

**DATE ISSUED:** October 27, 2009

**REPORT NO. PC-09-080**

**ATTENTION:** Planning Commission, Agenda of November 5, 2009

**SUBJECT:** STINGAREE – APPEAL OF CCDC HEARING OFFICER’S DECISION TO DENY THE AMENDMENT TO CONDITIONAL USE PERMIT NO. 2005-47 – PROCESS THREE

**OWNER/  
APPLICANT:** 6<sup>th</sup> & Island Investments, LLC

**SUMMARY**

**Issue:** Should the Planning Commission approve an appeal by 6<sup>th</sup> & Island Investments, LLC of the Centre City Development Corporation (CCDC) Hearing Officer’s denial of the amendment to Conditional Use Permit (CUP) 2005-47 for Stingaree, establishment located at 454 Sixth Avenue within the Gaslamp Quarter of the Downtown Community Plan area?

**Staff Recommendation:** That the Planning Commission consider the record, including new information and public testimony provided at the hearing, and, subject to making the required four findings, approve the appeal by 6<sup>th</sup> & Island Investments, LLC, of the Hearing Officer’s decision to deny an amendment to CUP 2005-47 subject to specific conditions of approval for the operation for the roof-top bar and lounge.

**Community Planning Group Recommendation:** On September 9, 2009, the appeal of the Hearing Officer’s denial of the amendment request was presented to the Centre City Advisory Committee (“CCAC”) for an official recommendation (the CCAC had originally considered the application prior to the Hearing Officer action but could not take an action as they had lost a quorum prior to the item being heard). After considering public testimony, the CCAC voted 10-7, five recusals and one abstention, to recommend that the Planning Commission approve the appeal filed by 6<sup>th</sup> & Island Investments, LLC to amend CUP 2005-47, finding that the business was located within an entertainment district and that the uses were appropriate for the district.

**Environmental Review:** This proposal is Categorically Exempt from review under CEQA under Class1 Existing Facilities pursuant to Section 15301 of the State CEQA Guidelines.

**Fiscal Impact Statement:** None.

**Code Enforcement Impact:** On May 14, 2009, Neighborhood Code Compliance Department (NCCD) conducted an inspection at the Stingaree establishment. In a letter dated May 20, 2009, NCCD reported that the Stingaree was operating with a number of violations including a violation to their CUP by hosting rooftop events on Thursday nights, which is not permitted. The NCCD letter has been included as Attachment 6.

**Housing Impact Statement:** None.

## **BACKGROUND**

The Gaslamp Quarter Planned District is a designated National Register historic district and is downtown's main entertainment destination. The district includes mixed-uses such as commercial, office, retail, restaurant, nightclub and residential uses. Restaurants in the vicinity include Mangu, Royal Thai Cuisine, Gaslamp Pizza, Red Pearl Kitchen, Fred's Mexican Café and Blue Point Coastal Cuisine, among others. Live entertainment venues include Nicky Rottens, Bondi, The Field, Gaslamp Strip Club and Sloppy Joey's. A vicinity map has been included as Attachment 2. Recent residential additions within the Gaslamp Quarter include the Trellis condominium project located along the north side of K Street between Fifth and Sixth Avenues and the Gaslamp Square condominium project located on the full block bounded by J Street and Fourth, Fifth and Island avenues. The Gaslamp Quarter is bordered on the east by the East Village district which has seen significant redevelopment over the past years, including the construction of numerous condominium and apartment projects. Such projects include the Alta condominium project located on the south side of Market Street between Sixth and Seventh avenues and The Mark condominium project located on the south side of Market Street between Eighth and Ninth avenues.

## **DISCUSSION**

### **Project Description**

Stingaree is located at 454 Sixth Avenue on the southwest corner of Sixth and Island avenues in the Gaslamp Quarter. The restaurant/nightclub occupies 22,000 square feet within an existing tri-level building consisting of a ground-floor, mezzanine and rooftop. On October 18, 2005, CUP 2005-47 was approved for on-site consumption of alcoholic beverages in conjunction with live entertainment and dancing. CUP 2005-47 currently allows the establishment to have amplified music and live entertainment, including dancing, within the confines of the building from 11 a.m. to 2 a.m. seven days a week. Ambient recorded music is permitted on the roof-top until 1:30 a.m. seven days a week, and a disc jockey (DJ) is allowed until midnight on Friday and Saturday nights only. No dancing is allowed on the roof-top. Stingaree restaurant hours are Tuesday through Friday from 5

p.m. to 10 p.m. and Saturday from 6 p.m. to 11 p.m. The establishment has a maximum occupancy of 1,259. CUP 2005-47 has been included as Attachment 1 to this report, and photos of the site and floor plans are included as Attachment 3.

The applicant has an approved Department of Alcoholic Beverage Control (ABC) Type 47 liquor license (On Sale General – Eating Place) that authorizes the sale of beer, wine and distilled spirits for on-site consumption. The Type 47 ABC liquor license requires Stingaree to operate and maintain the licensed premises as a bona fide eating place, maintain suitable kitchen facilities, and make substantial sales of meals for consumption on the premises. Under the Alcoholic Beverage Control Act, liquor license conditions include quarterly gross sales of alcoholic beverages not to exceed gross sales of food during the same period; strictly prohibits sales of alcoholic beverages for off-site consumption; and sales, service, and consumption of alcoholic beverages are not permitted past midnight within the sidewalk café area. The current ABC liquor license already allows live entertainment on the premises. A copy of the Type 47 ABC liquor license is included as Attachment 4.

On May 14, 2009, Neighborhood Code Compliance Division (NCCD) conducted an inspection of the Stingaree premises and issued a citation on May 20, 2009 citing numerous building code violations and a violation of CUP 2005-47 with respect to Stingaree having DJ operations on the roof on Thursday nights, which is not permitted under the current CUP. The Stingaree is currently working on correcting the building code violations. In addition, James W. Brennan, on behalf of 6<sup>th</sup> & Island Investments, LLC, submitted an application to amend CUP 2005-47 to expand the roof-top activities to include additional nights and hours in which a DJ could operate and to allow dancing; specifically, the applicant requested live entertainment and dancing on the roof-top until 1:30 a.m. Thursday through Sunday.

### **Project-Related Issues**

Pursuant to Section 157.0303 of the Gaslamp Quarter Planned District Ordinance (PDO), a restaurant is a use permitted by right, while establishments serving alcohol in conjunction with live entertainment must obtain a CUP through a Process Three application. Process Three CUPs are decided by a Hearing Officer at a noticed public hearing, and amendments to CUPs are processed in the same manner as the original CUP. The decision of the Hearing Officer may be appealed to the Planning Commission. The CUP procedures establish a review process for uses that may be desirable under appropriate circumstances but are not permitted by right. The intent of these procedures is to review these uses on a case by case basis to determine whether and under what conditions such a use may be approved at a given site.

As mentioned earlier, the Gaslamp Quarter is an entertainment district for the City's residents as well as tourists, especially given its proximity to the Convention Center and downtown's numerous hotels. As such, there are numerous nightclubs that operate in the area, including some that were established prior to the requirement for obtaining CUPs. The following is a listing of the nightclubs within approximately one block radius of Stingaree, all of which conduct their live entertainment and dancing activities entirely within an enclosed building.

<u>CUP #</u>	<u>Name</u>	<u>Location</u>	<u>Live entertainment time restrictions</u>
91-0380	The Field	544 Fifth Avenue	None
2003-10	Sloppy Joey's	548-552 Fifth Avenue	5 p.m. – 1:30 a.m., seven days a week
2005-26	Gaslamp Strip Club	340 Fifth Avenue	8 p.m. – 1 a.m., seven days a week
2006-22	Bondi	333 Fifth Avenue	None
2008-36	Nicky Rottens	560 Fifth Avenue	5 p.m. – 1 a.m., seven days a week

As the CUP amendment was being processed, staff met with the applicant and indicated that it could not support the proposed expansion of the roof-top activities, including live entertainment and dancing, from Friday and Saturday nights (up to midnight) to Thursday through Sunday nights to 1:30 a.m. due to increased potential noise impacts from the open roof-top area. While most entertainment venues are allowed to operate in the district until 1:30 a.m. within enclosed building areas, an outdoor venue such as Stingaree's roof-top warrants more restrictive hours and activities due to the potential for noise to carry and disrupt surrounding businesses and residents. The ABC requires that restaurant and nightclubs within the District cease the serving and consumption of alcoholic beverages within sidewalk cafes at midnight to reduce potential noise impacts. Given the Gaslamp Quarter's status as an entertainment district and the attractiveness of roof-top bars downtown given San Diego's mild climate, staff considered allowing some expansion of the operating hours for the roof-top and made a recommendation to the Hearing Officer that the business be allowed the following:

Thursday: DJ permitted without a microphone until 1 a.m.  
Friday: DJ permitted until 1:30, with no microphone after midnight..  
Saturday: DJ permitted until 1:30, with no microphone after midnight.  
Sunday: DJ permitted until 1:30, with no microphone after midnight.  
(Sundays only permitted when preceding a National or State holiday)

In proposing these conditions, staff was attempting to consider a variety of issues including the intent of the Gaslamp Quarter as an entertainment destination, the provisions of adequate measures to protect surrounding land uses, and potential concerns of increased noise impacts from neighbors of the business. The downtown environment, especially near the Gaslamp Quarter, exhibits higher levels of noise than most areas of the City. The ambient noise levels in the evening hours, due to

traffic, railway, airline, pedestrian and business activities, typically range near or above the typical accepted levels for residential development. Typical construction techniques in residential projects, such as dual pane windows and air conditioning, mitigate these levels to a level acceptable under the Uniform Building Code. People moving downtown expect a certain level of noise, but also have expectations that noise generated from a single source will be required to observe all applicable noise regulations. The City's Municipal Code Section 59.5.0501(a) states "It shall be unlawful for any person to make, continue, or cause to be made or continued, within the limits of said City, any disturbing, excessive, or offensive noise which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area". Section 59.5.0502(b)(2) further states "Any of the following shall constitute evidence of a prima facie violation of this section: (A) The operation of any such sound production or reproduction device, radio receiving set, musical instrument, drum, phonograph, television set, machine, loud speaker and sound amplifier or similar machine or device between the hours of 10:00 p.m. and 8:00 a.m. in such a manner as to be plainly audible at a distance of fifty feet from the building, structure, or vehicle in which it is located."

