# **REQUEST FOR**

## **Planning Commission Action**

## **PLANNING COMMISSION MEETING DATE:**

## **AUGUST 10, 2020**

#### TITLE:

PUBLIC HEARING - CONDITIONAL USE PERMIT NO. 2020-16 TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISE CONSUMPTION WITH ANCILLARY WAREHOUSING AND INSTRUCTIONAL SEMINAR TASTINGS AT SPECTRUM WINE AT 1641 EAST SAINT ANDREW PLACE - JASON BOLAND, APPLICANT

AT 1641 EAST SAINT ANDREW PLACE – JASON BOLAND, APPLICANT	CON
Prepared by Kathy Khang	0011
-0/ei	1
Executive Director	

### PLANNING COMMISSION SECRETARY

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APPROVED  ☐ As Recommended ☐ As Amended ☐ Set Public Hearing For
DENIED
<ul><li>☐ Applicant's Request</li><li>☐ Staff Recommendation</li></ul>
CONTINUED TO
Planning Manager

## RECOMMENDED ACTION

- 1. Adopt a resolution approving Conditional Use Permit No. 2020-16 as conditioned.
- 2. Authorize the Planning Commission to issue a Public Convenience and Necessity (PCN) Letter due to an overconcentration of licenses in the census tract.

### **Executive Summary**

Jason Boland, business owner of Spectrum Wine, is requesting approval of Conditional Use Permit (CUP) No. 2020-16 to allow the sale of alcoholic beverages for off-premise consumption with ancillary warehousing and instructional seminar tastings at a new establishment located at 1641 East Saint Andrew Place. Pursuant to Section 41-196 of the Santa Ana Municipal Code (SAMC), establishments proposing to sell alcoholic beverages for off-premise consumption require approval of a CUP. Staff is recommending approval of the applicant's request due to the site being located away from sensitive uses and the property's history of compliance with City codes and regulations.

**Table 1: Project and Location Information** 

Item	Information	Information	
Project Address	1641 East Saint Andrew Place		
Nearest Intersection	Edinger Avenue and Lyon Street		
General Plan Designation	Industrial (IND)		
Zoning Designation	Specific Development No. 69 (SD-69)		
Surrounding Land Uses	North	Manufacturing/Warehousing	
	East	Manufacturing/Warehousing	
	South	Manufacturing/Warehousing	
	West	Manufacturing/Warehousing	
Property Size	9.39 Acres		

liem:	Informetton		
Existing Site Development	The subject site consists of manufacturing and warehousing uses with various tenants.		
Unit Size	40,883 square feet	40,883 square feet	
Use Permissions	Allowed with a condition	Allowed with a conditional use permit (CUP)	
Zoning Code Sections Affected	Uses	SD-69 (Ordinance NS-2399)	
	Operational Standards	Section 41-196(f) SAMC	

## **Project Description**

Spectrum Wine will occupy a 40,883-square foot unit within a multi-tenant industrial center. The subject building consists of a ground level for warehousing of alcoholic beverages, instructional wine seminar tastings, retail areas, and offices; the mezzanine level will have additional offices. The applicant has recently applied for building permits to demolish partition walls and to construct new ceilings with lights, storage racks, and refrigerators. The permit applications are currently being reviewed by the Building Division.

Spectrum Wine intends to utilize the unit to conduct sales and online live auctions of high-end collectible beers, wines, and distilled spirits on a weekly basis as the primary use. Moreover, Spectrum Wine will store alcoholic beverages for private and commercial purposes within its warehouse. Lastly, the business is also seeking approval for instructional seminar tasting as another ancillary use. The proposed hours of operation are Monday to Sunday from 9:00 a.m. to 7:00 p.m.

Based on the proposed primary and ancillary uses of Spectrum Wine, the business will require three types of ABC licenses: A Type 21 to sell alcoholic beverages for off-premises consumption, a Type 14 for warehousing for private and commercial uses, and a Type 86 for the ancillary instructional seminar tasting.

**Table 2: Operational Standards** 

Standards	Permissible by SAMC	Provided
Hours of Operation for ABC Sales	8:00 a.m. to 12:00 a.m.	9:00 a.m. to 7:00 p.m.
Window Display	25% of Window Coverage	Complies

## **Project Background and Chronology**

The subject building was constructed in 2004. It was previously occupied by Cramer Decker Industries, which occupied the space for medical device warehousing, distribution, and production showroom/retail shop until 2018.

The proposed tenant is Spectrum Wine, an online fine wine auction house with warehousing and instructional seminars as an ancillary use. Spectrum Wine operates five locations in Orange County and in Hong Kong, and is proposing to relocate its Tustin, Irvine, and Newport Beach locations to Santa Ana.

Conditional Use Permit No. 2020-16 – Spectrum Wine August 10, 2020 Page 3

## **Project Analysis**

CUP requests are governed by Section 41-638 of the SAMC. CUPs may be granted when it can be shown that the proposed project will not adversely impact the community. If these findings can be made, then it is appropriate to grant the CUP. Conversely, the inability to make these findings would result in a denial. The purpose of regulating establishments that sell alcoholic beverages is to set forth operating practices and procedures and to minimize impacts to surrounding areas.

