



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: March 23, 2017 REPORT NO. PC-17-028

HEARING DATE: March 30, 2017

SUBJECT: 3295 PALM AVENUE CUP, Process Four Decision

PROJECT NUMBER: [481061](#)

REFERENCE: Hearing Officer Report [HO-17-004](#)

OWNER/APPLICANT: Main Street Woodland, Owner and Steve Laub, Applicant

SUMMARY:

Issue: Should the Planning Commission approve or deny an appeal of the Hearing Officer's decision to approve a Conditional Use Permit for an alcoholic beverage outlet located at 3295 Palm Avenue within the Otay Mesa-Nestor Community Plan area?

Staff Recommendation: **Deny** the appeal and uphold the decision of the Hearing Officer to Approve Conditional Use Permit No. 1685018, with modified conditions (Attachment 4).

Community Planning Group Recommendation: On May 11, 2016, the Otay Mesa-Nestor Community Planning Group voted 15-0-0 to recommend approval of the proposed project without conditions/recommendations.

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15301 on August 26, 2016. An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on December 13, 2016. The scope of the subject hearing only includes the project, and not the environmental determination.

Fiscal Impact Statement: None. All staff costs associated with the processing of this project is paid from a deposit account maintained by the applicant.

Housing Impact Statement: None with this action.

BACKGROUND:

The Hearing Officer Report No. HO-17-004 (Attachment 1) includes all project specific background and analysis of the Conditional Use Permit (CUP) requirements, and necessary findings by which staff recommended approval of the project. The project is an application for a CUP to allow a Type 20, Off-Sale Beer & Wine Alcohol Beverage Control (ABC) license within a new 2,700-square-foot, 7-Eleven convenience store located within an existing 4,500-square-foot commercial building. The 0.52-acre project site is located at 3295 Palm Avenue, at the southwest corner of Palm Avenue and Beyer Way, in the CC-2-3 (Community Commercial) Zone and the Otay Mesa-Nestor Community Plan (OMNCP). Surrounding land uses include a multi-unit residential complex to the south, commercial establishments to the east, a fast food restaurant to the west, and a high school and adult center to the north across Palm Avenue.

The existing commercial building was constructed in 1978, and has housed a laundromat facility since 2004. The City of San Diego issued Building Permit No. 1666754 for the interior remodel of the existing building to create two tenant spaces on April 15, 2016. Thereafter, on September 15, 2016 the City issued construction permits for tenant improvements of a 2,700-square-foot space for the subject 7-Eleven convenience store (Building Permit No. 1689418). The 7-Eleven store commenced operations in December 2016.

On January 25, 2017, the 3295 Palm Avenue CUP application was presented to the Hearing Officer of the City of San Diego at a noticed public hearing. The Hearing Officer was provided with a staff report, and recommendations from Development Services Department, the San Diego Police Department, and the Otay Mesa-Nestor Community Planning Group, all recommending approval of the project. After hearing public testimony, both in support and opposition, the Hearing Officer supported the required findings and approved CUP No. 1685018.

DISCUSSION:

This item is an appeal of the Hearing Officer's January 25, 2017 decision to approve the CUP. On February 6, 2017, the City received an appeal submitted by Rosalinda Longoria (Attachment 2). The following are the appeal issues and responses by City staff.

The appellant states:

"want to object to granting of alcoholic license to the 7-eleven for the following reasons. 1. To location is across from the Montgomery High School 2. The intersection of Palm and Beyer is already a busy and dangerous intersection 3. There is four beverage licenses already in the area. 4. The area considered high crime already will probably up. The alcoholic beverage license will not benefit the community in any way."

Appeal Issue # 1 as Stated by the Appellant: "want to object to granting of alcoholic license to the 7-eleven for the following reasons. 1. To location is across from the Montgomery High School."

Staff Responses: Alcoholic beverage outlets are allowed in the underlying CC-2-3 Zone as a Limited Use subject to regulations set forth in San Diego Municipal Code (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). An alcoholic beverage outlet at this location requires a CUP as it is within 600 feet of the Montgomery High School, which is located north of the project site across Palm Avenue at 3250 Palm Avenue. The CUP provides the City the opportunity to impose appropriate conditions related to public health and safety.

In light of the proximity of the high school to the proposed alcohol beverage outlet, the SDPD provided the following specific conditions for incorporation into the CUP (Attachment 6):

- "There shall be no amusement machines or video game devices on the premises at any time."
- "On days when Montgomery High School is in session, coolers where alcoholic beverages are stored/displaced must be locked and should only be accessed by or through store personnel for the period one half-hour before and one half-hour after classroom instruction ends."

The operation of an alcoholic beverage outlet within the 7-Eleven store is consistent with the Neighborhood Commercial use designated by the OMNCP and permitted by the underlying CC-2-3 zone. Furthermore, staff and SDPD have concluded that if the permit were appropriately conditioned, the proposed alcohol sales would not have an adverse impact on the surrounding neighborhood. Staff is recommending approval of the project as conditioned by staff and the SDPD (Attachment 4). The CUP includes conditions that limit the hours of sales, limit the floor area dedicated for the display of beer and wine, limit advertising, require a well lit and clean site, prohibit amusement machines or video game devices on the premises, prohibit loitering and graffiti, and require alcoholic beverage coolers to be locked with restricted access one half-hour before, and one half-hour after classroom instruction ends, on days Montgomery High School is in session. The CUP also includes recommended conditions for the ABC license that would regulate the type, volume, and alcohol content of the beverages.

Appeal Issue #2 as Stated by the Appellant: "The intersection of Palm and Beyer is already a busy and dangerous intersection."

Staff Responses: The primary use of the project site is a 7-Eleven store, which is classified as a "Retail Sales" use category and permitted by right in the CC-2-3 zone subject to the development standards in effect for the zone. The underlying zone establishes standards to regulate the use, bulk, scale, and intensity of development. The subject application is a request for a CUP, as an accessory use to the 7-Eleven store, to allow the off-sale of beer and wine. The CUP process establishes a review process for uses that may be desirable under appropriate circumstances, but not permitted by right, and provides the City an opportunity to impose conditions to protect the public health, safety, and welfare of the community.

The proposed sale of beer and wine from the 7-Eleven store is an accessory use and would add to the range of goods available from the convenience store, and therefore not expected to affect the trips associated with the primary use or result in added impact to the intersection of Palm and Beyer.

The project has been reviewed by the Deputy City Engineer staff to ensure the project's compliance with the San Diego Municipal Code and the American with Disabilities Act (ADA). Staff determined that the existing onsite pedestrian ramp and the path of travel from the Palm Avenue public right-of-way to the site are in compliance; however, the driveway adjacent to the site on Beyer Way would be required to be upgraded to meet ADA standards. Furthermore, a chain link fence located in the median of Palm Avenue prevents pedestrian mid-block crossing and encourages pedestrians to safely cross using the designated cross walks in the vicinity.

Appeal Issue #3 as Stated by the Appellant: "There is four beverage licenses already in the area."

Staff Responses: There are several off-sale alcoholic beverage outlets with a Type 20 or Type 21 ABC License existing within the immediate vicinity of the project site:

- CVS store (3350 Palm Avenue) and Chevron (3302 Palm Avenue), located in the commercial center at the northeast corner of Palm Avenue and Beyer Way in Census Tract 100.01; and
- Palm Plaza Liquor (3329 Palm Avenue), located at the southeast corner of Palm Avenue and Beyer Way in Census Tract 100.11.

The subject property is in Census Tract No. 100.10, which based on the California Business and Professional Code Section 23958.4 permits a total of three off-sale alcoholic beverage outlets. There are currently two existing off-sale alcoholic beverage outlets within Census Tract 100.10 (Attachment 8). This project would increase the number of licenses to three and does not exceed the established standard for this Census Tract. Although the ratio of alcoholic beverage outlets with respect to the standards established by the California Business and Professional Code is one of the locational criteria that triggers the requirement for a CUP, a CUP is not required at this location due to this factor since the project does not exceed the established standard.

Appeal Issue #4 as Stated by the Appellant: "The area considered high crime already will probably up. The alcoholic beverage license will not benefit the community in any way."

Staff Responses: The subject property is in Census Tract No. 100.10, which reported a crime rate of 62.6 percent of the city-wide average based on the statistics provided by the San Diego Police Department for Calendar Year 2015 (Attachment 6). Crime rate in this Census Tract dropped to 42.8 percent in Calendar Year 2016 (Attachment 7), with five incidents of alcohol violations according to the SDPD (Attachment 10). A Census Tract is considered to have "high crime" if the crime rate exceeds 120 percent of the city-wide average. The project site is not located within a "high crime" Census Tract. Although "high crime area" is one of the locational criteria that triggers the requirement for a CUP, a CUP is not required at this location due to this factor as the area is not considered a "high crime" area.

The OMNCP designates the site for Neighborhood Commercial, which is intended to support development that provides a range of necessity goods, and personal and repair services for the convenience of the adjacent neighborhood. The CC-2-3 zone is a community commercial zone that is intended to accommodate development with an auto orientation and include community serving commercial services and retail uses. The proposed sale of beer and wine from the 7-Eleven store is

consistent with the underlying Neighborhood Commercial land use designation and the underlying CC-2-3 zone, and would add to the range of goods available from the convenience store serving the community.

STANDARD OPERATING CONDITIONS:

Based upon feedback from the Planning Commission and public testimony, staff recently standardized a CUP format specific to Alcoholic Beverage Outlets to provide consistency for recommended permit conditions on these types of projects. The template includes standard operating conditions set forth in SDMC Section 141.0502(b) "Limited Use Regulations", and notes the size in square-feet of the area approved for alcohol sales, in order to ensure consistency between the regulatory framework and the operation of Alcohol Beverage Outlets, and to provide clarity to owners/permittees.

The draft permit (Attachment 3) includes the conditions presented to and approved by the Hearing Officer on January 25, 2017, and was prepared prior the Development Services Department's recent standardization of CUPs for Alcoholic Beverage Outlets. Staff has provided a revised draft permit in strikeout/underline, which incorporates the new CUP format (Attachment 4) as an alternative option for the Planning Commission to consider for approval.

CONCLUSION:

The project has been reviewed by City staff and the San Diego Police Department for conformance with 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 a commercial building within a neighborhood commercial core of the community. The operation of an alcoholic beverage outlet within the new convenience store to provide the sale of beer and wine for consumption off premises is consistent with the Neighborhood Commercial use designated by the OMNCP and permitted by the underlying CC-2-3 zone. 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.

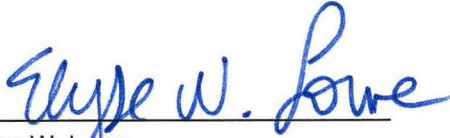
The Hearing Officer determined that there was substantial evidence in the record to approve CUP No. 1685018 and concluded that the proposed alcohol sales would not have an adverse impact on the surrounding neighborhood with incorporation of the proposed conditions. Staff has provided draft findings to support approval of the proposed project (Attachment 5) and revised draft conditions of approval should the Planning Commission decide to include the standard operating conditions per SDMC section 141.0502 (b) (Attachment 4). Staff recommends the Planning Commission deny the appeal and uphold the approval of CUP No. 1685018.

ALTERNATIVES

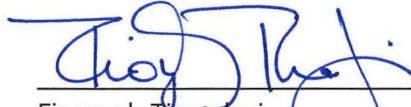
1. Deny the appeal and uphold the Hearing Officer's Decision to approve Conditional Use Permit No. 1685018, with modifications.

2. Approve the appeal and deny Conditional Use Permit No. 1685018, if the findings to approve the project cannot be affirmed.

Respectfully submitted,



Elyse W. Lowe
Deputy Director
Development Services Department



Firouzeh Tirandazi
Development Project Manager
Development Services Department

EWL/FT

Attachments:

1. Hearing Officer Report HO-17-004
2. Appeal Application
3. Draft Permit with Conditions (as presented to the Hearing Officer)
4. Draft Permit with Conditions (revised)
5. Draft Resolution with Findings
6. Police Department Conditional Use Permit Recommendation, dated June 6, 2016
7. ABC Report – January 2016 - December 2016 Crime Statistics by Census Tract
8. ABC – Liquor Licenses within Census Tract 100.10 and immediate vicinity – MAP
9. ABC – Existing off-sale licenses in Census Tract 100.10
10. San Diego Police Department – January to December 2016 Alcohol Arrests & Cites
11. Project Plans



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: January 18, 2017 REPORT NO. HO-17-004

HEARING DATE: January 25, 2017

SUBJECT: 3295 PALM AVENUE CUP, Process Three Decision

PROJECT NUMBER: [481061](#)

OWNER/APPLICANT: Main Street Woodland, LLC, Owner and Steve Laub, Applicant

SUMMARY:

Issue: Should the Hearing Officer approve an alcoholic beverage outlet allowing the sale of beer and wine for off-site consumption from a new convenience store located at 3295 Palm Avenue within the Otay Mesa-Nestor Community Plan area?

Community Planning Group Recommendation: On May 11, 2016, the Otay Mesa-Nestor Community Planning Group voted 15-0-0 to recommend approval of the proposed project without conditions/recommendations.