Roof-top venues have become increasingly popular, and there are several located downtown at the W Hotel, Hard Rock Hotel, Ivy Hotel, Gaslamp Marriott Hotel and Hotel Solamar. Staff from NCCD and CCDC are working with several of these businesses to ensure that they are operating under all applicable regulations and are complying with requirements for obtaining discretionary permits, if needed. In 2006, the Centre City PDO was amended to include a requirement for businesses to obtain a Process Two Neighborhood Use Permit for "outdoor use areas," and a similar amendment is being proposed for the Gaslamp Quarter PDO. This requirement is similar to the requirement for sidewalk cafes (where surrounding property owners and tenants are notified and conditions can be applied) in an attempt to regulate outdoor areas to ensure land use compatibility with surrounding properties.

However, businesses that offer live entertainment, either indoors or outdoors, have been required to obtain a CUP since 1992. Live entertainment includes DJs, bands, performers and/or dancing. All of these uses typically generate more noise than pre-recorded music played at an ambient level, as the intent is often to create a livelier atmosphere. While there is no guarantee that pre-recorded music could not become a nuisance if played at certain levels, there is often a noise level difference between a roof-top bar with background ambient music and a venue that hires and advertises a DJ or other live entertainment. The conditions originally recommended by staff, and agreed to by the applicant, restricted the use of a microphone by the DJ during certain time periods, as the use of a microphone creates potential for greater noise impacts, with the DJ attempting to be heard above the music and potentially eliciting responses from the patrons.

As part of the CUP review process, staff sought input from the San Diego Police Department (SDPD). Due to the fact that the establishment already had an ABC liquor license that allowed live

entertainment and an SDPD Entertainment Permit, SDPD recommended approval of the CUP and recommended maintaining the conditions of approval for the liquor license and the Entertainment Permit. The SDPD's CUP recommendation is included as Attachment 5. Throughout the application process, public correspondence has been received in opposition to the amendment from various neighbors, primarily Alta and The Mark Condominium residents, due to noise complaints. Public correspondence has been included as Attachment 8.

**HEARING OFFICER DECISION:**

On August 13, 2009, the Hearing Officer held a duly noticed public hearing and heard testimony from the applicant's representative, nearby residents including the Alta and Mark condominium projects, and a representative from Hotel Solamar located across Sixth Avenue. The residents cited existing noise impacts from the Stingaree roof-top and the fact that the business had been cited for violations of the existing CUP. The Hotel Solamar representative stated that due to noise impacts from the Stingaree roof-top, many guests of the hotel who occupied rooms facing Sixth Avenue had complained and were given reduced room rates, thereby impacting the success of the hotel. It should be noted that Hotel Solamar has operated a roof-top bar adjacent to its swimming pool (J6 Lounge, formerly the J-Bar), and temporarily offered but then terminated the use of a DJ due to noise impacts to the neighborhood and its guests.

The Hearing Officer determined that one of the findings required for approval, specifically Finding #2 below, could not be made in that the proposed expansion of the roof-top live entertainment could be detrimental to the public health, safety, and welfare due to noise impacts. This decision was based on the written correspondence (25 e-mails and letters from residents and two from representatives from Hotel Solamar and the Island Inn), the record of noise complaints, and the public testimony at the hearing. Testimony had also been given that the business had violated the City Noise Ordinance in that the noise generated from the roof-top was adversely impacting the Hotel Solamar (100 feet away), the Alta condominium project (250 feet away), and The Mark condominium project (650 feet away). The Hearing Officer also stated that the business had violated the existing conditions of the CUP in the past by operating on Thursday nights, and that further investigation was needed to determine if the City's Noise Ordinance was being violated. Therefore, the Hearing Officer denied the proposed amendment to the CUP. Furthermore, the Hearing Officer requested that CCDC staff monitor the business for three months and, if it was found to be creating a nuisance to the surrounding neighborhood, that a public hearing be scheduled to consider additional conditions to be placed on, or revocation of, the CUP.

### **APPEAL**

On August 27, 2009, an appeal application was filed by 6<sup>th</sup> & Island Investments, LLC. The appeal application is included as Attachment 7. The appellant filed an appeal based on the following grounds:

1. Factual Error: That assertions made by neighboring residents about Stingaree violating the terms and conditions of their existing CUP are untrue.
2. Conflict: The Hearing Officer's denial of the Amendment to the existing CUP conflicts with the purpose and goals of the San Diego Municipal Code and Gaslamp Quarter PDO.
3. Findings Not Supported: That the findings cannot be made to support denying the amendment.
4. New Information: The establishment has been cooperative with the various agencies and demonstrated their willingness to address neighboring concerns by installing improvements to provide noise buffering.

### **New Information**

The appeal hearing was originally scheduled before the Planning Commission on October 8, 2009. However, at the Planning Commission meeting the applicant requested a continuance based on new information which had been submitted the week before (Attachment 7), and CCDC staff concurred with the continuance request in order to allow staff time to further review the material and meet with the applicant. On October 13, CCDC staff met with the applicant and his consulting sound and acoustical engineers on the Stingaree roof top. The sound system had been revised to remove several large speakers, including bass speakers, and provide adequate sound coverage of the roof area with a larger number of smaller speakers which could be operated at lower sound levels. Staff requested that an updated sound system report and acoustical report be submitted for evaluation, which are included in Attachment 10. These reports conclude that, based on the revised sound system, the sound generated on the roof top does not increase the existing ambient noise levels generated from the Gaslamp Quarter. In addition to the revised sound system, the applicants have investigated the installation of a glass windscreen element (similar to that located around the Ivy Hotel roof top bar located at 6<sup>th</sup> Avenue and F Street). Currently, the roof top is surrounded by a four foot high parapet and rows of cabanas along the north and east sides. The applicant is proposing to add a four-foot high tempered glass windscreen at the northeast corner of the roof (approximately 20 feet from the corner extending to the rows of cabanas), which is intended to assist in attenuating noise in addition to the existing cabanas. The applicant has also submitted ten letters from residents of the Alta condominium project supporting the approval of the amendment.

### **Conditional Use Permit Findings**

In order to approve a CUP, pursuant to Section 126.0305 of the San Diego Municipal Code, the following four findings must be made:

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

Stingaree will not adversely affect the applicable land use plan in that a restaurant and nightclub use is consistent with the Gaslamp Quarter PDO, subject to obtaining approval of a CUP. The Gaslamp Quarter is intended to provide a variety of entertainment facilities for residents and tourists within the downtown area. Its status as a historic district adds to the charm and attraction that the district has become. Roof-top venues provide an additional attraction that takes advantage of San Diego's temperate climate, and can be an asset to the City when operated properly, especially with respect to noise levels.

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

The additional hours of live entertainment (DJ) proposed at Stingaree could be detrimental to the public health, safety and welfare of the community if the operations created noise impacts and a nuisance to the surrounding neighborhood. The Hearing Officer stated that, based on the information presented prior to, and at, the public hearing, the proposed expanded days and hours could create the potential for noise impacts and therefore denied the application. Since the Hearing Officer decision, the applicant has modified the sound system to 1) eliminate several larger speakers and 2) utilize a system of more numerous, smaller speakers which enable the business to maintain sound coverage on the roof while reducing the volume of the music. In addition, the proposed windscreen at the northeast corner will further reduce sound from the roof. The updated acoustical report states that the sound emanating from the roof does not increase the ambient sound levels in the neighborhood generated from the Gaslamp Quarter's numerous nightclubs and active street noise from pedestrians, cars, and pedicabs equipped with stereos. The Planning Commission should evaluate the record, including correspondence from the neighbors (both for and against the application), the new information based on the revised sound system, and public testimony at the public hearing to determine if this finding can be made.

3. *The proposed use or development will comply to the maximum extent feasible with the regulations of the Land Development Code and Gaslamp Quarter PDO.*

Stingaree is applying for an amendment to their existing CUP for live entertainment as required by the Gaslamp Quarter PDO and is being processed in accordance with Land Development Code



procedures. The approval of a CUP with appropriate conditions would bring the business into compliance with those regulations.

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

The establishment is located within the Gaslamp Quarter where restaurants and live entertainment venues are encouraged. A live entertainment venue is appropriate at the existing location, including a roof-top lounge, if properly controlled for hours and operations to avoid noise impacts on surrounding uses. The business has operated at this location for a number of years and has made recent modifications in order to reduce the noise levels on the roof.

**CONCLUSION**

Based on the discussion above, including the provision of new information, staff is recommending, subject to the Planning Commission making the four findings listed above, that the appeal be granted and that an amendment to CUP 2005-47 be approved subject to the conditions listed in the Draft CUP 2005-47A in Attachment 11, including the following specific conditions pertaining to the roof-top:

1. The roof top bar and lounge may include the following activities:
  - a. Ambient background music shall be allowed seven days a week until 1:30 a.m.
  - b. A DJ without microphone is permitted on Thursdays until 1:00 a.m.
  - c. A DJ is permitted on Friday and Saturday until 1:30 a.m., with no microphone allowed after midnight.
  - d. A DJ is permitted on Sundays, only when the following Monday is recognized as a National or State Holiday, until 1:00 a.m., with no microphones allowed after midnight.
  - e. Entertainers that do not produce sound (dancing, performing, etc.) are permitted.
  - f. No dance floor or dancing by patrons shall be allowed.
2. The sound system on the roof shall be operated with numerous small speakers as outlined in the October 25, 2009 report by Pro Systems Audio Visual Solutions and shall not be modified without prior approval by CCDC, based on a determination that the modified system will not possess greater sound generation capabilities as documented by a professional sound and acoustic engineer. Any modification to the sound system which could create greater levels of noise shall require an amendment to this CUP.
3. A four-foot high tempered glass windscreen shall be installed on top of the parapet at the northeast corner of the roof, approximately 20 feet in length, and extending up to the rows of cabanas as outlined in the roof plans on file in the offices of CCDC.

**ALTERNATIVE RECOMMENDATION**

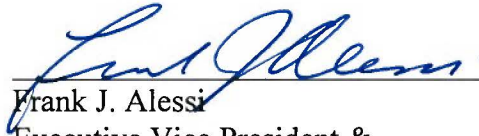
Deny the appeal and uphold the Hearing Officer's denial of the proposed amendment to CUP 2005-47 based on the inability to make one or more of the required findings for approval.

