



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: January 28, 2015

REPORT NO. HO 15-011

ATTENTION: Hearing Officer

SUBJECT: THE END ZONE
PTS PROJECT NUMBER: 307265

LOCATION: 5025-5029 Newport Avenue

APPLICANT: ABDULLA ATTALAH, Permittee

SUMMARY

Issue(s): Should the Hearing Officer approve an expansion of the existing Bar-B-Que House restaurant use into an adjacent retail commercial building, within the Ocean Beach Precise Plan area?

Staff Recommendation(s) – **APPROVE** Coastal Development Permit No. 1091956 (amendment to Coastal Development Permit No. 14544).

Community Planning Group Recommendation – On November 6, 2013, the Ocean Beach Planning Board voted 9-0-0 to recommend approval of the proposed project with no conditions.

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301(a) (Existing Facilities). This project is not pending an appeal of the environmental determination. This project was determined to be categorically exempt from the California Environmental Quality Act on December 1, 2014 and the opportunity to appeal that determination ended December 22, 2014 (Attachment 9).

BACKGROUND

The project site is comprised of two (2) adjacent properties located at 5025-5029 Newport Avenue, between Bacon Street and the Pacific Ocean, within the Ocean Beach Precise Plan area (Attachment 1). The premises are legally described as Lot No. 36 and No. 37 in Block 72 of Ocean Beach, Map 279. The base zone of the 7,000-square-foot project site is CC-4-2

(Community-Commercial), and the following overlay zones apply: Coastal Overlay Zone (appealable), First Public Roadway, Airport Influence -SDIA, Parking (Beach) Impact Overlay Zone. The site is designated for community commercial land use per the Ocean Beach Precise Plan and Local Coastal Program (Attachment 2). The site is located at the west end of the Newport Commercial Center and surrounded by similar commercial uses to the north, east and west, and multi-family residential development is located across the rear alley to the south (Attachment 3).

Formally known as the Barbeque House Project, the Bar-B-Que House has operated at 5025 Newport Avenue within a 1,250-square-foot one-story building since 2003, subsequent to the Hearing Officer's August 27, 2003, approval of the Barbeque House Project (PTS No. 8515). The Barbeque House Project included Coastal Development Permit No. 14544 to allow a change from retail to restaurant use, and Variance No. 28945 to allow a shared parking facility to be located 610 feet in distance from the project site where 600 feet is the standard (Attachment 7). The adjacent property to the west at 5029 Newport Avenue is developed with an existing 1,215-square-foot one-story building. Currently vacant, the space was previously occupied by Cow Records, a retail video and music sales store which has since relocated to another retail space on Newport Avenue. The project proposes to expand the Bar-B-Que House restaurant use into the adjacent vacant retail space.

Per the SDMC Section 127.0704, an intensification of use occurs when a proposed use requires more off-street parking (higher rate) than the most recent legal use on the property. The current retail use requires 2.5 spaces/1,000-square-foot of space; the proposed restaurant (defined in the SDMC as an "eating and drinking establishment") will require requires 2.0 spaces/1,000-square-foot of space, resulting in an intensification of use of the property.

The project requires an amendment to Coastal Development Permit (CDP) No. 14544 per San Diego Municipal Code (SDMC) Sections 127.0702 and 127.0704 because the proposed change from retail to restaurant use in the new expansion area will result in an intensification of use. The CDP is a Process Three (Hearing Officer as decision maker); the decision of the Hearing Officer is appealable to the Planning Commission and the California Coastal Commission.

DISCUSSION

Project Description:

The project proposes to expand the existing Bar-B-Que House restaurant located at 5025 Newport Avenue into an adjacent vacant retail space located at 5029 Newport Avenue. The new restaurant (tentatively named The End Zone) will total 2,465-square-foot and will include expanded utility areas (kitchen/ restrooms/storage), a bar/lounge area and additional dining areas (Attachment 11). A covered patio area at the front of the building facing Newport Avenue will be expanded and available for outdoor dining. The project will provide a total of twelve (12) parking spaces, in compliance with the SDMC requirement of 5 spaces/1,000-square-foot for eating and drinking establishments, as further discussed below. As a condition of approval, the

existing alley adjacent to the project site will be replaced with a full width concrete alley to meet current city engineering standards.

Community Plan Analysis:

The proposed project will be consistent with the community commercial land use recommendation of the Ocean Beach Precise Plan (OBPP). The project is located within a 6 block area known as Newport Center, a primary commercial core within the Ocean Beach community, located along Newport Avenue from Sunset Cliffs Boulevard westward to the beach. This commercial strip dates from the 1930's and is developed with a wide range of retail, restaurant and office uses. The OBPP recommends Newport Center be maintained as the major Ocean Beach activity center. The rehabilitation of the building for the expanded restaurant use will support the goals of the OBPP to provide adequate parking, encourage street level interest and pedestrian activity within the Newport Center area. Additionally, the project will implement the OBPP recommendations to upgrade the physical appearances of buildings in the commercial areas.

Parking:

The project site was developed with the existing structures at a time when the previous zoning for the site did not require the provision of on-site parking. As such, the availability of open areas on the site to be developed with a parking lot meeting current City development standards is very limited. As an eating and drinking establishment located within the Coastal Overlay zone, the project is required to provide a total of twelve (12) parking spaces per SDMC 142.0530(b) (includes 1 van accessible space). The existing Bar-B-Que House restaurant currently has four (4) parking spaces available on-site, with access to another three (3) spaces available through an existing shared parking agreement with Union Bank of California located at 1858 Cable Street, as allowed through Variance No. 28945 (Attachment 8). Existing parking facilities at the Bar-B-Que House and a gravel lot at the rear of the project site will be redesigned to provide nine (9) automobile parking spaces (including 1 van accessible space), 2 motorcycle spaces and 2 bicycle spaces. With 9 parking spaces provided on-site and 3 additional spaces available through the shared parking agreement with Union Bank, the project will provide a total of twelve (12) parking spaces, where 12 parking spaces are required

As was required with the original CDP No. 14544, the project has been conditioned to require that the three (3) shared off-street parking spaces be available and maintained at the off-site location at all times, and the shared parking facility will be required to provide signs on the premises visible to the public indicating the availability of the facility for patrons of the Bar-B-Que House. In addition, signage shall be posted at the restaurant site providing the name and address of the facility where the additional parking for the project is available.

CONCLUSION

The project is consistent with the Ocean Beach Precise Plan, complies with the development regulations of the underlying CC-4-2 Zone, and meets the applicable San Diego Municipal Code regulations and requirements. Staff recommends approval of the project as proposed.

ALTERNATIVE

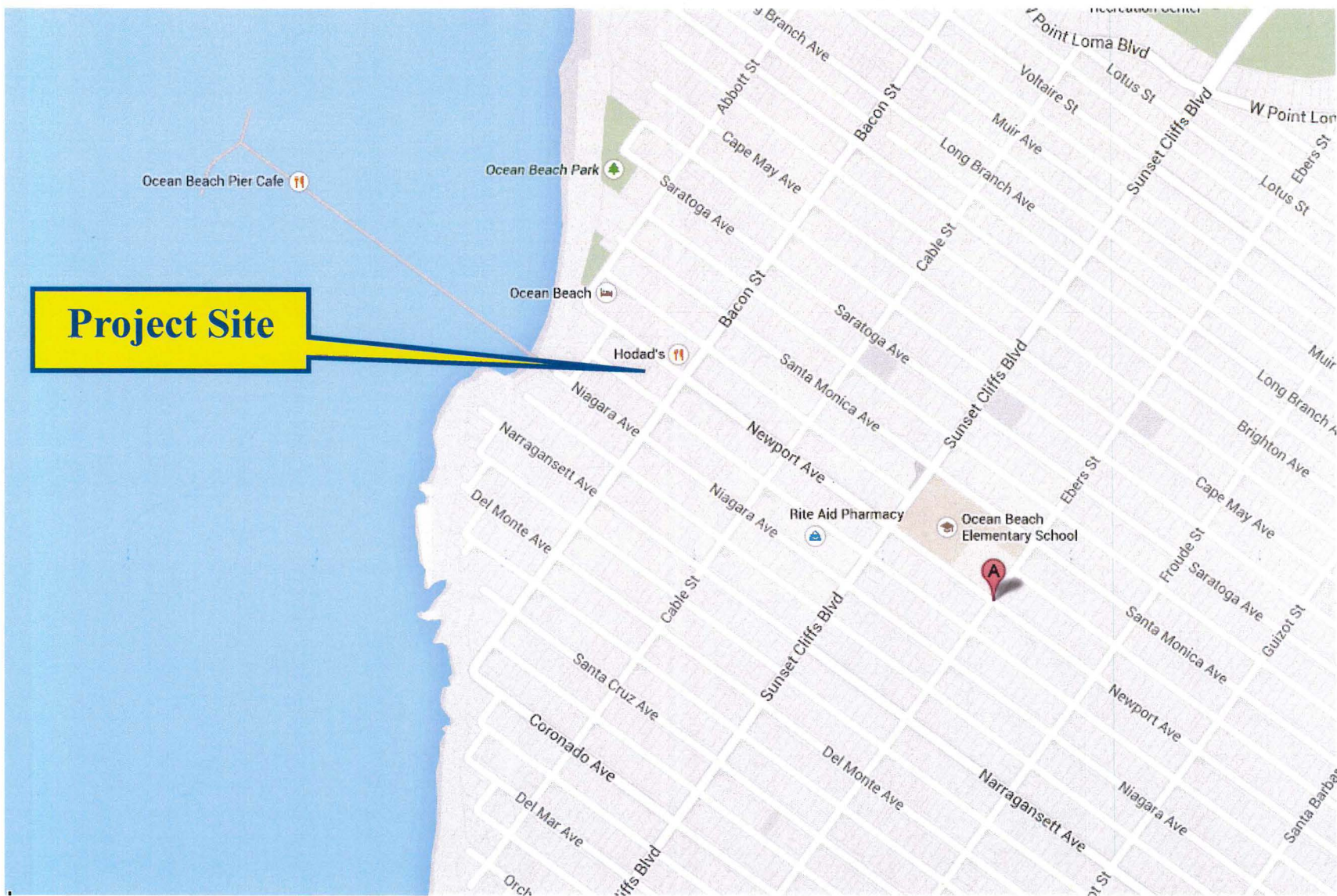
1. Approve Coastal Development Permit No. 1091956 (amendment to Coastal Development Permit No. 14544), with modifications.
2. Deny Coastal Development Permit No. 1091956 (amendment to Coastal Development Permit No. 14544), if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'Patricia J. FitzGerald', is written over a horizontal line. To the right of the signature, the word 'for' is written in a cursive, handwritten style.