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301, Existing Facilities, and an appeal of the CEQA determination was filed on September 12, 2016. The City Council denied the CEQA appeal on December 13, 2016. The scope of the subject hearing considers only the project and not the environmental determination.

BACKGROUND

The project proposes a Conditional Use Permit (CUP) to allow a Type 20, Off-Sale Beer & Wine Alcohol Beverage Control (ABC) license within a 2,700-square-foot, 7-Eleven convenience store to be located within an existing 4,500-square-foot commercial building. The 0.52-acre project site is located at 3295 Palm Avenue, at the southwest corner of Palm Avenue and Picador Boulevard/Beyer Way, in the CC-2-3 Zone within the Otay Mesa-Nestor Community Plan (OMNCP), and the Airport Land Use Compatibility (Brown Field), Airport Influence Area (Review Area 2), and the Federal Aviation Authority (FAA) Part 77 Overlay Zones (Attachment 1). The site is designated for Neighborhood Commercial in the OMNCP (Attachment 2).

The existing commercial building was constructed in 1978, and has housed a laundromat facility since 2004. The City of San Diego issued Building Permit No. 1666754 for the interior remodel of the

existing building to create two tenant spaces on April 15, 2016. Thereafter, on September 15, 2016 the City issued construction permits for tenant improvements for the subject 7-Eleven convenience store within a 2,700-square-foot tenant space (Building Permit No. 1689418). The project site abuts a multi-unit residential complex to the south, commercial establishments to the east, a fast food restaurant to the west, and a high school and adult center to the north across Palm Avenue.

DISCUSSION

Development Regulations and Location Criteria

The project proposes a CUP for a Type 20 ABC (beer and wine) license. A Type 20 ABC 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-2-3 zone is a community commercial zone that is intended to accommodate development with an auto orientation and include community serving commercial services and retail uses. Alcoholic beverage outlets are allowed in the CC-2-3 Zone as a Limited Use subject to regulations set forth in San Diego Municipal Code (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). The proposed alcoholic beverage outlet at this location requires a CUP because the project site does not meet certain location 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. 100.10 which reported a crime rate of 62.6 percent of the city-wide average based on the statistics provided by the SDPD. A Census Tract is considered to have "high crime" if the crime rate exceeds 120 percent of the city-wide average. The project site is not located within a "high crime" Census Tract.

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. 100.10, which based on the California Business and Professional Code Section 23958.4 permits a total of three off-sale alcoholic beverage outlets. There are currently two existing off-sale alcoholic beverage outlets within Census Tract 100.10. This project would increase the number of licenses to three and does not exceed the established standard for this Census Tract.

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.**

Uses existing within 600 feet of the project site include 1) Montgomery High School at 3250 Palm Avenue, and 2) Imperial Beach Adult Center (adult school) at 3240 Palm Avenue. There is also Headstart (preschool) located at 3240 Palm Avenue. However, this facility is approximately 703 feet north of the project site. A CUP is required for the off-sale of alcoholic beverages at this location based on the project's location within 600 feet of the school and adult center.

4. Within 100 feet of residentially Zoned property.

The project site abuts the RM-1-1 Zone to the south and is located within 100 feet of residentially zoned properties.

Community Plan Consistency

The OMNCP designates the site for Neighborhood Commercial intended to support development that provides a range of necessity goods, and personal and repair services for the convenience of the adjacent neighborhood. The proposed sale of beer and wine within a new convenience store is consistent with the underlying Neighborhood Commercial land use designation, and would add to the range of goods available from the convenience store serving the community.

Alcohol Sales-Project Analysis

The proposed alcoholic beverage outlet at this location requires a CUP because the project site does not meet certain location criteria of SDMC Section 141.0502(b) (1). With the approval of this application, the sale of alcohol, limited to beer and wine, would be conditioned so that the alcohol sales would not have a negative impact on the surrounding neighborhood. 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 a commercial building within a neighborhood commercial core of the community. The operation of an alcoholic beverage outlet within the new convenience store to provide the sale of beer and wine for consumption off premises is consistent with the Neighborhood Commercial use designated by the OMNCP and permitted by the underlying CC-2-3 zone. 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 has provided conditions for the permit and the ABC license (Attachment 10).

Staff is recommending approval of the project as conditioned by staff and the SDPD (Attachment 6). The CUP includes conditions that limit the hours of sales, limit advertising, prohibit machines or video game devices on the premises, prohibit loitering and graffiti, and require alcoholic beverage coolers to be locked with restricted access one half-hour before, and one half-hour after classroom instruction ends, on days Montgomery High School is in session. The CUP also includes recommended conditions for the ABC license that would regulate the type, volume, and alcohol content of the beverages.

Conclusion

Staff has reviewed the application for the CUP for the off-sale of beer and wine, and has determined that the project complies with all applicable regulations and policy documents. The project is consistent with the recommended land use and the development standards in effect for this site per the adopted OMNCP and the SDMC. Furthermore, the permit has been conditioned to ensure the proposed sale of beer and wine at this location would not be detrimental to the public health, safety and welfare. Therefore, staff recommends the Hearing Officer approve the CUP.

ALTERNATIVES

1. Approve Conditional Use Permit No. 1685018, with modifications.
2. Deny Conditional Use Permit No. 1685018, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Firouzeh Tirandazi, Development Project Manager

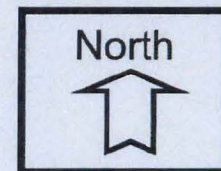
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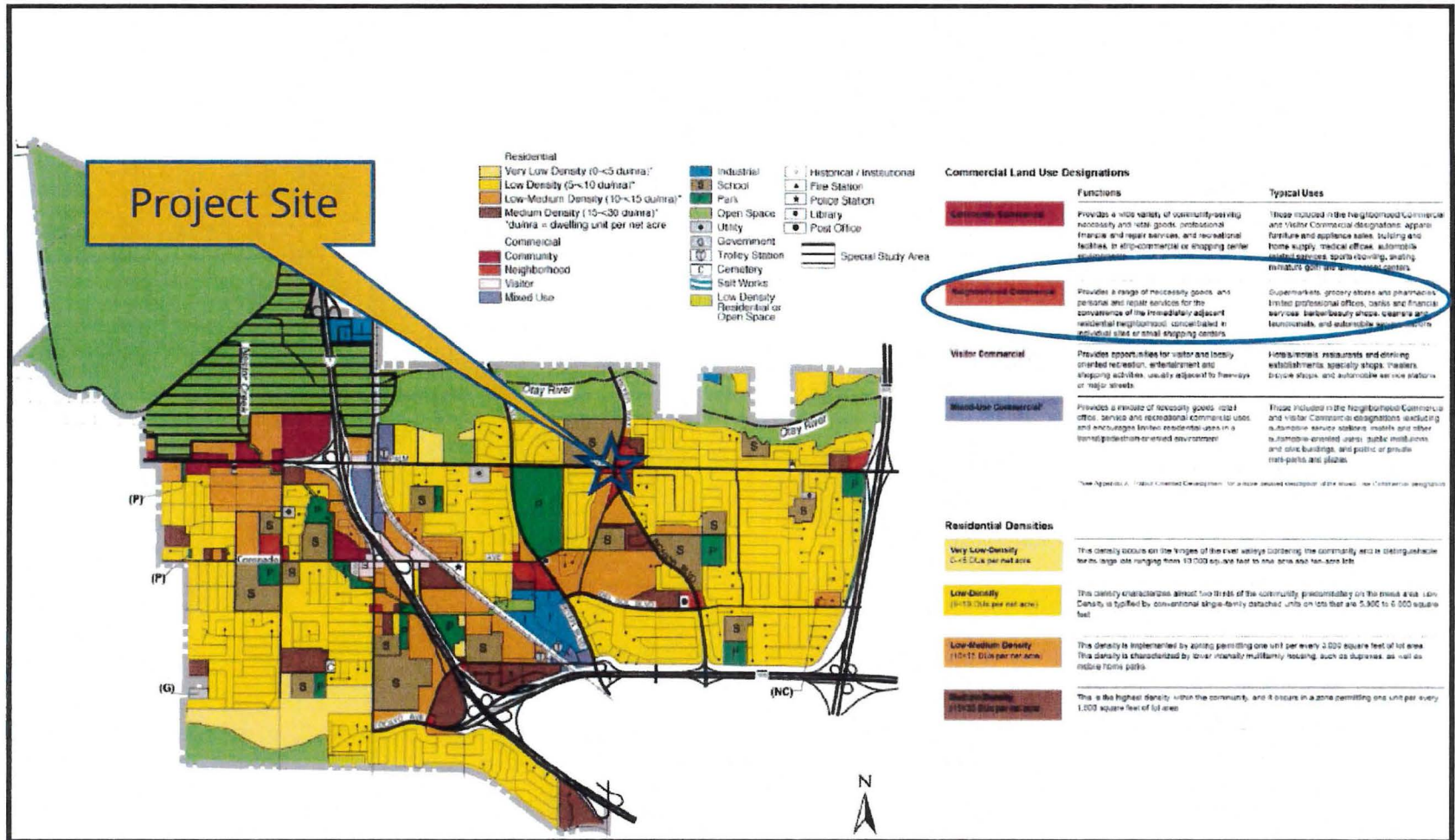
1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Project Data Sheet
5. Draft Resolution with Findings
6. Draft Permit with Conditions
7. Environmental Exemption
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement
10. San Diego Police Department Recommendation
11. ABC – Liquor Licenses within Census Tract 100.10 Map
12. ABC – Existing off-sale licenses in Census Tract 100.10
13. Opposition Letter from Sweetwater Union High School District, dated September 19, 2016
14. Project Plans



Project Location Map

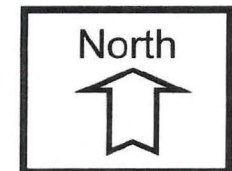
3295 PALM AVENUE CUP / 3295 PALM AVENUE
PROJECT NO. 481061





Otay Mesa-Nestor Land Use Map

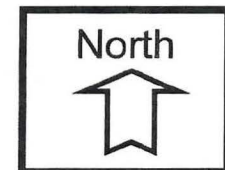
3295 PALM AVENUE CUP / 3295 PALM AVENUE
PROJECT NO. 481061





Aerial Photograph

3295 PALM AVENUE CUP / 3295 PALM AVENUE
PROJECT NO. 481061



PROJECT DATA SHEET

PROJECT NAME:	3295 Palm Avenue CUP	
PROJECT DESCRIPTION:	Type 20 Beer and Wine Alcohol Beverage Outlet	
COMMUNITY PLAN AREA:	Otay Mesa-Nestor	
DISCRETIONARY ACTIONS:	Conditional Use Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	Neighborhood Commercial	
ZONING INFORMATION:		
ZONE:	CC-2-3 (Community Commercial Zone)	
HEIGHT LIMIT:	45 feet	
LOT SIZE:	0.52 acres	
FLOOR AREA RATIO:	.75	
FRONT SETBACK:	0/0 feet (min/std)	
SIDE SETBACK:	10 feet (option of 0 feet)	
STREETSIDE SETBACK:	0/0 feet (min/std)	
REAR SETBACK:	10 feet (option of 0 feet)	
PARKING:	23 off-street parking spaces	
ADJACENT PROPERTIES:	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	School; AR-1-1	High School and Adult Center
SOUTH:	Low-Medium Density Residential (10-15 du/ac); RM-1-1	Multi-Unit Residential
EAST:	Neighborhood Commercial; CC-2-3	Commercial Establishments
WEST:	Neighborhood Commercial; CC-2-3	Fast Food Restaurant
DEVIATION REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On May 11, 2016, the Otay Mesa-Nestor Community Planning Group voted 15-0-0 to recommend approval of the project without conditions.	

HEARING OFFICER RESOLUTION NO. _____
CONDITIONAL USE PERMIT NO. 1685018
3295 PALM AVENUE CUP PROJECT NO. 481061

WHEREAS, MAIN STREET WOODLAND, LLC, Owner and 7-ELEVEN, INC. Permittee, filed an application with the City of San Diego for a permit to operate an alcoholic beverage outlet (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Conditional Use Permit No. 1685018), on portions of a 0.52-acre site;

WHEREAS, the project site is located at 3295 Palm Avenue in the CC-2-3 Zone, and the Airport Land Use Compatibility (Brown Field), Airport Influence Area (Review Area 2), and the Federal Aviation Authority (FAA) Part 77 Overlay Zones, within the Otay Mesa-Nestor Community Plan area;

WHEREAS, the project site is legally described as Lot 1 of Palm South, in the City of San Diego, County of San Diego, State of California, according to Map No. 8818, filed in the office of the County Recorder of San Diego County, March 14, 1978;

WHEREAS, on January 25, 2017, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1685018 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on August 26, 2016 the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guideline Section 15301, Existing Facilities and the Environmental Determination was appealed to City Council, which heard and denied the appeal on December 13, 2016 pursuant to Resolution No. R-310898; NOW, THEREFORE,

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

That the Hearing Officer adopts the following written Findings, dated January 25, 2017.

FINDINGS:

Conditional Use Permit Approval – SDMC Section 126.0305

(a) The proposed development will not adversely affect the applicable land use plan.