Respectively Submitted,



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Brad Richter  
Assistant Vice President, Current Planning  
CCDC



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Frank J. Alessi  
Executive Vice President &  
Chief Financial Officer  
CCDC

ATTACHMENTS:

1. CUP 2005-47
2. Vicinity Map
3. Stingaree Photos and Plans
4. ABC Liquor License
5. SDPD CUP Recommendation
6. NCCD Letter dated May 20, 2009
7. Appeal Application
8. Public Correspondence
9. Ownership Disclosure Statement
10. Additional Information received October 26, 2009
11. Draft CUP 2005-47A

DOC # 2005-0937105



OCT 28, 2005 10:14 AM

OFFICIAL RECORDS  
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GREGORY J. SMITH, COUNTY RECORDER  
FEES: 32.00  
PAGES: 9



2005-0937105

**RECORDING REQUESTED BY:**

Centre City Development Corporation  
225 Broadway, Suite 1100  
San Diego, CA 92101

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**AND WHEN RECORDED MAIL TO:**

Centre City Development Corporation  
225 Broadway, Suite 1100  
San Diego, CA 92101

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8497

**GASLAMP QUARTER CONDITIONAL USE PERMIT NO. 2005-47**

**STINGAREE**  
454 SIXTH AVENUE

**DECISION OF THE PRESIDENT OF  
CENTRE CITY DEVELOPMENT CORPORATION**

**CONDITIONAL USE PERMIT NO. 2005-47  
GASLAMP QUARTER ALCOHOL SALES PERMIT**

WHEREAS, on August 2, 2005, Sixth and Island Investments, LLC., DBA Stingaree owner/applicant, filed an application for a Conditional Use Permit (CUP) to operate a 22,000 square foot tri-level restaurant/bar and event center with on-site consumption of alcoholic beverages and live entertainment located at 454 Sixth Avenue; more particularly described as Lots K and L in Block 113 of Horton's Addition in the City of San Diego, County of San Diego, State of California, according to the map thereof on file in the Office of the County Recorder of San Diego County, is located within the Gaslamp Quarter Planned District of the Centre City Community Plan Area; and,

WHEREAS, on October 18, 2005, the Designated Hearing Officer of the President of Centre City Development Corporation (CCDC) held a duly noticed public hearing and considered Conditional Use Permit No. 2005-47, including a staff report and recommendation and public testimony, pursuant to Sections 126.0304, 126.0305, 103.1904, 103.1925 and 103.1919 of the Municipal Code of the City of San Diego; and,

NOW, THEREFORE, BE IT RESOLVED by the CCDC Hearing Officer as follows:

- a. *That the proposed use or development will not adversely affect the applicable land use plan;*
- b. *That the proposed use or development will not be detrimental to the public health, safety, and welfare;*
- c. *That the proposed use or development will comply to the maximum extent feasible with the regulations of the Land Development Code; and*
- d. *The proposed use is appropriate at the proposed location.*

BE IT FURTHER RESOLVED that, based on the Findings hereinbefore adopted by the Hearing Officer Conditional Use Permit No. 2005-47 is hereby GRANTED to Sixth and Island Investments, LLC.; DBA Stingaree subject the approved plans shown in Attachment A and the following conditions:

1. The sale of alcoholic beverages shall be an accessory or secondary use to the primary use of the property in conformance with permitted uses as outlined in the Gaslamp Quarter Planned District Ordinance.

2. The business shall maintain a valid State Department of Alcohol and Beverage Control (ABC) Type 47 -"On-Sale Bona Fide Public Eating Place" alcoholic beverage license and be a bona-fide eating establishment, maintain an operational kitchen facility and make reasonable efforts to sell food products to the general public. The business shall be in compliance with all conditions of said license at all times. Food service shall be available during normal business hours.
3. Amplified music and live entertainment, including dancing, shall be permitted only within the confines of the building (ground level & mezzanine only.) and shall commence no earlier than 11:00 a.m. and end no later than 2:00 a.m. seven days a week. Ambient recorded music shall be permitted throughout the roof top level ending no later than 1:30 a.m. A dj shall be permitted on the rooftop only on Friday and Saturday and shall commence no earlier than 11:00 a.m. and end no later than 12:00 a.m. All doors and windows shall remain closed whenever amplified live entertainment or music is played in the establishment. No musical equipment or sound reproduction devices shall be operated or used within the sidewalk café. Dancing shall not be permitted on the roof top level of the establishment.
4. All live entertainment must be pursuant to applicable San Diego Municipal Code permits and regulations and, if applicable, San Diego Police Department Regulatory Permits shall be obtained.
5. The Permittee shall be responsible for implementing the noise treatment measures recommended by the acoustical study submitted for this project dated June 25, 2005, including the installation of sound insulation materials within the interior of the building and exterior mitigations discussed within the study as necessary to comply with City of San Diego Noise Abatement requirements. The Permittee shall be in compliance with the City of San Diego Noise Ordinance at all times.
6. Sound and amplification equipment shall be monitored during and after business hours to ensure that audible noise remain at acceptable levels so as not to disturb surrounding neighbors. In the event that any noise and/or vibration complaints are received, CCDC shall evaluate the complaints and if it is determined that the business is potentially creating a nuisance for the neighborhood, a duly noticed public hearing shall be scheduled. After receiving public testimony, the Hearing Officer may revoke or modify the Permit.
7. During the hours of live entertainment and/or dancing the Permittee shall employ one security officer for every fifty (50) patrons in the premise. The security officers shall wear clothing that identifies them as security officers and shall be on duty from the time live entertainment and/or dancing begins until one-half hour after the live entertainment and/or dancing ceases. Their primary duty shall be to patrol the interior and the exterior of the premises in order to alleviate police

- problems, excessive noise, abusive behavior, disturbances, and any other violations of law that occur on or about the licensed premises.
8. Rope and stanchions shall be provided during the evening hours of operation and when events shall warrant. Any queuing of patrons outside of the establishment shall be maintained in an orderly manner and shall be so situated as to allow a clear pedestrian path of at least eight (8) feet along Island Avenue. Any queuing may not obstruct access to any other business.
  9. Patrons awaiting entrance as well as those leaving the establishment shall be monitored as to not create a nuisance by obstructing the sidewalk in the area of the business or adjacent business or by being publicly inebriated, noisy, or rowdy.
  10. No patron shall be permitted to remove a partially consumed bottle or drink of any type of alcoholic beverage from the premises, except for bottles of wine for patrons of the restaurant.
  11. All servers, security and other Stingaree employees shall be trained and certified in responsible alcoholic beverage service policies and practices. This is to include: strong I.D checking procedures, not serving intoxicated patrons and responsible beverage pricing. The Permittee shall submit proof of compliance prior to commencement of operation of the establishment.
  12. The service of promoters or other persons for the purpose of profit sharing shall not be permitted. The monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders, shall be the sole profit of the licensee.
  13. An administrative review shall occur within six (6) months of the date of commencement of operation to ensure conformance with the conditions stated herein. This review shall be noticed to all interested parties identified in this application. At that time staff will determine if a formal duly noticed public hearing is required, at which time modifications to, or revocation of the CUP may be considered.
  14. Any change to the approved business shall be reviewed and approved the by CCDC. Any change in operator of the establishment shall require notification to CCDC.
  15. This Permit may be revoked by CCDC if there is a material breach or default in any of the conditions of this permit. If the business creates a nuisance to the surrounding neighborhood, based on a determination of the President of CCDC, this permit may be revoked after the holding of a public hearing.

16. The owner or operator shall maintain the CUP and other business licenses in the establishment and shall make these documents available to anyone lawfully engaged in the inspections of the premises.
17. The owner or operator shall adhere to all Federal, State and local laws, ordinance and regulations at all times.
18. This Permit shall not become effective until:
  - a. The Permittee signs and returns the Permit to CCDC; and
  - b. The Permit is recorded in the Office of the County Recorder.
19. This Permit must be used within 36 months after the date of approval or the Permit shall be void.
20. After establishment of the business, the Property shall not be used for other uses unless:
  - a. Authorized by CCDC; or
  - b. The uses are consistent with all zoning and development regulations of the Centre City Planned District Ordinance; or
  - c. This permit has been revoked by CCDC.
21. This Permit is a Covenant running with the lands 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.

Passed and adopted by the President of CCDC on October 18, 2005

ATTEST:

CENTRE CITY DEVELOPMENT  
CORPORATION

  
\_\_\_\_\_  
Lucy Contreras  
Assistant Planner

PERMITTEE(S) SIGNATURE

  
\_\_\_\_\_  
James W. Brennan, Managing Member  
Sixth and Island Investment, LLC.

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State of California

County of San Diego

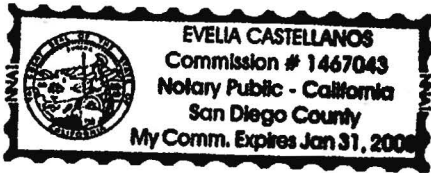
On October 19, 2005 before me, Evelia Castellanos, Notary Public  
Date Name, Title of Officer

personally appeared James W. Brennan,  
Name(s) of Signer(s)

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.