Attachments:

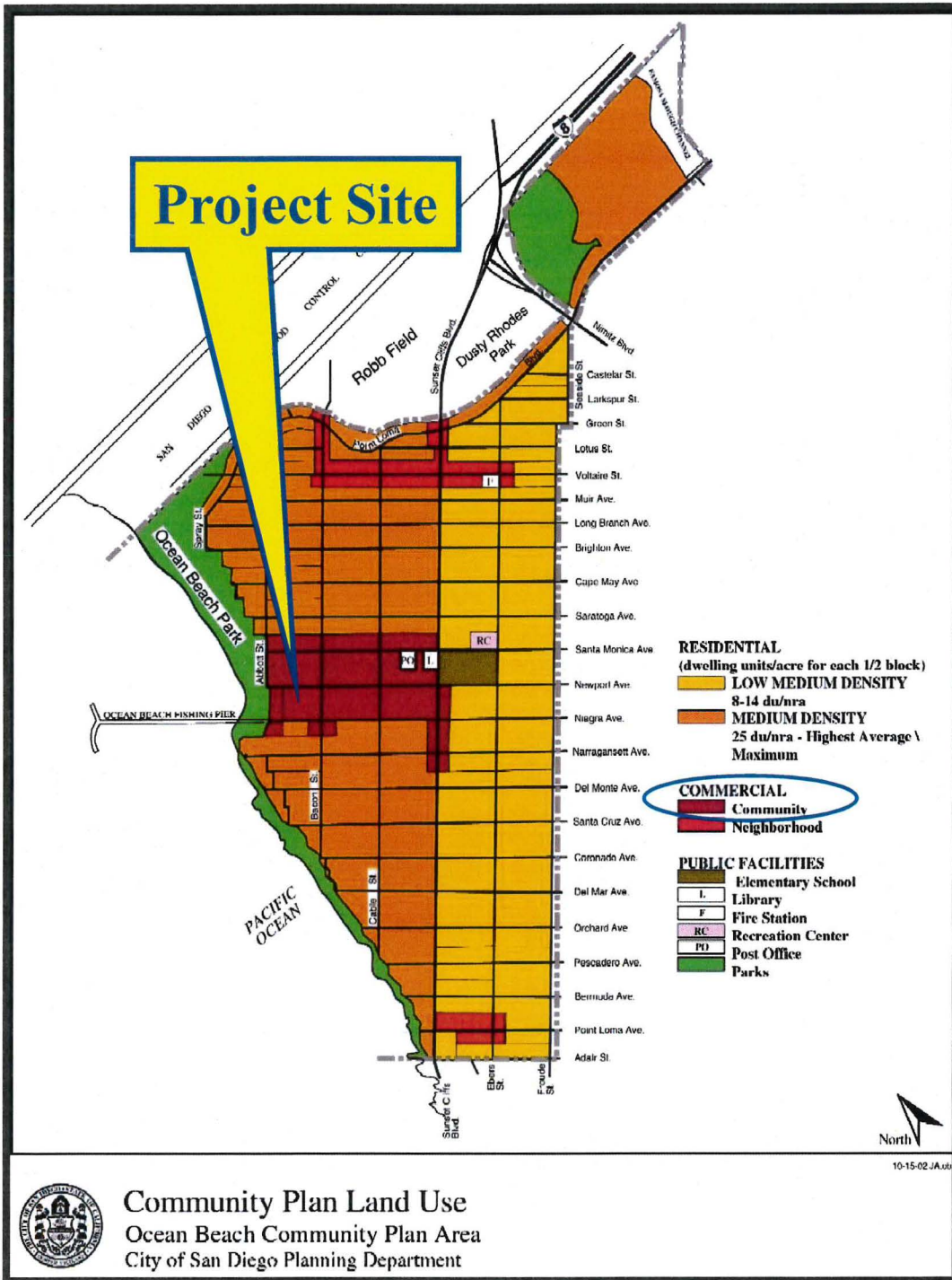
1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft Permit Resolution with Findings
6. Draft Permit with Conditions
7. Copy of CDP No. 14544/VAR No. 28945
8. Shared Parking Agreement
9. CEQA Exemption
10. Ownership Disclosure Statement
11. Project Site Plans



Project Site

**Project Location Map 5025-5029 NEWPORT AVENUE
PROJECT NO. 307265**

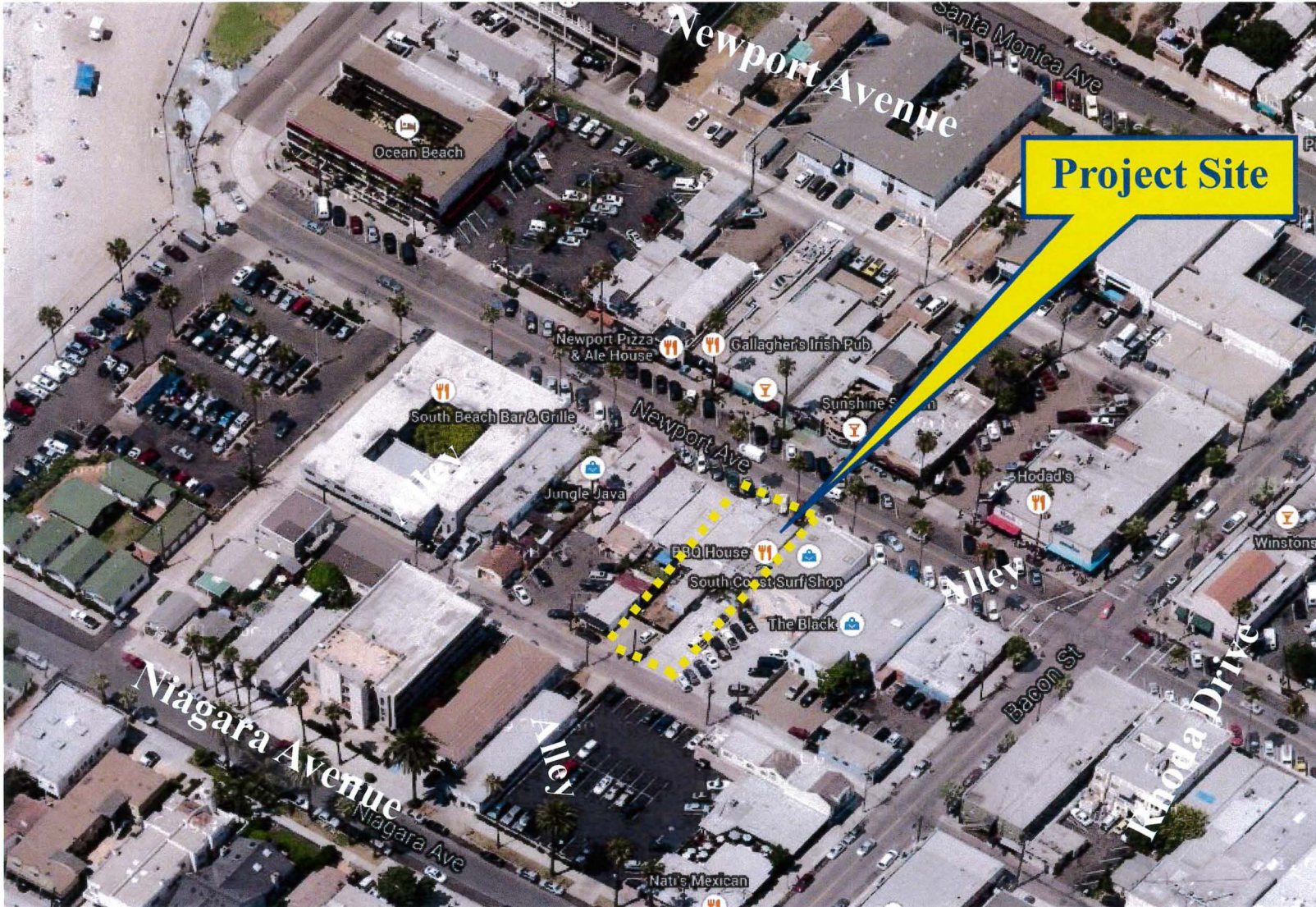




Community Plan Land Use Map

PROJECT NO. 307265 --- Ocean Beach





Aerial Photo 5025-5029 NEWPORT AVENUE

PROJECT NO. 307265



PROJECT DATA SHEET

PROJECT NAME:	THE END ZONE (PROJECT NUMBER 307265)	
PROJECT DESCRIPTION:	CDP to expand the existing Bar-B-Que House restaurant use located at 5025 Newport Avenue into an adjacent vacant retail space located at 5029 Newport Avenue.	
COMMUNITY PLAN:	Ocean Beach	
DISCRETIONARY ACTIONS:	Coastal Development Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	Community Commercial	
<u>ZONING INFORMATION:</u>		
ZONE: CC-4-2 (community commercial) HEIGHT LIMIT: 30-Foot max; LOT SIZE: 7,000-sq.ft (min. 5,000 allowed; no max) FLOOR AREA RATIO: 2.0 FRONT SETBACK: 0 feet SIDE SETBACK: 0/10 feet REAR SETBACK: 0/10 feet PARKING: 12 parking spaces required; 12 provided (9 on-site, 3 through a shared parking agreement)		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Community Commercial, CC-4-2	Commercial
SOUTH:	Multi-Family, RM-2-5	MF Residential
EAST:	Community Commercial, CC-4-2	Commercial
WEST:	Community Commercial, CC-4-2	Commercial
DEVIATIONS OR VARIANCES REQUESTED:	None.	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On November 6, 2013, the Ocean Beach Planning Board voted 9-0-0 to recommend approval of the proposed project with no conditions.	