The project is an application for a Conditional Use Permit (CUP) for an alcoholic beverage outlet to allow the sale of beer and wine, in accordance with a Type-20 Alcohol and Beverage Control (ABC) license, within a new 2,700-square-foot convenience store. The convenience store is a new tenant space within an existing 4,500-square-foot commercial building on a 0.52-acre site located at 3295 Palm Avenue, on the southwest corner of Palm Avenue and Picador Boulevard/Beyer Way.

The Otay Mesa-Nestor Community Plan (OMNCP) supports established neighborhood centers by designating appropriate land uses and applying corresponding zoning, and

recommends development consistent with the planned land use in these areas (page 10). The OMNCP designates the site for Neighborhood Commercial (Figure 2), which is intended to support development that provides a range of necessity goods, and personal and repair services, for the convenience of the adjacent neighborhood, concentrated in individual sites or small shopping centers. The plan further identifies typical uses appropriate within neighborhood commercial designated areas including grocery stores, pharmacies, professional offices, banks and other financial services, barber/beauty shops, cleaners and laundromats, and automobile service stations.

The proposed sale of beer and wine within a new convenience store is consistent with the underlying Neighborhood Commercial land use designation, and would add to the range of goods available to the community. Therefore, based on the commercial nature of the convenience store and consistency with the OMNCP, the proposed project would not adversely affect the applicable land use plan.

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

The primary use of the site is a convenience store, which is a commercial development. The operation of an alcoholic beverage outlet within the convenience store is consistent with the Neighborhood Commercial use designated by the OMNCP, and allowed in the CC-2-3 Zone with a CUP at this location. Approval of this application would allow the sale of beer and wine for off-site consumption to be conditioned so that the alcohol sales would not have a negative impact on the surrounding neighborhood. The CUP includes conditions that limit the hours of sales, limit advertising, prohibit machines or video game devices on the premises, prohibit loitering and graffiti, and require alcoholic beverage coolers to be locked with restricted access one half hour before, and one half hour after classroom instruction ends, on days Montgomery High School is in session. The CUP also includes recommended conditions for the ABC license that would regulate the type, volume, and alcohol content of the beverages. Furthermore, the project is subject to all federal, state, and other local codes related to alcohol beverage sales, which would further ensure that the subject alcoholic beverage outlet would not have an adverse impact on the public health, safety, and welfare.

The project is not subject to the requirements of the San Diego Municipal Code (SDMC) Chapter 13, Article 2, Division 15, applicable to development within the Airport Land Use Compatibility Overlay Zone because the project is proposed within an existing commercial building, and will not increase the density, floor area, or height of the existing structure. The City of San Diego conducted an environmental review of this project in accordance with the State of California Environmental Quality Act (CEQA) guidelines, and concluded there would be no environmental impacts associated with the proposed project. Based on the above analysis, the proposed development would not be detrimental to the public's health, safety, and welfare.

(c) 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 an alcoholic beverage outlet in accordance with an ABC Type 20 license, in a new convenience store located within an existing commercial building. A Type 20 ABC license is defined as "off-sales," which does not allow the alcohol, limited to beer and wine, sold at the store to be consumed on the premises. The underlying CC-2-3 Zone, which is intended to accommodate development that provides a range of necessity goods, and personal and repair services, allows alcoholic beverage outlets as a Limited Use subject to regulations set forth in SDMC Section 141.0502(b). While the proposed alcoholic beverage outlet does not meet the aforementioned Limited Use regulations, the outlet can be permitted at this location with a CUP approval pursuant to SDMC Section 141.0502(c). The CUP for the project includes various conditions and corresponding exhibits of approval relevant to achieving compliance with the SDMC relative to parking, signage, lighting, loitering, hours of sales, graffiti, and advertising. These conditions will ensure the project would not have an adverse impact on the community. The project is proposed within an existing structure that is in compliance with all applicable development regulations including floor area ratio, height, and parking. The project does not propose to increase density, height, or floor area of the existing structure; therefore, it is exempt from the supplemental development regulations of the Brown Field Airport Land Use Compatibility Overlay Zone. No variance or deviations are requested as part of this application. Therefore, the proposed development will comply with the regulations of the Land Development Code.

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

The site is designated for Neighborhood Commercial in the OMNCP. The OMNCP supports established neighborhood centers by designating appropriate land uses and applying corresponding zoning, and recommends development consistent with the planned land use in these areas (page 10). The OMNCP designates the site for Neighborhood Commercial (Figure 2), which is intended to support development that provides a range of necessity goods, and personal and repair services, for the convenience of the adjacent neighborhood, concentrated in individual sites or small shopping centers. The plan further identifies typical uses appropriate within neighborhood commercial designated areas including grocery stores, pharmacies, professional offices, banks and other financial services, barber/beauty shops, cleaners and laundromats, and automobile service stations. The project is a request for a CUP to allow the sale of alcoholic beverages, limited to beer and wine, within a convenience store. The convenience store is a tenant space within an existing commercial building. The use of the site as retail establishment will remain the same and consistent with the commercial designation.

The site is zoned CC-2-3, which is a community commercial zone that is intended to accommodate development with an auto orientation and include community serving commercial services and retail uses. An alcoholic beverage outlet is allowed at this location subject to approval of a CUP pursuant to SDMC Section 141.0502(c). Approval of this application would allow the sale of alcohol, limited to beer and wine, to be conditioned so that the alcohol sales would not have a negative impact on the surrounding neighborhood. The CUP includes conditions that limit the hours of sales, limit advertising, prohibit machines or video game devices on the premises, prohibit loitering and graffiti, and require alcoholic beverage coolers to be locked with restricted access one half hour before, and one half hour

after classroom instruction ends, on days Montgomery High School is in session, which would help to ensure a safe and well maintained operation. The CUP also includes recommended conditions for the ABC license that regulate the type, volume, and alcohol content of the beverages.

The proposed sale of beer and wine within the convenience store would expand the existing retail merchandise, and is consistent with the commercial nature of the primary use. The proposed alcoholic beverage outlet is also consistent with the underlying commercial designation per the community plan and zone. Therefore, based on the commercial retail nature of the convenience store and conditions of approval, the proposed development would be appropriate at the proposed location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, CUP No. 1685018 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. 1685018, a copy of which is attached hereto and made a part hereof.

Firouzeh Tirandazi
Development Project Manager
Development Services

Adopted on: January 25, 2017

IO#: 24006580

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

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24006580

CONDITIONAL USE PERMIT NO. 1685018
3295 PALM AVENUE CUP PROJECT NO. 481061
HEARING OFFICER

This Conditional Use Permit No. 1685018 is granted by the Hearing Officer of the City of San Diego to MAIN STREET WOODLAND, LLC, Owner and 7-ELEVEN, INC. Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 0.52-acre site is located at 3295 Palm Avenue in the CC-2-3 Zone within the Otay Mesa-Nestor Community Plan area, and the Airport Land Use Compatibility (Brown Field), Airport Influence Area (Review Area 2), and the Federal Aviation Authority (FAA) Part 77 Overlay Zones. The project site is legally described as: Lot 1 of Palm South, in the City of San Diego, County of San Diego, State of California, according to Map No. 8818, filed in the office of the County Recorder of San Diego County, March 14, 1978.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to operate an alcoholic beverage outlet conditioned upon the issuance of a 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 January 25, 2017, on file in the Development Services Department.

The project shall include:

- a. Operation of an alcoholic beverage outlet within a new 2,700-square-foot convenience store, conditioned upon the issuance of a Type 20 License from the Department of Alcoholic Beverage Control for off-site consumption; and
- b. Maintenance of existing off-street parking;
- c. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act

[CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by February 9, 2020.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on February 9, 2027. 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.

ENGINEERING REQUIREMENTS:

13. The project proposes no export of material from the project site. All excavated material listed to be 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.

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

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

16. Prior to recording this Permit, the Permittee shall assure by permit and bond the construction of the driveway on Beyer Way at the project site to current City Standards, to the satisfaction of the City Engineer. If this work is not constructed within one calendar year of the approval of this Permit, the Permittee shall be deemed to be out of compliance with the Conditional Use Permit and subject to rescission by the Development Services Director.

PLANNING/DESIGN REQUIREMENTS:

17. Owner/Permittee shall maintain a minimum of 23 off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

18. 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.

19. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

20. 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.

POLICE DEPARTMENT REQUIREMENTS:

21. Sales and service of alcoholic beverages shall be permitted only between the hours of 8:00 AM and 12:00 AM each day of the week.

22. The petitioner(s) shall post and maintain a professional quality sign facing on the front of the premises that reads as the follows: 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.

23. 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.

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. 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 this condition.
26. There shall be no amusement machines or video game devices on the premises at any time.
27. On days when Montgomery High School is in session, coolers where alcoholic beverages are stored/displayed must be locked and should only be accessed by or through store personnel for the period one half-hour before and one half-hour after classroom sessions.

POLICE DEPARTMENT RECOMMENDATIONS FOR ABC LICENSE:

28. Wine shall not be sold in bottles or containers smaller than 750 ml.
29. The sales of beer or malt beverages in quantities of quarts, 40 oz., or similar size containers are prohibited.
30. No wine shall be sold with an alcohol content of greater than 15 percent by volume except for "Dinner Wines".
31. 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 January 25, 2017 and Resolution No. _____.

Permit Type/PTS Approval No.: Conditional Use Permit No. 1685018
Date of Approval: _____

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Firouzeh Tirandazi
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.

MAIN STREET WOODLAND, LLC.
Owner

By _____
Blake Megdal
President

7-ELEVEN INC.
Permittee

By _____
Roger Shadowen
Development Project Manager

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



THE CITY OF SAN DIEGO

DATE OF NOTICE: August 26, 2016

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24006580

PROJECT NUMBER: 481061

PROJECT NAME: 3295 Palm Avenue CUP

COMMUNITY PLAN AREA: Otay Mesa-Nestor Community Planning Area

COUNCIL DISTRICT: 8

PROJECT LOCATION: 3295 Palm Avenue, San Diego, California 92154

PROJECT DESCRIPTION: CONDITIONAL USE PERMIT (CUP) to allow for a Type 20 Alcohol Beverage Outlet for the sale of beer and wine for offsite consumption in a 2,700-square-foot convenience store to be located within an existing 4,500-square-foot commercial building, on a 0.52 acre site.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Hearing Officer

ENVIRONMENTAL DETERMINATION: CEQA Exemption 15301 (Existing Facilities)

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment. The project meets the criteria set forth in CEQA Section 15301 which allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing facilities (public or private) involving negligible or no expansion of use beyond that existing at the time of the determination. A CUP to allow for a Type 20 alcohol beverage outlet for the sale of alcoholic beverages in an existing commercial building is a negligible expansion of use. In addition; the exceptions listed in CEQA Section 15300.2 would not apply.

PROJECT MANAGER: PJ Fitzgerald

MAILING ADDRESS: 1222 First Avenue MS 501, San Diego, California 92101

PHONE NUMBER / EMAIL: (619) 446-5107, PFitzgerald@sandiego.gov

On August 26, 2016, 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



THE CITY OF SAN DIEGO

Project Manager listed above.

Applications to appeal a 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 (September 12, 2016). 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.

POSTED IN THE OFFICE OF DSD	
Posted	AUG 25 2016 <i>mc</i>
Removed	SEP 19 2016
Posted by	<i>myra lee</i>

**OTAY MESA-NESTOR COMMUNITY PLANNING GROUP
MEETING MINUTES
May 11, 2016**

Members Present:

District 1 John Swanson
District 2 Sam Mendoza
District 3 Ed Abraham
District 4 Patty Swanson
District 6 Maria Mendoza
District 7 Robert Broomfield
District 8 Edgar Gonzalez
District 9 Jacki Farrington
District 10 Bob Mikloski
District 11 Albert Velasquez
District 12 Carlos Sanchez

District 13 Brian McGonagill
District 14 Wayne Dickey
District 15 Walt Zumstein
District 16 Bobby Hicks

Members Absent:

None

Vacant Seat:

District 5

Guests Present:

A number of guests were present, see the OMNCPG secretary for a copy of the guest list.

1. **Call to Order/Introduction of Members:** The meeting was called to order at 6:34 p.m. by Chair Albert Velasquez, at the Otay Mesa Nestor Branch Library. He welcomed all Board members and members of the community to the meeting of the Otay Mesa-Nestor Community Planning Group (OMNCPG).
2. **Approval of minutes** – A Motion was made by Jackie Farrington to approve the minutes of the April 13, 2016, OMNCPG meeting. The motion passed unanimously.
3. **Non-Agenda Public Comments:**
 - a. Bobby Hicks said that the pedestrian crossing located at the corner of Saturn Blvd. and Rimbey Avenue was not repainted after new slurry was placed over the asphalt.
 - b. Patty Swanson asked what the slurry seal schedule was for the area, and which streets will have this work done.
4. **SDPD Community Relations:** Officer Esmeralda Sanchez, emsanchez@pd.sandiego.gov (619) 424-0412 was in attendance, and gave the following report:
 - a. She informed the OMNCG that a safety meeting was recently held and the topic was regarding gangs.
 - b. She handed out a flyer and announced that another Coffee with the Command will be held May 24th at the Starbucks on Palm Avenue, and then another will be later that same day at the Coffee Bean on Camino de la Plaza.
5. **Council District 8 Report:** District 8 Representative Ruth Martin, Council Representative, 619-236-6688 romartin@sandiego.gov :
 - a. She said that Councilmember Alvarez will have office hours at the Otay Mesa Nestor Branch Library on May 26th from 10 am to 12 noon.
 - b. She said a professional bicycle race in South Bay will be held on Saturday May 21st.
 - c. She also handed out a flyer regarding upcoming community events in South Bay.