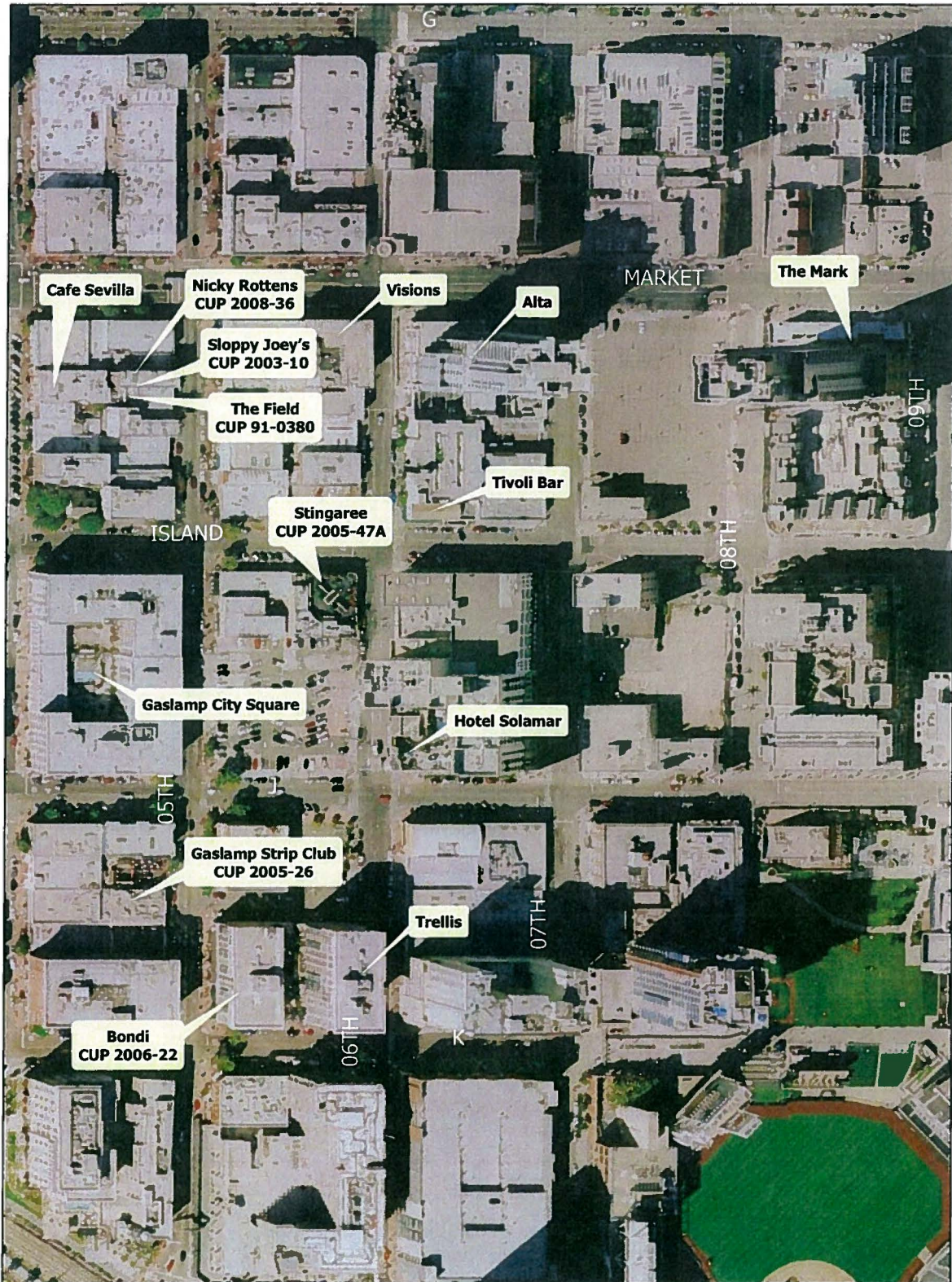
WITNESS my hand and official seal.

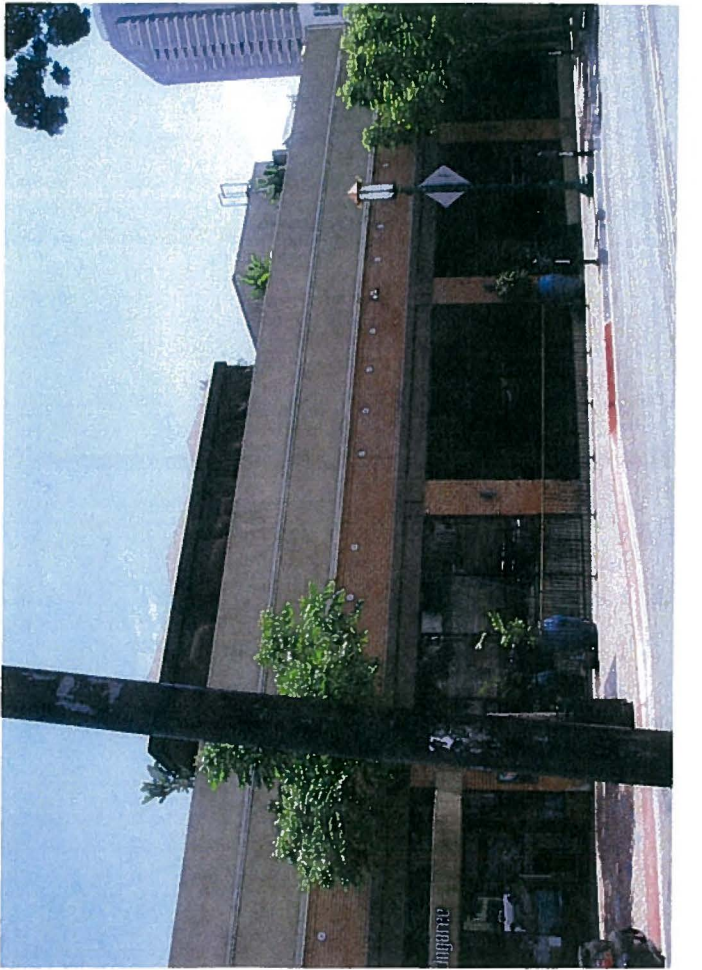
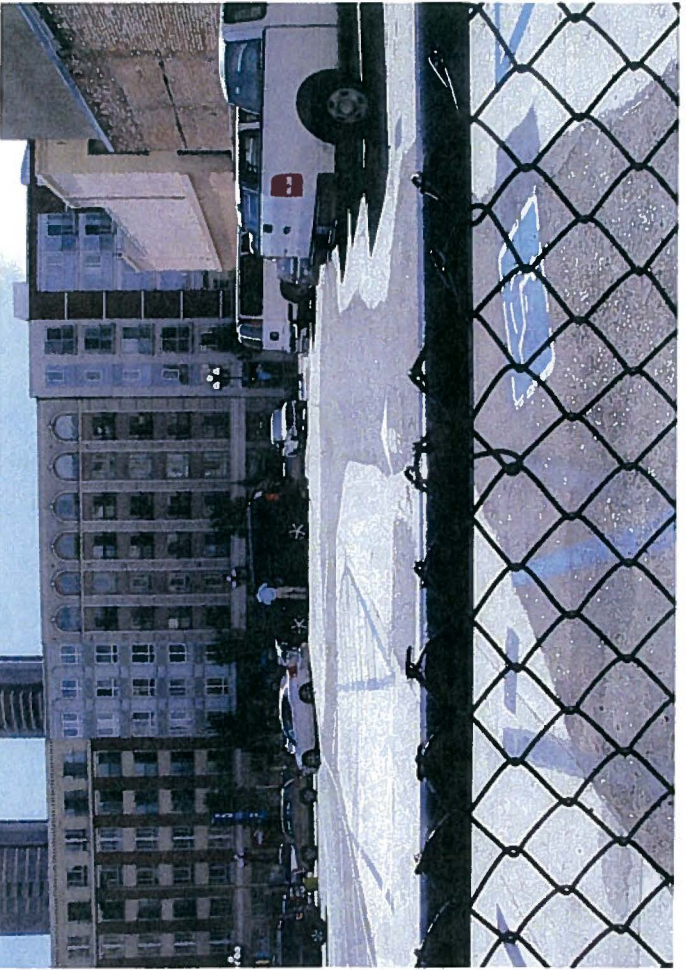
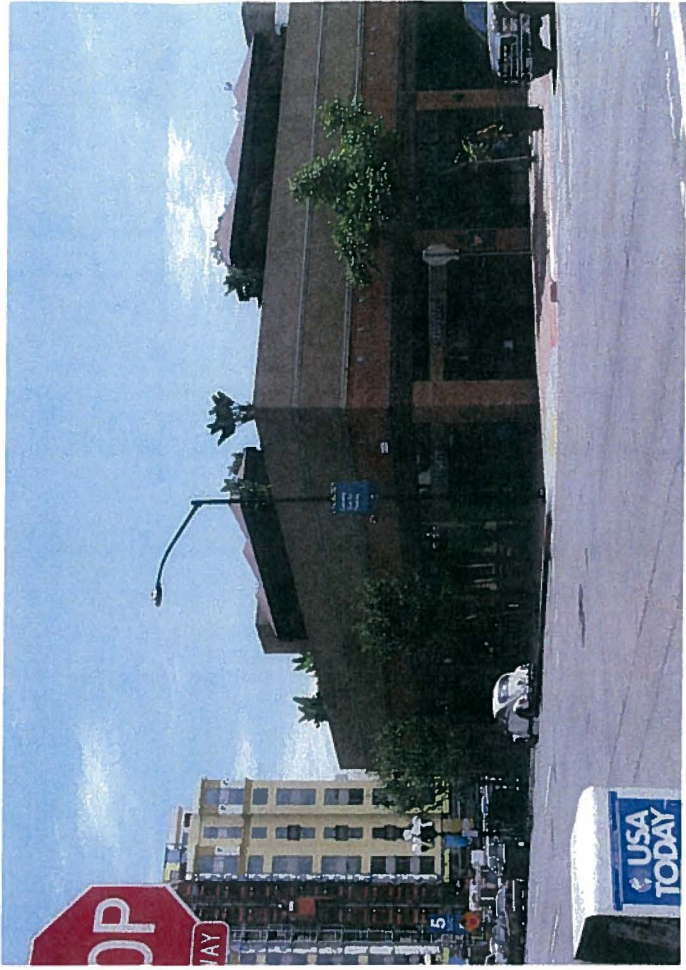