Staff has reviewed the applicant's request to sell alcoholic beverages for off-sale consumption at this establishment and believes that the sale of alcoholic beverages for off-sale consumption with ancillary warehousing and instructional seminar tastings at the subject location will not be detrimental to the health, safety, and welfare of the community. Spectrum Wine's operations will be an economically viable operation that is consistent with other similar uses in the City. Similar uses include The Original Wine Club at 1431 South Village Way and The Wine Exchange at 1544 East Warner Avenue, both of which offer wine retail sales and instructional tastings. Since the openings of these respective facilities, the City has received no complaints or reports of operational impacts. The operational standards applied to the ABC license will mitigate any potential impacts created by the use and will ensure that the use will not negatively affect the surrounding community. Furthermore, the subject site is not located within immediate proximity to sensitive land uses including parks, playgrounds, schools, and religious institutions. The nearest sensitive land use is Century High School, located approximately 1,400 feet (one-quarter mile) away from the subject site. As a result, the granting of the CUP will not negatively impact any sensitive land uses.

Pursuant to SAMC Sections 41-196(c) (alcohol storage and display for off-sale establishments) and 41-196(d), buildings with less than 10,000 square feet in size are subject to comply with additional regulations. Such smaller facilities may not have alcohol storage and display area that occupy more than five percent of the gross floor area. In addition, these off-sale establishments may not be within 1,000 linear feet of an existing off-sale alcohol license as measured from the primary entrance of one establishment to the primary entrance of the other establishment; within 1,000 linear feet of any property used as a school primarily attended by minors, a religious institution, or park purposes, as measured from the door of one establishment to the door of the other use(s); and may not be within a census tract determined to be over-concentrated by the State Department of Alcohol Beverage Control as defined in Business and Professions Code Section 23958.4. However, Spectrum Wine will occupy a 49,833-square foot building. Therefore, the establishment is not subject to the regulations applicable to facilities under 10,000 square feet in size.

Approval of the CUP will be consistent with several goals and policies of the General Plan. Policy 2.2 of the Land Use Element encourages land uses that accommodate the City's needs for goods and services. Spectrum Wine will be providing a unique retail, warehousing, and instructional tasting seminars that will be an additional retail option for Santa Ana residents and visitors. Furthermore, Policy 2.9 of the Land Use Element supports developments that create a business environment that is safe and attractive. The applicant will operate their business according to the operational standards for establishments selling alcoholic beverages for off-premises consumption pursuant to the SAMC and State regulations of the ABC license to ensure

Conditional Use Permit No. 2020-16 – Spectrum Wine August 10, 2020 Page 4

maintenance of a safe and attractive environment in the neighborhood. Finally, Policy 5.5 of the Land Use Element encourages development that is compatible with and supporting of surrounding land uses. Spectrum Wine will be located within an industrial development and its operations will be compatible with the surrounding industrial businesses.

## **Letter of Public Convenience and Necessity**

Due to staff's recommendation of approval, the issuance of a Public Convenience and Necessity (PCN) letter is required. A PCN letter is required per Business and Professions Code Section 23958.4 as the State has determined that an overconcentration of off-premise ABC licensed establishments within the census tract exists.

The City's criteria for overconcentration of off-sale establishments are found in Section 41-196(d) of the SAMC. The overconcentration criteria apply to off-sale establishments that are less than 10,000 square feet in size. As the Spectrum Wine occupies an 40,883-square foot building, it is exempt from the City's overconcentration criteria. However, the State's criteria for overconcentration still apply.

The State Department of ABC identifies a census tract as overconcentrated if the ratio of off-sale retail licenses to the population of the census tract which the premises is located exceeds the ratio of off-sale retail licenses to the population of the county. Based on this analysis, census tracts in the City are allowed one licensed establishment per 1,697 residents. The Spectrum Wine is located in Census Tract No. 744.03, which is allowed three (3) off-sale outlets based on the State's criteria, while seven (7) active licenses currently exist. Table 2 below and Exhibit 6 on the following page identify the location of the existing licensed premises. As the map shows, the licensed establishments are disbursed throughout the census tract, with the closest licensed premises approximately 0.9 miles from the Spectrum Wine.

Although the census tract is overconcentrated per State standards, the sale of beer, wine, and distilled spirits at Spectrum Wine will not create any adverse impacts or adversely affect persons working or residing in the area. Further, the business model for Spectrum Wine differs from the other off-premise establishments as Spectrum Wine specializes in wine auctions and retails sales in which customers can purchase wine by the bottle or in larger quantities while the other establishments are smaller neighborhood markets that sell both beer and wine. There is one existing establishment within this census tract called The Original Wine Club located at 1431 South Village Way, Unit A that sells beer and wine with tastings. As a result, staff is recommending the issuance of a PCN letter for Spectrum Wine. The PCN letter will state that, despite the overconcentration of ABC licenses in the census tract, the issuance of an additional off-sale ABC license at this location is necessary to serve the public convenience, will not create any adverse impacts and will not impact the overall crime rate of the area.