HEARING OFFICER RESOLUTION NO. _____
COASTAL DEVELOPMENT PERMIT NO. 1091956
(AMENDMENT TO COASTAL DEVELOPMENT PERMIT NO. 14544)
THE END ZONE - PROJECT NO. 307625

WHEREAS, ABDUL ATALLAH, Permittee, and MAKSUT MAX INCIYAN AND ANN A. INCIYAN, TRUSTEES OF THE INCIYAN FAMILY TRUST, Owners, filed an application with the City of San Diego for a permit to intensify the use of a property by establishing a restaurant use within an existing retail commercial building and operate a restaurant use within existing buildings (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1091956), on portions of a 7,000-square-foot site; and

WHEREAS, the project site is located at 5025-5029 Newport Avenue in the CC-4-2 zone, Coastal Overlay Zone (appealable), First Public Roadway, Coastal Height Limitation Overlay Zone, Parking Impact (Beach Impact Area) Overlay Zone, within the Ocean Beach Precise Plan and Local Coastal Program Land Use Plan area; and

WHEREAS, the project site is legally described as Lot No. 36 and No. 37, Block 72, Ocean Beach Map No. 279, filed in the Office of the County Recorder of San Diego County, on May 28, 1887; and

WHEREAS, on January 28, 2015, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 1091956, pursuant to the Land Development Code of the City of San Diego; and

WHEREAS, on December 1, 2014, 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(a) (Existing Facilities) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520; 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 28, 2015.

FINDINGS:

Coastal Development Permit – SDMC Section 126.0708

- 1. The proposed coastal development will not encroach upon any existing physical access way 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 project proposes to expand the existing Bar-B-Que House restaurant located at 5025 Newport Avenue into an adjacent vacant retail space located at 5029 Newport Avenue. The new restaurant will total 2,465-square-feet and will include expanded utility areas (kitchen/restrooms/storage), a bar/lounge area and additional dining areas. The project site does not contain any existing physical access way utilized by the general public; the Newport Avenue public right-of-way lies adjacent to the site and includes facilities for vehicular, bicycle and pedestrian access. Existing coastal access in the area will not be affected by the project as all development will occur on private property and 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. The project site is not located on or adjacent to an identified visual access corridor, and will enhance and protect public views to and along the ocean and other scenic coastal areas as specified within the Ocean Beach Precise Plan and Local Coastal Program (OBPP/LCP).

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

The project proposes to expand the existing Bar-B-Que House restaurant located at 5025 Newport Avenue into an adjacent vacant retail space located at 5029 Newport Avenue. No environmentally sensitive lands are present at the site and all of the work associated with the expansion project consists of interior improvements within the existing buildings. Therefore, the proposed project will not adversely affect environmentally sensitive lands.

3. 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 project proposes to expand the existing Bar-B-Que House restaurant located at 5025 Newport Avenue into an adjacent vacant retail space located at 5029 Newport Avenue. The new restaurant will total 2,465-square-feet and will include expanded utility areas (kitchen/restrooms/storage), a bar/lounge area and additional dining areas. The project is consistent with the community commercial land use recommendation of the OBPP/LCP and implements the goal of the Commercial Element to preserve and enhance the commercial uses within the Newport Commercial Center. The OBPP/LCP recommends Newport Commercial Center be maintained as the major Ocean Beach activity center. The rehabilitation of the building for the expanded restaurant use will support the goals of the OBPP to provide adequate parking, encourage street level interest and pedestrian activity within the Newport Center area. Additionally, the project will implement the OBPP/LCP recommendations to upgrade the physical appearances of buildings in the commercial areas. The proposed project complies with the underlying CC-4-2 Zone and no deviation or variance to the applicable development regulations is sought in association with this application. The proposed coastal development is in conformity with the OBPP/LCP and complies with all regulations of the certified Implementation Program.

4. 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 project will expand the existing Bar-B-Que House restaurant and establish a restaurant use within an existing retail commercial building located mid-block on the south side of Newport Avenue, between Newport Avenue and the Pacific Ocean. Newport Avenue in this location is identified in the City's Local Coastal Program Land Use Plan as the nearest public roadway to the public shoreline and the Pacific Ocean. Newport Avenue is developed with a 10-foot wide public sidewalk which provides unobstructed public access to the shoreline and related public recreational areas. Project related development will take place entirely within private property and will not result in the disturbance or obstruction of the public coastal access and will not impact any public recreational areas. The project is in conformance with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Coastal Development Permit No. 1091956 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. 1091956, a copy of which is attached hereto and made a part hereof.

Patricia J. FitzGerald
Development Project Manager
Development Services

Adopted on: January 28, 2015

Job Order No. 24003528

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

WHEN RECORDED MAIL TO
CITY CLERK
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24003528

COASTAL DEVELOPMENT PERMIT NO. 1091956
(AMENDMENT TO COASTAL DEVELOPMENT PERMIT NO. 14544)
THE END ZONE - PROJECT NO. 307625
HEARING OFFICER

This Coastal Development Permit is granted by the Hearing Officer of the City of San Diego to ABDUL ATALLAH, Permittee, and MAKSUT MAX INCIYAN AND ANN A. INCIYAN, TRUSTEES OF THE INCIYAN FAMILY TRUST, Owners, pursuant to San Diego Municipal Code [SDMC] Section 126.0701. The site is located at 5025-5029 Newport Avenue in the CC-4-2 zone, Coastal Overlay Zone (appealable), First Public Roadway, Coastal Height Limit, Airport Influence -SDIA, Airport Approach Overlay Zone, Parking Impact (Beach Impact) Overlay Zone within the Ocean Beach Precise Plan area. The project site is legally described as Lot No. 36 and No. 37, Block 72, Ocean Beach Map No. 279, filed in the Office of the County Recorder of San Diego County, on May 28, 1887.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to intensify the use of a property by establishing a restaurant use within an existing retail commercial building and operate a restaurant use within existing buildings as described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated January 28, 2015, on file in the Development Services Department.

The project shall include:

- a. Change in use of an existing 1,215-square-foot one-story building at 5029 Newport Avenue from retail use to restaurant use, to accommodate the expansion of the existing Bar-B-Que House restaurant currently operating at 5025 Newport Avenue;
- b. Operation of a 2,465-square-foot restaurant and tenant improvements to include utility areas (kitchen/ restrooms/storage), a bar/lounge area and indoor/outdoor dining areas;

- c. Off-street parking facilities providing a total of twelve (12) parking spaces:
 - i. Nine (9) on-site automobile parking spaces (including 1 van accessible space), 2 motorcycle spaces and 2 bicycle spaces;
 - ii. Three (3) off-site automobile parking spaces available through a Shared Parking Agreement with Union Bank of California located at 1858 Cable Street, as allowed through Variance No. 28945.
- d. Landscaping (planting, irrigation and landscape related improvements);
- e. 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 (tbd).
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.

TRANSPORTATION REQUIREMENTS:

11. A minimum of twelve (12) automobile spaces (including 1 van accessible space) shall be provided (9 on-site and 3 off-site thru Shared Parking Agreement as noted in Condition No. 12), two (2) motorcycle spaces, and two (2) bicycle spaces are required by the Land Development Code. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's

Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Director.

12. Shared Parking Agreement: This project incorporates a Shared Parking Agreement between the Owner/Permittee and Union Bank of California for parking facilities located at 1858 Cable Street, as allowed through Variance No. 28945. The Shared Parking Agreement is recorded in the Office of the San Diego County Recorder as Document No. 2013-0558937.

13. Owner/Permittee shall install and maintain sign(s) on the project site indicating additional parking spaces are available at Union Bank of California located at 1858 Cable Street, satisfactory to the City Engineer.

14. The three (3) off-site parking spaces available at 1858 Cable Street (Union Bank of California property) through the Shared Parking Agreement shall be clearly marked and signed for the exclusive use of this project.

ENGINEERING REQUIREMENTS:

15. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of a full-width City standard alley, adjacent to the project site, satisfactory to the City Engineer.

16. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

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

18. 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 Appendix E of the City's Storm Water Standards.

LANDSCAPING REQUIREMENTS:

19. Prior to issuance of public improvement plans, landscape construction plans consistent with this development permit shall be submitted for approval. Improvement plans shall take into account a 40 sq-ft area around each required tree which is unencumbered by utilities.

20. Prior to building permit issuance, landscape and irrigation plans substantially conforming to Exhibit 'A,' (Landscape Development Plan) shall be submitted to the Development Services Department for approval.

21. Any existing landscape to remain, as indicated on the approved plans, that is damaged during construction shall be replaced in kind to the satisfaction of the Development Services Department within 30 days of damage or final inspection.

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 28, 2015 and HO-_____.