6. **Mayor's Office Report:** Andrea Cardenas, Community Representative, acardenas@sanidiego.gov 619-533-3977. No report.
7. **Assembly, 80th District Report:** Martin Hernandez, Field Representative, martin.hernandez@asm.ca.gov 619-338-8090. No report.
8. **Sub-Committee Reports:** The Project Review Sub-Committee met right before this meeting, and reviewed then recommended to the OMNCPG approval of a project to convert the existing Wash N Dry laundry at 3929 Palm Avenue to a 7-Eleven store, with alcohol sales.
9. **Action Item:** On behalf of his client, Steve Laub, of Land Solutions, Inc. presented to the OMNCPG Project Review Subcommittee a proposed project to convert the existing Wash N Dry laundry at 3929 Palm Avenue to a 7-Eleven store, with alcohol sales. This parcel is located at the southwest corner of Palm Avenue & Beyer Way. The project requires an application to the City of San Diego for a Conditional Use Permit. Contact: Steve Laub, Land Solutions, Inc., Phone 619-644-3300, slaub@landsolutionsinc.net.

Voting results: Walt Zumstein moved approval of this action item, and Robert Broomfield seconded, and the OMNCPG voted approval of this item.
10. **The following Action Item was tabled:** Consideration of the adoption of a resolution of the OMNPG in support of the City of San Diego City Council Policy 600-24 to request that the City Council set the City's Transient Occupancy Tax rate at a rate competitive with that of other similar tourist cities (see attached draft resolution). Contact: Richard Lawrence, Secretary, San Diegans for Open Government. Phone (619) 987-0453 ralawrence@cox.net
11. **Chair's report had two items:**
 - A. **Informational Item:** Mr. Salazar representing the City of San Diego spoke about a storm drain upgrade in the area, and handed out printed information about the upcoming project.
 - B. **Informational Item:** Keith Dragoon of Standard Property Company, Inc., informed the OMNCPG about the Vista La Rosa Apartments, an existing 240 unit affordable housing project located at 2002 Rimbey Avenue, San Diego, CA 92154. An affiliate of Standard Property Company, Inc. is acquiring the project, preserving its long term affordability, and providing an extensive rehabilitation, including interior and exterior upgrades, of approximately \$45,000 per unit. Contact: Brian Yang, Standard Property Company. Phone: 310-553-5711 byang@standardproperty.com
11. **City Planner's Report:** Bobby Mordenti, Associate Planner, 619-446-5064 BMordenti@sanidiego.gov No report.
12. Adjournment: 7:19 p.m.

Respectively submitted by John C. Swanson, Secretary



THE CITY OF SAN DIEGO

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

3295 Palm Ave CUP

Project No. For City Use Only

Project Address:

3295 Palm Ave, San Diego, CA 92154

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):

Blake Megdal - Main Street Woodland LLC

☒ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

252-C South Beverly Drive

City/State/Zip:

Beverly Hills, CA 90212

Phone No:

(310) 277-0456

Fax No:

(310) 277-0519

Signature:

Date:

3/15/2016

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:

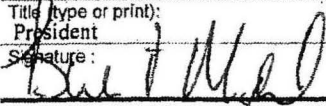
Project Title:	Project No. (For City Use Only)
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Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

☐ Corporation
 ☒ Limited Liability -or-
 ☐ General) What State? _____ Corporate Identification No. _____
☐ Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. Additional pages attached ☐ Yes ☐ No

Corporate/Partnership Name (type or print): Main Street Woodland LLC <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: 252-C South Beverly Drive City/State/Zip: Beverly Hills, CA 90212 Phone No: 310-277-0456 Fax No: 310-277-0519 Name of Corporate Officer/Partner (type or print): Blake Megdal Title (type or print): President Signature:  Date: 3/15/2014	Corporate/Partnership Name (type or print): 7-Eleven, Inc. <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Tenant/Lessee Street Address: 330 E. Lambert Rd. City/State/Zip: Brea, CA 92821-4100 Phone No: 858-780-6529 Fax No: Name of Corporate Officer/Partner (type or print): Roger Shadowen Title (type or print): Signature: Date:
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Corporate/Partnership Name (type or print): <input type="checkbox"/> Owner <input type="checkbox"/> 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): <input type="checkbox"/> Owner <input type="checkbox"/> 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:
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Corporate/Partnership Name (type or print): <input type="checkbox"/> Owner <input type="checkbox"/> 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): <input type="checkbox"/> Owner <input type="checkbox"/> 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:
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**SAN DIEGO POLICE DEPARTMENT
CONDITIONAL USE PERMIT RECOMMENDATION**

PREMISE ADDRESS: 3295 Palm Ave, San Diego, CA.

TYPE OF BUSINESS: 7-11 Store (Type-20 Off Sales Beer and Wine License)

FEDERAL CENSUS TRACT: 100.10

NUMBER OF ALCOHOL LICENSES ALLOWED: 3

NUMBER OF ALCOHOL LICENSES EXISTING: 2

CRIME RATE IN THIS CENSUS TRACT: 62.6%
(Note: Considered High Crime If Exceeds 120% of City-wide Average)

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

IS THE PREMISE WITHIN 600 FEET OF INCOMPATIBLE FACILITY ☒ YES ☐ NO

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

ABC LICENSE REVOKED AT THIS PREMISE WITHIN PAST YEAR ☐ YES ☒ NO

HAS APPLICANT BEEN CONVICTED OF ANY FELONY ☐ YES ☒ NO

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

COMMENTS/OTHER FACTORS CONSIDERED: The crime rate for census tract 100.10 was 62.6% in 2015. A crime rate above 120% is considered high. The concentration level for On-sale licenses are two (2) in an census tract that allows three (3). This shows the area is not overconcentrated with off sale licenses. The proposed license has off-sale incorporated into it. Thus the Police Department would have concerns with noise and alcohol related crimes in the area. There are apartments directly behind the business.

There are two incompatible facilities within 600 feet. Montgomery High school at 3250 Palm Ave is located 364' northwest. Imperial Beach Adult Center (Adult School) at 3240 Palm Ave is located 218' north. Headstart (preschool) 3240 Palm Ave is located 703' north of the purposed site.

SUGGESTED CONDITIONS: Recommended conditions 10 and 11 are important due to the high school across the street. The San Diego Police Department agrees to the issuance of this license with the following conditions included in the Conditional Use Permit:

1. Sales and service of alcoholic beverages shall be permitted only between the hours of 8:00 AM and 12:00 AM 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, 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 follows: 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. 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.
7. 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.
8. Beer, malt beverages or wine cooler products, regardless of container size, must be sold in manufacturer pre-packaged multi-unit quantities.
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 this conditions.
10. There shall be no amusement machines or video game devices on the premises at any time.
11. On days when Montgomery High School is in session, coolers where alcoholic beverages are stored/displayed must be locked and should only be access by or through store personnel for the period one half-hour before and one half-hour after classroom instruction ends.

SAN DIEGO POLICE DEPARTMENT RECOMMENDATION:

APPROVE ✓

DENY _____

ROBERT STINSON
Name of SDPD Vice Sergeant (Print)

619-531-2282
Telephone Number

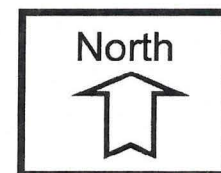
[Signature]
Signature of SDPD Vice Sergeant

6/6/16
Date of Review



Liquor Licenses within Census Tract 100.10

3295 PALM AVENUE CUP / 3295 PALM AVENUE
PROJECT NO. 481061





**California Department of Alcoholic Beverage
Control
For the County of SAN DIEGO - (Off-Sale Licenses)
and Census Tract = 100.10**

Report as of 1/8/2017

	License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1)	377661	ACTIVE	21	6/20/2001	7/31/2017	HELO, HADIR GHANIM 750 BEYER WAY, STE 8 SAN DIEGO, CA 92154 Census Tract: 0100.10	BEYER MARKET & LIQUOR		3710
2)	464411	ACTIVE	21	2/28/2008	8/31/2017	RABBAN, NADER BAH 3702 DEL SOL BLVD, STE B SAN DIEGO, CA 92154- 3588 Census Tract: 0100.10	EL PICADOR FOODS		3710

--- End of Report ---

For a definition of codes, view our [glossary](#).



OFFICE OF THE DISTRICT ARCHITECT
642 Arizona Street • Chula Vista, CA 91911-2896
(619) 796-7729 • FAX (619) 420-0339

September 19, 2016

Stacie Maxwell
Legislative Recorder
City of San Diego/Development Svcs.
1222 First Avenue, MS 501
San Diego, CA 92101

Re: Conditional Use Permit for Beer and Alcohol Sales at 3295 Palm Ave, San Diego
Project No.: 481061

The Sweetwater Union High School District objects to the issuance of a CUP for the above project based on the following:

- 1) The project is approximately 80 feet (property line to property line) from Montgomery High School.
- 2) The project is within the 600-foot restricted area for administrative approvals.
- 3) There are already two liquor stores approximately 500 and 700 feet from the school
- 4) Approval of the CUP would result in a concentration of three liquor stores within a 720-foot circle.
- 5) A CVS is in the shopping center northeast of the Palm/Beyer intersection and also sells beer and wine.

A map is attached showing that the concentration of liquor stores so close to a public high school, which also includes an adult school site and a preschool site, would be detrimental to the school community environment.

Therefore we respectfully request denial of the CUP request.

Sincerely,

Paul D. Woods
District Architect

PDW/ac

Enclosure

cc: Firouzeh Tirandazi, Development Project Manager, City of San Diego
Moisés Aguirre, SUHSD Assistant Superintendent of Facilities and Operations
David Alvarez, Councilmember District 8

Maximizing student achievement for 7th – 12th grade students and adult learners throughout South San Diego County

"The Sweetwater Union High School District does not discriminate with regard to sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, mental disability, or physical disability, age, marital or parental status or any other unlawful consideration." SUHSD Board Policy #2224

PROXIMITY TO MONTGOMERY HIGH SCHOOL PROPERTY



600 foot radius from corner of public school property

3 liquor stores within a 720' circle (2 existing and 1 proposed)

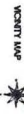
PALM AVE.

-

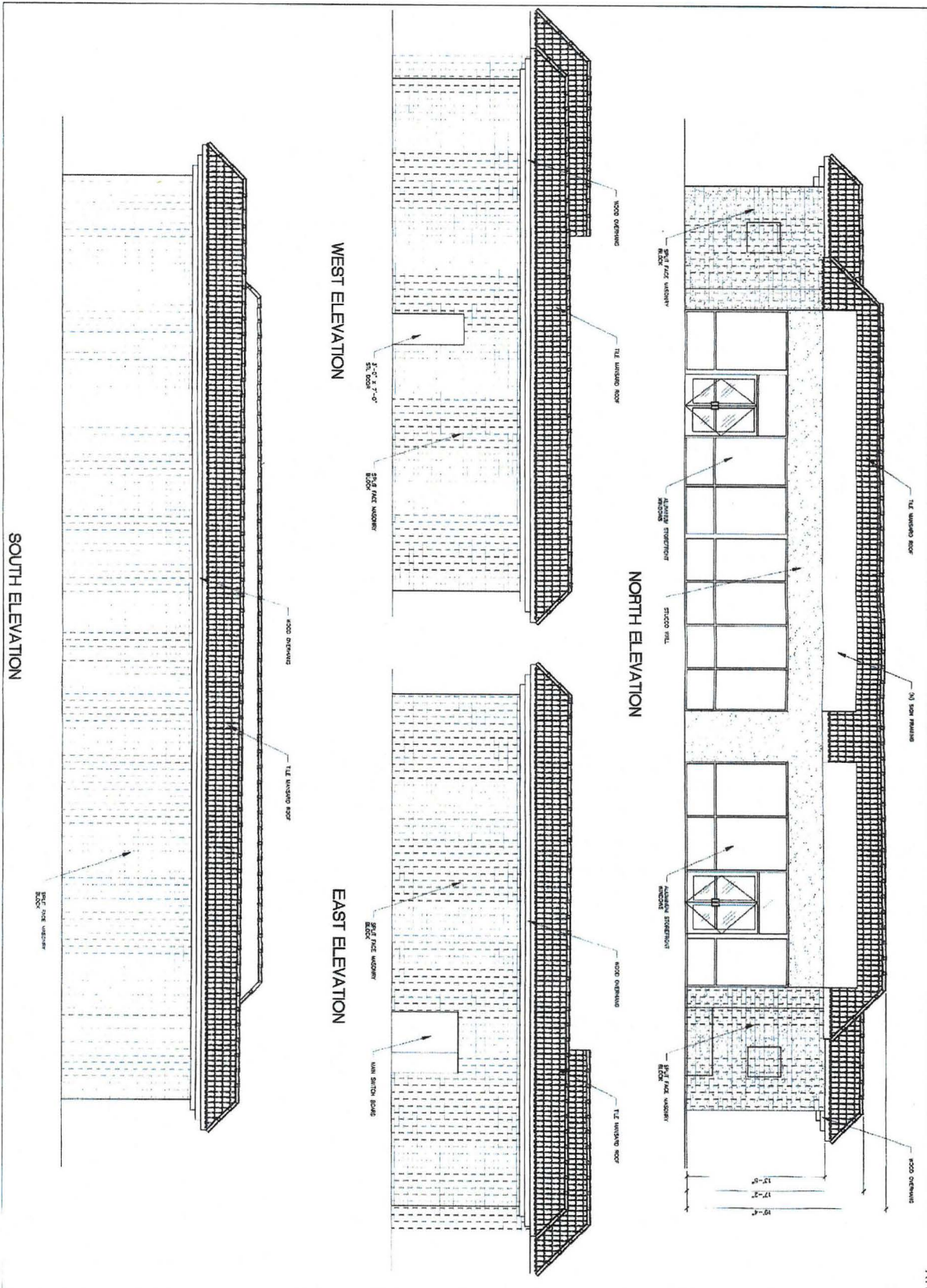
BAYER WAY

- APPLICANT**
A MEMBER COMPANY, INC.
LINO SOLUTIONS
7881 E. 7600 ST., LA BREA, CA 91042
CONTACT: STEVE LAMB
(818) 644-3300
mailto:steve@lino.com