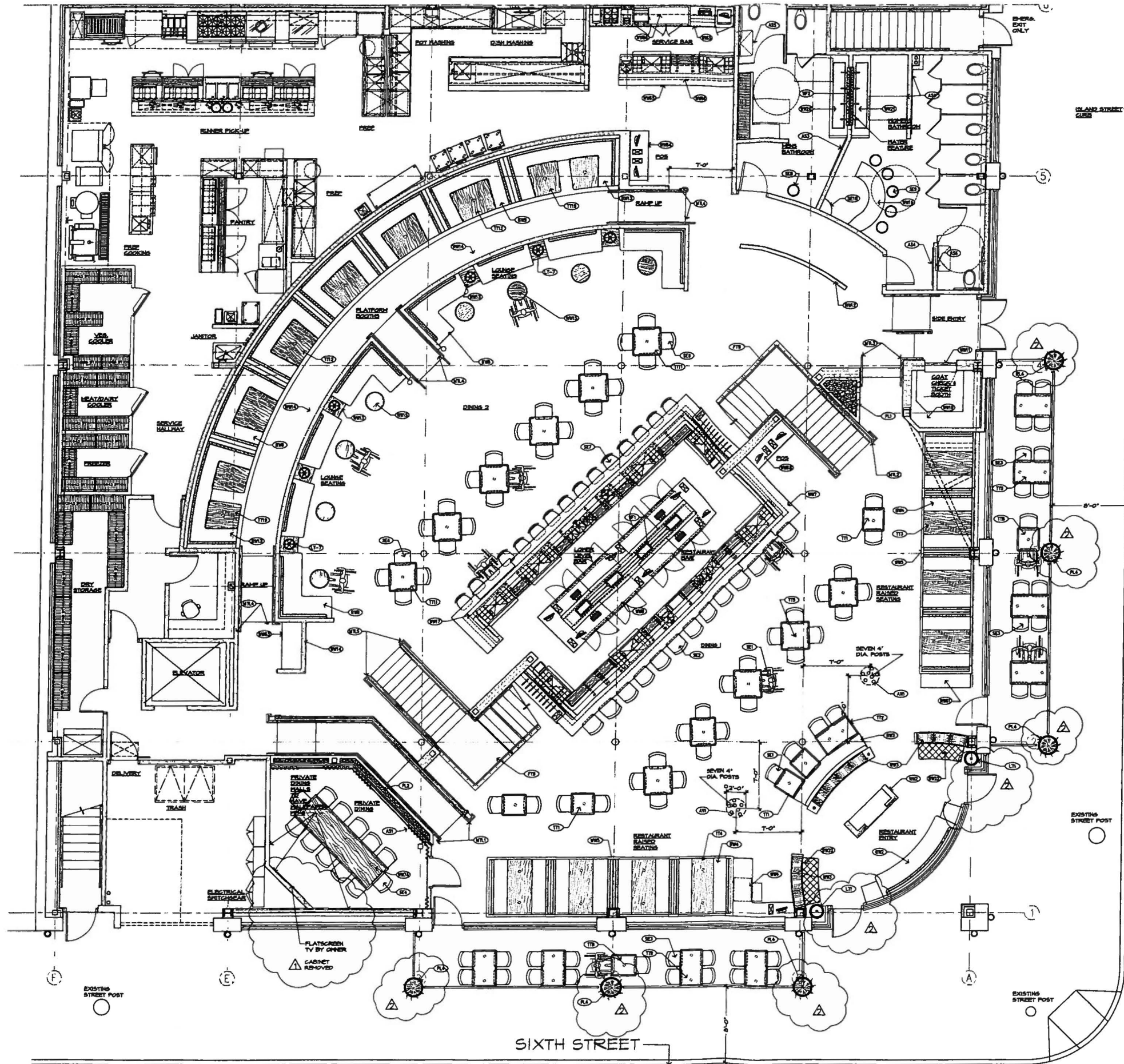
Evelia Castellanos  
Signature of Notary



# Stingaree Vicinity Map

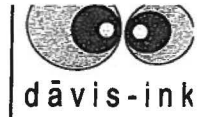






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- ID-1.2 MEZZANINE EQUIPMENT FLOOR PLAN
- ID-1.3 ROOFTOP LEVEL EQUIPMENT FLOOR PLAN
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3151 Alvey Ave., B2  
 Costa Mesa, CA 92626  
 PHONE: (714) 424-0226  
 FAX: (714) 751-424-8531



TOTAL  
 CONCEPT  
 DESIGNS

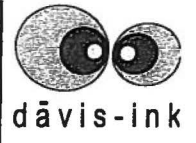
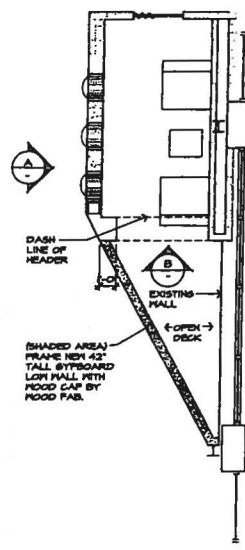
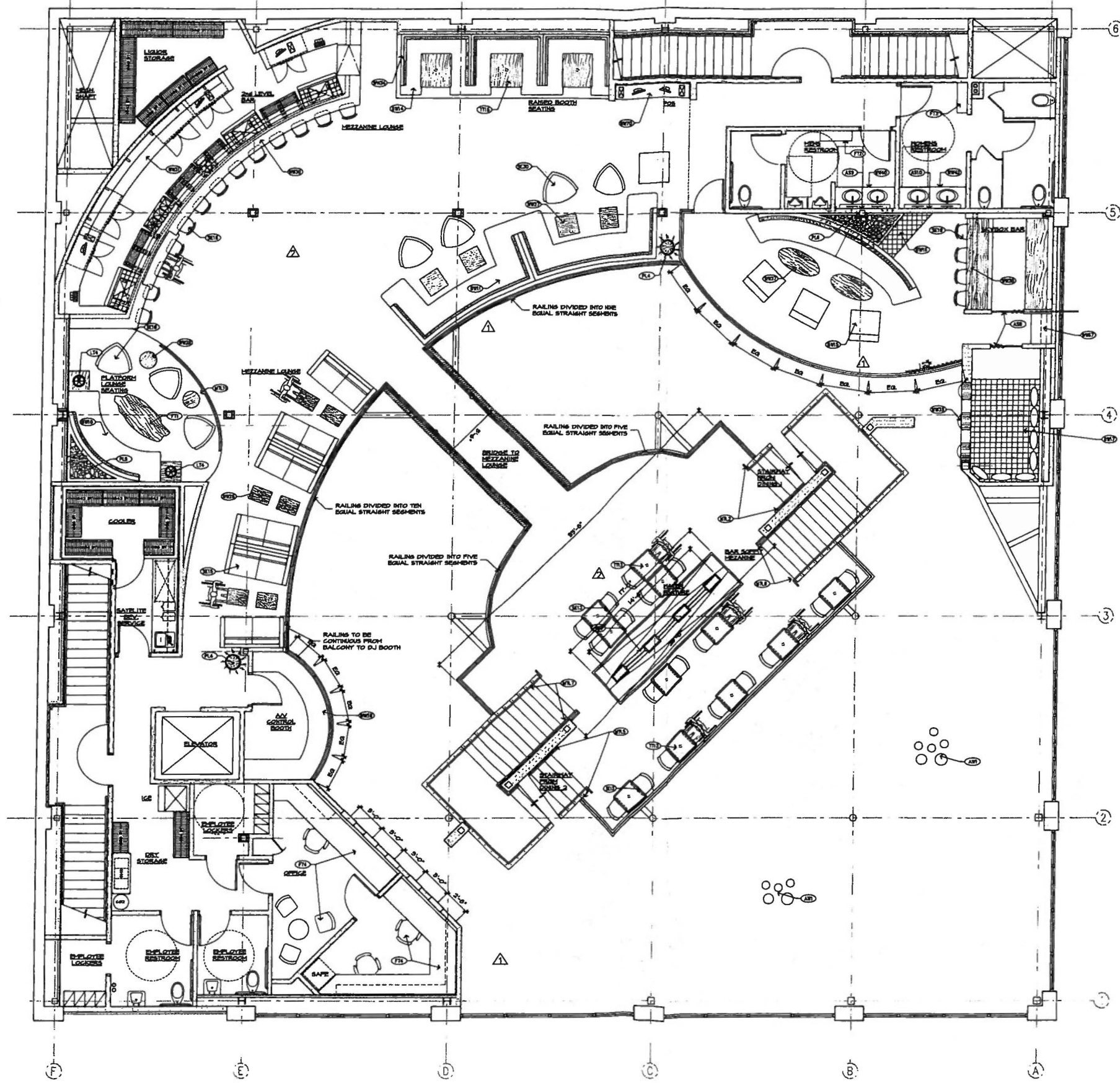
**STINGAREE**  
 454 SIXTH AVE  
 SAN DIEGO, CA.

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NO. 01	NO. 02
NO. 03	NO. 04
NO. 05	NO. 06
NO. 07	NO. 08
NO. 09	NO. 10
NO. 11	NO. 12
NO. 13	NO. 14
NO. 15	NO. 16
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NO. 21	NO. 22
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NO. 93	NO. 94
NO. 95	NO. 96
NO. 97	NO. 98
NO. 99	NO. 100



3151 Alway Ave. B2  
Costa Mesa, CA 92626  
PHONE: (714) 424-0285  
FAX: (714) 751-426-8051



TOTAL  
CONCEPT  
DESIGNS

# STINGAREE

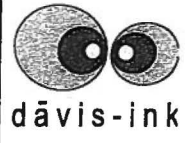
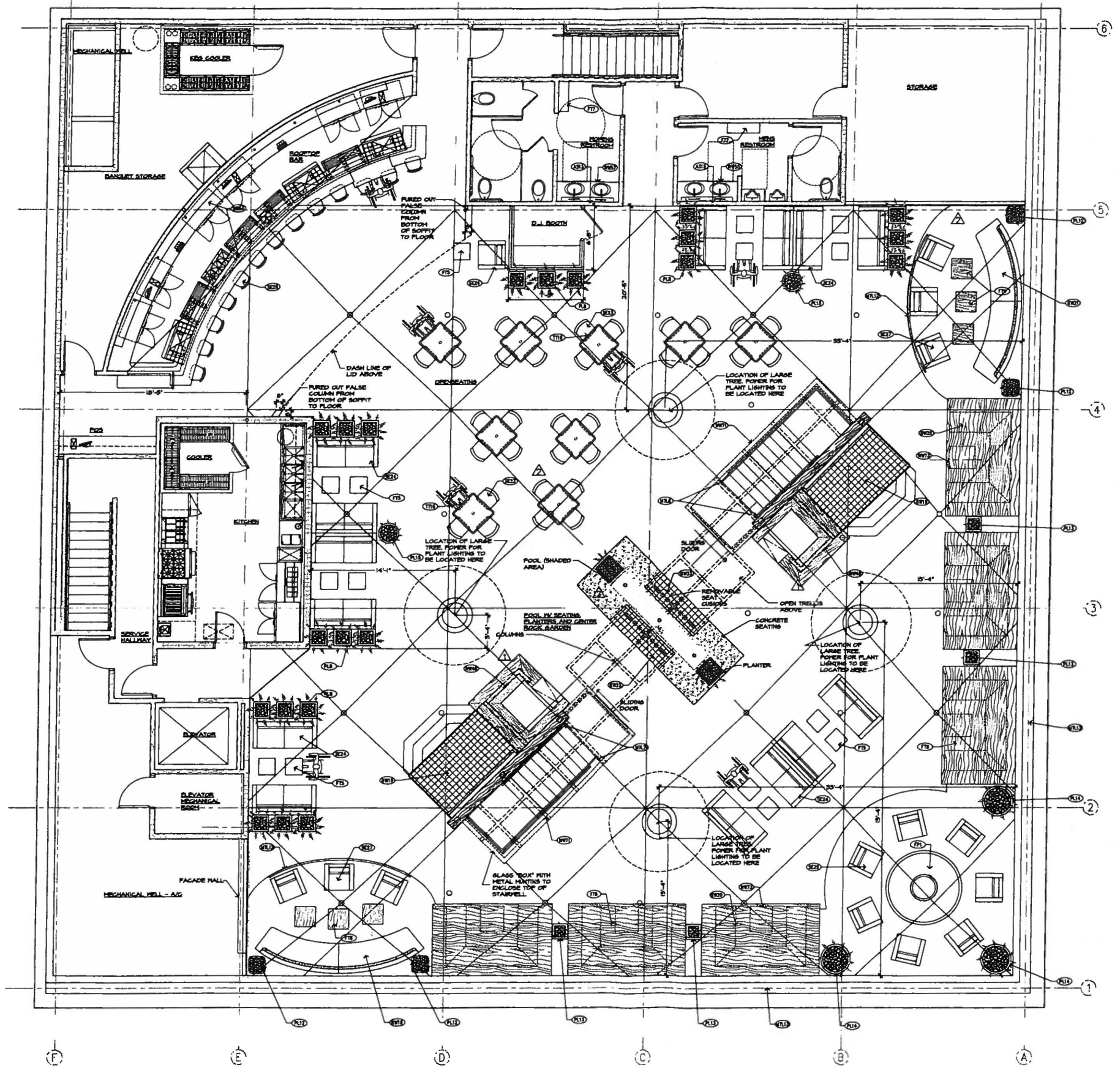
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SAN DIEGO, CA.