Permit Type/PTS Approval No.: CDP NO. 1091956
Date of Approval: January 28, 2015

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Patricia J. FitzGerald
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.**

[NAME OF COMPANY]
Owner/Permittee

By _____
NAME
TITLE

[NAME OF COMPANY]
Owner/Permittee

By _____
NAME
TITLE

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

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
DEPARTMENT

WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

ATTACHMENT 7

JOB ORDER NUMBER: 42-1533

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**HEARING OFFICER
COASTAL DEVELOPMENT PERMIT NO. 14544
VARIANCE NO. 28945
BARBEQUE HOUSE - PROJECT NO. 8515**

This Coastal Development Permit and Variance is granted by the Hearing Officer of the City of San Diego to ABDUL ATALLAH, Permittee, and MAKSUT MAX INCIYAN AND ANN A. INCIYAN, Owner, pursuant to Section 126.0701 of the Land Development Code of the City of San Diego. The 3,500 square foot site is located at 5025 Newport Avenue, in the CC-4-2 (Community-Commercial) Zone, Coastal Overlay (appealable), Coastal Height Limit, Beach Parking Impact and Airport Environs Overlay Zones, within the Ocean Beach Community Plan area. The project site is legally described as Lot 36 in Block 72 of Ocean Beach, Map 279.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee described as, and identified by size, dimension, quantity, type and location on the approved Exhibit "A," dated August 27, 2003, on file in the Office of the Development Services Department. Exhibit "A" is identified as follows:

- A-1: Site/ Landscaping Plan
- A-2: Existing/Proposed Floor plans
- A-3: Sections/ Elevations
- A-4: Roof Plan/Details/Notes
- A-5: Accessibility Plan
- A-6: Architectural/Access Details
- A-8: Facade Details
- C-1: Survey Plat
- K-1-3: Mechanical Plans

The facility shall include:

- a. A new 1,275 square foot restaurant establishment within an existing retail commercial building, including a 162 square foot covered patio/seating area;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking facilities, including a variance for a shared parking facility located approximately 610 feet in distance from the project site where 600 feet is the standard, per the shared parking agreement with the Union Bank of California facility for three (3) project related parking spaces located at 1858 Cable Street; and
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of

this permit, and any other applicable regulations of the Municipal Code in effect for this site.

STANDARD REQUIREMENTS:

1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. 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 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.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the 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.).
7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit A - August 27, 2003. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.
9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that 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.

10. 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 following all appeals.

ENGINEERING REQUIREMENTS:

11. Prior to building occupancy, the applicant shall conform to Section 62.0203 of the Municipal Code, "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

TRANSPORTATION REQUIREMENTS:

12. Applicant shall provide a shared parking agreement demonstrating that the project provides 3 of the required parking spaces at an off-site location (1858 Cable Street, Lot 1 of Map 5092, APN# 448-182-11 and 26), satisfactory to the City Engineer.

13. Applicant shall install sign(s) indicating additional parking spaces available at Union Bank of California at 1858 Cable Street, satisfactory to the City Engineer.

14. All off-site parking spaces provided at Union Bank of California at 1858 Cable Street shall be clearly marked and signed for the exclusive use of this project.

LANDSCAPE REQUIREMENTS:

15. Prior to issuance of any grading or building permits, complete landscape construction documents, including plans, details and specifications (including a permanent automatic irrigation system unless otherwise approved), shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit A- August 27, 2003. No change, modification, or alteration shall be made unless appropriate application or amendment of this Permit shall have been granted.

16. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections and to obtain a No Fee Street Tree Permit for the installation, establishment, and on-going maintenance of all street trees. Copies of these approved documents must be submitted to the City Manager.

17. All required landscape shall be maintained in a disease, weed, and litter free condition at all times and shall not be modified or altered unless this Permit has been amended. Modifications such as severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The Owner/Permittee shall be responsible to maintain all street trees and landscape improvements consistent with the standards of the Land Development Manual.

18. If any required landscape (including, but not limited to, existing or new plantings, hardscape, landscape features) indicated on the approved plans is damaged or removed during demolition, it shall be repaired or replaced in kind and equivalent size per the approved plans within thirty days of completion of construction by the Permittee. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of removal (the

largest size commercially available or an increased number) to the satisfaction of the City Manager.

PLANNING/DESIGN REQUIREMENTS:

19. No fewer than three (3) off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit A-August 27, 2003. In addition, no fewer than three (3) shared off-street parking spaces shall be available and maintained at an off-site location (1858 Cable Street, Lot 1 of Map 5092, APN# 448-182-11 and 26) at all times in the approximate locations shown on the approved Exhibit A- August 27, 2003.
20. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.
21. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this Permit. Where there is a conflict between a condition (including exhibits) of this Permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this Permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.
22. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this Permit.
23. 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 a regulation of the underlying zone. The cost of any such survey shall be borne by the Permittee.
24. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.
25. All signs associated with this development shall be consistent with sign criteria established by the Citywide sign regulations and the Ocean Beach Precise Plan.
26. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.
27. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
28. All uses, except storage and loading, shall be conducted entirely within the enclosed building or within the on-premises outdoor covered patio/seating area. Outdoor storage of merchandise, material and equipment is permitted in any required interior side or rear yard, provided the storage area is completely enclosed by walls, fences, or a combination thereof. Walls or fences shall be solid and not less than six feet in height and, provided further, that no merchandise, material or equipment stored not higher than any adjacent wall.
29. No mechanical equipment, tank, duct, elevator enclosure, cooling tower, mechanical ventilator, or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed structure whose top and sides may include grillwork, louvers, and latticework.

30. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (SDMC) to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project.

STORMWATER REQUIREMENTS:

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

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

INFORMATION ONLY:

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within 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.

APPROVED by the Hearing Officer of the City of San Diego on August 27, 2003
by Resolution No. D-4441.

ALL-PURPOSE CERTIFICATE

Type/PTS Approval Number of Document 8515
Date of Approval 08/27/03

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

Patricia J. Fitzgerald
Patricia J. Fitzgerald, Development Project Manager

On 11/13/03 before me, Stacie Maxwell (notary public), personally appeared **Patricia J. Fitzgerald**, Development Project Manager of the Development Services Department of the City of San Diego, personally known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Stacie Maxwell
Stacie Maxwell



ALL-PURPOSE CERTIFICATE

OWNER(S)/PERMITTEE(S) SIGNATURE/NOTARIZATION:

THE UNDERSIGNED OWNER(S)/PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF OWNER(S)/PERMITTEE(S) THEREUNDER.

Permittee:

Signed: Abdul Atallah
Typed Name: Abdul Atallah

STATE OF California
COUNTY OF San Diego

On November 15, 2003 before me, Stacie L. Maxwell (Name of Notary Public) personally appeared Abdul Atallah, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Stacie Maxwell



ORIGINAL

Owners:

Signed: Maksut Max Inciyan
Typed Name: Maksut Max Inciyan

Signed: Ann A. Inciyan
Typed Name: Ann A. Inciyan

STATE OF California
COUNTY OF San Diego

On 11/18/2008 before me, Sophia Valenzuela (Name of Notary Public) personally appeared Maksut Max Inciyan & Ann A. Inciyan, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature S. Valenzuela



ORIGINAL



THE CITY OF SAN DIEGO

RECORDING REQUESTED BY:
THE CITY OF SAN DIEGO
 AND WHEN RECORDED MAIL TO:

City of San Diego
 Development Services Department
 1222 First Ave., MS-301
 San Diego, CA 92101

THE ORIGINAL OF THIS DOCUMENT
 WAS RECORDED ON SEP 10, 2013
 DOCUMENT NUMBER 2013-0558937
 Ernest J. Dronenburg, Jr., COUNTY RECORDER
 SAN DIEGO COUNTY RECORDER'S OFFICE
 TIME: 12:34 PM

PTS 8515

SHARED PARKING AGREEMENT

This SHARED PARKING AGREEMENT ("Agreement") is entered into and effective September 4, 2013, by and between Maksut M. Inciyan, Union Bank, Ocean Beach and the City of San Diego.

RECITALS

WHEREAS, pursuant to sections 142.0535 and 142.0545 of the Land Development Code, the City of San Diego specifies criteria which must be met in order to utilize off-site shared parking agreements to satisfy on-site parking requirements.

NOW, THEREFORE, in consideration of the recitals and mutual obligations of the parties as herein expressed, Maksut M. Inciyan, Union Bank and the City of San Diego agree as follows:

- Union Bank, Ocean Beach the owner of the property located at 1858 Cable Street, agrees to provide Maksut M. Inciyan the owner of the property located at 5025 Newport Ave with the right to the use of (5) parking spaces on all days from all hours as shown on Exhibit A to this Agreement on property located at 1858 Cable Street.

1.1 Applicant: Maksut M. Inciyan Co-Applicant: Union Bank, Ocean Beach
 Assessor Parcel No: 448-081-12 & 13 Assessor Parcel No: 448-182-11 & 26
 Legal Description: Lots 36 & 37, Block 7D Legal Description: Lot 1 of Map 5092
Map 279 of Ocean Beach

- The parking spaces referred to in this Agreement have been determined to conform to current City of San Diego standards for parking spaces, and the parties agree to maintain the parking spaces to meet those standards.
- The Parties understand and agree that if for any reason the off-site parking spaces are no longer available for use by Union Bank, Ocean Beach, Maksut M. Inciyan will be in violation of the City of San Diego Land Development Code requirements. If the off-site parking spaces are no longer available, Applicant will be required to reduce or cease operation and use of the property at Applicant's address to an intensity approved by the City in order to bring the property into conformance with the Land Development Code requirements for required change for required parking. Applicant agrees to waive any right to contest enforcement of the City's Land Development Code in this manner should this circumstance arise.

Although the Applicant may have recourse against the Party supplying off-site parking spaces for breach of this Agreement, in no circumstance shall the City be obligated by this agreement to remedy such breach. The Parties acknowledge that the sole recourse for the City if this Agreement is breached is against the Applicant in a manner as specified in this paragraph, and the City may invoke any remedy provided for in the Land Development Code to enforce such violation against the Applicant.

