



THE CITY OF SAN DIEGO

M E M O R A N D U M

DATE: May 15, 2023

TO: Planning Commission

FROM: Will Rogers, Development Project Manager II, Development Services Department

SUBJECT: Item 1-Appeal of Project No. PRJ-1059496, 3757 Mission Boulevard and 810 Queenstown Court

This memorandum is submitted for the Planning Commission meeting on May 18, 2023, Item Number 1, Appeal of the Hearing Officer decision of February 8, 2023, of 3757 Mission Blvd – Hub Liquor # 1059496. The applicant has informed City staff they desire to revise the project in light of the appeal.

The project has been redesigned to meet the current 10-foot setbacks on Queenstown Court as required by the Mission Beach Planned District Ordinance (PDO) in San Diego Municipal Code (SDMC) section 1513.0304(c) (2) Minimum Yards for Courts and Places Property Development Regulations – Commercial Subdistrict. Given the redesign providing conformance with the setbacks a Neighborhood Development Permit pursuant SDMC section 126.0402 is no longer required. Additionally, the project's reliance and ability to apply Previously Conforming Regulation SDMC Section 127.0106(b) Expansion or Enlargement of Previously Conforming Structures to allow for the encroachment into the 10-foot setback is also no longer required. The revisions have been reviewed and are supported by staff, the appellant and the applicant.

The revisions to the hearing documents are summarized below and a strikethrough version has been attached with new information identified in red.

1.) Report, Coastal Development Permit and Permit Resolution to the Planning Commission:

- a. All mention of a Neighborhood Development Permit has been redacted with redline strikethrough.
- b. All mention of Previously Conforming Structures has been redacted with redline strikethrough.
- c. All documents have been updated to address the Coastal Development permit only and include changes to the setbacks the square footage of the first and second floors (in red).

Page 2
Planning Commission
May 15, 2023

Should you have any questions, please contact me at (619) 446-5283 or rogersrw@sandiego.gov

Enclosures:

1. PC Report No. PC-23-012, Strikethrough
2. Permit No. PMT-3153358, Strikethrough
3. Resolution for Permit No. PMT-3153358, Strikethrough
4. Revised Plans

CC:

Project File
Corrine Neuffer, Chief Deputy City Attorney, Office of the City Attorney
Lauren Hendrickson, Deputy City Attorney, Office of the City Attorney
Renee Mezo, Assistant Deputy Director Project Management Section DSD
Angela Orias, Associate Planner, Development Services Department (DSD)



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: May 9, 2023 REPORT NO. PC-23-012

HEARING DATE: May 18, 2023

SUBJECT: 3757 MISSION BLVD, APPEAL OF A PROCESS THREE DECISION

PROJECT NUMBER: [PRJ-1059496](#)

OWNER/APPLICANT: AHR PROPERTIES LLC / DANIEL LINN

SUMMARY

Issue: Should the Planning Commission approve an appeal of the demolition, reconstruction, second-story addition and remodel of an existing commercial retail store at 3757 Mission Boulevard and 810 Queenstown Court within the Mission Beach Community Planning area?

Proposed Actions:

1. Deny the appeal and uphold the Hearing Officer's decision to approve Coastal Development Permit No. 3153358 **with modifications to remove the Neighborhood Development Permit as it is no longer required.**
- ~~2. Deny the appeal and uphold the Hearing Officer's decision to Approve Neighborhood Development Permit No. 3169901~~

Fiscal Considerations: All costs associated with the processing of the application are recovered through a fee paid for by the applicant.

Code Enforcement Impact: This project has an open code compliance case #0517963. However, the code issues on the site are proposed to be resolved during this permit process.

Community Planning Group Recommendation: On October 18, 2022, the Mission Beach Precise Planning Board voted 7-0-0 to continue the review of the project until the November 15, 2022, meeting. On November 15, 2022, the Mission Beach Precise Planning Board voted 7-0-1 to recommend the denial of the proposed project with recommendations (Attachment 7). On February 20, 2023, the Mission Beach Precise Planning Board appealed the Hearing Officers' approval decision. (Attachment 7a and 7b).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA section 15301 (Existing

Facilities). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on November 14, 2022, and the opportunity to appeal that determination ended on November 29, 2022 (Attachment 6).

BACKGROUND

The 0.09-acre project site is located at 3757 Mission Boulevard and 810 Queenstown Court, within the Mission Beach Planned District of the Mission Beach Community Planning Area (Attachment 2). The site is designated for mixed-use, high-density residential at a rate of 29 dwelling units per acre.

The project site is in the MBPD-NC-N zone of the Coastal Overlay (Appealable) Zone and Coastal Height Limit and Parking Impact (Beach and Coastal) Zones. The site is designated Neighborhood Commercial and is immediately surrounded by other neighborhood commercial and multi-family dwelling units of varying sizes and architectural styles. The site is located between the Pacific Ocean to the west and Mission Bay to the east (Attachment 1).

There are two lots (P & Q) with existing structures on each. The front structure on lot Q is used as a convenience/liquor store and the rear structure on Lot P is used as storage and restrooms for the convenience store. Previously, the rear structure was a residential unit and a connection was made combining the two structures some time ago.

The owner of the property has demolished most of the rear portion of the existing structure located at 810 Queenstown Court under a building permit (PTS Project No. 692411). Demolition work was halted when it was determined by the City staff that a Coastal Development Permit was required because more than 50% of the structure was demolished. ~~In addition, a Neighborhood Development Permit is required to maintain the existing zero-foot setback per SDMC Section 127.0106(b) Expansion or Enlargement of Previously Conforming Structures: "Proposed expansion or enlargement of a previously conforming structural envelope within a setback....that does not meet the criteria for expansion or enlargement in accordance with Section 127.0106(a), requires a Neighborhood Development Permit decided in accordance with Process Two " which shall only be granted if the proposed expansion or enlargement meets the criteria identified therein.~~

DISCUSSION

The project proposes the demolition and reconstruction of the rear structure with a new second floor at 810 Queenstown Court. The project also proposes a remodel of the existing front structures at 3757 Mission Boulevard. The rear structure was demolished, requiring the CDP., ~~except for the southern wall along Queenstown Court. The project proposes to retain the wall along Queenstown Court and include that wall as part of the new reconstructed structure. Retention of this wall provides previously conforming premises for the continuation of the existing zero-foot setback. The project proposes to maintain the existing previously conforming side yard setbacks for the first floor of the structures.~~

The scope of work includes the demolition of the remainder of the rear structure consisting of ~~979~~ **864.6** square feet. This demolished footprint will be reconstructed **adhering to a 10-setback on Queenstown Court and** providing an additional ~~270~~ **485** square feet as a second-floor addition. The

1,710-square-foot front structure at 3757 Mission Boulevard will be remodeled. The combined reconstruction, addition and remodel will total ~~2,959~~ 3,059.6 square feet and encompass both the 3757 Mission Boulevard structure and the 810 Queenstown Court structure (Attachment 10).

The existing use is a convenience store that has been in operation for decades. The existing structure is over 45 years old and was reviewed by City Staff to determine eligibility for historic designation per SMDC Section 143.0212. Staff determined the site was not eligible.

The Mission Beach Community Precise Plan Local Coastal Program Addendum (Community Plan) designates this site as Neighborhood Commercial (Attachment 2) within the Mission Beach Planned District – Neighborhood Commercial- North (MBPD-NC-N) zone) which is consistent with the existing and proposed retail use.

The project requires a Coastal Development Permit (CDP) in accordance with San Diego Municipal Code (SDMC) Section 126.0702 for the proposed construction on the property with the Coastal Overlay Zone. ~~A Neighborhood Development Permit (NDP) is required per SDMC Section 126.0402 for development on sites with previously conforming structures~~ (Attachment 4 and 5).

COMMUNITY PLANNING GROUP

On November 15, 2022, the Mission Beach Precise Planning Board voted 7-0-1 to recommend the denial of the project based on the following;

1. On 810 Queenstown Court (south end of the rear structure) SDMC Section 127.0102 (a) General Rules for Previously Conforming Premises and Uses should not be considered due to a connecting portion of the structure was never permitted.
2. The existing structure within the zero-foot setback along Queenstown Court will be connected to the Hub Liquor building by exceeding the height of the existing structure within the setback.
3. The project does not meet the findings for an NDP.