Table 2: Off-Sale Licenses within Census Tract No. 744,03

Premises	Location	License Type	Distance
(1) Beerland Liquor	1619 South Standard Ave, Santa Ana	Type 21	1.1 miles
(2) Tustin Fuel & Market	16851 East Mcfadden Ave, Tustin	Type 20	2.1 miles
(3) 7 Eleven Store	2242 South Grand Ave, Santa Ana	Type 20	0.9 miles
(4) 7 Eleven	1203 South Standard Ave, Santa Ana	Type 20	1.5 miles
(5) Torito Liquor	1212 East Mcfadden Ave, Santa Ana	Type 21	1.5 miles
(6) The Original Wine Club	1431 South Village Way, Unit A, Santa Ana	Type 21	2.0 miles
(7) R Ranch Market	1230 East Mcfadden Ave, Santa Ana	Type 21	1.4 miles

## **Police Department Analysis**

The Police Department reviews CUP applications for the sale and service of alcoholic beverages in order to ensure that the potential crime and nuisance behaviors associated with alcohol consumption are mitigated to the greatest extent possible. For on-sale licenses, the Police Department analyzes the crime rate in the area using the standards and definitions contained in the Business and Professions Code Section 23948.4(c)(2), which are also utilized by the State Department of Alcoholic Beverage Control (ABC). This section defines "reported crimes" as criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny theft, and motor vehicle theft, combined with all arrests for other crimes, both felonies and misdemeanors, except traffic citations.

Table 3: Police Department Analysis and Criteria for Recommendation

	Police Department Analysis and Criteria for Recommendation
Police Grid No. and Rank	Police Grid No. 208; ranked 28 out of 102 Police Reporting Grids (26th percentile).
Threshold for High Crime	This reporting district is below the 20 percent threshold established by the State for high crime.
Police Department Recommendation	The Police Department is satisfied that the operational standards applicable to off- premise ABC licenses will mitigate any potential impacts to the surrounding community and therefore does not oppose the granting of a CUP.

The Police Department then compares the number of such crimes in the reporting district as compared to the number of crimes in other reporting districts. In keeping with the standard used by the State Department of Alcoholic Beverage Control and Business and Professions Code, should the Police Department determine that the reporting district has a 20 percent greater number of reported crimes than the average number found in all reporting districts, the Police Department will consider this information in making its recommendation. As part of the review approval process, this application was analyzed by the Police Department. Based on their review, the Police Department has no issues of concern regarding this application. The Police Department is satisfied that the approval standards for an off-sale license will address any potential concerns.

<u>Table 4: California Environmental Quality Act (CEQA) and Public Notification & Community Outreach</u>

	CEQA, and Public Notification & Community Outreach
	GEQA
CEQA Type	Categorically Exempt per Section 15301 (Class 1 – Existing Facilities)
Document Type	Notice of Exemption, Environmental Review No. 2020-46
Reason(s) Exempt or Analysis	Class 1 exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The project proposes to allow the operation of an alcoholic beverage control license to sell alcoholic beverages for off-premise consumption, warehousing, and instructional tastings.
	Public Notification & Community Outreach
Required Measures	A public notice was posted on the project site on July 30, 2020.
	Notification by mail was mailed to all property owners and occupants within 500 feet of the project site on July 30, 2020.
,	Newspaper posting was published in the Orange County Reporter on July 30, 2020.

## **Economic Development**

The proposed establishment will result in an increase in taxable property value and will create sales tax revenue for the City. The establishment is expected to generate up to approximately \$400,000 of sales tax revenue annually for the City based on sales volume estimates provided by the applicant. In addition, the establishment will provide additional job opportunities with 18 full-time employees and is anticipating to add two new jobs per year. Lastly, the change in use will require that permit and licensing fees be paid to the City.

## **Conclusion**

Based on the analysis provide within this report, staff recommends that the Planning Commission approve Conditional Use Permit No. 2020-16 as conditioned.

Kathy Khang
Assistant Planner I

Exhibits:

1 – Resolution

2 - Vicinity Zoning & Aerial View

3 – Site Photos4 – Site Plan5 – Floor Plans

6 - Map of Off-Sale Licenses within Census Tract No. 744.03

#### **RESOLUTION NO. 2020-xx**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING CONDITIONAL USE PERMIT NO. 2020-16 AS CONDITIONED TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION WITH ANCILLARY WAREHOUSING AND INSTRUCTIONAL SEMINAR TASTINGS AT A NEW ESTABLISHMENT LOCATED AT 1641 EAST SAINT ANDREW PLACE.