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NO SET	1-14-05
CONSTRUCTION SET	2-23-05
APPROVED	4-28-05
DATE	AUGUST 12, 2005
CONSTRUCTION SET	
SHEET	1
ID-1.2	

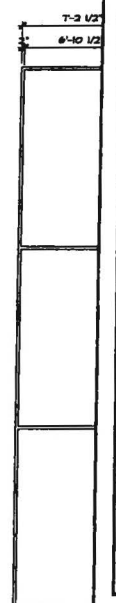


3151 Alway Ave, B2  
Costa Mesa, CA 92626  
PHONE: (714) 424-0288  
FAX: (714) 751-424-9551



TOTAL  
CONCEPT  
DESIGNS

**STINGAREE**  
454 SIXTH AVE  
SAN DIEGO, CA.



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REVISION
BID SET 1-14-05
CONSTRUCTION SET 8-23-05
ASSEMBLY 8-23-05
DATE
AUGUST 12, 2005
CONSTRUCTION SET
SHEET

STATE OF CALIFORNIA  
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
**ALCOHOLIC BEVERAGE LICENSE**

ON-SALE GENERAL EATING PLACE

VALID FROM

NOV 01, 2008

6TH & ISLAND INVESTMENTS LLC  
DBA: STINGAREE  
454 6TH AVE  
SAN DIEGO, CA 92101

EXPIRES

OCT 31, 2009

TYPE NUMBER DUP

47-422455 -

3710-10

AREA CODE

RENEWAL

BUSINESS ADDRESS  
(IF DIFFERENT)



OWNERS:

6TH & ISLAND INVESTMENTS LLC

CONDITIONS

7

**IMPORTANT INFORMATION**

**EFFECTIVE PERIOD** This license is effective only for the operating period shown above. A new license will be sent to you within 30 days of the expiration date on your license if payment is timely.

**POSTING** Cover this license with glass or other transparent material and post it on premises in a conspicuous place

**RENEWAL NOTICES** Renewal notices are sent to premises address unless a specific mailing address is requested. If a notice is not received 30 days before expiration date shown above, contact the nearest ABC office. To assure receipt of notices, advise your local ABC office of any change in address.

**RENEWAL DATES** It is the licensee's responsibility to pay the required renewal fee by the expiration date shown above. A penalty is charged for late renewal and the license can be automatically revoked for failure to pay.

**SEASONAL LICENSES** It is the licensee's responsibility to pay the required renewal fee prior to the next operating period.

**CONDITIONS** A copy of all applicable conditions must be kept on premises

**LICENSEE NAME** Only 10 names will be printed on each license. If there are more names associated with the license, they will be indicated by "ET AL". All names are on file and available upon request from your local ABC office.

**DBA** If you change your business name please notify your local ABC office

If you have any questions regarding this license, contact your local ABC office.

**NOTE: CONTACT YOUR LOCAL ABC OFFICE IF YOUR LICENSED PREMISES WILL BE TEMPORARILY CLOSED FOR MORE THAN 15 DAYS OR WILL BE PERMANENTLY CLOSED.**

BEFORE THE  
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
OF THE STATE OF CALIFORNIA

In the Matter of the Application of:

6<sup>TH</sup> & ISLAND INVESTMENTS, LLC  
Dbas: Stingaree  
454 Sixth Ave.  
San Diego, CA 92101

File: 47-422455

Reg:

PETITION FOR  
CONDITIONAL  
LICENSE

For issuance of an On Sale General Eating Place License

Under the Alcoholic Beverage Control Act

**WHEREAS**, petitioner(s) has/have filed an application for the issuance of the above-referred-to license(s) for the above-mentioned premises; and,

**WHEREAS**, pursuant to Section 23958 of the Business and Professions Code, the Department may deny an application for a license where issuance would result in or add to an undue concentration of licenses; and,

**WHEREAS**, the proposed premises are located in Census Tract 0054, where presently exists an undue concentration of licenses as defined by Section 23958.4 of the Business and Professions Code; and,

**WHEREAS**, the proposed premises are located in a crime reporting district that has a 20% greater number of reported crimes, as defined in subdivision (c) of Section 23958.4, than the average number of reported crimes as determined from all crime reporting districts with the jurisdiction of the local law enforcement agency; and,

**WHEREAS**, the petitioner(s) stipulate(s) that by reason of the aforementioned high crime and over concentration of licenses, grounds exist for denial of the applied-for license(s); and,

**WHEREAS**, the proposed premises and/or parking lot, operated in conjunction therewith, are located within 100 feet of residence(s); and,

**WHEREAS**, issuance of the applied-for license without the below-described conditions would interfere with the quiet enjoyment of the property by nearby residents and constitute grounds for the denial of the application under the provisions of Rule 61.4 of Chapter 1, Title 4 of the California Code of Regulations; and,

**WHEREAS**, the San Diego Police Department has protested the issuance of the applied-for license; and,

**WHEREAS**, the protest(s) deals with the proposed operation of the applied-for premises; and,

MAR 2 2005

Dep. Alcoholic Beverage Control  
San Diego

**WHEREAS**, 10% or more interest in the applicant is held by another entity(s) or person(s); and,

**WHEREAS**, the petitioner/applicant is not exempt under Section 23405, 23405.1 and 23405.2 of the Business and Professions Code; and,

**WHEREAS**, a change in the other entity(s) or person(s) without notification to the Department of Alcoholic Beverage Control could cause the true party of interest in the petitioner to become unknown; and,

**WHEREAS**, the issuance of an unrestricted license would be contrary to public welfare and morals as defined in Section 22 of Article XX of the California Constitution;

**NOW, THEREFORE**, the undersigned petitioner(s) do/does hereby petition for a conditional license as follows, to-wit: The applicant/petitioner shall report to the Department in writing within 30 days of any of the applicable changes below:

1. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sale of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Department on demand.
2. On days when there is live entertainment and/or dancing in the licensed premises, the licensee shall employ one State Department of Consumer Affairs licensed security officer for every 50 patrons in the licensed premises as depicted on the ABC-257 Diagram of Licensed Premises dated 1-18-05. The security officers shall wear clothing that identifies them as security officers and shall be on duty from the time that the live entertainment and/or dancing begins until one-half hour after the live entertainment and/or dancing ceases. Their primary duty shall be to patrol the interior and the exterior of the licensed premises in order to alleviate police problems, excessive noise, abusive behavior, disturbances, and other violations of law to occur on or about the licensed premises.
3. The sale of alcoholic beverages for consumption off the premises is prohibited.
4. Petitioner shall not share any profits, or pay any percentage or commission to a promoter or any other person, based upon monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders or the sale of drinks.
5. Sales, service and consumption of alcoholic beverages shall be permitted in the patio area only between the hours of 8:00 AM and 12:00 Midnight.
6. Any changes in directors, officers, and/or the issuance or transfer of shares of stock in a corporation which results in a person or entity not previously approved owning 10% or more of the stock in a corporation having direct or indirect ownership in applicant/petitioner.



- 7. Any changes in limited partners of a limited partnership which results in a person or entity not previously approved owning 10% or more interest or any change in general partner in a limited partnership having direct or indirect ownership in the applicant/petitioner.
- 8. Any change in the manager(s) and/or member(s) of a LLC which results in a person or entity not previously approved owning 10% or more of its membership interest in a LLC having direct or indirect ownership in the applicant/petitioner.

This petition for conditional license is made pursuant to the provisions of Sections 23800 through 23805 of the Business and Professions Code and will be carried forward in any transfer at the applicant-premises.

Petitioner(s) agree(s) to retain a copy of this petition on the premises at all times and will be prepared to produce it immediately upon the request of any peace officer.

The petitioner(s) understand(s) that any violation of the foregoing condition(s) shall be grounds for the suspension or revocation of the license(s).

DATED THIS 22 DAY OF March, 2005.

6<sup>TH</sup> & ISLAND INVESTMENTS, LLC

By: Vanier Farrell Managing Member  
Applicant/Petitioner Title





THE CITY OF SAN DIEGO

May 20, 2009

Mellos Family Trust  
Karen Mellos, Trustee  
2830 Willow Glen Drive  
El Cajon CA 92019

Centre City  
Development Corp.