The proposed issues were reviewed by City Staff and the Project was determined to be in compliance with the San Diego Municipal Code (SDMC), Mission Beach Planned District Ordinance, and the Community Plan and all the necessary findings can be made.

PROJECT APPEAL DISCUSSION

On February 20, 2023, an appeal (Attachment 7a & 7 b) was filed by Debbie Watkins, representing Mission Beach Precise Planning Board as the Chairman. The appeal issues include conflicts with Neighborhood Development Permit findings, Previously Conforming Regulations, Planned District Ordinance set backs, and Noticing. The project has been redesigned to meet the current 10-foot setbacks on Queenstown Court as required by the Mission Beach PDO in San Diego Municipal Code (SDMC) section 1513.0304(c) (2) Minimum Yards for Courts and Places Property Development Regulations – Commercial Subdistrict. A NDP is no longer required and the Previousy Conforming regualtions no longer apply. The revisions have been reviewed and are supported by staff, the appellant and the applicant. The following are the appeal issues as stated by the appellant (bolded font), followed by the City staff responses. The project has been appealed for the following reasons:

Appeal Issue No. 1:

Chapter 12: Land Development Reviews SDMC Section 127.0102 (a) General Rules for Previously Conforming Premises and Uses would have revealed that previously conforming premises or uses must have been established in accordance with all permit requirements and must have been lawful. That is not the case here and the NDP would have been eliminated for consideration for this project;

"Previously conforming premises or uses must have been established in compliance with all permit requirements and must have been lawful until a change in the applicable zoning regulation made the premises or uses previously conforming."

Staff Response #1:

The project is requesting Previously Conforming Premises and Uses for the zero setback portion of the southern wall on Queenstown Court and not the non-permitted connecting walls. These non-permitted walls will be removed and reconstructed in accordance with the 10-foot set back as stated in the MBPD Ordinance (SDMC Section 1513.0307 and SDMC §127.0106(b) (Expansion or Enlargement of Previously Conforming Structures) regulations of the Land Development Code. The project has been redesigned to meet the current 10-foot setbacks on Queenstown Court as required by the Mission Beach PDO in SDMC section 1513.0304(c) (2) Minimum Yards for Courts and Places Property Development Regulations – Commercial Subdistrict. A NDP is no longer required and the Previously Conforming regulations no longer apply. The revisions have been reviewed and are supported by staff, the appellant and the applicant.

Appeal Issue No. 2:

Proposed development will not adversely affect the applicable land use plan. "Land Use Plan" means the General Plan and adopted community plans, specific Plans, precise plans, and sub-area plans. SDMC §113.0103

What this means is that the project needs to follow the Mission Beach PDO regulations as consistently applied since its inception in 1979, and not wander off into other provisions of the Land Development Code and attempt to override the PDO with a NDP.

Staff Response #2:

The project is in compliance with the PDO and NDP where the Previously Conforming Premises do not apply. ~~The new connecting walls and second floor are complying with the PDO setbacks and Height.~~ and has been redesigned to meet the current 10-foot setbacks on Queenstown Court as required by the Mission Beach PDO in SDMC section 1513.0304(c) (2) Minimum Yards for Courts and Places Property Development Regulations – Commercial Subdistrict. A NDP is no longer required and the Previously Conforming regulations no longer apply. The revisions have been reviewed and are supported by staff, the appellant and the applicant.

Appeal Issue No. 3:

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

Air flow, space, light = PDO objective principals. Large 2-story 30-ft. commercial building being added with windowless façade along residential court. Coastal Commission's View Corridor obstruction caused by 0' setback along Queenstown Court.

Staff Response #3:

The new second floor is intended for storage only and meets the 30-foot height limit and 10-foot setbacks. The project is not expanding into any view corridors, and no view corridors are on site.

Appeal Issue No. 4:

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

Applicable development must comply with applicable regulations of the Land Development Code – always demolition of over 50% of existing walls of the structure requires new construction building back to PDO regulations as a new structure. [See: Local Coastal Program requirements for previously conforming structures §127.0106.]

No non-conforming encroachments allowed. PDO trumps any and all exceptions – All setbacks must be adhered to unless a VARIANCE is obtained.

Staff Response #4:

The project must obtain a Coastal Development Permit (CDP) to remove 50% of an existing structure. ~~The Previously Conforming Premises ... allows for the retention of walls that are lawful such as the southern walls of the rear portion of the building along Queenstown Court.~~ The new connecting walls and second floor are complying with the PDO setbacks and Height. The project has been redesigned to meet the current 10-foot setbacks on Queenstown Court as required by the Mission Beach PDO in SDMC section 1513.0304(c) (2) Minimum Yards for Courts and Places Property Development Regulations – Commercial Subdistrict. A NDP is no longer required and the Previously Conforming regulations no longer apply. The revisions have been reviewed and are supported by staff, the appellant and the applicant.

Appeal Issue No. 5:

The PDO at SDMC §1513.0307 Property Development Regulations – Commercial Subdistrict dictates the setback requirements for minimum yards and courts and places for this project in North Mission Beach as follows:

“(4) Minimum Yards on Courts and Places in VC-N, VC-S, NC-N and NC-S. The minimum yard requirement shall be those set forth in Section 1513.0304(c)

The R-N Subdistrict requirements shall apply to the VC-N and NC-N and the R-S Subdistrict requirements shall apply to the VC-S and NC-S”

SDMC §1513.0304(c) (2) (A) prescribes as follows:

1513.0304(c) (2) Minimum Yards for Courts and Places (A) R-N Subdistrict – 10 ft standard setback

In addition, the PDO at SDMC §1513.0305 Commercial Subdistricts — Definition and Intent prescribes the development possibilities in both commercial and mixed use areas as follows:

“It is the intent of these regulations to provide development possibilities that will accommodate both commercial and mixed uses as well as compliment existing development and the surrounding residential areas.”

Staff Response #5:

The project is required to obtain a Neighborhood Development Permit (NDP) for the use of The Previously Conforming Premises ... allows for the retention of walls that are lawful such as the southern walls of the rear portion of the building along Queenstown Court. The new connecting walls and second floor are complying with the PDO setbacks and Height. The project has been redesigned to meet the current 10-foot setbacks on Queenstown Court as required by the Mission Beach PDO in SDMC section 1513.0304(c) (2) Minimum Yards for Courts and Places Property Development Regulations - Commercial Subdistrict. A NDP is no longer required and the Previously Conforming regulations no longer apply. The revisions have been reviewed and are supported by staff, the appellant and the applicant.

CONCLUSION:

Staff has reviewed the project plans and documents, and all the necessary findings can be made to approve the Project as discussed in depth above and demonstrated in the resolution of approval (Attachment 4 and 5). Staff recommends that the Planning Commission deny the appeal and approve Coastal Development Permit No. 3153358 as modified **to remove the Neighborhood Development Permit as it is no longer required.** and Neighborhood Development Permit No. 3169901.