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA ANA AS FOLLOWS:

<u>Section 1.</u> The Planning Commission of the City of Santa Ana hereby finds, determines and declares as follows:

- A. Jason Boland, business owner of Spectrum Wine ("Applicant"), is requesting approval of Conditional Use Permit ("CUP") No. 2020-16 to allow the sale of alcoholic beverages for off-premises consumption with ancillary warehousing and instructional seminar tastings at a new establishment located at 1641 East Saint Andrew Place.
- B. Santa Ana Municipal Code ("SAMC") Section 41-196 requires approval of a CUP for establishments proposing to sell alcoholic beverages for off-premises consumption with ancillary warehousing and instructional seminar tastings at a new establishment.
- C. On August 10, 2020, the Planning Commission held a duly noticed public hearing on CUP No. 2020-16.
- D. The Planning Commission determines that the following findings, which must be established in order to grant a CUP pursuant to SAMC Section 41-638, have been established for CUP No. 2020-16 to allow the sale of alcoholic beverages for off-premises consumption with ancillary warehousing and instructional seminar tastings at an establishment at 1641 East Saint Andrew Place:
  - 1. That the proposed use will provide a service or facility which will contribute to the general well being of the neighborhood or community.

The proposed establishment will provide additional offpremises consumption with ancillary warehousing and instructional seminar tastings to Santa Ana visitors and residents. This will thereby benefit the community by providing an additional establishment that provide goods and services to the City. Operational standards applicable to the alcoholic beverage control ("ABC") license and conditions of approval will mitigate any potential impacts created by the use and will ensure that the use will not negatively affect the surrounding community.

2. That the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity.

The proposed establishment for off-premises consumption at this location will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity because the operational standards applicable to the ABC license and conditions of approval will address any potential negative or adverse impacts created by the use. The granting of the CUP will not negatively impact any sensitive land uses that may be nearby.

3. That the proposed use will not adversely affect the present economic stability or future economic development of properties surrounding the area.

The proposed use will not adversely affect the economic stability of the area, but will instead will contribute to the City. The use will provide another establishment with sales of goods, identifying the use as an economically viable establishment in Santa Ana. In addition, the proposed establishment will contribute to the overall success of the City.

4. That the proposed use will comply with the regulations and conditions specified in Chapter 41 for such use.

The proposed CUP will be in compliance with all applicable regulations and operational standards imposed on an off-sale establishment selling alcoholic beverages for off-premises consumption pursuant to Chapter 41 of the SAMC. In addition, operational standards will ensure the project remains in compliance with all applicable codes and regulations related to alcohol sales to ensure that the use does not impact neighboring properties or create an attractive nuisance.

5. That the proposed use will not adversely affect the General Plan of the city or any specific plan applicable to the area of the proposed use.

The proposed sale of alcoholic beverages for off-premises consumption with ancillary warehousing and instructional seminar tastings at this establishment will not adversely affect the General Plan or any specific plan. The granting of

CUP No. 2020-16 supports several policies contained in the General Plan. Policy 2.2 of the Land Use Element encourages land uses that accommodate the City's needs for goods and services. Furthermore, Policy 2.9 of the Land Use Element supports developments that create a business environment that is safe and attractive. Operational standards for the proposed ABC license will maintain a safe and attractive environment in the neighborhood. Policy 5.5 of the Land Use Element encourages development that is compatible with and supporting of surrounding land uses. Spectrum Wine is located within a multi-tenant industrial center and its operation is compatible with the surrounding industrial use businesses.

E. A Public Convenience and Necessity ("PCN") letter is required per Business and Professions Code Section 23958.4 as the State has determined that an overconcentration of off-premises ABC licensed establishments within the census tract exists. The State Department of Alcoholic Beverage Control identifies a census tract as over concentrated if the ratio of off-sale retail licenses to the population of the census tract which the premises is located exceeds the ratio of off-sale retail licenses to the population of the county. Based on this analysis, census tracts in the City are allowed one licensed establishment per 1,697 residents. Spectrum Wine is located in Census Tract No. 744.03, which is allowed three (3) off-sale outlets based on the State's criteria, while seven (7) active licenses currently exist. Although the census tract is over concentrated per State standards, the business model for Spectrum Wine differs from the other off-premises establishments as Spectrum Wine specializes in wine auctions and retail sales in which customers can purchase wine by the bottle or in larger quantities while the other establishments are smaller neighborhood markets that sell both beer and wine. There is one existing establishment called The Original Wine Club located at 1431 South Village Way, Unit A, that sells beer and wine with tastings. Thus, despite the overconcentration of ABC licenses in the census tract, the issuance of an additional off-sale ABC license at this location is necessary to serve the public convenience, will not create any adverse impacts and will not impact the overall crime rate of the area.

Section 2. In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is categorically exempt from further review per Section 15301 (Class – Existing Facilities). The Class 1 exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The project proposes to allow the operation of an alcoholic beverage control license to sell alcoholic beverages for off-premises consumption, warehousing, and instructional seminar tastings. Based on this analysis, a Notice of Exemption, Environmental Review No. 2020-46, will be filed for this project.