6<sup>th</sup> and Island Investments, LLC  
James W. Brennan, Agent for Service  
404 14<sup>th</sup> Street  
San Diego CA 92101

MAY 26 2009

Orig. To: *LOREN G*  
Copy To:

Re: Stingaree, 454 6<sup>th</sup> Avenue, San Diego, CA 92101

This letter serves as an official notice that your establishment, known as Stingaree located at 454 6<sup>th</sup> Avenue, San Diego, CA, 92101, is in violation of San Diego Municipal Code (SDMC). An inspection of the property was conducted on May 14, 2009. It was observed that a rooftop event was being hosted which included the following violations: There has been the construction of; two hard top seating areas, one set of stairs that allow access to the roof top (one next to the kitchen area and one next to the restrooms), a DJ booth also next to the restrooms, two portable raised platforms, three large screens attached to the structure, and two fire pits all of which are not on the city stamped approved plans. All of these items were constructed without city approval, permits or required inspections. We also observed amplified music, dancing, live entertainment, excessive noise with the event ending in the early morning hours. These actions are in violation of your approved CUP/Alcohol Sales Permit.

To comply with the law you shall immediately; cease the use of the hard top seating areas, DJ booth and raised platforms for live entertainment, remove the stairs, and stop use of the unpermitted gas fired appliances (fire pits). All of these are life fire safety issues which create an unsafe and dangerous condition and can only be corrected by getting them properly permitted or by their removal. The Thursday night events must also cease until such time as all permits and approvals are obtained.

You are in violation of San Diego Municipal Code (SDMC), Sections 121.0302(a)(b), 129.0111, 129.0202, 129.0302, 129.0314, 129.0402, 129.0415, and 57.0204(A), violation of Conditional Use Permit (CUP)/Gaslamp Quarter Alcohol Sales Permit No. 2005-47, by the hosting of rooftop events at the Stingaree restaurant on Thursday nights which is prohibited.

**Development Services Department  
Neighborhood Code Compliance Division**

1200 Third Avenue, 8th Floor, MS 51N • San Diego, CA 92101-4106

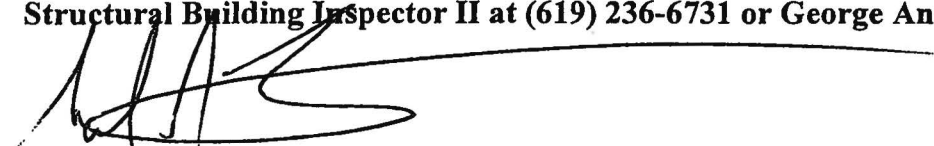
Tel (619) 236-5500 Fax (619) 236-5920

Stingaree, 454 6<sup>th</sup> Avenue  
May 20, 2009  
Page 2

Immediately submit an application and required plans to the Centre City Development Corporation, 400 B Street, Suite 400, San Diego, CA 92101 to request an amendment to CCDC/CUP 2005-47. Upon approval, proceed to Development Services Department, 1200 Third Ave. 3<sup>rd</sup> Fl, San Diego, CA 92101, to obtain all required building permits and final approvals.

This letter is not inclusive of all land use violations observed. A comprehensive enforcement notice will be forthcoming to address all zoning and building code violations.

Should you have any questions regarding this letter, you may contact **Samuel J. Lindsey, Structural Building Inspector II** at (619) 236-6731 or **George Andrade** at (619) 533-6139.



Samuel J. Lindsey  
Structural Building Inspector II

cc: Lorena Cordova, Junior Planner, CCDC, MS 51D  
Jennifer Hill, Supervising Investigator, Dept. of Alcohol Beverage Control  
Sgt. Dan Plein, Sgt., SDPD, MS 742  
File

NC# 119628

AUG 27 2009

Centre City  
Development  
Corporation

# APPEAL APPLICATION

Orig. To: Lorena  
Copy To:

1. Type of Appeal:  
 Process Two Decision – Appeal to the CCDC Board  
 Process Three Decision – Appeal to the CCDC Board  
 Appeal of a Hearing Officer Decision to revoke a permit

---

2. Appellant  
 Name: 6th & Island Investments, LLC dba. Stingaree  
 Address: 454 6th Ave San Diego CA 92101 (619) 704-1707  
City State Zip Code Telephone

---

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.  
 Stingaree

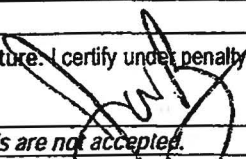
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4. Project Information  
 Permit & Permit/Document No.: Amendment CUP 2005-47 Date of Decision: 8-13-09 Project Manager: Lorena Cordova  
 Decision (describe the permit/approval decision): Amendment to CUP 2005-47 was denied by the Hearing Officer

---

5. Grounds for Appeal (Please check all that apply)  
 Factual Error  
 Conflict With Other Matters  
 Findings Not Supported  
 New Information  
 Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)  
 Please see Attached.

---

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.  
 Signature:  Date: 8-27-09

Note: Faxed appeals are not accepted.

The Appellant wishes to appeal the CCDC Hearing Officer's decision to deny 6<sup>th</sup> & Island Investments, LLC dba Stingaree's Amendment to their existing Conditional Use Permit (CUP 2005-47) on the following grounds: (1) Factual Error: certain statements relied upon by the Hearing Officer were not accurate; (2) Conflicts: the Hearing Officer's decision conflicts with the purpose and goals of the San Diego Municipal Code and Gaslamp Quarter Planned District Ordinance and CCDC Staff and the San Diego Police Department have worked closely with Stingaree and both support and recommend approval of the amendment; (3) Findings Not Supported: the findings to deny the amendment are not supported by the evidence; and (4) New Information: new information is available.

Appellant's establishment, Stingaree, is located within the Gaslamp Quarter Planned District. Stingaree, as part of the Gaslamp Quarter Redevelopment Project Area, has for the past 3 ½ years played an important role in promoting the economic and social welfare of the region, and more specifically the growth of the Gaslamp Quarter Area. As one of a number of the first establishments in the Gaslamp Quarter Redevelopment Project Area, Stingaree has made its mark on the Gaslamp Quarter and has helped to make that area and the surrounding areas more acceptable and comfortable for local visitors, tourists and eventually residents. It is Appellant's main goal to continue to contribute to the economic and social welfare of the region and to compete on a level playing field to maintain economic viability with other entertainment establishments within the Gaslamp Quarter.

In the denial of Stingaree's Amendment to the existing Conditional Use Permit, the Hearing Officer found that the expansion of operational hours for live entertainment on the roof top would be detrimental to the public health, safety, and welfare. Appellant feels the decisions of the Hearing Officer was based solely on a number of complaints received by owners and residents in neighboring condominium units, and did not take into consideration the overall purpose and goals of the San Diego Municipal Code or Gaslamp Quarter Planned District Ordinance. As noted in the August 6, 2009, CCDC staff report, staff and the applicant met and discussed the proposed recommendations to formulate an array of types of activities and hours to promote Stingaree's unique outdoor ambiance

Appellant strongly disagrees with the denial of the Amendment to the CUP and asks the Planning Commission to grant the appeal and approve CCDC Staff and the Police Department's recommendation to approve the amendment which is supported by all of the factors set forth in the staff report including the substantial development over the recent years of the Gaslamp Quarter and surrounding areas.

(1) Factual Error:

The first grounds for appeal, factual error, speaks to the numerous assertions made by neighboring residents that Stingaree violated the terms and conditions of their existing CUP. It is our position that assertions made by neighboring residents have not proven to be violations.

Stingaree opened its doors in December of 2005, and has operated under the existing CUP for the past three and one half (3 ½) years with a minimal amount of complaints. Specifically, on record there are a total of forty-five (45) complaints. At first glance this number may seem like an excessive amount, however if you look more closely at each complaint you will notice that twenty-six (26) of those complaints came from the same individual. In addition, we must keep in mind that a complaint does not mean there has been a violation. The issue first arose after the opening of Stingaree in December 2005; the complaining individual in all 26 of these complaints was a nearby resident who consistently called the San Diego Police Department with noise complaints arising from what he believed was the music coming from Stingaree's rooftop deck. After numerous discussions with the SDPD and the complaining party, a sound check was scheduled to be performed with the complaining party, the management staff

at Stingaree, a member of SDPD, and Stingaree's sound technician present. All parties met at the complaining parties' residence on a Friday evening between 11:30pm and 12:00am when the general noise levels in the Gaslamp Quarter tend to increase and Stingaree has almost reached its busiest operating capacity. At the same time our sound technician who stayed behind at Stingaree made adjustment to the volume levels of the rooftop music. It was found at the time of the sound check that even at the highest volume level which we internally allow the music to be turned up to on the roof top, the noise disturbing this resident could not be attributed to the music from the Stingaree rooftop. However, in order to demonstrate our willingness to be a good neighbor, with all parties present, Stingaree's management staff agreed to mark the volume level for the roof top music that was acceptable to the complaining resident and the SDPD to ensure that the volume would not be able to exceed this level on any night that Stingaree was open for operation. There was never a determination that Stingaree was in violation of the CUP at that time. After this initial noise issue was resolved, Stingaree went for almost 2 years without a single noise complaint, from September 2006 to May 2008.

It was not until the summer of 2008 that the noise complaints started to return. It is unclear if the noise complaints have been consistently attributed directly to the Stingaree rooftop. Stingaree was unique in the fact that it was the first entertainment establishment to incorporate a roof top patio as part of their overall floor plan, however, in the past 2 years a number of other entertainment establishments have also opened roof top patios upon which live entertainment is present. Appellant asks that the Planning Commission not overlook this fact and the fact that for the past two years, the Gaslamp Quarter Planned District and the surrounding areas have seen substantial growth with the opening of Petco Park, the Ivy Hotel, Hard Rock Hotel, Fleetwood, Basic, Bondi, East Village Tavern, and many more entertainment establishments, as well as a number of new residential projects.