2



3883 Ruffin Road Suite B
San Diego, California 92123
phone: 858.810.7999 & 858.810.7998



ATTACHMENT 14

7-ELEVEN
CONDITIONAL USE PERMIT
 PALM AVENUE AND BEYER WAY
 SAN DIEGO, CALIFORNIA

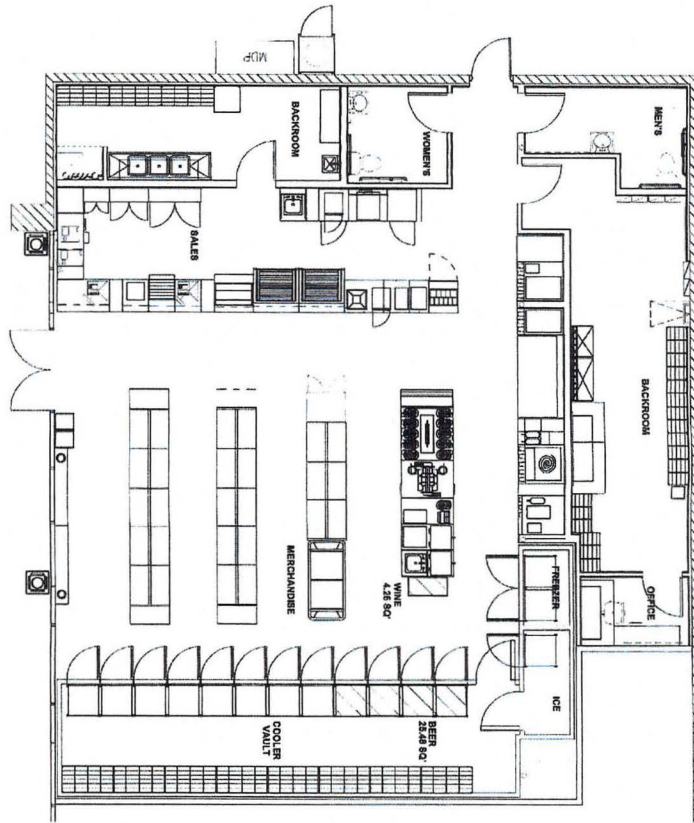


MICHAEL MERRILL
ARCHITECTURE + PLANNING
 3883 Ruffin Road Suite 8
 San Diego, California 92121
 phone: 858.810.7995 & 858.810.7998

A-2

DATE	2/1/2011
BY	2/1/2011
REVISIONS	
1	
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PARTIAL FLOOR PLAN
SCALE: 1/4" = 1'-0"



7-ELEVEN
CONDITIONAL USE PERMIT
 PALM AVENUE AND BEYER WAY
 SAN DIEGO, CALIFORNIA



MICHAEL MERRILL
ARCHITECTURE + PLANNING
 3883 Ruffin Road Suite 8
 San Diego, California 92123
 phone: 658.810.7999 & 658.810.7995

A-1

DATE	10/1/2015
BY	MM
FILE	2015.10
PARTIAL FLOOR PLAN	

ATTACHMENT 14

 City of San Diego Development Services 1222 First Ave, 3rd Floor San Diego, CA 92101 THE CITY OF SAN DIEGO	Development Permit/ Environmental Determination Appeal Application	FORM DS-3031 AUGUST 2015

In order to assure your appeal application is successfully accepted and processed, you must read and understand Information Bulletin 505, "Development Permits/Environmental Determination Appeal Procedure".

1. Type of Appeal:

- ☒ Appeal of the Project
☐ Appeal of the Environmental Determination

2. Appellant: Please check one ☒ Applicant ☐ Officially recognized Planning Committee ☐ "Interested Person" (Per M.C. Sec. 113.0103)

Name: Rosalinda Longoria E-mail Address: _____
 Address: 3941 Byrd St. City: SAN DIEGO State: CA Zip Code: 92154 Telephone: (619) 690-4902

3. Project Name: 3295 Palm Ave San Diego CA 92154

4. Project Information
 Permit/Environmental Determination & Permit/Document No.: 481061 Date of Decision/Determination: 01-25-17 City Project Manager: Elizabeth T. Mendoza

Decision: (Describe the permit/approval decision)

alcohol license was approved

RECEIVED

FEB 6 2017

5. Grounds for Appeal: (Please check all that apply)

- ☐ Factual Error ☐ New Information
☒ Conflict with other matters ☒ City-wide Significance (Process Four decisions only)
☒ Findings Not Supported

DEVELOPMENT SERVICES

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

1. want to object to granting of a alcoholic license to the 7-eleven for the following reasons.
1. To location is across from the Montgomery High School
2. The intersection of Palm & Beyer is already a busy and dangerous intersection
3. There is four beverage licenses already in the area.
4. The area considered high crime already will probably up. The alcoholic beverage ~~license~~ license will not benefit the community in any way.

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature: Rosalinda Longoria Date: 2-6-17

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.

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

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

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24006580

CONDITIONAL USE PERMIT NO. 1685018
3295 PALM AVENUE CUP PROJECT NO. 481061
PLANNING COMMISSION
DRAFT

This Conditional Use Permit No. 1685018 is granted by the Planning Commission of the City of San Diego to Main Street Woodland, LLC, Owner and 7-Eleven, Inc., Permittee, pursuant to San Diego Municipal Code [SDMC] section 141.0502. The 0.52-acre site is located at 3295 Palm Avenue in the CC-2-3 Zone within the Otay Mesa-Nestor Community Plan area, and the Airport Land Use Compatibility (Brown Field), Airport Influence Area (Review Area 2), and the Federal Aviation Authority (FAA) Part 77 Overlay Zones. The project site is legally described as: Lot 1 of Palm South, in the City of San Diego, County of San Diego, State of California, according to Map No. 8818, filed in the office of the County Recorder of San Diego County, March 14, 1978.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to operate an alcoholic beverage outlet as 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 March 30, 2017, on file in the Development Services Department.

The project shall include:

- a. Operation of an alcoholic beverage outlet within a new 2,700-square-foot convenience store, conditioned upon the issuance of a Type 20 License from the Department of Alcoholic Beverage Control for off-site consumption; and
- b. Maintenance of existing off-street parking;
- c. 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 March 30, 2020.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on March 30, 2027. 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.

ENGINEERING REQUIREMENTS:

13. The project proposes no export of material from the project site. All excavated material listed to be 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.

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

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

16. Prior to recording this Permit, the Permittee shall assure by permit and bond the construction of the driveway on Beyer Way at the project site to current City Standards, to the satisfaction of the City Engineer. If this work is not constructed within one calendar year of the approval of this Permit, the Permittee shall be deemed to be out of compliance with the Conditional Use Permit and subject to rescission by the Development Services Director.

PLANNING/DESIGN REQUIREMENTS:

17. Owner/Permittee shall maintain a minimum of 23 off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

18. 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.

19. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

20. 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.

POLICE DEPARTMENT REQUIREMENTS:

21. Sales and service of alcoholic beverages shall be permitted only between the hours of 8:00 AM and 12:00 AM each day of the week.

22. The petitioner(s) shall post and maintain a professional quality sign facing on the front of the premises that reads as the follows: 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.

23. 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.

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. 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 this condition.

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

27. On days when Montgomery High School is in session, coolers where alcoholic beverages are stored/displayed must be locked and should only be accessed by or through store personnel for the period one half-hour before and one half-hour after classroom sessions.

POLICE DEPARTMENT RECOMMENDATIONS FOR ABC LICENSE:

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

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

30. No wine shall be sold with an alcohol content of greater than 15 percent by volume except for "Dinner Wines".

31. 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 Planning Commission of the City of San Diego on March 30, 2017 and Resolution No. _____.

Permit Type/PTS Approval No.: Conditional Use Permit No. 1685018

Date of Approval: _____

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Firouzeh Tirandazi
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.

MAIN STREET WOODLAND, LLC.

Owner

By _____

Blake Megdal
President

7-ELEVEN INC.

Permittee

By _____

Roger Shadowen
Development Project Manager

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

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

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24006580

CONDITIONAL USE PERMIT NO. 1685018
3295 PALM AVENUE CUP PROJECT NO. 481061
PLANNING COMMISSION
DRAFT

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- b. Maintenance of existing off-street parking;
- c. 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 March 30, 2020.
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14. Prior to the issuance of any construction permit, the Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

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

16. Prior to recording this Permit, the Permittee shall assure by permit and bond the construction of the driveway on Beyer Way at the project site to current City Standards, to the satisfaction of the City Engineer. If this work is not constructed within one calendar year of the approval of this Permit, the Permittee shall be deemed to be out of compliance with the Conditional Use Permit and subject to rescission by the Development Services Director.

PLANNING/DESIGN REQUIREMENTS:

17. Owner/Permittee shall maintain a minimum of 23 off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

18. 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.

19. The sale of alcoholic beverages shall be accessory and limited to a maximum of 30 square-feet, or 1.11 percent of the floor area of the market as shown on Exhibit "A".

~~20. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.~~

21. 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.

22. 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.

23. 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.

24. 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.

25. 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.

26. 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, violators are subject to arrest." The sign shall be at least two square feet with two inch block lettering. The sign shall be in English and Spanish.

27. The Owner/Permittee shall list a business address and telephone number in the Pacific Bell/San Diego telephone directory or other similarly distributed directory.

28. 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.

29. 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:

30. Sales and service of alcoholic beverages shall be permitted only between the hours of 8:00 AM and 12:00 AM each day of the week.

~~31. The petitioner(s) shall post and maintain a professional quality sign facing on the front of the premises that reads as the follows: 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.~~

32. 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.

~~33. 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.~~

34. 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 this condition.

~~35. There shall be no amusement machines or video game devices on the premises at any time.~~

36. On days when Montgomery High School is in session, coolers where alcoholic beverages are stored/displayed must be locked and should only be accessed by or through store personnel for the period one half-hour before and one half-hour after classroom sessions.

POLICE DEPARTMENT RECOMMENDATIONS FOR ABC LICENSE:

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

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

39. No wine shall be sold with an alcohol content of greater than 15 percent by volume except for "Dinner Wines".

40. 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 Planning Commission of the City of San Diego on March 30, 2017 and Resolution No. _____.

Permit Type/PTS Approval No.: Conditional Use Permit No. 1685018
Date of Approval: _____

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Firouzeh Tirandazi
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.

MAIN STREET WOODLAND, LLC.
Owner

By _____
Blake Megdal
President

7-ELEVEN INC.
Permittee

By _____
Roger Shadowen
Development Project Manager

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

PLANNING COMMISSION RESOLUTION NO. _____
 CONDITIONAL USE PERMIT NO. 1685018
3295 PALM AVENUE CUP PROJECT NO. 481061

WHEREAS, Main Street Woodland, LLC, Owner and 7-Eleven, Inc., Permittee, filed an application with the City of San Diego for a permit to operate an alcoholic beverage outlet (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Conditional Use Permit No. 1685018), on portions of a 0.52-acre site;

WHEREAS, the project site is located at 3295 Palm Avenue in the CC-2-3 Zone, and the Airport Land Use Compatibility (Brown Field), Airport Influence Area (Review Area 2), and the Federal Aviation Authority (FAA) Part 77 Overlay Zones, within the Otay Mesa-Nestor Community Plan area;

WHEREAS, the project site is legally described as Lot 1 of Palm South, in the City of San Diego, County of San Diego, State of California, according to Map No. 8818, filed in the office of the County Recorder of San Diego County, March 14, 1978;

WHEREAS, on January 25, 2017, the Hearing Officer of the City of San Diego approved Conditional Use Permit No. 1685018 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on February 6, 2017, Rosalinda Longoria filed an appeal of the Hearing Officer's decision;

WHEREAS, on March 30, 2017, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 1685018 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on August 26, 2016 the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guideline Section 15301, Existing Facilities and the Environmental Determination was appealed to City Council, which heard and denied the appeal on December 13, 2016 pursuant to Resolution No. R-310898; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission denies the appeal and affirms the Hearing Officer's decision and adopts the following written Findings, dated March 30, 2017.