Section 3. The Applicant shall indemnify, protect, defend and hold the City and/or any of its officials, officers, employees, agents, departments, agencies, authorized volunteers, and instrumentalities thereof, harmless from any and all claims, demands, lawsuits, writs of mandamus, referendum, and other proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolution procedures (including, but not limited to arbitrations, mediations, and such other procedures), judgments, orders, and decisions (collectively "Actions"), brought against the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, any action of, or any permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City) for or concerning the project, whether such Actions are brought under the Ralph M. Brown Act, California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure sections 1085 or 1094.5, or any other federal, state or local constitution, statute, law, ordinance, charter, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that Applicant shall reimburse the City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the Applicant of any Action brought and City shall cooperate with Applicant in the defense of the Action.

Section 4. The Planning Commission of the City of Santa Ana after conducting a public hearing hereby approves CUP No. 2020-16 for the operation of an ABC license for the sale of alcoholic beverages for off-premises consumption with ancillary warehousing and instructional seminar tastings at a new establishment located at 1641 East Saint Andrew Place, as conditioned in Exhibit A, attached hereto and incorporated herein. This decision is based upon the evidence submitted at the abovesaid hearing, which includes, but is not limited to: the Request for Planning Commission Action dated August 10, 2020, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 10<sup>th</sup> day of August, 2020 the following vote:

AYES: Commissioners: NOES: Commissioners: ABSENT: Commissioners: ABSTENTIONS: Commissioners:

Mark McLoughlin
Chairperson

APPROVED AS TO FORM: Sonia R. Carvalho, City Attorney	
By: Lisa Storck Assistant City Attorney	
CERTIFICATE OF	ATTESTATION AND ORIGINALITY
	ecretary, do hereby attest to and certify the attached the original resolution adopted by the Planning a on August 10, 2020.
Date:	
	Commission Secretary City of Santa Ana

#### EXHIBIT A

## Conditions of Approval for Conditional Use Permit No. 2020-16

Conditional Use Permit No. 2020-16 for the sale of alcoholic beverages for off-premises consumption is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with all applicable sections of the Santa Ana Municipal Code, the California Building Standards Code and all other applicable regulations.

The Applicant must comply in full with each and every condition listed below <u>prior to</u> exercising the rights conferred by this conditional use permit.

The Applicant must remain in compliance with all conditions listed below throughout the life of the conditional use permit. Failure to comply with each and every condition may result in the revocation of the conditional use permit.

- The sale of alcoholic beverages shall be permitted in accordance with the operational standards for off-premises consumption establishments pursuant to Section 41-196(f) of the SAMC and in accordance with the provisions of an offsale alcoholic beverage license by the State Alcohol Beverage Control Board (ABC).
- 2. The sales of alcoholic beverages shall be permitted only between the hours of 7:00 a.m. and 12:00/midnight each day of the week unless otherwise modified by the granting of an after-hours conditional use permit pursuant to SAMC Section 41-196(f)(14).
- 3. Within 90 days of adoption of this resolution, a Property Maintenance Agreement shall be recorded against the property. The agreement will be subject to review and applicability by the Planning and Building Agency, the Community Development Agency, the Public Works Agency, and the City Attorney to ensure that the property and all improvements located thereupon are properly maintained, Applicant (and the owner of the property upon which the authorized use and/or authorized improvements are located if different from the Applicant) shall execute a maintenance agreement with the City of Santa Ana which shall be recorded against the property and which shall be in a form reasonably satisfactory to the City Attorney. The maintenance agreement shall contain covenants, conditions and restrictions relating to the following:
  - a) Compliance with operational conditions applicable during any period(s) of construction or major repair (e.g., proper screening and securing of the construction site; implementation of proper erosion control, dust control and noise mitigation measure; adherence to approved project phasing etc.);
  - b) Compliance with ongoing operational conditions, requirements and restrictions, as applicable (including but not limited to hours of operation, security requirements, the proper storage and disposal of trash and

- debris, enforcement of the parking management plan, and/or restrictions on certain uses;
- Ongoing compliance with approved design and construction parameters, signage parameters and restrictions as well as landscape designs, as applicable;
- d) Ongoing maintenance, repair and upkeep of the property and all improvements located thereupon (including but not limited to controls on the proliferation of trash and debris about the property; the proper and timely removal of graffiti; the timely maintenance, repair and upkeep of damaged, vandalized and/or weathered buildings, structures and/or improvements; the timely maintenance, repair and upkeep of exterior paint, parking striping, lighting and irrigation fixtures, walls and fencing, publicly accessible bathrooms and bathroom fixtures, landscaping and related landscape improvements and the like, as applicable);
- e) If Applicant and the owner of the property are different (e.g., if the Applicant is a tenant or licensee of the property or any portion thereof), both the Applicant and the owner of the property shall be signatories to the maintenance agreement and both shall be jointly and severally liable for compliance with its terms;
- f) The maintenance agreement shall further provide that any party responsible for complying with its terms shall not assign its ownership interest in the property or any interest in any lease, sublease, license or sublicense, unless the prospective assignee agrees in writing to assume all of the duties, obligations and responsibilities set forth under the maintenance agreement;
- g) The maintenance agreement shall contain provisions relating to the enforcement of its conditions by the City and shall also contain provisions authorizing the City to recover costs and expenses which the City may incur arising out of any enforcement and/or remediation efforts which the City may undertake in order to cure any deficiency in maintenance, repair or upkeep or to enforce any restrictions or conditions upon the use of the property. The maintenance agreement shall further provide that any unreimbursed costs and/or expenses incurred by the City to cure a deficiency in maintenance or to enforce use restrictions shall become a lien upon the property in an amount equivalent to the actual costs and/or expense incurred by the City; and
- h) The execution and recordation of the maintenance agreement shall be a condition precedent to the issuance of the ABC license.