(Continued on Page 2)

- 4. The provisions and conditions of this Agreement shall run with the land for those properties referenced in paragraph 1 of this document and be enforceable against successors in interest and assigns of the signing parties.
- 5. Title to and the right to use the lots upon which the parking is to be provided will be subservient to the title to the property where the primary use it serves is situated.
- 6. The property or portion thereof on which the parking spaces are located will not be made subject to any other covenant or contract for use which interferes with the parking use, without prior written consent of the City.
- 7. This Agreement is in perpetuity and can only be terminated if replacement parking has been approved by the City's Director of the Development Services Department and written notice of termination of this agreement has been provided to the other party at least sixty (60) days prior to the termination date.
- 8. This Agreement shall be kept on file in the Development Services Department of the City of San Diego in Project Tracking System (PTS) Project Number: 307265/18515 and shall be recorded on the titles of those properties referenced in paragraph 1 of this document.

In Witness whereof, the undersigned have executed this Agreement.

Makrut M. Inciyen
 Applicant Makrut M. Inciyen

Date: 9-4-2013

Mike Westlake
 Deputy Director MIKE WESTLAKE

Business and Process Management, Development Services

Date: 9/6/13

Ernesto Hernandez
 Party/Parties Supplying Spaces Ernesto Hernandez
 Union Bank, branch manager Ocean Beach

Date: 9-4-2013

(Notary documents attached)

NOTE: ALL SIGNATURES MUST INCLUDE NOTARY ACKNOWLEDGMENTS PER CIVIL CODE SEC. 1180 ET.SEQ.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California
 County of San Diego }
 On Sept. 6, 2013 before me, Stacie L. Maxwell, Notary Public
Date Here Insert Name and Title of the Officer
 personally appeared Mike WebHake
Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
 Signature: [Handwritten Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Shared Parking Agreement
 Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
<input type="checkbox"/> Corporate Officer — Title(s): _____	<input type="checkbox"/> Corporate Officer — Title(s): _____
<input type="checkbox"/> Individual	<input type="checkbox"/> Individual
<input type="checkbox"/> Partner — <input type="checkbox"/> Limited <input type="checkbox"/> General	<input type="checkbox"/> Partner — <input type="checkbox"/> Limited <input type="checkbox"/> General
<input type="checkbox"/> Attorney in Fact	<input type="checkbox"/> Attorney in Fact
<input type="checkbox"/> Trustee	<input type="checkbox"/> Trustee
<input type="checkbox"/> Guardian or Conservator	<input type="checkbox"/> Guardian or Conservator
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
Signer Is Representing: _____	Signer Is Representing: _____

ACKNOWLEDGMENT

State of California
County of San Diego

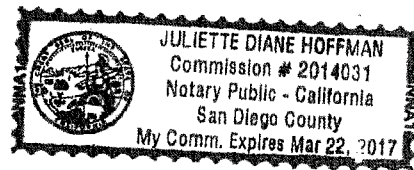
On September 4, 2013 before me, Juliette Diane Hoffman, Notary Public
personally appeared Maksut May Inciyan

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)
is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed
the same in his/~~her~~/~~their~~ authorized capacity(~~ies~~), and that by his/~~her~~/~~their~~ signature(s) on the
instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the
instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
forgoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Juliette Diane Hoffman (Seal)
My Commission Expires 03/22/2017



OPTIONAL

Description of original Document _____

Number of Pages _____ Date of Document _____

Signatures (s) _____

Date of Signature _____

ACKNOWLEDGMENT

State of California
County of San Diego

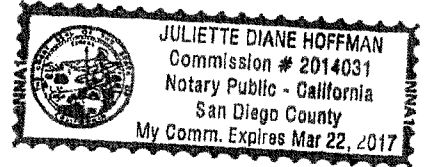
On September 4, 2013 before me, Juliette Diane Hoffman, Notary Public
personally appeared Ernesto Hernandez, Jr

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)
is/are subscribed to the within instrument and acknowledged to me that he/she/they executed
the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the
instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
forgoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Juliette Diane Hoffman (Seal)
My Commission Expires 03/22/2017



OPTIONAL

Description of original Document

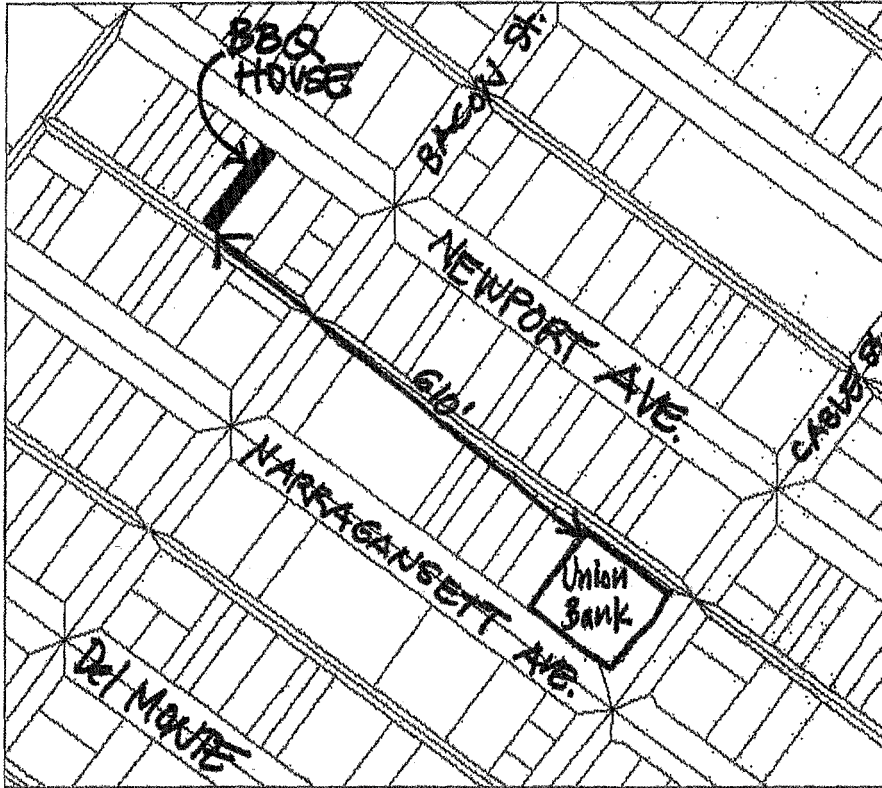
Number of Pages Date of Document

Signatures (s)

Date of Signature

EXHIBIT A

Shared parking agreement between Union Bank of CA and BBQ House per Project No. 8515.



NOTICE OF EXEMPTION

ATTACHMENT 9

(Check one or both)

TO: X RECORDER/COUNTY CLERK
P.O. BOX 1750, MS A-33
1600 PACIFIC HWY, ROOM 260
SAN DIEGO, CA 92101-2422

FROM: CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
1222 FIRST AVENUE, MS 501
SAN DIEGO, CA 92101

 OFFICE OF PLANNING AND RESEARCH
1400 TENTH STREET, ROOM 121
SACRAMENTO, CA 95814

PROJECT NO.: 307265

PROJECT TITLE: The End Zone

PROJECT LOCATION-SPECIFIC: The project is located at 5025-5029 Newport Avenue, San Diego, CA 92107, in the CC-4-2 Zone within the Ocean Beach Community Planning area.

PROJECT LOCATION-CITY/COUNTY: San Diego/San Diego

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: Coastal Development Permit (CDP) to remodel an existing 1,250 square foot (sq ft) commercial building into a restaurant and bar, and combine the adjacent existing 1,250 sq ft restaurant into one 2,500 sq ft restaurant and bar with additional parking. A 162 sq ft covered patio area would be located at the front of the building and would be available for outdoor dining.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego, Development Services Department (DSD)

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Alex Saucedo, Saucedo Construction, 1768 Gotham Street, Chula Vista, CA (619-421-6060).

EXEMPT STATUS: (CHECK ONE)

- MINISTERIAL (SEC. 21080(b)(1); 15268);
- DECLARED EMERGENCY (SEC. 21080(b)(3); 15269(a));
- EMERGENCY PROJECT (SEC. 21080(b)(4); 15269 (b)(c))
- CATEGORICAL EXEMPTION: Section 15301 (a) - (Existing Facilities)
- STATUTORY EXEMPTIONS:

REASONS WHY PROJECT IS EXEMPT: The City of San Diego has determined the project meets the categorical exemption criteria set forth in CEQA State Guidelines Section 15301(a) (Existing Facilities). 15301(a) allows for the interior or exterior alterations involving such things as interior partitions, plumbing and electrical conveyances. Since the project would remodel an existing commercial building into a restaurant and bar on a site lacking sensitive environmental resources the exemptions do apply and the exceptions listed in CEQA Section 15300.2 would not apply.

LEAD AGENCY CONTACT PERSON: de Freitas

TELEPHONE: (619) 446-5187

IF FILED BY APPLICANT:

- 1. ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.
- 2. HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBLIC AGENCY APPROVING THE PROJECT?
 YES NO

IT IS HEREBY CERTIFIED THAT THE CITY OF SAN DIEGO HAS DETERMINED THE ABOVE ACTIVITY TO BE EXEMPT FROM CEQA

 / SENIOR PLANNER
SIGNATURE/TITLE

DATE

CHECK ONE:

SIGNED BY LEAD AGENCY

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:

SIGNED BY APPLICANT



Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit
 Variance Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment Other _____

Project Title **Project No. For City Use Only**
 BAR-B-QUE HOUSE PLUS 307265

Project Address:
 5025, 5027 & 5029 NEW PORT AVE. OCEAN BEACH, CA 92107

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):
 Maksut Inciyan
 Owner Tenant/Lessee Redevelopment Agency
Street Address:
 444 West Point Loma Blvd
City/State/Zip:
 San Diego, CA 92107
Phone No: (619) 977-9595 **Fax No:**
Signature: *Maksut Inciyan* **Date:** 2-20-11

Name of Individual (type or print):
 Abdulla Attallah
 Owner Tenant/Lessee Redevelopment Agency
Street Address:
 5029 New Port Ave.
City/State/Zip:
 Ocean Beach, CA 92107
Phone No: 619 -571-7200 **Fax No:**
Signature: *Abdulla Attallah* **Date:** 2-4-10

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 DATA

PROJECT DESCRIPTION: THE PROPOSED PROJECT IS THE REMODEL OF AN EXISTING COMMERCIAL BUILDING, BAR-B-QUE HOUSE, 1250 SQUARE FEET TO EXPAND INTO AN ADJACENT 1215 SQUARE FOOT LEASE SPACE. CURRENTLY ONE RETAIL SPACE AND ONE RESTAURANT SPACE INTO ONE 2,465 SQUARE FOOT RESTAURANT AND BAR.