ALTERNATIVES

1. Approve Coastal Development Permit No. 3153358 ~~and Neighborhood Development Permit No. 3169901~~, with modifications.
2. Deny Coastal Development Permit No. 3153358 ~~and Neighborhood Development Permit 3169901~~, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Renee Mezo
Assistant Deputy Director
Development Services Department



Will Rogers
Development Project Manager
Development Services Department

Attachments:

1. Project Location Map

2. Community Plan Land Use Map
3. Aerial Photograph
4. Draft Resolution with Findings
5. Draft Permit with Conditions
6. Environmental Exemption
7. Community Planning Group Recommendation
- 7a. Appeal Form 3031
- 7b. Appeal Attachment
8. Ownership Disclosure Statement
9. Deposit Account/Financial Responsibility DS-3242
10. Project Plans

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

INTERNAL ORDER NUMBER: 24009228

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT PMT-3153358
NEIGHBORHOOD DEVELOPMENT PERMIT PMT-3169901
3757 MISSION BOULEVARD - PROJECT NO. PRJ-1059496
PLANNING COMMISSION

This COASTAL DEVELOPMENT PERMIT No. PMT-3153358 and ~~NEIGHBORHOOD DEVELOPMENT PERMIT No. PMT-3169901~~ is granted by the Planning Commission of the City of San Diego to A.H.R. PROPERTIES LLC, a California Limited Liability Company, Owner/Permittee, pursuant to San Diego Municipal Code (SDMC) section 126.0708. The 0.09-acre site is located at 3757 Mission Boulevard and 810 Queenstown Court in the MBPD-NC-N zone of the Coastal Overlay (Appealable) Zone and Coastal Height Limit and Parking Impact (Beach and Coastal) Zones within the Mission Beach Community Plan. The project site is legally described as: PARCEL 1: LOT "Q" AND "R" IN BLOCK 187 OF MISSION BEACH, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1651, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 14, 1914; and PARCEL 2: LOT P IN BLOCK 187 OF MISSION BEACH, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1651, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 14, 1914.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee, to demolish an existing structure to allow a ~~4,249~~ **1,349.6**-square-foot remodel expansion of an adjacent 1,710-square-foot retail space as described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated ~~April 20~~ **May 18**, 2023.

The project shall include:

- a. ~~Partial~~ Demolition of an existing structure located at 810 Queenstown Court to allow expansion of adjacent retail space. ~~while maintaining an existing wall and setbacks;~~
- b. ~~Reconstruction of 979~~ **New construction of 864.6**-square feet of the ~~existing~~ first-floor and construction of a new ~~270~~ **485**-square-foot, second-floor addition located at 810 Queenstown Court;

- c. Remodel of an existing 1,710-square foot retail building located at 3757 Mission Boulevard. The new combined total of the retail buildings is ~~2,959~~ 3,059.6-square feet;
- ~~d. Per SDMC Section §127.0106(b) (Expansion or Enlargement of Previously Conforming Structures) to keep a portion of the existing wall located at 810 Queenstown Court to allow for existing setbacks on 810 Queenstown Court;~~
- e. Off-street parking; four compact spaces and one van-accessible space; and
- f. 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 ~~April 20~~ June 2, 2026.
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action or following all appeals.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision-maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

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

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

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

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

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

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

Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by the Owner/Permittee.

CLIMATE ACTION PLAN REQUIREMENTS:

12. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

ENGINEERING REQUIREMENTS:

13. Prior to the issuance of any building permit the Owner/Permittee shall assure, by permit and bond to reconstruct the existing alley curb ramp with the current City Standard curb ramp adjacent to the site on Mission Boulevard, satisfactory to the City Engineer.

14. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Water Pollution Control Plan WPCP. The WPCP shall be prepared in accordance with the guidelines in Part 2 of Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

PLANNING/DESIGN REQUIREMENTS:

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

16. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

17. All signs associated with this development shall be consistent with sign criteria established by the approved Exhibit "A", Mission Beach Planned District sign regulations, or City-wide sign regulations.

18. 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.

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit

are fully completed and all required ministerial permits have been issued and received a 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 ~~April 20~~ **May 18**, 2023, and Resolution Number PC-_____

DRAFT

COASTAL DEVELOPMENT PERMIT PMT-3153358
~~NEIGHBORHOOD DEVELOPMENT PERMIT PMT-3169901~~
DATE OF APPROVAL: ~~April 20~~ **May 18,**
2023

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Will Rogers
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.

A.H.R. PROPERTIES LLC

By _____
RANDY IBRAHIM
(MANAGING MEMBER)

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

**PLANNING COMMISSION
RESOLUTION NO. PC-___
COASTAL DEVELOPMENT PERMIT PMT-3153358 AND
~~NEIGHBORHOOD DEVELOPMENT PERMIT PMT-3169901~~**

3757 MISSION BOULEVARD - PROJECT NO. PRJ-1059496

WHEREAS, A.H.R. PROPERTIES LLC, a California Limited Liability Company Owner/Permittee, filed an application with the City of San Diego for a permit to partially demolish an existing structure to allow a 1,249-1,349.6-square-foot remodel to the existing adjacent 1,710-square-foot retail building, (as described in and by reference to the approved Exhibit "A" and corresponding conditions of approval for the associated Permit No. 3153358 and ~~3169901~~), on portions of a 0.09-acre site;

WHEREAS, the project site is located at 3757 Mission Boulevard and 810 Queenstown Court in the MBPD-NC-N zone of the Mission Beach Community Plan (MBCP) within the Coastal Overlay (Appealable) Zone and Coastal Height Limit and Parking Impact (Beach and Coastal);

WHEREAS, the project site is legally described as PARCEL 1: LOT "Q" AND "R" IN BLOCK 187 OF MISSION BEACH, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1651, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 14, 1914; and PARCEL 2: LOT P IN BLOCK 187 OF MISSION BEACH, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1651, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 14, 1914;

WHEREAS, on November 14, 2022, 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 Guidelines Section 15301 (Existing Facilities) which allows for additions to existing structures that will not result in the addition of greater than 10,000 square feet;

and where the exceptions listed in Section 15300.2 would not apply; and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

WHEREAS, on February 8, 2023, the Hearing Officer of the City of San Diego approved Coastal Development Permit PMT-3153358 and Neighborhood Development Permit PMT-3169901 pursuant to the Land Development Code of the City of San Diego; and

WHEREAS, a project appeal was filed by Debbie Watkins, representing Mission Beach Precise Planning Board as the Chair on February 20, 2023; and

WHEREAS, on May 10, 2023, the Owner/Permittee submitted plans to the City revising the project to meet the current 10-foot setbacks on Queenstown Court as required by the Mission Beach Planned District Ordinance (PDO) in San Diego Municipal Code (SDMC) section 1513.0304(c) (2) and modified the square footage; and

WHEREAS, a Neighborhood Development Permit pursuant SDMC section 126.0402 is no longer required due to the project's conformance with the setbacks; and

WHEREAS, on May 18, 2023, the Planning Commission of the City of San Diego considered the appeal and Coastal Development Permit PMT-3153358 and Neighborhood Development Permit PMT-3169901 pursuant to the Land Development Code of the City of San Diego, NOW, THEREFORE,

BE IT RESOLVED, by the PLANNING COMMISSION of the City of San Diego, that it adopts the following findings with respect to Coastal Development Permit No. PMT-3153358: ~~and~~ Neighborhood Development Permit No. 3169901:

A. COASTAL DEVELOPMENT PERMIT [SDMC Section 126.0708(a)]

1. Findings for all Coastal Development Permits:

- a. The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any**

proposed public accessway identified in a Local Coastal Program land use plan and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.

The proposed development would not encroach upon any existing or proposed physical accessway as identified in the Mission Beach Planned District (MBPD), Mission Beach Community Precise Plan and Local Coastal Program Addendum (MBCP) (LCP).

The site ranges from approximately 5.58 feet above mean sea level (AMSL) at the highest elevation of the property to 5.42 feet AMSL at the lowest elevation of the property. The topography of the site is generally flat and drains to the west. The proposed structures and any projections will not exceed the 30-foot maximum height limit allowed by the Coastal Height Limit Overlay Zone (CHLOZ). The project's location relative to coastal resources and the building heights proposed would not obscure public views to and along the ocean, and other scenic coastal areas as specified in the MBPD, MBCP and LCP land use plan.

~~The project proposes zero-foot setbacks that comply with Previously Conforming premises or use (SDMC §127.0106(b) (Expansion or Enlargement of Previously Conforming Structures). Proposed expansion or enlargement of a *previously* conforming structural envelope within a setback, or of a structure on a premises with previously conforming density that does not meet the criteria for expansion or enlargement in accordance with Section 127.0106(a), requires a Neighborhood Development Permit decided in accordance with Process Two, which shall only be granted if the proposed expansion or enlargement meets certain criteria including "conforms to the setback observed by the existing structure."~~

The proposed project meets with all the required setbacks per the Mission Beach Planned District (MBPD), Mission Beach Community Precise Plan and Local Coastal Program Addendum (MBCP) (LCP).