CUP No. 2020-16 , "Spectrum Wine" 1641 East Saint Andrew Place

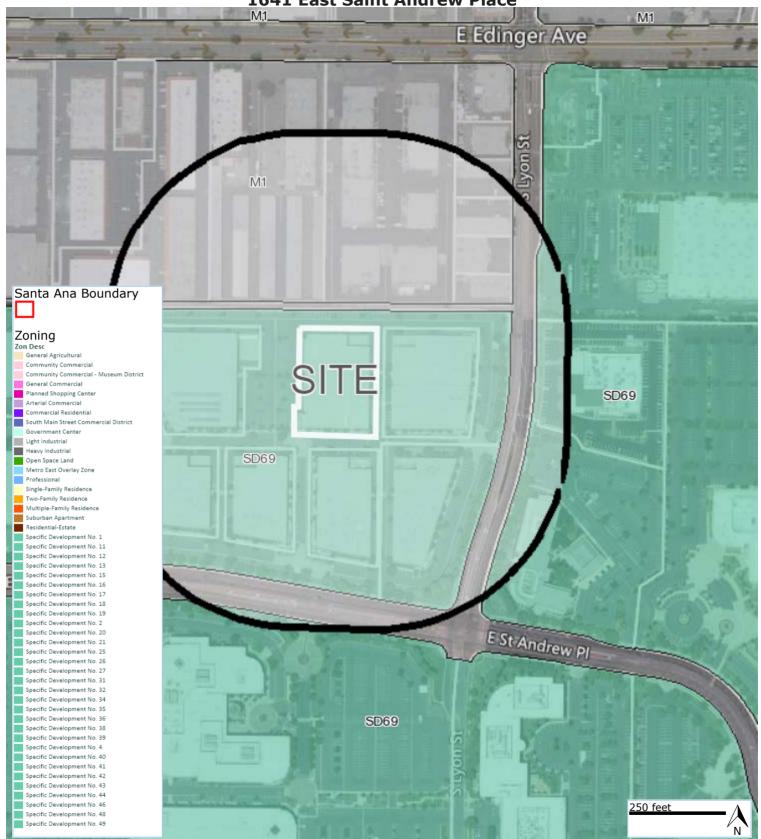


Exhibit 2 - Vicinity Zoning and Aerial View



22 ANY EASEMENTS NOT DISCLOSED BY THOSE PUBLIC RECORDS WHICH IMPART CONSTRUCTIVE NOTICE AS TO THE MATTERS AFFECTING TITLE TO REAL PROPERTY AND WHICH ARE NOT VISIBLE AND APPARENT FROM AN INSPECTION

23 FIDELITY NATIONAL TITLE COMPANY WILL REQUIRE THE FOLLOWING DOCUMENTS FOR REVIEW PRIOR TO THE ISSUANCE OF ANY TITLE ASSURANCE PREDICATED UPON A CONVEYANCE OR ENCUMBRANCE BY INGRAM MICRO INC.

EXISTING BUILDINGS

PURSUANT TO THE PROVISIONS OF SECTION 66411.1 OF THE SUBDIVISION MAP ACT, NOTICE IS HEREBY GIVEN THAT THE FOLLOWING IMPROVEMENTS ARE REQUIRED TO BE CONSTRUCTED PRIOR TO UTILITY RELEASE ON ANY

1) FULL IMPROVEMENTS FOR GRANT AVENUE, RITCHEY STREET, LYON STREET AND ST. ANDREWS PLACE.

2) TRAFFIC SIGNALS 5) LANDSCAPING

) WATER, SEWER, AND DRAINAGE FACILITIES.

5) ORNAMENTAL STREET LIGHTING

Job. No.