LEGAL DESCRIPTION: LOTS 36 AND 37, BLOCK 12 OF OCEAN BEACH, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA ACCORDING TO MAP THEREOF NO. 279 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY MAY 28, 1987.

SQUARE FOOTAGE: EXISTING RESTAURANT 1212# + EXPANDING 1161#. TOTAL = 2373#

WATER SERVICE: SAN DIEGO WATER AUTHORITY

SEWER SERVICE: SAN DIEGO SEWER DEPARTMENT

TYPE OF CONSTRUCTION: V-B (NON-SPRINKLER)

OCCUPANCY: A-2

ZONING: ZONE: CC-4-2
COASTAL APPLICABILITY ZONE
FIRST PUBLIC ROADWAY
COASTAL HEIGHT LIMIT
AIRPORT INFLUENTIAL AREA, SDIA
AIRPORT OVERLAY ZONE
PARKING IMPACT OVERLAY ZONE
OCEAN BEACH COMMUNITY PLANNING DISTRICT

SHEET INDEX

- A-1 EXISTING PLOT PLAN AND PROPOSED PLOT PLAN
- A-2 EXISTING FLOOR PLAN AND PROPOSED FLOOR PLAN
- A-3 ELEVATIONS, PHOTOS, ISOMETRIC DETAIL & SECTION A

GENERAL NOTES:

NO GRADING IS PROPOSED

IDENTIFY POLLUTANTS: OXYGEN DEMANDING SUBSTANCES, BACTERIAS AND VIRUSES.

NO HEAVY METAL, BACTERIAS AND VIRUSES ARE PRIMARY POLLUTANTS OF CONCERN FOR THIS PROJECT.

DRAINAGE = ↓

THERE IS NO TOPOGRAPHIC PLAN. EXISTING CONDITION TO REMAIN. NEW CONCRETE SLAB TO MATCH EXISTING. EXISTING BENCH MARK: NEWPORT AVENUE AND BACON STREET, 88P, ELEVATION 11833M.S.L.

PRIOR TO ISSUANCE OF ANY CONSTRUCTION PERMIT, THE OWNER / PERMITEE SHALL INCORPORATE ANY CONSTRUCTION "BEST MANAGEMENT PRACTICE" NECESSARY TO COMPLY WITH CHAPTER 14, DIVISION 1 (GRADING REGULATIONS) OF THE MUNICIPAL CODE, IN TO THE CONSTRUCTION PLANS OR SPECIFICATIONS.

PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE OWNER / PERMITEE 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.

PRIOR TO THE ISSUANCE OF ANY PERMIT, THE OWNER / PERMITEE SHALL ASSURE BY PERMIT AND BOND THE CONSTRUCTION OF A FULL-WIDTH CITY STANDARD ALLEY, ADJACENT TO THE PROJECT SITE, SATISFACTORY TO THE CITY ENGINEER.

PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE OWNER / PERMITEE SHALL ENTER INTO A MAINTENANCE AGREEMENT FOR THE ONGOING PERMANENT BMP MAINTENANCE, SATISFACTORY TO THE CITY ENGINEER.

PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE OWNER / PERMITEE SHALL INCORPORATE ANY CONSTRUCTION BEST MANAGEMENT PRACTICE NECESSARY TO COMPLY WITH CHAPTER 14, ARTICLE 2, DIVISION (GRADING REGULATIONS) OF THE MUNICIPAL CODE, INTO THE CONSTRUCTION OR SPECIFICATIONS.

APPLICATION FOR COASTAL DEVELOPMENT PERMIT FOR THE BAR-B-QUE-HOUSE.

PROJECT No. 307265

OWNER: MARKSUT MAX INCIYAN & ANN A. INCIYAN
444 W. POINT LOMA BLVD.
SAN DIEGO, CA 92107

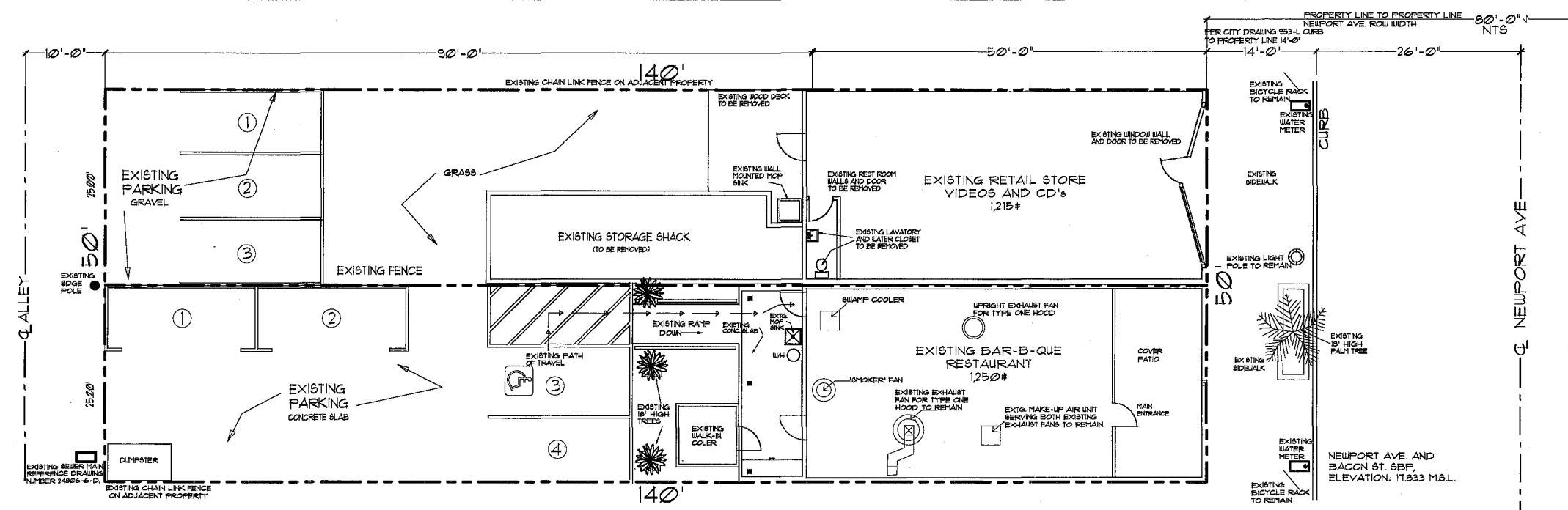
TENANT: ABDULLA ATALLAH
5029 NEWPORT AVE.
OCEAN BEACH, CA 92107
(619) 571-7200

APPLICANT: ALEX SAUCEDO
1768 GOTHAM ST.
CHULA VISTA, CA. 91913
(619) 421-6060
alexsaucedo@msn.com

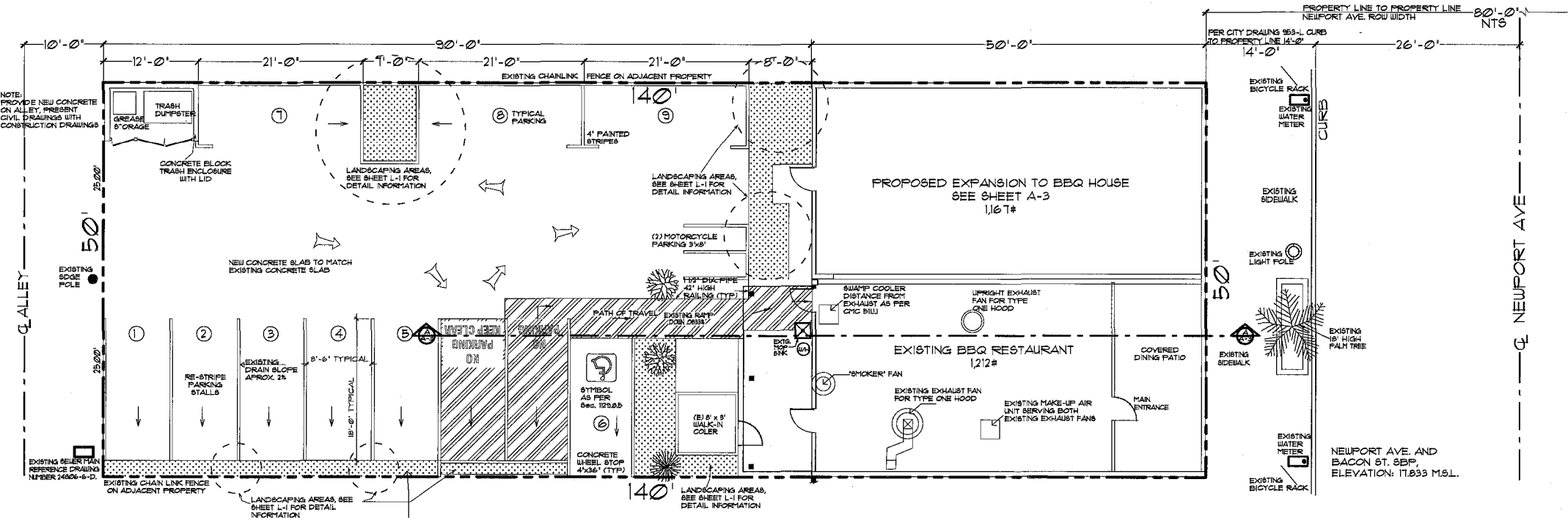
SITE ADDRESS: 5025, 5027 #5029 NEWPORT AVE.
OCEAN BEACH, CA 92107