Therefore, the proposed development would not encroach upon any existing or proposed physical access ways that are legally used by the public identified by the Mission Beach Planned District, Mission Beach Precise Plan and Local Coastal Program Land Use Plan; and the proposed coastal development will not impact public views to and along the ocean and other scenic coastal areas as specified in the Mission Beach Community Plan and Local Coastal Program Land Use Plan.

b. The proposed coastal development will not adversely affect environmentally sensitive lands.

The proposed development would not adversely affect any environmentally sensitive lands as none are present on the site.

The project is in a mixed-use urbanized area of the Mission Beach Community, with surrounding development consisting of small retail shops, restaurants, and multi-

residential housing. While the site is located 365 feet from Mission Bay and 415 feet from the Pacific Ocean, there are no environmentally sensitive lands on or adjacent to the site. The project has been conditioned to comply with Storm Water Regulations that will lessen runoff impacts to Mission Bay and the Pacific Ocean.

In addition, City Staff has determined that the project qualifies as categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301 (Existing Facilities). The project site contains no environmentally sensitive lands and therefore no environmentally sensitive lands would be adversely affected by the proposed project.

c. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

The proposed development is in conformity with the certified Local Coastal Program (LCP) Land use plan and complies with all regulations and goals identified in the Mission Beach Planned District and Mission Beach Community Precise Plan Local Coastal Program Addendum (MBCP). The site is consistent with the Local Coastal Land Use Plan by continuing to supply access to Mission Bay and the Pacific Ocean. ~~The project proposes zero-foot setbacks that comply with Previously Conforming premises or use (SDMC §127.0106(b) (Expansion or Enlargement of Previously Conforming Structures).~~

The project complies with the Mission Beach Planned District- Neighborhood Commercial – North zone (MBPD-NC-N) and the (MBCP) by providing commercial facilities necessary for the convenience of the residents of the area and tourists attracted to the area (MBCP p. 36). By the continued operation of an existing convenience store in the Santa Clara District of the Mission Beach Planning area, the proposed project is consistent with the commercial Santa Clara District within the MBCP and the LCP.

d. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The proposed development is in conformance with the public access and public recreation policies as identified in the MBCP or the Local Coastal Program (LCP) Land Use Plan.

The site is located between the Pacific Ocean to the west and Mission Bay to the east. The proposed project is within the first public roadway between the sea or shoreline of any body of water located in the Coastal Overlay Zone. Public access to the Pacific Ocean is through Queenstown Court walkway and access to Mission Bay is along an alley south of Queenstown Court which also includes access to Santa

Clara public recreation facilities. The proposed expansion of the existing commercial use does not impede public access and therefore, the proposed project conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

~~B. NEIGHBORHOOD DEVELOPMENT PERMIT (SDMC Section 126.0404(a))~~

~~1. Findings for all Neighborhood Development Permits:~~

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

~~The proposed project would not adversely affect the Neighborhood Commercial–North zone (MBPD-NC-N) and the Mission Beach Precise Plan.~~

~~The project is within a mixed-use urbanized area within Mission Beach Planned District- Neighborhood Commercial – North zone (MBPD-NC-N) and the MBCP. The site is surrounded by development consisting of small retail shops, restaurants, and multi-residential housing.~~

~~Additionally, the project site is designated "Neighborhood Commercial" and is within the height limit of 30 feet of the Coastal Height Limit Overlay Zone (CHLOZ) and the proposed zero-foot setbacks comply with Previously Conforming premises or use (SDMC §127.0106(b) (Expansion or Enlargement of Previously Conforming Structures. The walls connecting the two structures will meet the current setbacks in this area as described in the MBPD Ordinance (SDMC Section 1513.0307 (b)(4)). The project is consistent with the underlying MBPD-NC-N zone and the goals of MBCP elated to the neighborhood commercial use. Therefore, the project will not adversely affect the land use plan.~~

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

~~The project must satisfy conditions of approval to achieve compliance with the regulations of the San Diego Municipal Code. Such conditions have been determined necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area. Prior to issuance of any building permit, grading permit, and public improvement permit for the proposed project, the plans shall be reviewed by City Staff to ensure compliance with all building, electrical, mechanical, plumbing and fire code requirements, and the Owner/Permittee shall be required to obtain building, grading and public improvement permits. Compliance with these regulations during and after construction would be enforced through building inspections completed by the City's building inspectors. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.~~

~~c. The proposed development will comply with the applicable regulations~~

of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

The proposed project was reviewed by City Staff and determined to be in compliance with the MBPD Ordinance (SDMC Section 1513.0307 and SDMC §127.0106(b) (Expansion or Enlargement of Previously Conforming Structures) regulations of the Land Development Code and no deviations are proposed.

The project proposes zero-foot setbacks that comply with Previously Conforming premises or use (SDMC §127.0106(b) (Expansion or Enlargement of Previously Conforming Structures). Proposed expansion or enlargement of a *previously* conforming structural envelope within a setback, or of a structure on a premises with previously conforming density that does not meet the criteria for expansion or enlargement in accordance with Section 127.0106(a), requires a Neighborhood Development Permit decided in accordance with Process Two, which shall only be granted if the proposed expansion or enlargement meets certain criteria including "conforms to the setback observed by the existing structure." The proposed expansion conforms to the setback observed by the existing structure and the existing zero-foot setback will remain at 810 Queenstown Court. The addition of a second floor will require a 10-foot setback consistent with the current setback regulations. Therefore, the project will comply the applicable regulations of the Land Development.

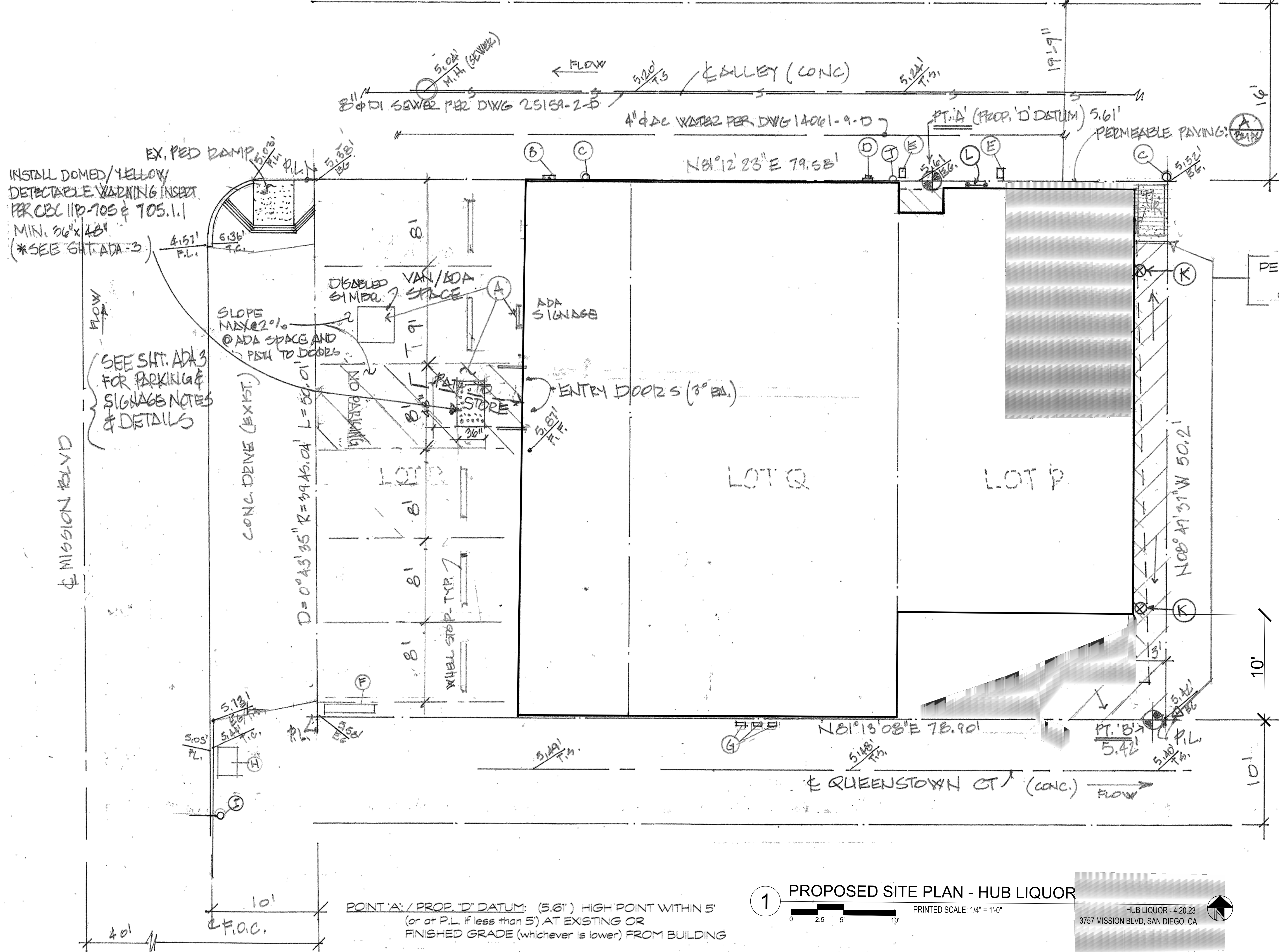
The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED that, based on these findings adopted by the Planning Commission, Coastal Development Permit PMT-3153358 ~~And Neighborhood Development Permit PMT-3169901~~ 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. PMT-3153358 ~~and PMT-3169901~~, a copy of which is attached hereto and made a part hereof.