Drawn by

9 BOLLARDS

10 PROPERTY LINE

19 2 PANELS WITH COMMON FOOTING

20 ACCESSIBLE PARKING SIGNAGE - SEE 20/A1.04

Checked by

PROJECT DATA /

SITE PLAN

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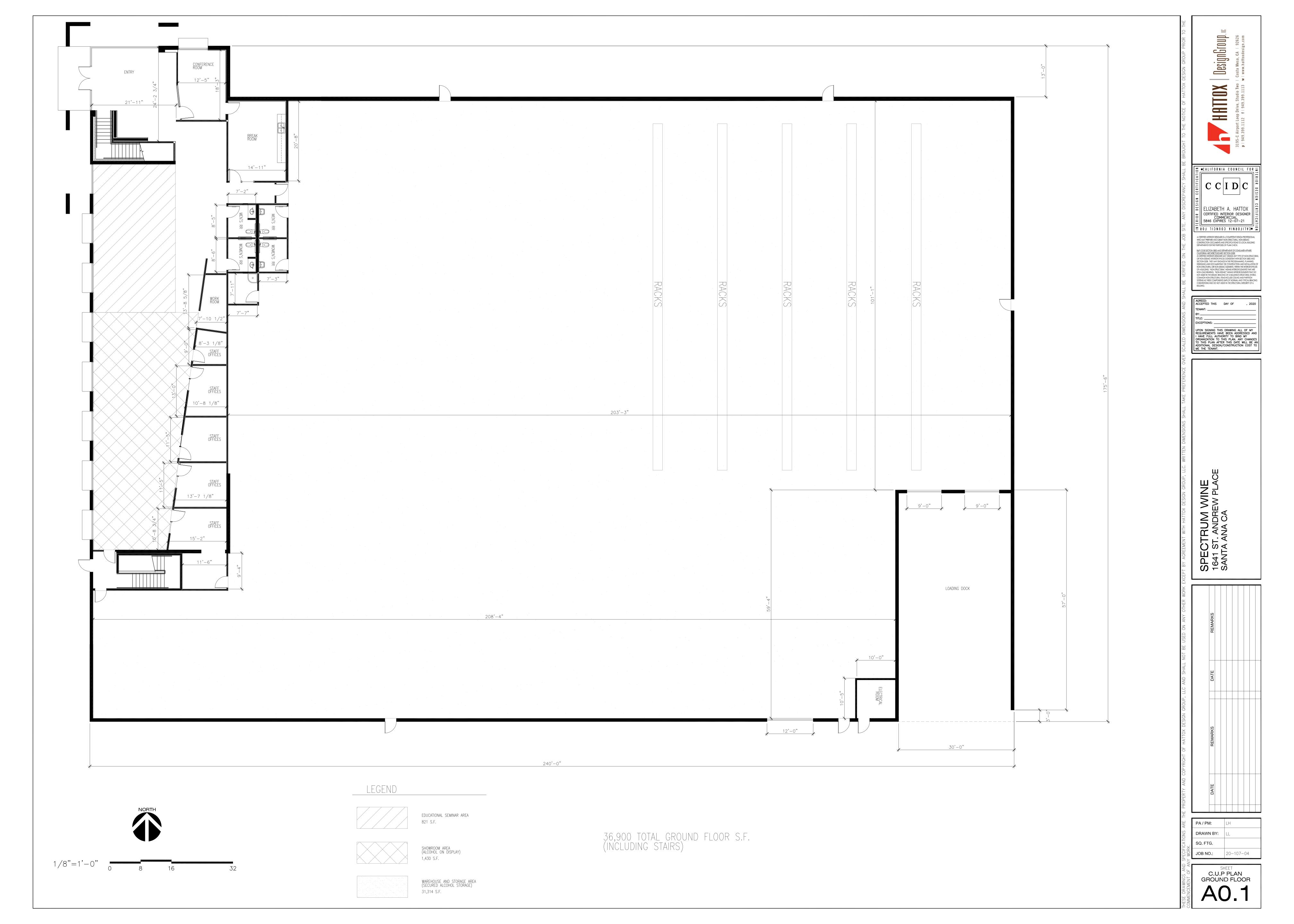
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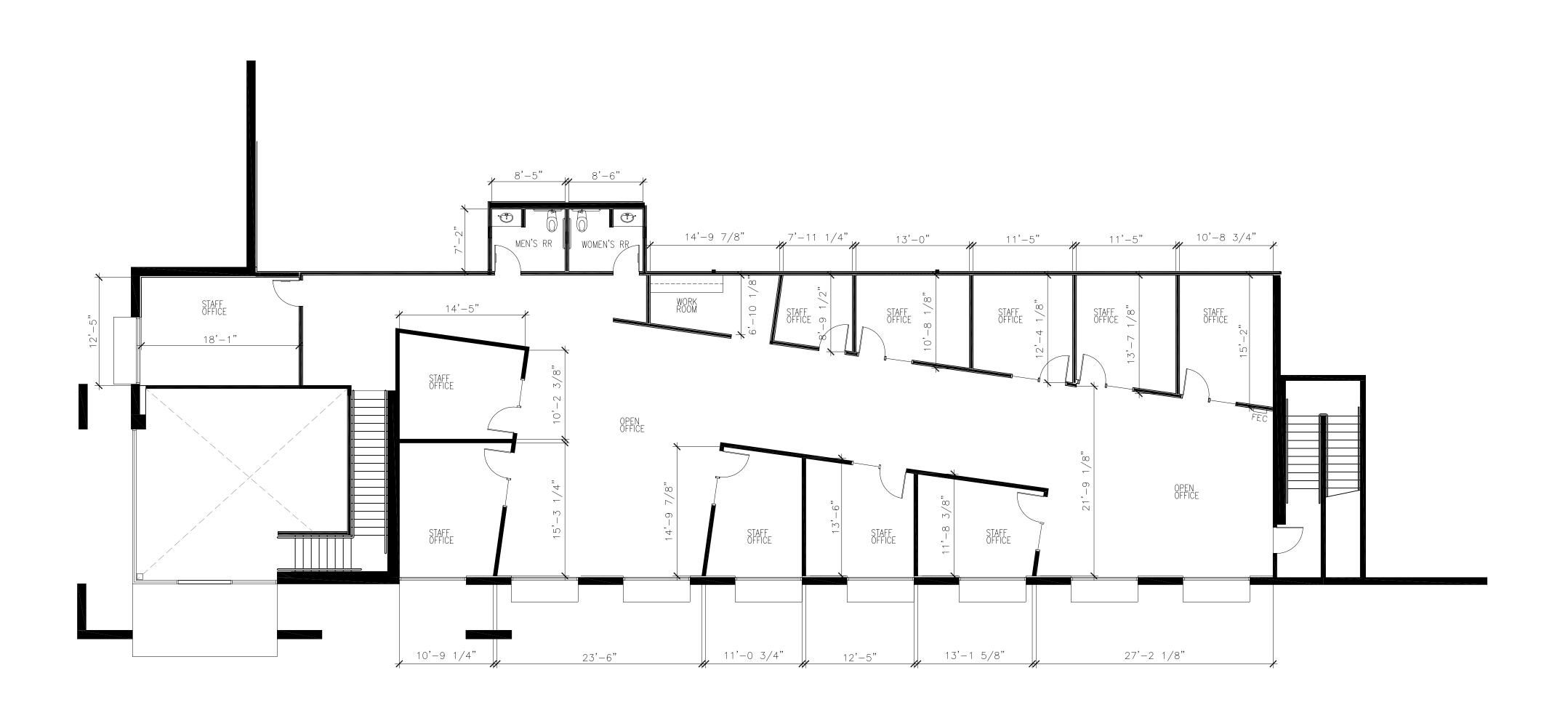
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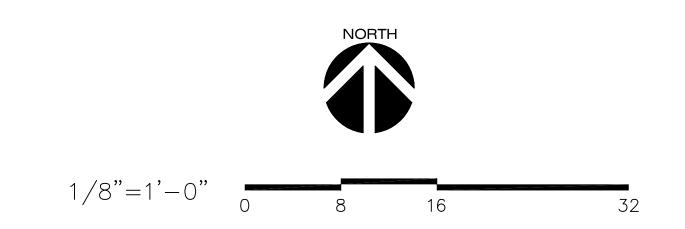
Checked by