FINDINGS:

Conditional Use Permit Approval – SDMC Section 126.0305

(a) The proposed development will not adversely affect the applicable land use plan.

The project is an application for a Conditional Use Permit (CUP) for an alcoholic beverage outlet to allow the sale of beer and wine, in accordance with a Type-20 Alcohol and Beverage

Control (ABC) license, within a new 2,700-square-foot convenience store. The convenience store is a new tenant space within an existing 4,500-square-foot commercial building on a 0.52-acre site located at 3295 Palm Avenue, on the southwest corner of Palm Avenue and Picador Boulevard/Beyer Way.

The Otay Mesa-Nestor Community Plan (OMNCP) supports established neighborhood centers by designating appropriate land uses and applying corresponding zoning, and recommends development consistent with the planned land use in these areas (page 10). The OMNCP designates the site for Neighborhood Commercial (Figure 2), which is intended to support development that provides a range of necessity goods, and personal and repair services, for the convenience of the adjacent neighborhood, concentrated in individual sites or small shopping centers. The plan further identifies typical uses appropriate within neighborhood commercial designated areas including grocery stores, pharmacies, professional offices, banks and other financial services, barber/beauty shops, cleaners and laundromats, and automobile service stations.

The proposed sale of beer and wine within a new convenience store is consistent with the underlying Neighborhood Commercial land use designation, and would add to the range of goods available to the community. Therefore, based on the commercial nature of the convenience store and consistency with the OMNCP, the proposed project would not adversely affect the applicable land use plan.

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

The primary use of the site is a convenience store, which is a commercial development. The operation of an alcoholic beverage outlet within the convenience store is consistent with the Neighborhood Commercial use designated by the OMNCP, and allowed in the CC-2-3 Zone with a CUP at this location. Approval of this application would allow the sale of beer and wine for off-site consumption to be conditioned so that the alcohol sales would not have a negative impact on the surrounding neighborhood. The CUP includes conditions that limit the hours of sales, limit advertising, prohibit machines or video game devices on the premises, prohibit loitering and graffiti, and require alcoholic beverage coolers to be locked with restricted access one half hour before, and one half hour after classroom instruction ends, on days Montgomery High School is in session. The CUP also includes recommended conditions for the ABC license that would regulate the type, volume, and alcohol content of the beverages. Furthermore, the project is subject to all federal, state, and other local codes related to alcohol beverage sales, which would further ensure that the subject alcoholic beverage outlet would not have an adverse impact on the public health, safety, and welfare.

The project is not subject to the requirements of the San Diego Municipal Code (SDMC) Chapter 13, Article 2, Division 15, applicable to development within the Airport Land Use Compatibility Overlay Zone because the project is proposed within an existing commercial building, and will not increase the density, floor area, or height of the existing structure. The City of San Diego conducted an environmental review of this project in accordance with the State of California Environmental Quality Act (CEQA) guidelines, and concluded there would

be no environmental impacts associated with the proposed project. Based on the above analysis, the proposed development would not be detrimental to the public's health, safety, and welfare.

(c) 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 an alcoholic beverage outlet in accordance with an ABC Type 20 license, in a new convenience store located within an existing commercial building. A Type 20 ABC license is defined as "off-sales," which does not allow the alcohol, limited to beer and wine, sold at the store to be consumed on the premises. The underlying CC-2-3 Zone, which is intended to accommodate development that provides a range of necessity goods, and personal and repair services, allows alcoholic beverage outlets as a Limited Use subject to regulations set forth in SDMC Section 141.0502(b). While the proposed alcoholic beverage outlet does not meet the aforementioned Limited Use regulations, the outlet can be permitted at this location with a CUP approval pursuant to SDMC Section 141.0502(c). The CUP for the project includes various conditions and corresponding exhibits of approval relevant to achieving compliance with the SDMC relative to parking, signage, lighting, loitering, hours of sales, graffiti, and advertising. These conditions will ensure the project would not have an adverse impact on the community. The project is proposed within an existing structure that is in compliance with all applicable development regulations including floor area ratio, height, and parking. The project does not propose to increase density, height, or floor area of the existing structure; therefore, it is exempt from the supplemental development regulations of the Brown Field Airport Land Use Compatibility Overlay Zone. No variance or deviations are requested as part of this application. Therefore, the proposed development will comply with the regulations of the Land Development Code.

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

The site is designated for Neighborhood Commercial in the OMNCP. The OMNCP supports established neighborhood centers by designating appropriate land uses and applying corresponding zoning, and recommends development consistent with the planned land use in these areas (page 10). The OMNCP designates the site for Neighborhood Commercial (Figure 2), which is intended to support development that provides a range of necessity goods, and personal and repair services, for the convenience of the adjacent neighborhood, concentrated in individual sites or small shopping centers. The plan further identifies typical uses appropriate within neighborhood commercial designated areas including grocery stores, pharmacies, professional offices, banks and other financial services, barber/beauty shops, cleaners and laundromats, and automobile service stations. The project is a request for a CUP to allow the sale of alcoholic beverages, limited to beer and wine, within a convenience store. The convenience store is a tenant space within an existing commercial building. The use of the site as retail establishment will remain the same and consistent with the commercial designation.

The site is zoned CC-2-3, which is a community commercial zone that is intended to accommodate development with an auto orientation and include community serving

commercial services and retail uses. An alcoholic beverage outlet is allowed at this location subject to approval of a CUP pursuant to SDMC Section 141.0502(c). Approval of this application would allow the sale of alcohol, limited to beer and wine, to be conditioned so that the alcohol sales would not have a negative impact on the surrounding neighborhood. The CUP includes conditions that limit the hours of sales, limit advertising, prohibit machines or video game devices on the premises, prohibit loitering and graffiti, and require alcoholic beverage coolers to be locked with restricted access one half hour before, and one half hour after classroom instruction ends, on days Montgomery High School is in session, which would help to ensure a safe and well maintained operation. The CUP also includes recommended conditions for the ABC license that regulate the type, volume, and alcohol content of the beverages.

The proposed sale of beer and wine within the convenience store would expand the existing retail merchandise, and is consistent with the commercial nature of the primary use. The proposed alcoholic beverage outlet is also consistent with the underlying commercial designation per the community plan and zone. Therefore, based on the commercial retail nature of the convenience store and conditions of approval, the proposed development would be appropriate at the proposed location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, CUP No. 1685018 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1685018, a copy of which is attached hereto and made a part hereof.

Firouzeh Tirandazi
Development Project Manager
Development Services

Adopted on: March 30, 2017

IO#: 24006580

SAN DIEGO POLICE DEPARTMENT CONDITIONAL USE PERMIT RECOMMENDATION

PREMISE ADDRESS: 3295 Palm Ave, San Diego, CA.

TYPE OF BUSINESS: 7-11 Store (Type-20 Off Sales Beer and Wine License)

FEDERAL CENSUS TRACT: 100.10

NUMBER OF ALCOHOL LICENSES ALLOWED: 3

NUMBER OF ALCOHOL LICENSES EXISTING: 2

CRIME RATE IN THIS CENSUS TRACT: 62.6%
(Note: Considered High Crime If Exceeds 120% of City-wide Average)

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

IS THE PREMISE WITHIN 600 FEET OF INCOMPATIBLE FACILITY ☒ YES ☐ NO

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

ABC LICENSE REVOKED AT THIS PREMISE WITHIN PAST YEAR ☐ YES ☒ NO

HAS APPLICANT BEEN CONVICTED OF ANY FELONY ☐ YES ☒ NO

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

COMMENTS/OTHER FACTORS CONSIDERED: The crime rate for census tract 100.10 was 62.6% in 2015. A crime rate above 120% is considered high. The concentration level for On-sale licenses are two (2) in an census tract that allows three (3). This shows the area is not overconcentrated with off sale licenses. The proposed license has off-sale incorporated into it. Thus the Police Department would have concerns with noise and alcohol related crimes in the area. There are apartments directly behind the business.

There are two incompatible facilities within 600 feet. Montgomery High school at 3250 Palm Ave is located 364' northwest. Imperial Beach Adult Center (Adult School) at 3240 Palm Ave is located 218' north. Headstart (preschool) 3240 Palm Ave is located 703' north of the purposed site.

SUGGESTED CONDITIONS: Recommended conditions 10 and 11 are important due to the high school across the street. The San Diego Police Department agrees to the issuance of this license with the following conditions included in the Conditional Use Permit:

1. Sales and service of alcoholic beverages shall be permitted only between the hours of 8:00 AM and 12:00 AM 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, 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 follows: 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. 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.
7. 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.
8. Beer, malt beverages or wine cooler products, regardless of container size, must be sold in manufacturer pre-packaged multi-unit quantities.
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 this conditions.
10. There shall be no amusement machines or video game devices on the premises at any time.
11. On days when Montgomery High School is in session, coolers where alcoholic beverages are stored/displayed must be locked and should only be access by or through store personnel for the period one half-hour before and one half-hour after classroom instruction ends.

SAN DIEGO POLICE DEPARTMENT RECOMMENDATION:

APPROVE ✓

DENY _____

ROBERT STINSON
Name of SDPD Vice Sergeant (Print)

[Signature]
Signature of SDPD Vice Sergeant

619-531-2282
Telephone Number

6/6/16
Date of Review



ABC Report

Required Parameters

Reporting Period: 01/2016 to 12/2016

Agency: SAN DIEGO

Optional Parameters

Geographical Area:

Group by: Census Tract

Prior Report Number: B98S328R

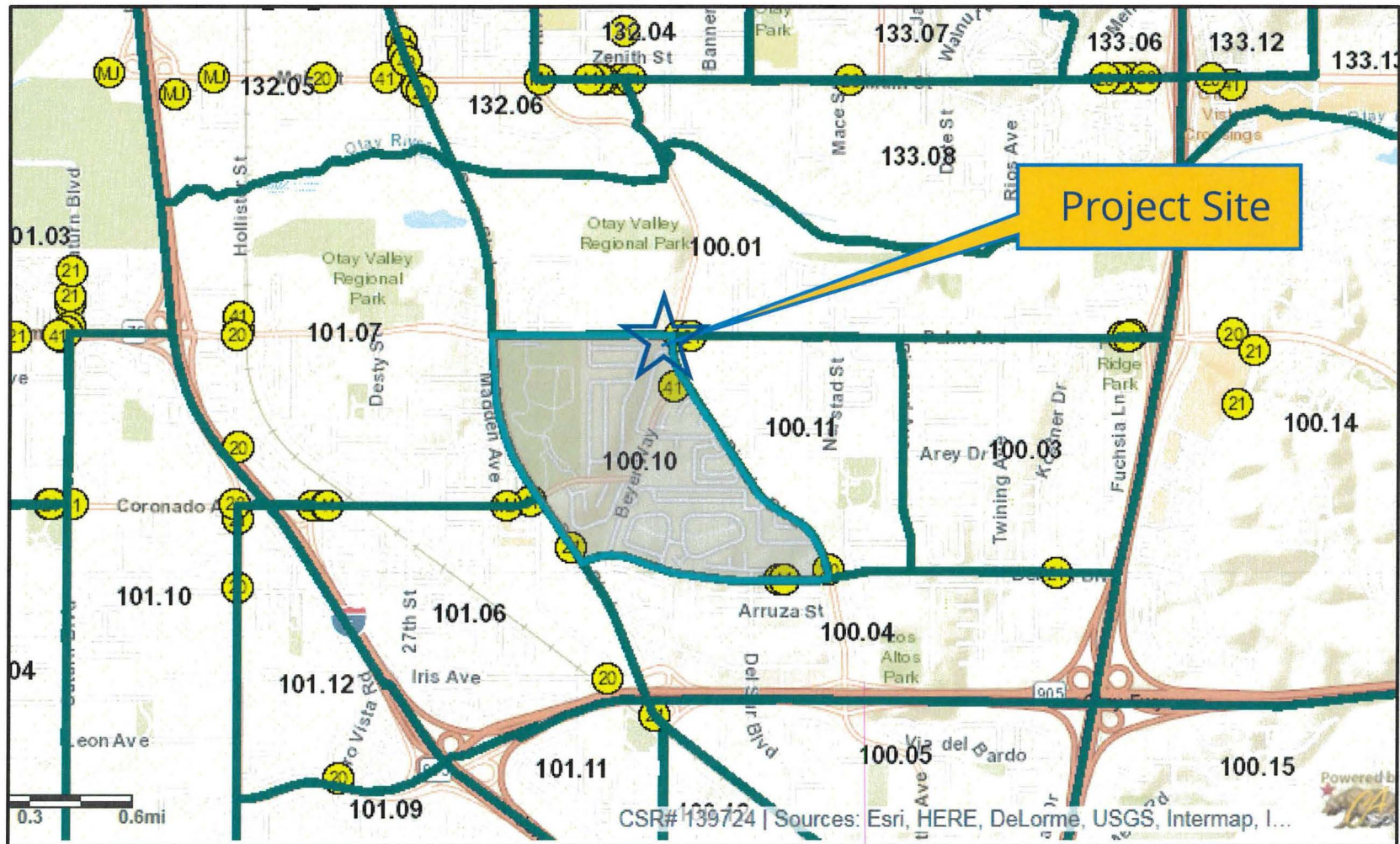
Total Part 1 Crime and Part 2 Arrest for Agency: 56,500