Will Rogers
Development Project Manager
Development Services

Adopted on: May 18, 2023

IO#: 24009228



INSTALL DOMED/YELLOW
DETECTABLE WARNING INSERT
PER CBC 11D-705 & 705.1.1
MIN. 36"x48"
(*SEE SHT. ADA-3)

SEE SHT. ADA-3
FOR PARKING &
SIGNAGE NOTES
& DETAILS

SLOPE
MAX @ 2.0%
@ ADA SPACE AND
PATH TO DOORS

CONC. DRIVE (EXIST.)

$D = 0^{\circ}43'35''$ $R = 39.45.04'$ $L = 50.01'$

DISABLED
SIMPL.

NO PARKING

WHEEL STOP - TYP.

ADA
SIGNAGE

ENTRY DOORS (3° RA.)

LOT Q

LOT P

PERMEABLE GROUND
COVER AREA

POINT 'A' / PROP. 'D' DATUM: (5.61') HIGH POINT WITHIN 5'
(or at P.L. if less than 5') AT EXISTING OR
FINISHED GRADE (whichever is lower) FROM BUILDING

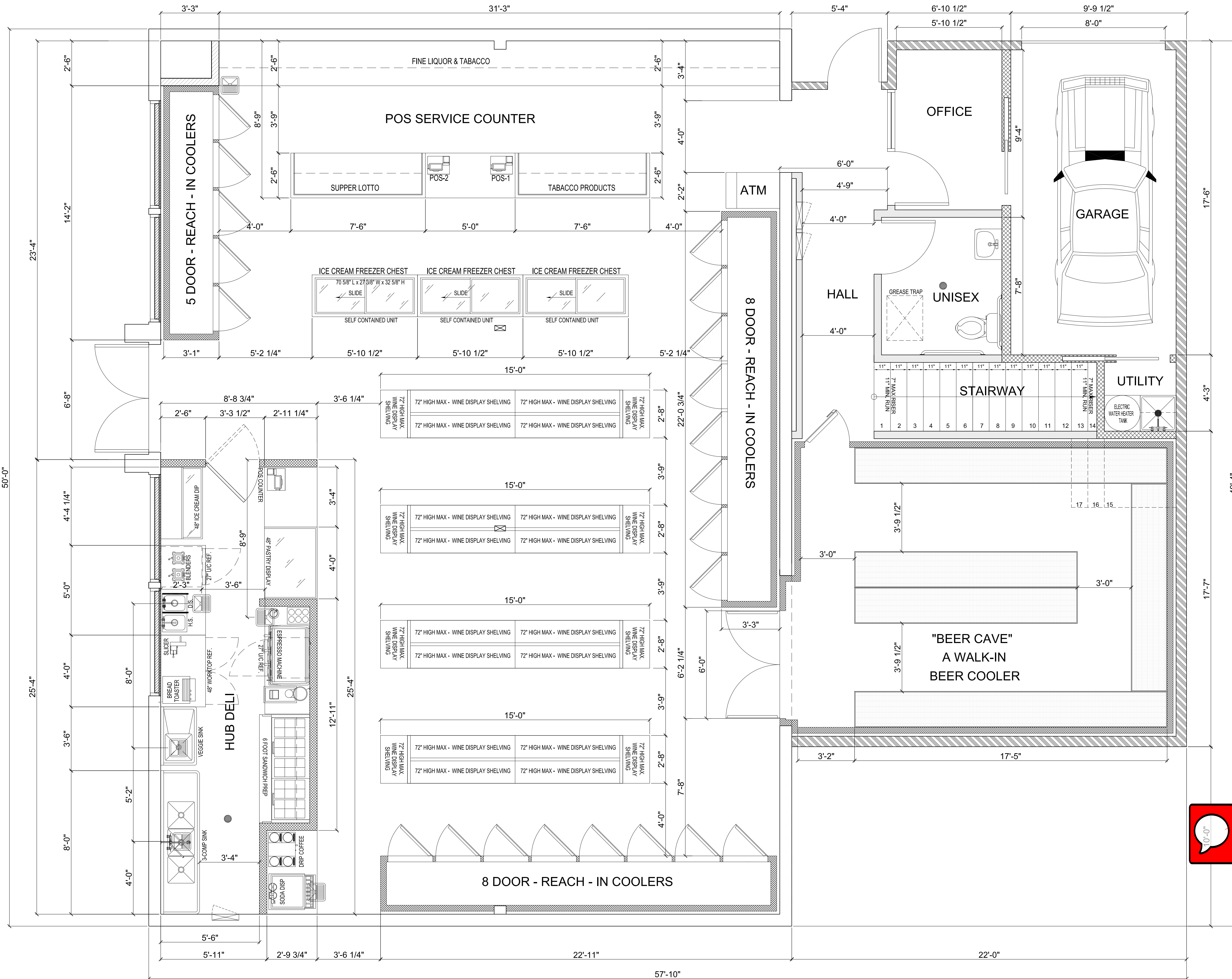
POINT 'B': (5.42') LOW POINT WITHIN 5' (or at P.L. if less than 5') AT EXISTING OR
FINISHED GRADE (whichever is lower) FROM BUILDING

1 PROPOSED SITE PLAN - HUB LIQUOR

PRINTED SCALE: 1/4" = 1'-0"

HUB LIQUOR - 4.20.23
3757 MISSION BLVD, SAN DIEGO, CA

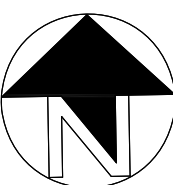
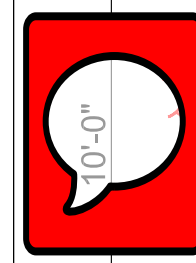