APN: 448-081-12-00 & 448-081-13-00

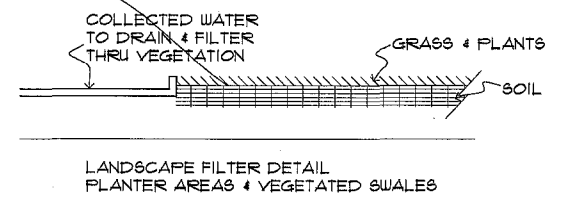
DATE: 10-16-2014
SHEET 1
1 OF 3 SHEETS



EXISTING PLOT PLAN
SCALE: 1/8" = 1'-0"



PROPOSED NEW PLOT PLAN
SCALE: 1/8" = 1'-0"

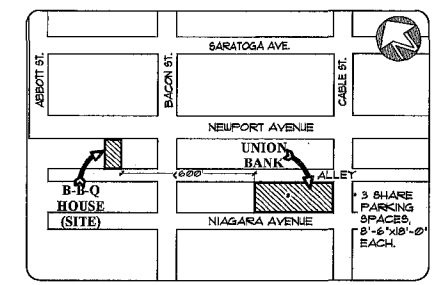


PARKING CALCULATION:

LDC 142.0530 5/1000# 5/1000# CC-4-2 ZONE

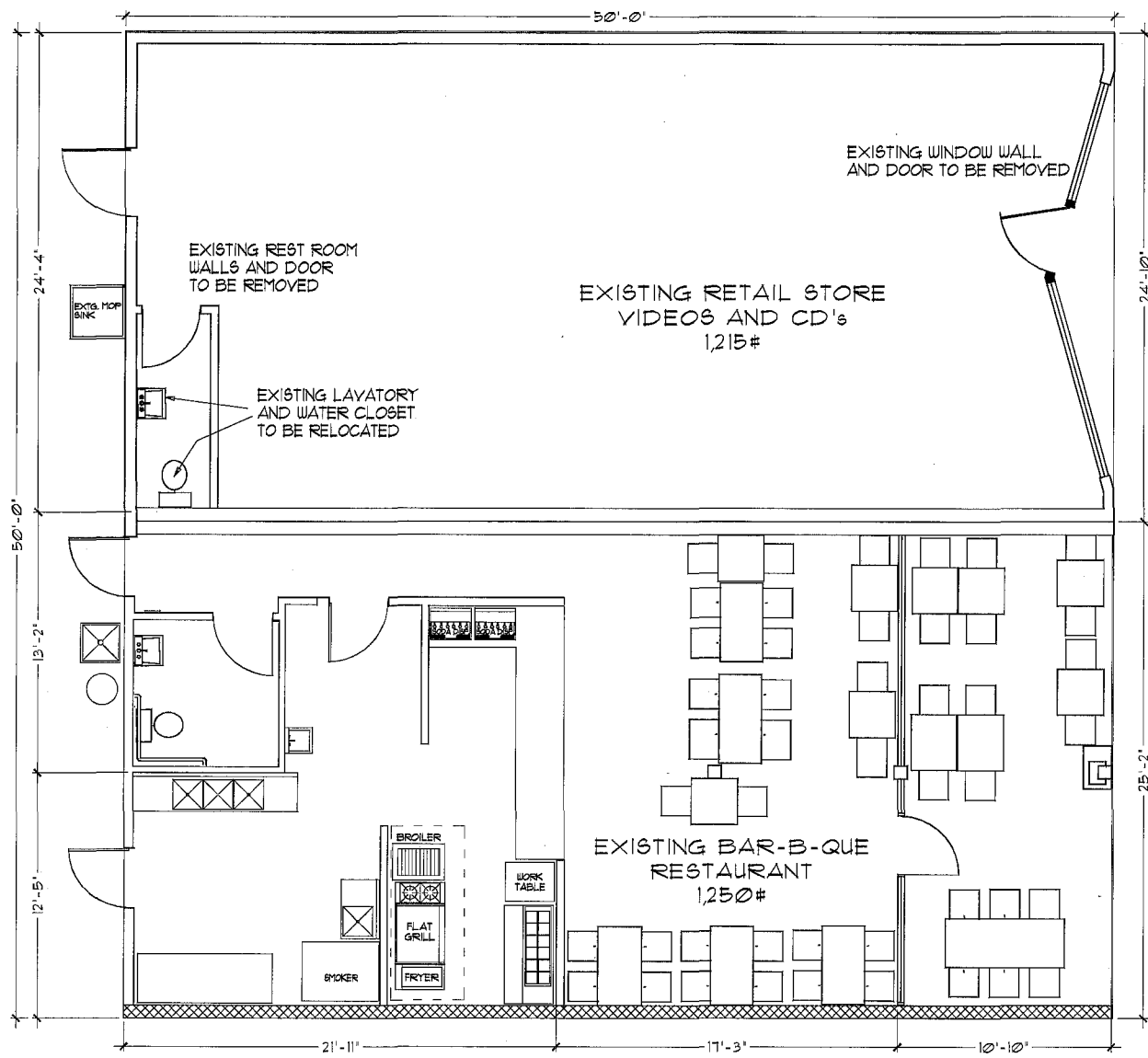
2,465 EATING/DRINKING ESTAB. = 12 SPACES REQUIRED

- 9 ON-SITE SPACES + 3 SHARED/ OFF-SITE = 12 SPACES PROVIDED
- 2 MOTORCYCLE SPACES REQUIRED = 2 SPACES PROVIDED
- 1 VAN ACCESSIBLE REQUIRED = 1 SPACE PROVIDED

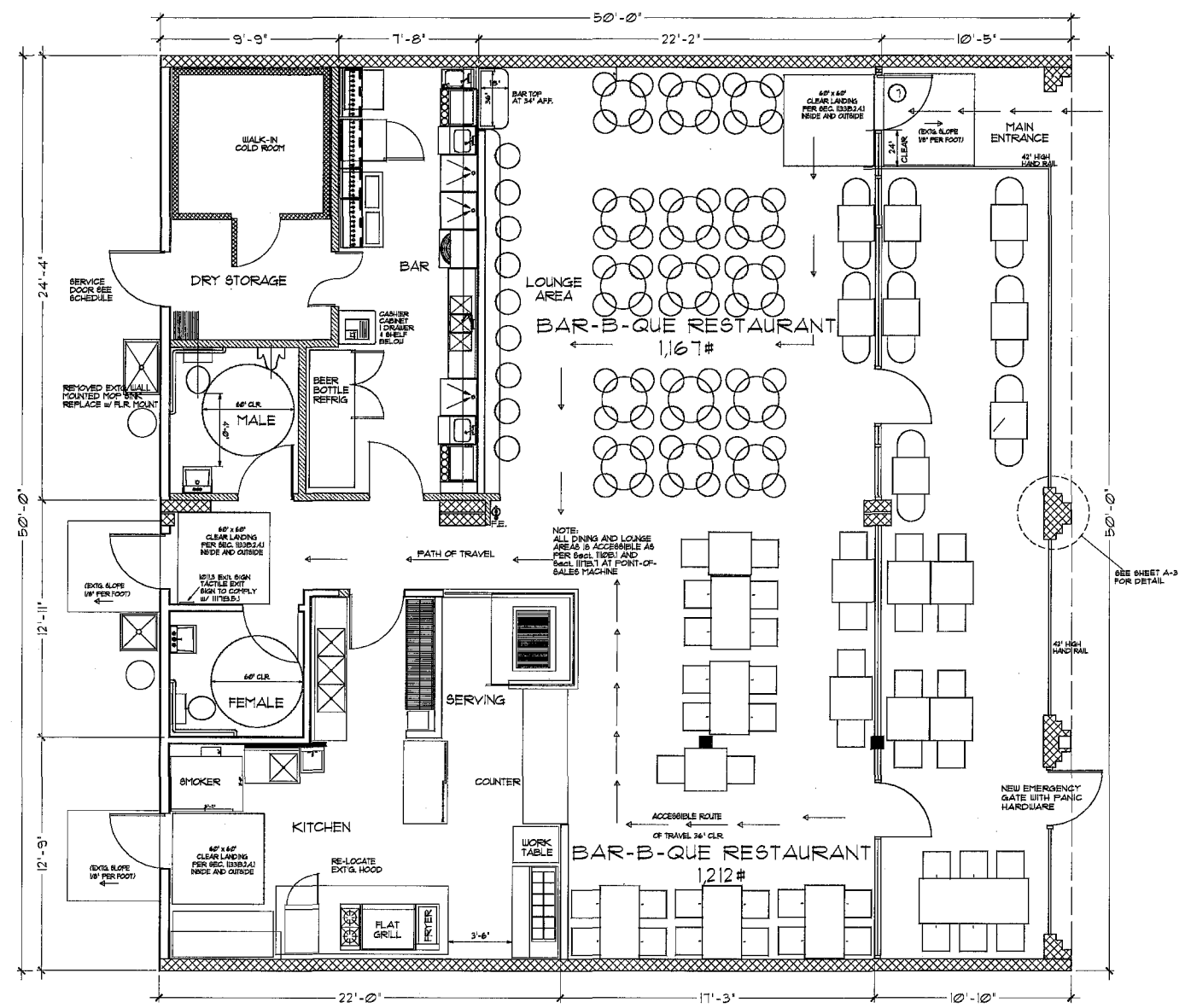


PARKING AGREEMENT BETWEEN BBQ HOUSE AND UNION BANK & APPROVED PER PTS 8515

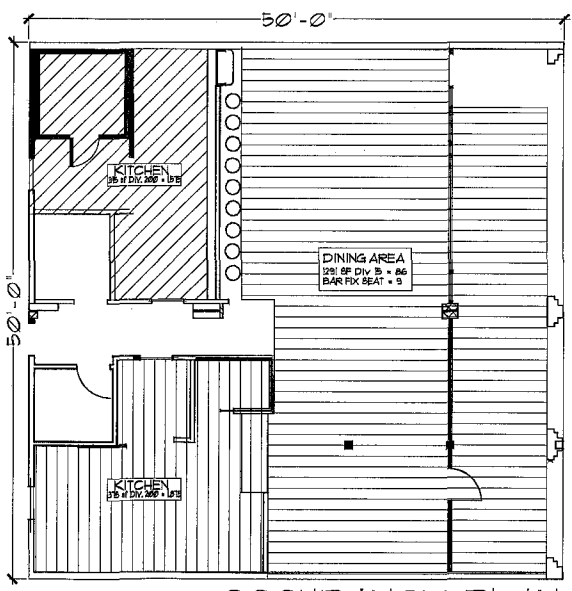
VICINITY MAP
N.T.S.