Total Census Tract: 302

Average Total per Census Tract: 187.1

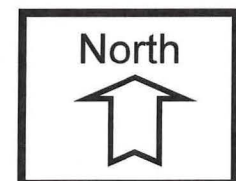
(120% or above is High Crime Area indicated by *)

	Census Tract	Totals	% Average by Census Tract
233	009804	78	41.7%
234	009805	81	43.3%
235	009901	1	0.5%
236	009902	3	1.6%
237	010001	95	50.8%
238	010003	44	23.5%
239	010004	44	23.5%
240	010005	132	70.6%
241	010009	512	273.7%*
242	010010	80	42.8%
243	010011	65	34.7%
244	010012	64	34.2%
245	010013	204	109.0%
246	010014	316	168.9%*
247	010015	477	255.0%*
248	010103	321	171.6%*
249	010104	82	43.8%
250	010106	160	85.5%
251	010107	264	141.1%*
252	010109	72	38.5%
253	010110	117	62.5%
254	010111	58	31.0%
255	010112	141	75.4%
256	010200	0	0.0%
257	011300	0	0.0%
258	011802	1	0.5%
259	013205	5	2.7%
260	013206	0	0.0%
261	013308	0	0.0%



Liquor Licenses within Census Tract 100.10

3295 PALM AVENUE CUP / 3295 PALM AVENUE
PROJECT NO. 481061





**California Department of Alcoholic Beverage
Control
For the County of SAN DIEGO - (Off-Sale Licenses)
and Census Tract = 100.10**

Report as of 2/27/2017

	License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1)	377661	ACTIVE	21	6/20/2001	7/31/2017	HELO, HADIR GHANIM 750 BEYER WAY, STE 8 SAN DIEGO, CA 92154 Census Tract: 0100.10	BEYER MARKET & LIQUOR		3710
2)	464411	ACTIVE	21	2/28/2008	8/31/2017	RABBAN, NADER BAH 3702 DEL SOL BLVD, STE B SAN DIEGO, CA 92154- 3588 Census Tract: 0100.10	EL PICADOR FOODS		3710

--- End of Report ---

For a definition of codes, view our [glossary](#).

**San Diego Police Department
Alcohol Arrests & Cites - By Census Tract
(Excluding Unknown Tracts)
January to December 2016**

2010 Census Tract	Alcohol Violations	Tract Total as % of Average Tract
009301	6	21.7%
009304	75	270.8%
009305	10	36.1%
009306	11	39.7%
009400	5	18.1%
009502	8	28.9%
009504	2	7.2%
009505	1	3.6%
009506	4	14.4%
009507	3	10.8%
009509	10	36.1%
009510	1	3.6%
009511	0	0.0%
009602	10	36.1%
009603	28	101.1%
009604	19	68.6%
009703	4	14.4%
009704	2	7.2%
009705	2	7.2%
009706	12	43.3%
009801	4	14.4%
009802	5	18.1%
009804	3	10.8%
009805	4	14.4%
009901	0	0.0%
009902	1	3.6%
010001	11	39.7%
010003	0	0.0%
010004	3	10.8%
010005	4	14.4%
010009	9	32.5%
010010	5	18.1%
010011	4	14.4%
010012	6	21.7%
010013	29	104.7%
010014	8	28.9%
010015	24	86.7%
010103	35	126.4%
010104	6	21.7%
010106	10	36.1%
010107	34	122.8%
010109	7	25.3%

LEGEND:

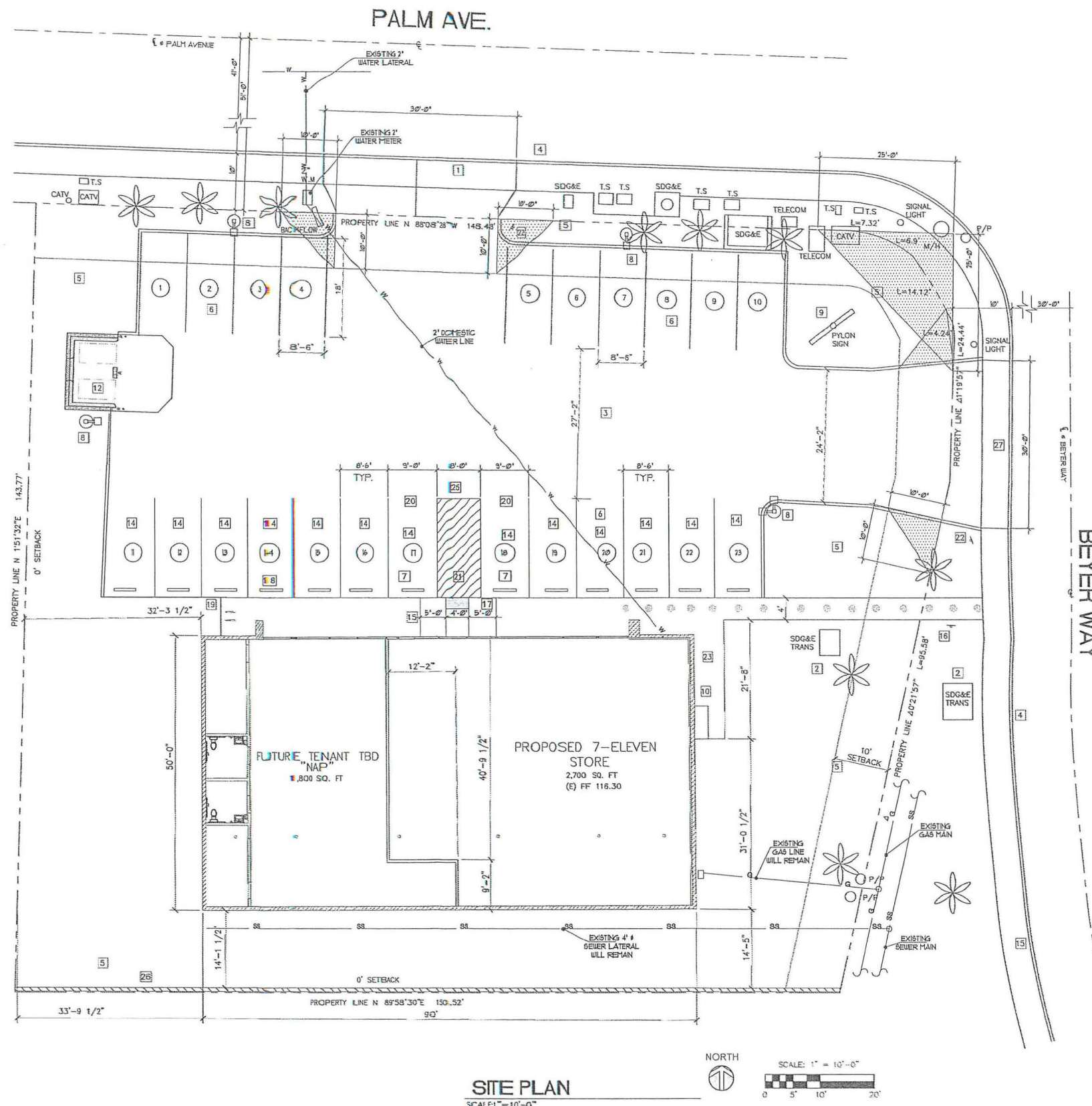
- PROPERTY LINE
STREET CENTER LINE
SETBACK
ACCESSIBLE PATH OF TRAVEL
VISIBILITY AREA PER SDMC
DIAGRAM 113-0255
- 1 (E) CONCRETE DRIVEWAYS
 - 2 (E) SDG&E XMAS W/BOLLARDS
 - 3 (E) ASPHALT PAVING
 - 4 (E) CURB AND SIDEWALK
 - 5 (E) LANDSCAPE AREA
 - 6 (E) PARKING STALLS 14/C2 17/C2
 - 7 (N) ADA PARKING
 - 8 (N) LIGHT POLE
 - 9 (E) PYLON SIGN
 - 10 (E) 800 AMP MSB
 - 11 -
 - 12 (N) TRASH ENCLOSURE W/(2) 4 YARD DUMPSTERS SEE S
 - 13 -
 - 14 RE-STRIPE PARKING SPACE
 - 15 (E) SIDEWALK
 - 16 (N) ADA PATH SIGN 9/C2
 - 17 (N) ADA RAMP 14/C2 17/C2
 - 18 (N) CONCRETE WHEEL STOP
 - 19 (N) BIKE RACK
 - 20 (N) ADA SYMBOL 16/C2
 - 21 (N) ADA STRIPPING 14/C2
 - 22 (N) ADA ENTRY SIGN 18/C2
 - 23 (N) CONCRETE SIDEWALK OR FLATWORK
 - 24 (N) CONCRETE CURB
 - 25 (N) "NO PARKING"
 - 26 (E) MASONRY WALL
 - 27 CONSTRUCT NEW 30' WIDE CONCRETE DRIVEWAY WITH CONTIGUOUS SIDE WALK PER CITY OF SAN DIEGO STANDARD DRAWINGS SDG-159 AND PER SDMC SECTION 142.0560 AND TABLE 142-05N

SITE PLAN NOTES

1. THIS PROJECT PROPOSES NO DEVELOPMENT IMPROVEMENTS OUTSIDE THE EXISTING FOOTPRINT FOR THE DISCRETIONARY REVIEW AND THEREFORE DOES NOT REQUIRE ANY PERMANENT STORMWATER BEST MANAGEMENT PRACTICES.
2. PRIOR TO ISSUANCE OF ANY CONSTRUCTION PERMIT, THE OWNER/PERMITEE SHALL INCORPORATE ANY CONSTRUCTION BEST MANAGEMENT PRACTICES NECESSARY TO COMPLY WITH CHAPTER 14, ARTICLE 2, DIVISION I (GRADING REGULATIONS) OF THE SAN DIEGO MUNICIPAL CODE, INTO THE CONSTRUCTION PLANS OR SPECIFICATIONS.
3. PRIOR TO ISSUANCE OF ANY CONSTRUCTION PERMIT THE OWNER/PERMITEE SHALL SUBMIT A WATER POLLUTION CONTROL PLAN (WPP) THE WPP SHALL BE PREPARED IN ACCORDANCE WITH THE GUIDELINES OF THE CITY'S STORM WATER STANDARDS.
4. NO GRADING IS PROPOSED AS PART OF THIS APPLICATION.
5. NO CHANGES TO EXISTING PARKING LOT ARE PROPOSED AS PART OF THIS PROJECT. NO PARKING SPACES WILL BE ADDED OR REMOVED AS PART OF THIS PROJECT.
6. NO CHANGES TO EXISTING ROOF DRAINS ARE PROPOSED FOR THIS PROJECT.
7. NO CHANGES TO EXISTING WATER AND SEWER SYSTEM ARE PROPOSED AS PART OF THIS PROJECT. NO NEW WATER AND SEWER SERVICES ARE PROPOSED AS PART OF THIS PROJECT.



VICINITY MAP



PROJECT SUMMARY

"ALCOHOLIC BEVERAGE OUTLET PER SDMC 141.0502 WITHIN AN APPROXIMATELY 2,700 SQUARE FOOT RETAIL STORE IN AN APPROXIMATELY ON AN EXISTING APPROXIMATELY 4,500 SQUARE FOOT BUILDING ON A 0.52 ACRE PARCEL CONSISTING OF APPROXIMATELY 29.73 SQUARE FOOT OF ALCOHOL SALES AREA (0.11% OF TOTAL GFA)

PROJECT DATA

PROJECT NAME: 7-ELEVEN ALCOHOLIC BEVERAGE CUP
PROJECT ADDRESS: 3285 PALM AVE. SAN DIEGO, CA
OWNERS NAME: MAIN STREET WOODLAND LLC
OWNERS ADDRESS: 252 BEVERLY DRIVE SUITE C BEVERLY HILLS, CA 90212
ZONING: CC-2-3

A.P.N.: 630-310-49 .52 AC
OCCUPANCY: RETAIL STORE: M LEASE SPACE: 2,700 SQ'
CONSTRUCTION TYPE: TYPE V NON-RATED
HOURS OF OPERATION: 24 HOURS ALCOHOL SALES: 8 AM - 12 AM

SITE INFORMATION

BUILDING HEIGHT: 20'-0"±
NUMBER OF STORES: 1

SETBACKS

FRONT: 10'-0"
CORNER SIDE: 10'-0"
SIDE: 0'-0"
REAR: 0'-0"

PARKING CALCULATIONS

PARKING REQ'D: 22.5 SPACES @ 1 SPACE/200 S.F.
PARKING PROVIDED: 23 SPACES

LEGAL DESCRIPTION

LOT 1 OF PALM SOUTH, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, MAP NO. 5815, RECORDED MARCH 14, 1978

SCOPE OF WORK

7-ELEVEN ALCOHOLIC BEVERAGE OUTLET PERMIT

APPLICANT

PLANNING CONSULTANT: LAND SOLUTIONS
7583 EL PASO ST, LA MESA, CA 91842
CONTACT: STEVE LAUS
(619) 644-3300
slaus@landsolutionsinc.net