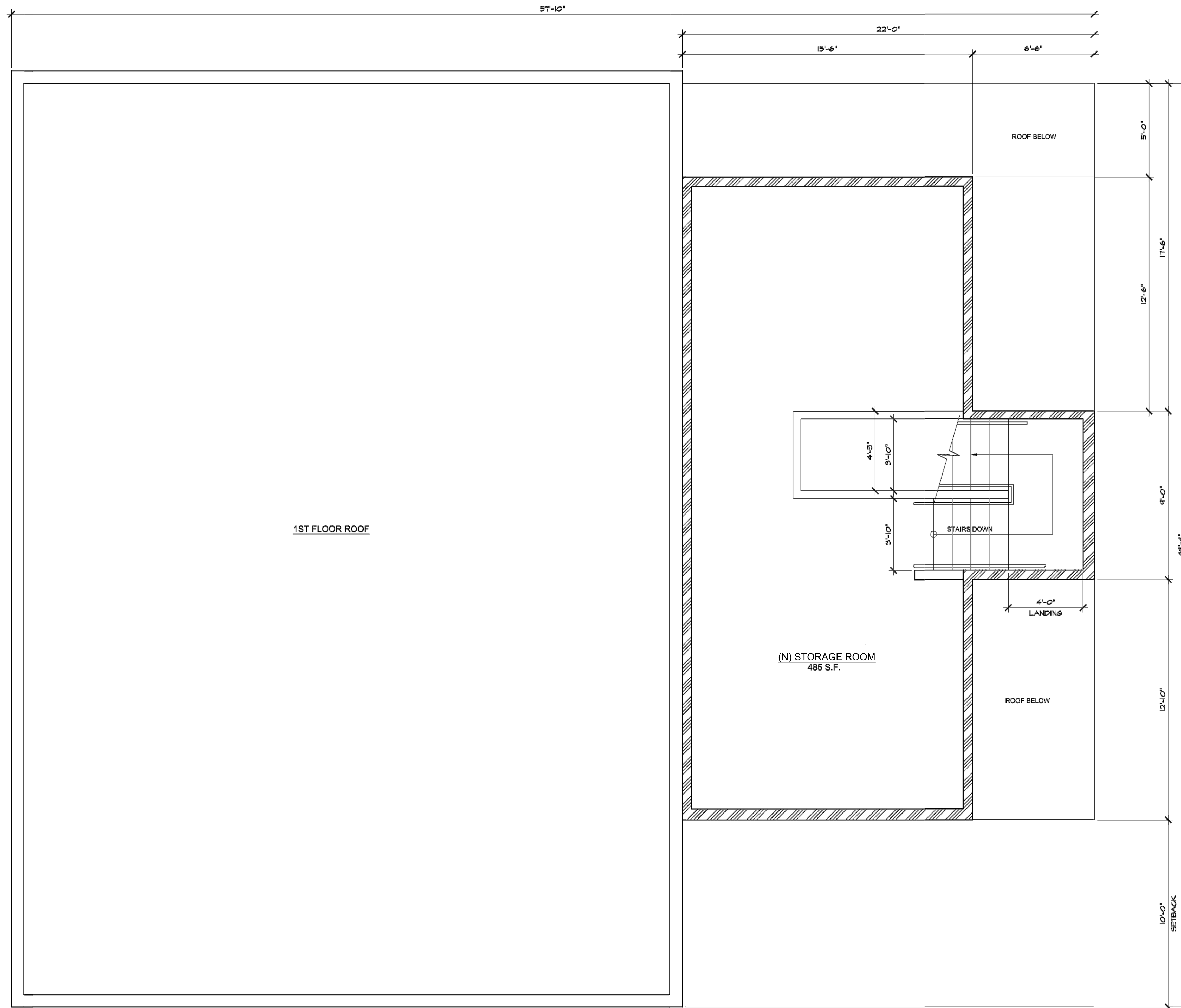


1 PROPOSED FLOOR EQUIPMENT PLAN - HUB LIQUOR

PRINTED SCALE: 3/8" = 1'-0"

HUB LIQUOR - 4.20.23
3757 MISSION BLVD, SAN DIEGO, CA



QUEENSTOWN CT.

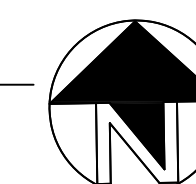
2

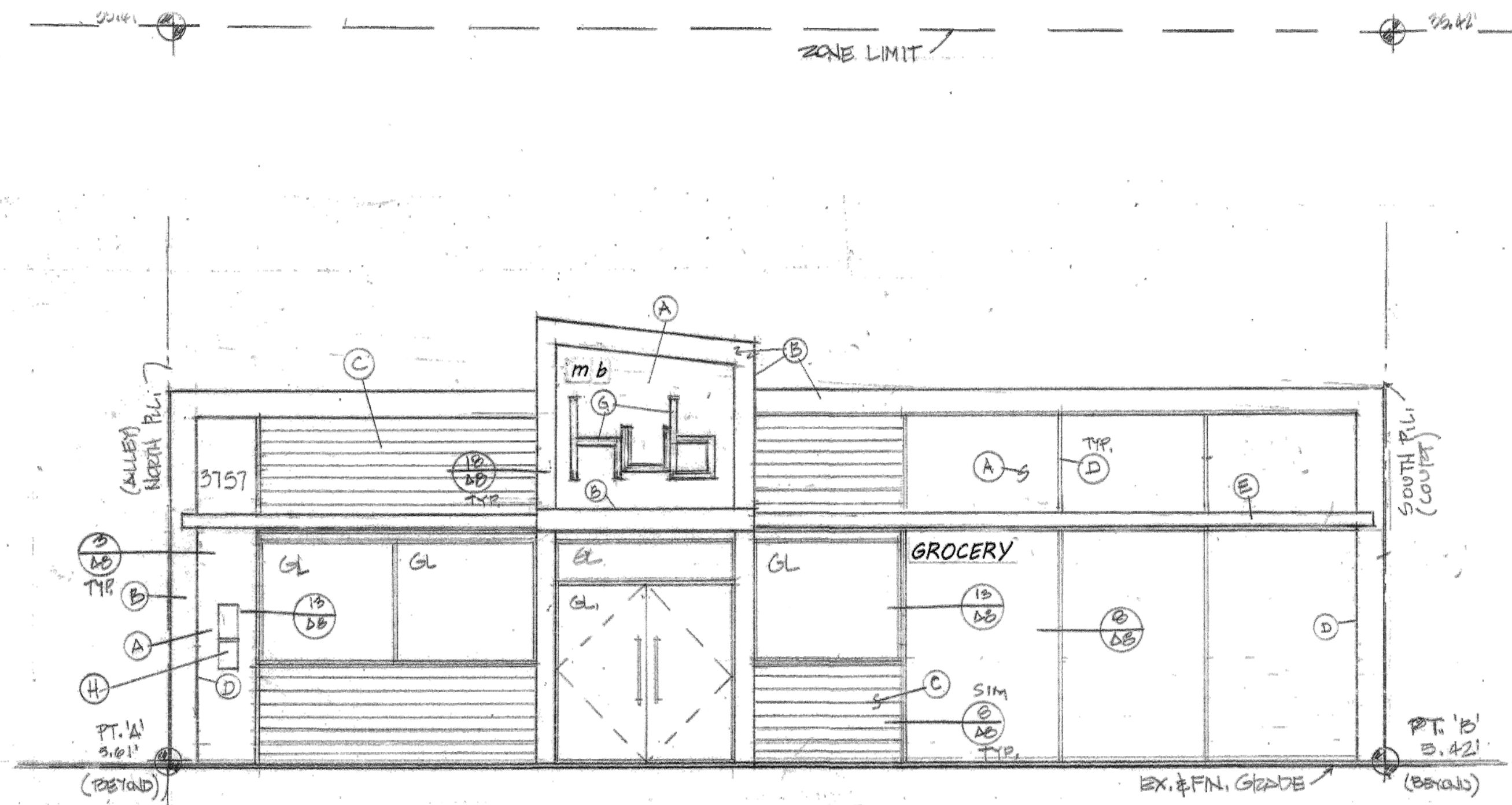
PROPOSED 2nd FLOOR STORAGE - HUB LIQUOR



PRINTED SCALE: 3/8" = 1'-0"