PROJECT DATA /

SITE PLAN







3,983 TOTAL MEZZANINE S.F.



EXCEPTIONS: \_\_\_\_\_

UPON SIGNING THIS DRAWING ALL OF MY REQUIREMENTS HAVE BEEN ADDRESSED AND I HAVE FULL AUTHORITY TO BIND MY ORGANIZATION TO THIS PLAN. ANY CHANGES TO THIS PLAN AFTER THIS DATE WILL BE AN ADDITIONAL DESIGN/CONSTRUCTION COST TO ME THE TENANT.

**JOB NO.:** 20-107-04

SHEET C.U.P. PLAN MEZZANINE

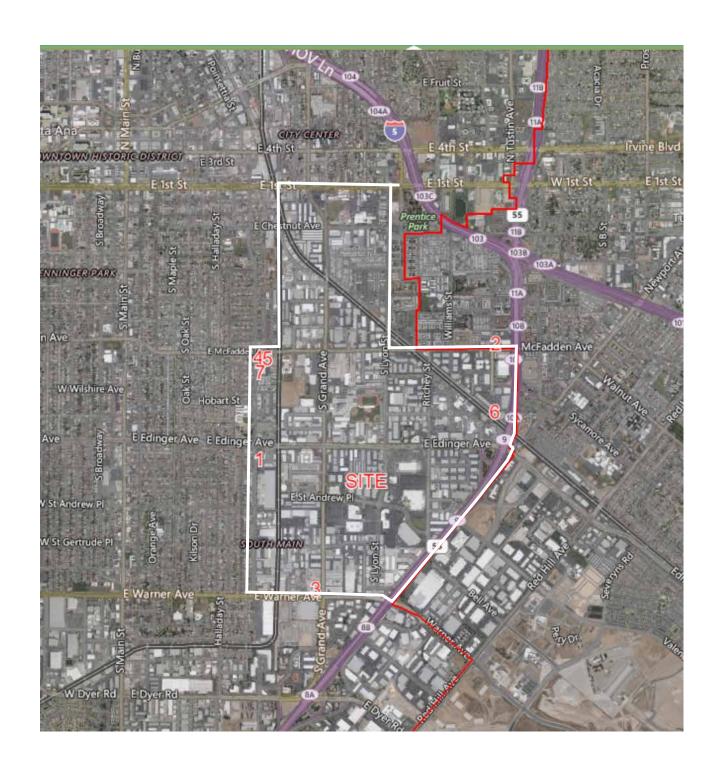


Exhibit 6 CUP No. 2020-16 Map of Off-Sale Licenses within Census Tract No. 744.03