MICHAEL MERRILL
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phone: 858.810.7999 & 858.810.7998

7-ELEVEN
CONDITIONAL USE PERMIT
PALM AVENUE AND BEYER WAY
SAN DIEGO, CALIFORNIA

CUP Resubmittal 7/01/2016

DRAWN BY: JMY
JOB NO.: 201616.10

TITLE: SITE PLAN

C-1

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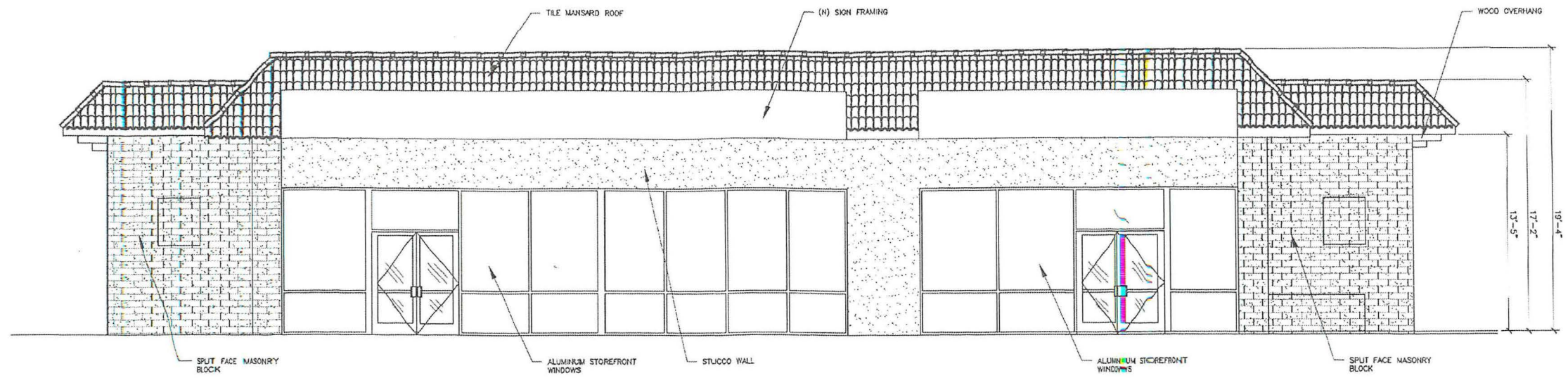
7-ELEVEN
CONDITIONAL USE PERMIT
PALM AVENUE AND BEYER WAY
SAN DIEGO, CALIFORNIA

CLIP Resubmittal 7/01/2016

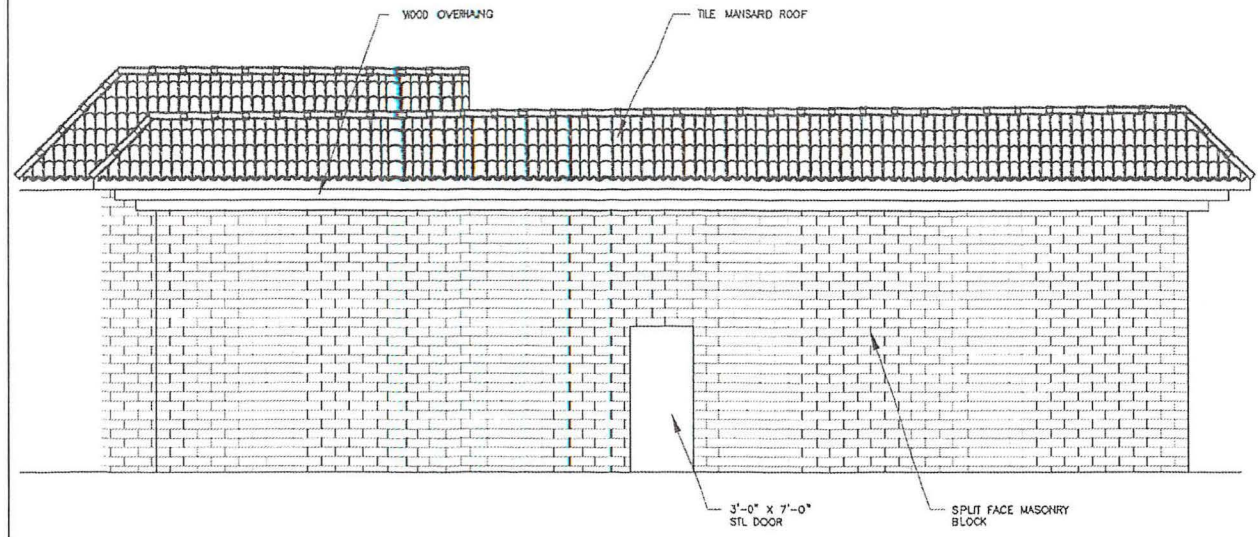
DRAWN BY: JMY JOB NO: 201616.10

TITLE: ELEVATIONS

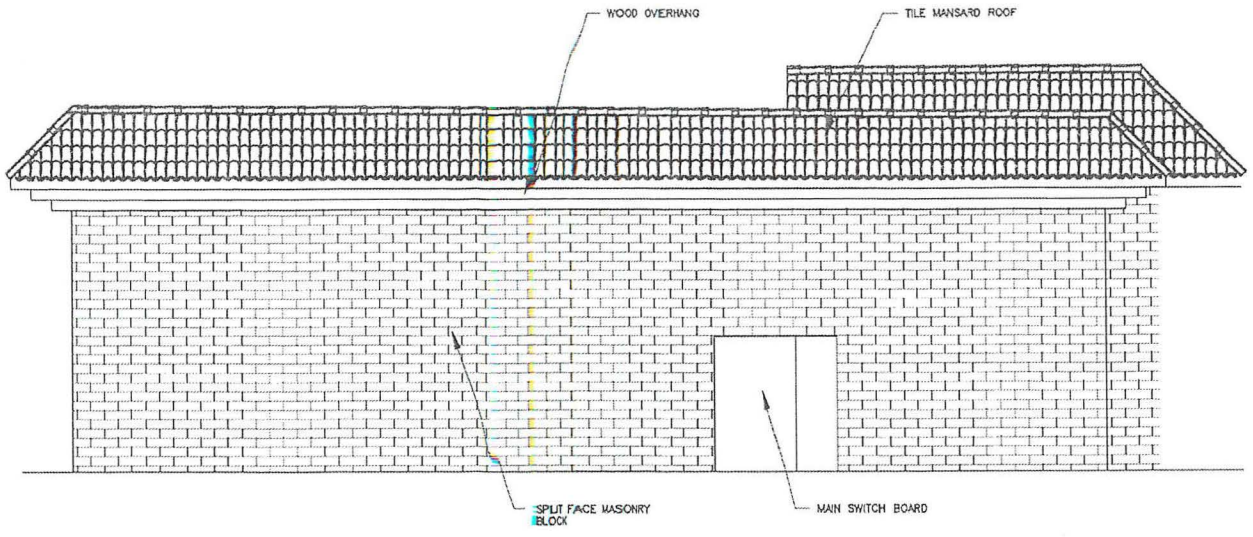
A-2



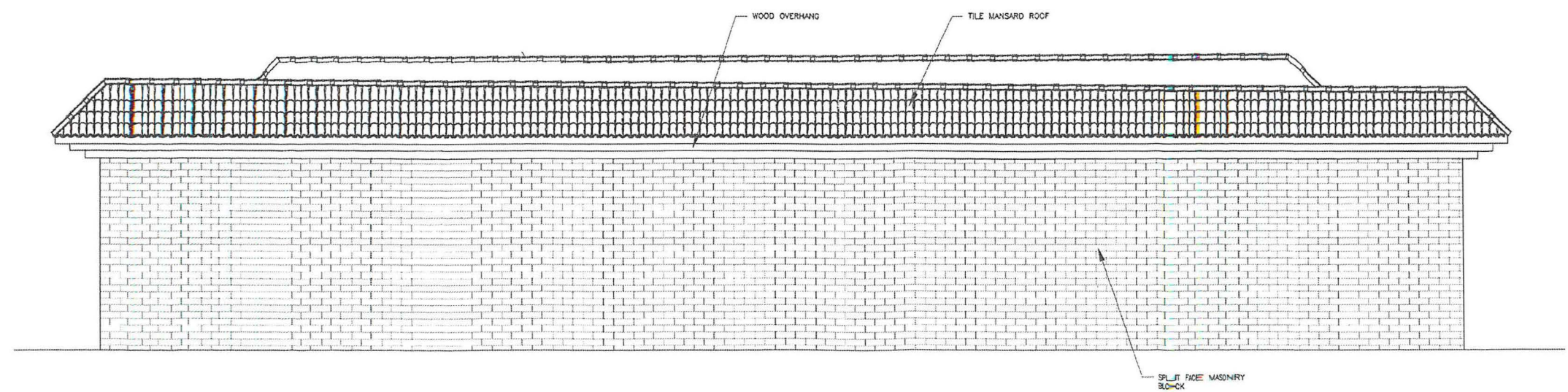
NORTH ELEVATION



WEST ELEVATION



EAST ELEVATION



SOUTH ELEVATION

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7-ELEVEN
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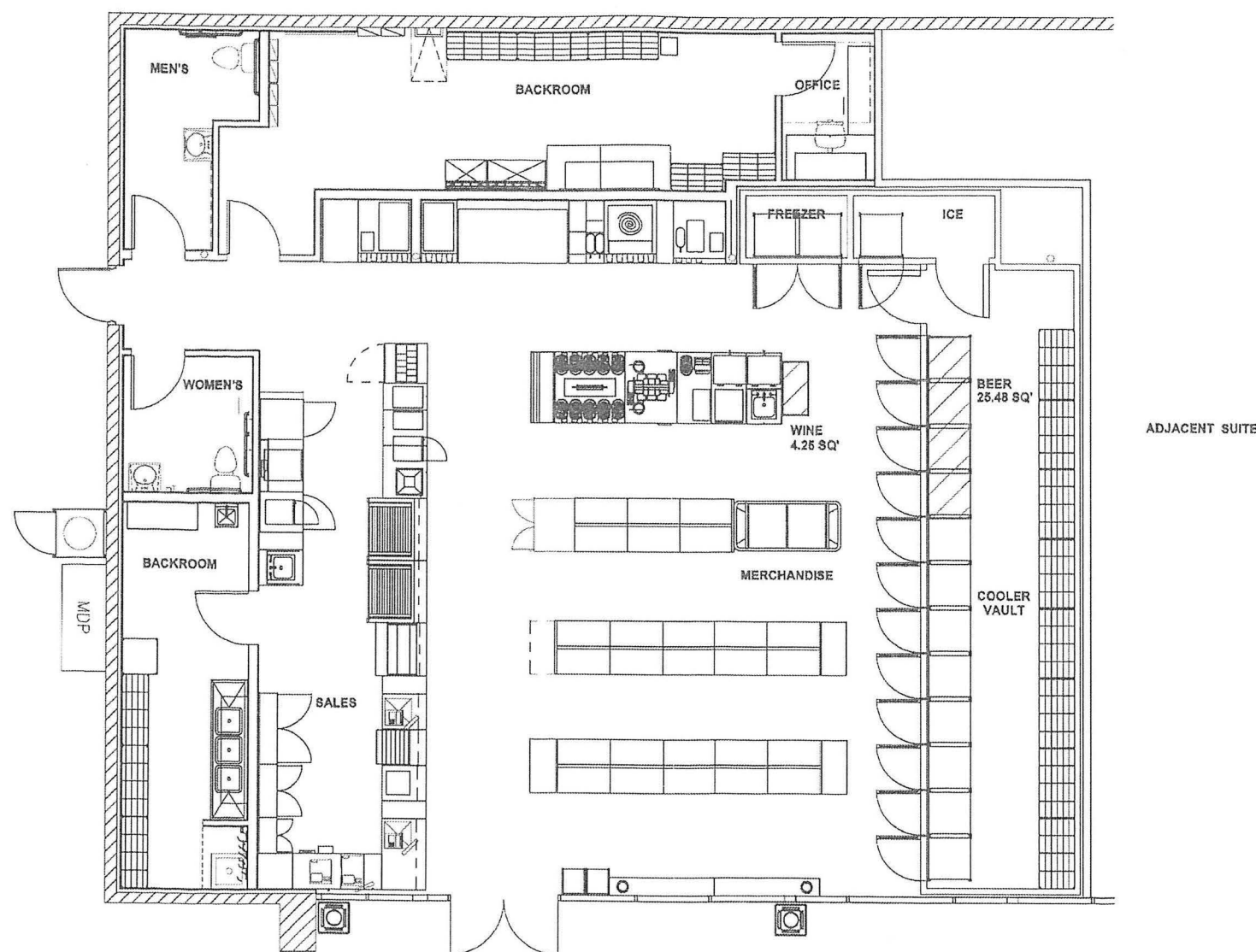
CUP Resubmittal 7/01/2016

DRAWN BY: JMY
JOB NO.: 201616.10

TITLE:

PARTIAL FLOOR PLAN

A-1



PARTIAL FLOOR PLAN
SCALE: 1/4" = 1'-0"