HUB LIQUOR - 5.01.23
3757 MISSION BLVD, SAN DIEGO, CA

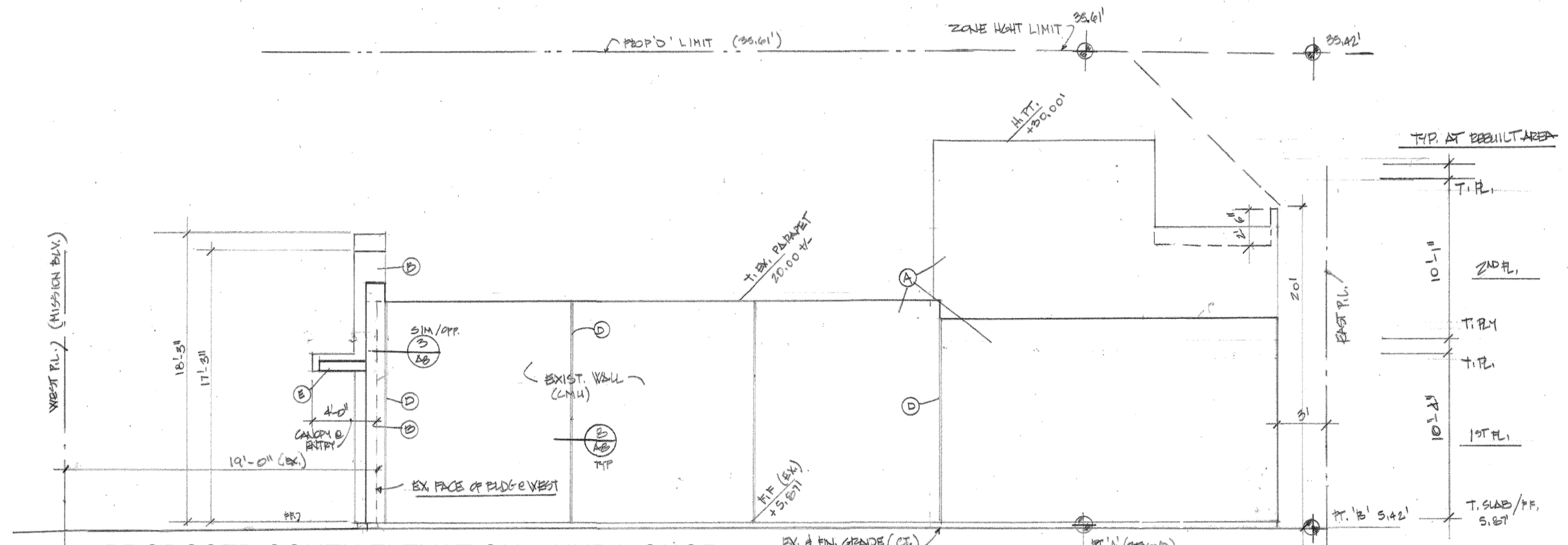




- ELEVATION LEGEND (typ.)**
- (A) SIDING: Acrylic stucco with "medium" sand finished, color per owner, min 7/8" thick
 - (B) Aluminum break metal wrap "Kynar", color by owner typ.
 - (C) SIDING: 1 x 6 wood siding, "nickel gap" blind-nail installation, install over building paper per mfg. Color/finish per owner
 - (D) STUCCO JOINT: Aluminum register per detail
 - (E) CANOPY: Galv. Steel per details
 - (F) ENTRY CANOPY: Aluminum break metal wrap, color per owner
 - (G) SIGNAGE: Backlit (LED) aluminum letters (SEP. SIGN PERMIT)
 - (H) DISABLED PARKING SIGNAGE: Reinstall signage on refinished wall

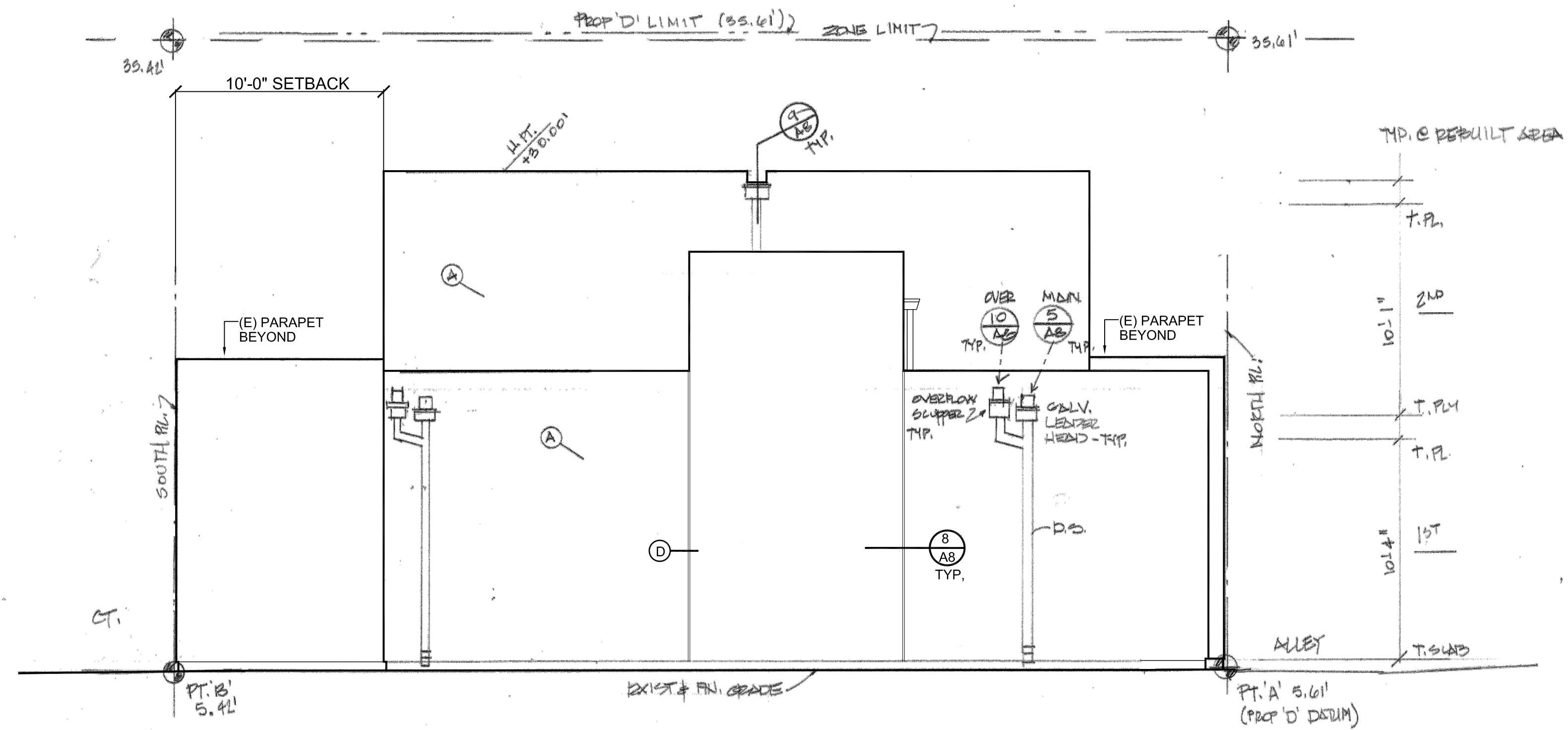
PROPOSED WEST ELEVATION - HUB LIQUOR

PRINTED SCALE: 1/4" = 1'-0"
 0 2.5 5 10'