EXISTING FLOOR PLAN
2,465# SCALE 1/4" = 1'-0"



PROPOSED FLOOR PLAN
2,379# SCALE 1/4" = 1'-0"



OCCUPANCY PLAN
SCALE 1/16" = 1'-0"

APPLICATION FOR COASTAL DEVELOPMENT PERMIT FOR THE BAR-B-QUE-HOUSE.

PROJECT No. 307265

OWNER: MARKSUT MAX INCYAN & ANN A. INCYAN
444 W. POINT LOMA BLVD.
SAN DIEGO, CA 92107

TENANT: ABDULLA ATALLAH
5029 NEWPORT AVE.
OCEAN BEACH, CA 92107
(619) 571-7200

APPLICANT: ALEX SAUCEDO
1768 GOTHAM ST.
CHULA VISTA, CA. 91913
(619) 421-6060
alexsaucedo@msn.com

SITE ADDRESS: 5025, 5027 & 5029 NEWPORT AVE.
OCEAN BEACH, CA 92107

APN: 448-081-12-00 & 448-081-13-00

DATE: 10-16-2014

SHEET

A = 2

2 OF 3 SHEETS



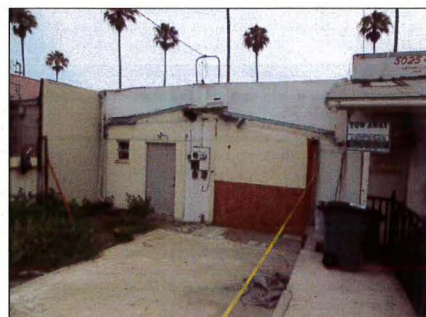
5025, 5027 Newport Avenue (North-Facing Elevation)



5029 Newport Avenue (North-Facing Elevation)



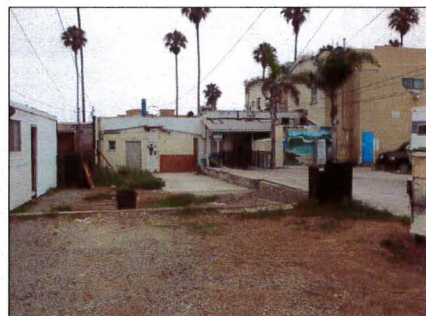
East-Facing Public Right-of-way



5029 Newport Avenue (South-Facing Rear Elevation)



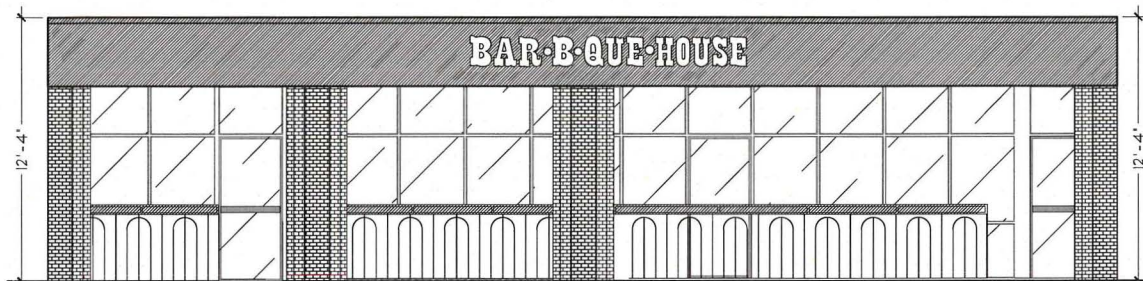
5025, 5027 Newport Avenue (South-Facing Rear Elevation)



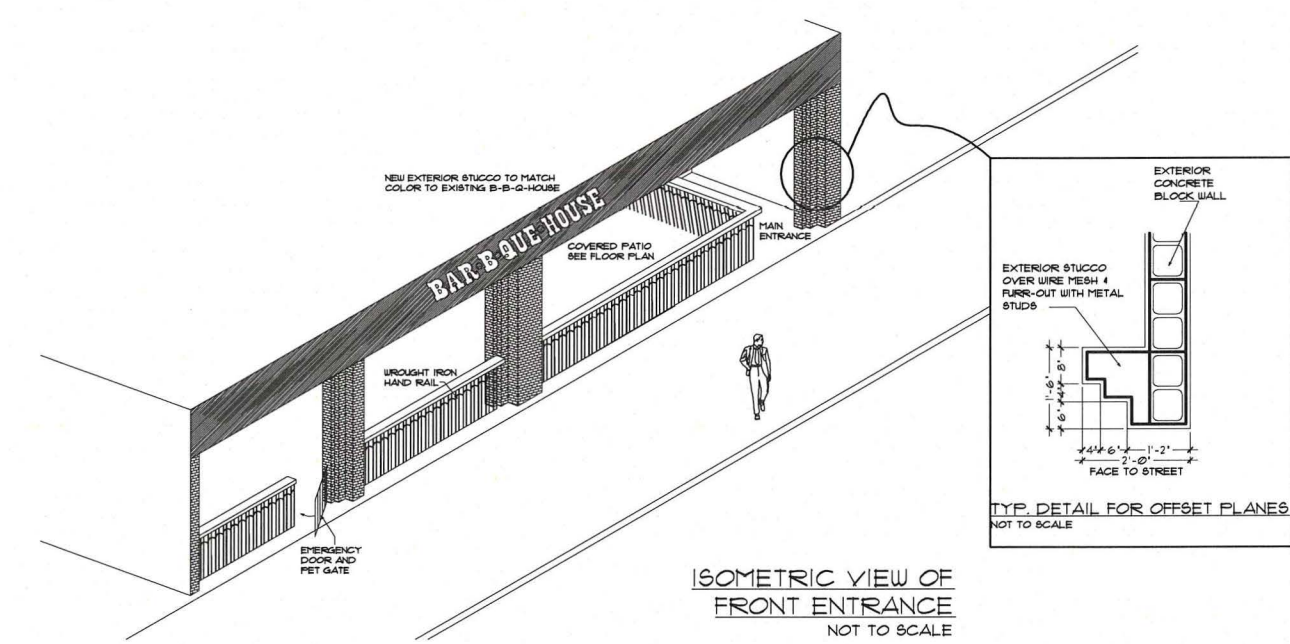
5025, 5027 Newport Avenue (South-Facing Rear Elevation)



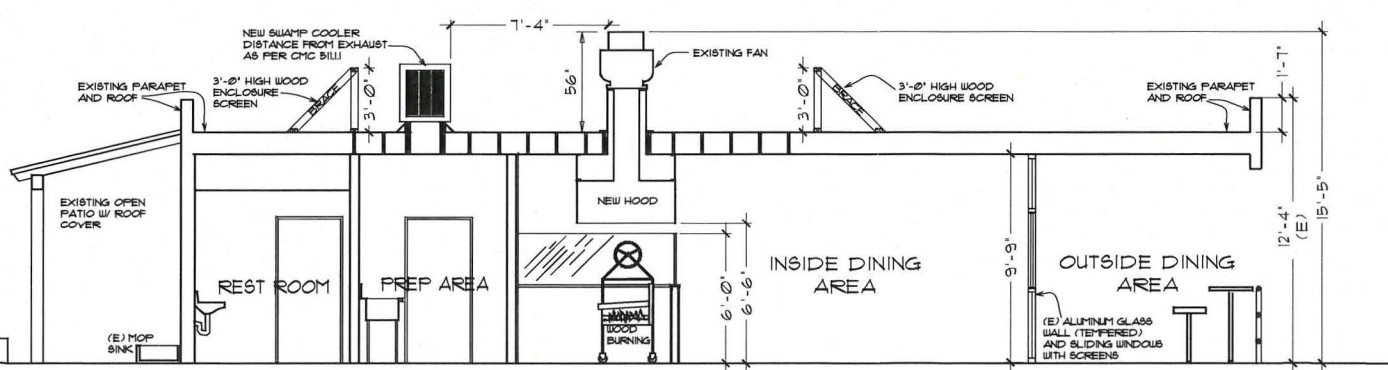
EXISTING FRONT ELEVATION
NORTH
SCALE 1/4" = 1'-0"



PROPOSED FRONT ELEVATION
NORTH
SCALE 1/4" = 1'-0"



ISOMETRIC VIEW OF
FRONT ENTRANCE
NOT TO SCALE



CROSS SECTION A
SCALE 1/4" = 1'-0"

APPLICATION FOR COASTAL DEVELOPMENT PERMIT FOR THE BAR-B-QUE-HOUSE.

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DATE: 10-16-2014
SHEET
A = 3
3 OF 3 SHEETS

SITE ADDRESS: 5025, 5027 45029 NEWPORT AVE.
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APN: 448-081-12-00 & 448-081-13-00