer and wine within a convenience store on a site developed with other retail uses. The site is located at 13510 Sabre Springs Parkway in the CC-2-3 Zone within the Sabre Springs Community Plan.

The proposed use, to add “off- sales” of beer and wine as an accessory use to a grocery store is consistent with the existing commercial use of the property and implements the Specialty Commercial land use designation of the Community Plan. The convenience store is not located near a church, or school. However there are residential dwellings approximately 100 feet from the site’s property line. The San Diego Police Department (SDPD) made the public necessity or convenience determination to recommend approval of the project. The SDPD staff has determined that the proposed “off- sales” of beer and wine is a component of the convenient store and is not the principal sales product. The SDPD has determined that the proposed off-site sales of beer and wine at the proposed site would not be detrimental to the public health, safety, and welfare. The permit prepared for this project includes various recommendations which include time constraints for the sales of beer and wine, beer and wine advertising limitations, security requirements, and that no more than 10-percent of the square footage of the convenience store will be used for the display of alcoholic beverages.

The proposed use is located within an existing shopping center containing commercial services and retail sale establishments. The SDPD has determined the proposed use is appropriate at this location due to the proximity to other alcohol beverage outlets and the fact the site is not located near schools or public parks in the area, therefore the proposed use is appropriate at the proposed location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 1032755 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. 1032755, a copy of which is attached hereto and made a part hereof.



William Zounes
Development Project Manager
Development Services

Adopted on: March 20, 2013

Job Order No. 24003222

7 ELEVEN INC
<i>Company Information</i>
Officer: DEPINTO, JOSEPH (CHIEF EXECUTIVE OFFICER)
Officer: DEPINTO, JOSEPH (CHIEF EXECUTIVE OFFICER)
Officer: DEPINTO, JOSEPH (PRESIDENT)
Officer: DEPINTO, JOSEPH (PRESIDENT)
Officer: AUSTIN, MICHAEL DON (SECRETARY/ASST SEC)
Officer: BONNVILLE, STEVEN R (SECRETARY/ASST SEC)
Officer: EDWARDS, SEAN MCKINNON (SECRETARY/ASST SEC)
Officer: FENTON, DAVID (SECRETARY/ASST SEC)
Officer: GRIFFITH, GARY (SECRETARY/ASST SEC)
Officer: HALVERSON, WILLIAM (SECRETARY/ASST SEC)
Officer: HUGHES, LAWRENCE G (SECRETARY/ASST SEC)
Officer: PICHININO, CRAIG (SECRETARY/ASST SEC)
Officer: SHEARER, SHAWN E (SECRETARY/ASST SEC)
Officer: VARELA, ANTONIO ENRIQUE (SECRETARY/ASST SEC)
Officer: WILLIAMS, GREGORY (SECRETARY/ASST SEC)
Officer: YOW, SHAWNTEL (SECRETARY/ASST SEC)
Officer: ABE, SHINJI (VICE PRESIDENT)
Officer: ABE, SHINJI (VICE PRESIDENT)
Officer: COZENS, ROBERT J (VICE PRESIDENT)
Officer: DONEGAN, W TIMOTHY (VICE PRESIDENT)
Officer: ELLIOTT, KEVIN E (VICE PRESIDENT)
Officer: GAMBINA, FRANK S (VICE PRESIDENT)
Officer: HARGROVE, WESLEY M (VICE PRESIDENT)
Officer: HEDRICK, JOHN (VICE PRESIDENT)
Officer: JENKINS, C BRAD (VICE PRESIDENT)
Officer: KAPOOR, RAJNEESH (VICE PRESIDENT)
Officer: KOSCHEL, ENA WILLIAMS (VICE PRESIDENT)
Officer: MITCHELL, KRYSTIN E (VICE PRESIDENT)
Officer: OZEKI, SHIRO (VICE PRESIDENT)
Officer: PACK, ALLEN P (VICE PRESIDENT)
Officer: REBELEZ, DARREN M (VICE PRESIDENT)
Officer: SAKAI, RYOJI (VICE PRESIDENT)
Officer: SCHENCK, JEFF (VICE PRESIDENT)
Officer: SELTZER, DAVID (VICE PRESIDENT)
Officer: SMITH, NANCY A (VICE PRESIDENT)
Officer: STRONG, JOSEPH M (VICE PRESIDENT)
Officer: THOMAS, DONALD E (VICE PRESIDENT)
Officer: REYNOLDS, STANLEY W (VICE PRESIDENT/TREASURER)

Project Title: 7- Eleven Convenience Store

294028

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. ELN # 47- 0902298
 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):
 MJF Partners, LLC

Owner Tenant/Lessee

Street Address:
 12509 Poway Road.

City/State/Zip:
 Poway, CA 92064

Phone No: (858) 566-7393 Ext. 200 Fax No: (858) 602-1486

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

Title (type or print):
 Owner

Signature: *Michael Foster* Date: *8/29/12*

Corporate/Partnership Name (type or print):
 MJF Partners, LLC

Owner Tenant/Lessee

Street Address:
 12509 Poway Road

City/State/Zip:
 Poway, CA 92064

Phone No: (858) 566-7393 Fax No: (858) 602-1486

Name of Corporate Officer/Partner (type or print):
 Carol C. Foster

Title (type or print):
 Memeber

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 Chronology
7-Eleven Sabre Springs
Project No. 294628**

Date	Action	Description	City Review Time	Applicant Response
11/20/12	First Submittal	Project Deemed Complete and distributed		
12/20/12	First Submittal Assessment Letter out		30 days	
1/18/13	Second submittal In	Normal Submittal		29 days from First Assessment Letter
2/20/13	Second Submittal Assessment Letter out		33days	
3/20/13	Hearing Officer Hearing		28 days	
TOTAL STAFF TIME**			3 month 2 days	
TOTAL APPLICANT TIME**				months 29 days
TOTAL PROJECT RUNNING TIME**		From Deemed Complete to HO Hearing	4months 1 days	

**Based on 30 days equals to one month.

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

PREMISE ADDRESS: 13510 Sabre Springs Pkwy, Ste 101-102

TYPE OF BUSINESS: Convenience Store

FEDERAL CENSUS TRACT: 170.39

NUMBER OF ALCOHOL LICENSES ALLOWED: 4

NUMBER OF ALCOHOL LICENSES EXISTING: 1

CRIME RATE IN THIS CENSUS TRACT: 34.7%
(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:

SUGGESTED CONDITIONS:

1. Sales of alcoholic beverages shall be permitted only between the hours of 7:00 AM and 12:00 midnight each day of the week.
2. Wine shall not be sold in bottles or containers smaller than 750 ml.
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.
4. Beer, malt beverages or wine cooler products, regardless of container size, must be sold in manufacturer pre-packaged multi-unit quantities.
5. The petitioner(s) shall post and maintain a professional quality sign facing the premises parking lot(s) 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. There shall be no amusement machines or video game devices on the premises at any time.
8. No loitering on the premises and if necessary a security guard to control enforcement of this provision.
9. Illumination in the parking lot. Security camera covering both interior and exterior premises.
10. No more than 10-percent of the square footage of the premises will be used for the display of alcoholic beverages.

SAN DIEGO POLICE DEPARTMENT RECOMMENDATION:

APPROVE X

DENY _____

TOM VUNDERWOOD
Name of SDPD Vice Sergeant (Print)

619-531-2349
Telephone Number

[Signature]
Signature of SDPD Vice Sergeant

11/26/02
Date of Review