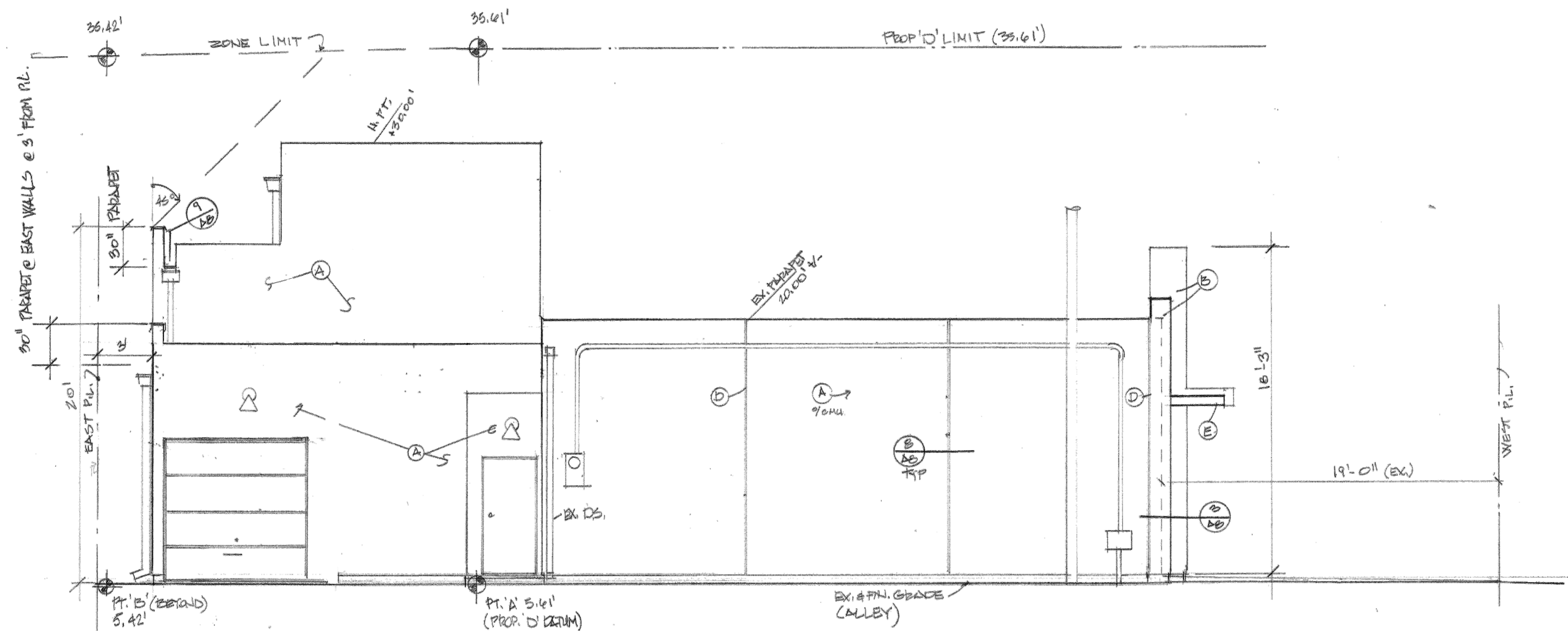
PROPOSED SOUTH ELEVATION - HUB LIQUOR

PRINTED SCALE: 1/4" = 1'-0"
 0 2.5 5 10'



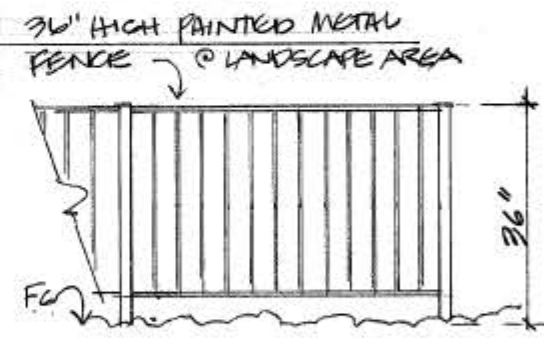
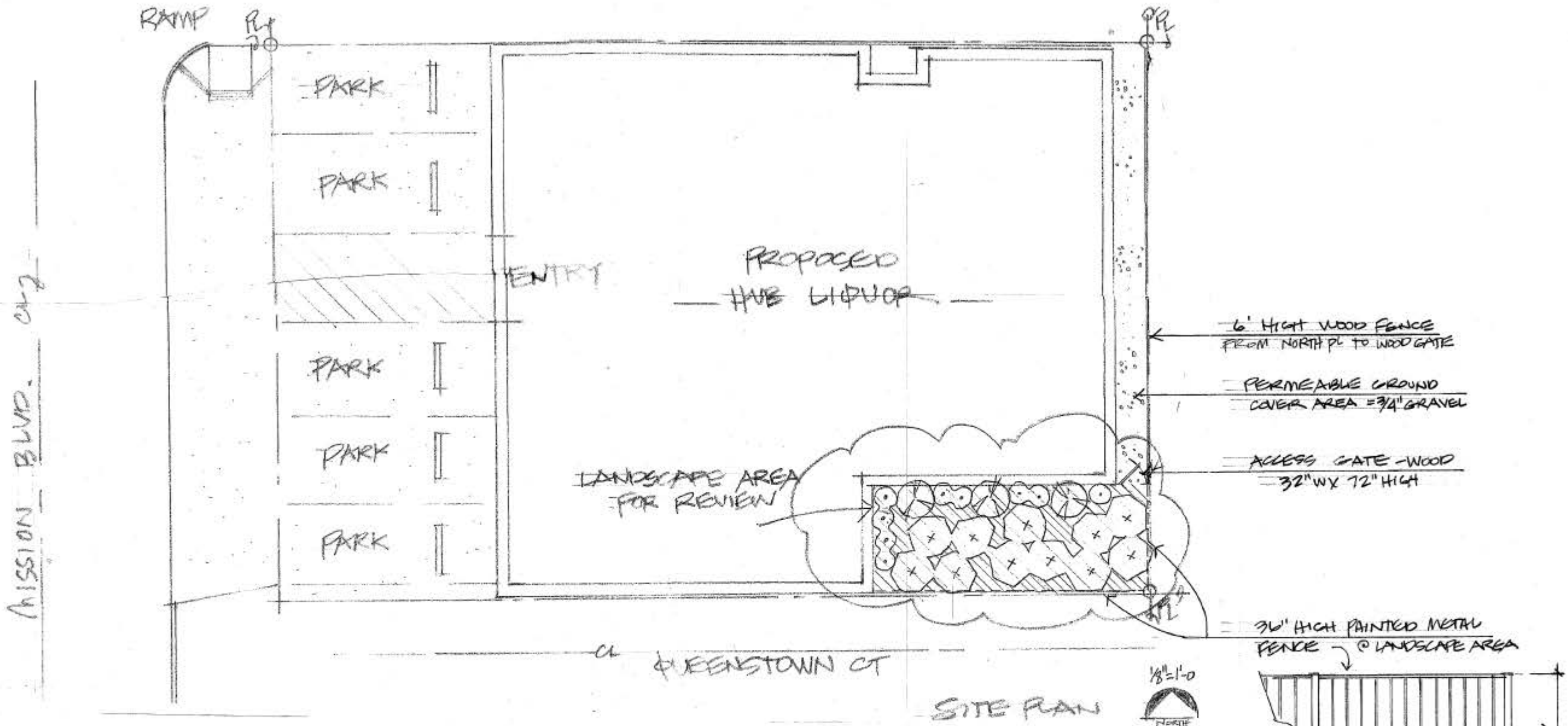
PROPOSED EAST ELEVATION - HUB LIQUOR

0 2.5 5 10' PRINTED SCALE: 1/4" = 1'-0"



PROPOSED NORTH ELEVATION - HUB LIQUOR

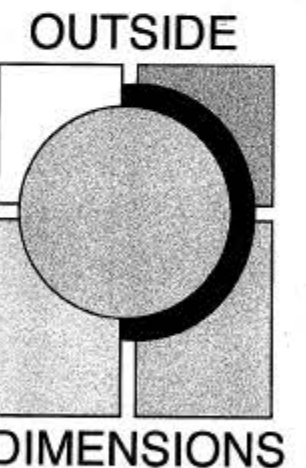
0 2.5 5 10' PRINTED SCALE: 1/4" = 1'-0"



PLANT LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME
	<i>WUPRESSUS SEMPERVIRENS</i>	ITALIAN CYPRESS
	<i>CARISSA MACROCARPA</i>	GREEN CARPET NATAL PALM
	<i>PHORMEUM TENAX</i>	VAR: 'MAORI QUEEN'
	SHREADES BARK MULCH	GROUND COVER

HUB Liquor
 3757 Mission Blvd
 San Diego, California



landscape design
 phone 619/977-2943
 stevesgotwood@aol.com
 15748 Paseo Penasco
 Escondido, CA. 92025

date: 5/2/2023
 scale: 1/8" = 1' - 0"
 drawn: Steven