It is Appellant's position that with the substantial growth of the Gaslamp Quarter Planned District the general noise levels in the Gaslamp Quarter and surrounding areas have increased significantly, and that this was a foreseeable result of the Gaslamp Quarter Redevelopment Project. As is the common circumstance where an area experiences rapid and substantial growth; the businesses, residents and patrons of that area also experience new opportunities and challenges. Since 2008 there have been 3 new venues in addition to Stingaree that have opened with roof top patios that were not required to obtain Conditional Use Permits and are not limited in regards to their permitted hours for live entertainment on their roof tops, as well as a handful of venues that have existing CUPs for live entertainment who are allowed to keep their exterior windows and doors open while amplified music is being played. Furthermore, since May/June 2007 two major residential projects situated on the border of the Gaslamp Quarter have opened for residency. As stated above, Stingaree was clean of any noise complaints for a period of almost 2 years prior to the completion and opening of these new entertainment venues and occupancy of the residential projects. In looking at the opening dates of the new entertainment establishments, the new occupancy of residential projects in the area, and the correlation with noise complaints received in regards to Stingaree before and after, it is hard to maintain from the facts that Stingaree should be deemed the main contributing factor or that Stingaree's proposed use and development under the requested amendment to their existing CUP should be deemed detrimental to the public health, safety and welfare. Indeed, with the amendment as recommended by staff, Stingaree's operations will still be subject to more conditions and more restrictions than other Gaslamp Quarter entertainment venues.

(2) Conflict:

Appellant's second ground for appeal is that the Hearing Officer's denial of the Amendment to the existing Conditional Use Permit conflicts with the purpose and goals of the San Diego Municipal Code and Gaslamp Quarter Planned District Ordinance.

While Appellant understands and appreciates the concerns of the neighboring residents regarding the amendment to the live entertainment hours of the existing CUP, we do not feel complaints by some neighbors should be the sole factor in denying the Amendment. Stingaree is located within the Gaslamp Quarter Planned District, where restaurants and entertainment uses are promoted and encouraged. The Gaslamp Quarter Planned District continues to be an entertainment district, and has been prior to the opening of Stingaree, prior to the development of other entertainment venues and prior to the development and occupancy of a number of new residential projects in the area. All new and existing business as well as new and existing residents are assumed to be aware of this fact and to have understood the special circumstances that go along with living, working and operating a business within and on the border of an entertainment district.

The Centre City Community Plan and The Gaslamp Quarter Planned District Ordinance promote and supports unique one of a kind businesses, eating and entertainment establishments, like Stingaree. Additionally, the Centre City Community Plan and the Gaslamp Quarter Planned District Ordinance call for a wide range of commercial, office, retail and residential uses, with daytime and nighttime dining and entertainment uses focused primarily in the Gaslamp Quarter. Therefore, the owners of Stingaree assert that the district was intended to provide for a variety of uses that support business, professional and personal needs and provide employment at various types and levels. And that it was further intended for these varied uses to benefit from one another and coexist within the Gaslamp District and surrounding areas.

(3) Findings Not Supported:

Appellant's third ground for appeal is that the findings cannot be made to support denying the amendment. Appellant therefore agrees with CCDC Staff that all findings to approve the amendment as modified in the staff report can be made.

Under Section 126.0305 of the San Diego Municipal Code, in order for an amendment to a Conditional Use Permit to be approved four findings must be found.

In the August 9, 2009, CCDC Staff Recommendation of approval, staff found that the facts and evidence supported all the findings as follows:

1. The proposed use or development will not adversely affect the applicable land use plan;

Stingaree will not adversely affect the applicable land use plan, as the business adheres to the Gaslamp Quarter Planned District Ordinance regulations and is consistent with the goals of the Downtown Community Plan by providing a variety of entertainment options to create a vibrant downtown. In addition, the proposed restrictions on activities and hours will allow for a successful entertainment district while recognizing its adjacency to residential and other uses.



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

The live entertainment proposed by Stingaree will not be detrimental to the public health, safety and welfare of the community when operated within the recommended conditions of approval, which include complying with the City's noise ordinance, limiting hours and activities, providing adequate security and ensuring adequate employee training for these types of uses.

3. The proposed use or development will comply with the maximum extent feasible with the regulations of the Land Development Code and Centre City PDO;

Stingaree is applying for an amendment to their existing Conditional Use Permit for live entertainment as required by the Gaslamp Quarter Planned District Ordinance and is being processed in accordance with the Land Development Code procedures. Having obtained approvals from ABC and SDPD, Stingaree will be required to comply with those approvals in addition to their Conditional Use Permit, in order to continue to operate a live entertainment venue.

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

The establishment is located on the block bounded by J Street and Fifth, Sixth and Island avenues within the Gaslamp Quarter. A live entertainment venue at the existing location is appropriate as there are other similar live entertainment venues throughout this entertainment district.

Appellant agrees with the findings and Staff recommendation that the Amendment to the existing Conditional Use permit should be approved subject to conditions and will voluntarily agree to a 6 month public hearing. In addition, at the Planning Commission we intend to present additional evidence that will confirm that all finding to approve the amendment can be made.

(4) New Information:

Appellant's final ground for appeal is based on the findings of new information.

Appellant wishes to work with CCDC, the Planning Commission and the residents and concerned business owners to coexist in the Gaslamp Quarter and surrounding areas as good neighbors. To that end Stingaree is attempting to establish a positive dialogue with other owners and businesses in the Gaslamp Quarter.

When the City Neighborhood Code Compliance Division issued the notice of violation of the current conditions of the existing Conditional Use Permit and Neighbor Code Compliance, we immediately ceased any activities that were restricted by the conditions of the CUP, corrected any stated violations, provided written confirmation that the violations were corrected, and filed an application to amend our existing CUP. We have maintained open lines of communication with CCDC, Neighborhood Code Compliance and the SDPD in order to complete the necessary and proper channels to amend the CUP and to address any issues or complaints as they may arise. Stingaree has also made attempts to contact the Home Owners Associations of the nearby residential projects that have expressed the most concern regarding the amendment and intend to invite each resident to an Open Forum Meet & Greet at Stingaree to discuss the concerns of the neighbors and any available remedies or solutions that can be reached in order for us to coexist and work together.

To further demonstrate Stingaree's concern and willingness to work through the concerns surrounding noise attributed to Stingaree's roof top, Appellate has spent approximately Three-thousand (\$3,000.00)

dollars on new sound equipment and speaker to be placed on the rooftop. The addition of this new equipment will help to more evenly distribute the music throughout the roof top patio. In turn, the music will be amplified at lower volumes while still being clearly audible to those guests on the roof top patio. The new equipment, which contains a number of floor-speakers, will help to contain the music within the area of the roof top patio and eliminate the potential for the music carry off of the rooftop and disturb neighboring businesses and residents. This is in addition to such sound mitigation efforts as a 42" in height acoustically engineered barrier wall and Cabana walls that have barrier heights of 7.5', which were included in the initial construction of the roof top patio.

Lastly, prior to opening the venue in June of 2005, Stingaree paid for an approved sound technician to perform a sound study to determine the ambient levels at this location and the adjacent business and to determine the maximum sound level of the then proposed roof top outdoor patio area for Stingaree that would violate the San Diego noise ordinances. The findings of this study were as follows: Ambient sound levels included street traffic created by vehicles, pedestrian traffic, emergency vehicles, air-traffic fly over, and music from an entertainment establishment directly across the street, Tivoli Bar. Sound levels actually increase at approximately 10PM to 65-66dBA with a slight dip at approximately midnight to 60-61dBA, increasing back to 63dBA at 1AM. This ambient level could be directly contributed to the dining and entertainment establishments in the immediate area. It was further concluded that under the proposed operations for the roof top patio the sound levels associated with the roof top patio would not exceed the ambient sound level of the immediate area. To once again determine all contributing noise factors in and around 6<sup>th</sup> & Island, Stingaree, has scheduled a similar sound test be performed to determine the noise levels that can be attributed to Stingaree, to the ambient sound levels on the street and the sound level that can be attributed to adjacent businesses. Appellant plans to provide the findings of this study to the Planning Commission to prove that each noise complaint made cannot be directly attributed to Stingaree.

Conclusion:

Appellant does not wish to disrespect any individual's right to quiet enjoyment or disregard the concerns of the Hearing Officer and concerned residents with this appeal. As stated above and demonstrated through our previous actions when faced with issues involving our neighbors, Stingaree strives to be a good neighbor and citizen of this City. We believe we are implementing the spirit and intent of the Gaslamp Quarter Planned District Ordinance by providing a variety of types of entertainment in the exciting mixed use area of downtown while providing employment opportunities and revenue to the City.

ADDITIONAL INFORMATION

SUBMITTED BY APPELLANT

SEPTEMBER 29, 2009



Centre City Development  
Lorena Cordova, Junior Planner  
401 B Street, Suite 400  
San Diego, CA 92101

RE: Stingaree CUP 2005-47  
CUP Amendment Appeal Application  
Supporting Documents

Lorena,

Enclosed are the following items to be in the submitted as additional support to the Stingaree CUP Amendment Appeal application.

Ownership Disclosure Statement (Original to follow in Mail)  
Troy Acoustics Sound Study of Stingaree  
Letter regarding upgraded Sound Equipment from Sound Technician  
Letter in regards to Code Enforcement Issues  
PR Case Study and examples of awards and press received by Stingaree

If you have any questions please feel free to contact me directly. Thank you for your assistance with this matter.

Best,

Heather Thomaselli  
Enclosures

# TROY



## ACOUSTICS

Stingeræe Restaurant

August 2009

[www.troysoundwalls.com](http://www.troysoundwalls.com)



## Troy Acoustics Corporation

26330 Diamond Place,  
Suite 150  
Santa Clarita, CA 91350

[p] 800.987.3306

[p] 818.376.8490

[w] [troyacoustics.com](http://troyacoustics.com)

# Executive Summary

## Study Objectives

At the request of the management of the Stingaree restaurant, on August 29, 2009 Troy Acoustics conducted an acoustical survey related to sound levels resulting from traffic, pedestrians and music on 6<sup>th</sup> Street and Island, specifically 454 6<sup>th</sup> Avenue. Previously, in June of 2005, in connection with the original application for the Conditional Use Permit, Troy Acoustics conducted a noise analysis, a copy of which is attached. The 2005 study concluded that the measured ambient sound levels from four (4) locations on or around 6<sup>th</sup> and Island exceeded the maximum ambient sound levels established by the San Diego Municipal Code. However, we developed various types of noise mitigation and concluded that the Stingaree rooftop area would not increase the ambient noise level. The City accepted our report, included the noise mitigation in the Conditional Use Permit and approved the original Condition Use Permit. The objectives of the current work were to:

1. Determine the ambient level and the max level at this location during night peak hours.
2. Determine the ambient sound levels of the adjacent areas including the 21 story condominium building located on 6<sup>th</sup> Street.

## Noise Criteria

The current City of San Diego Municipal Code Noise Ordances identifies specific sound levels, which would be in violation of the municipal code. The commercially zoned area for which this location is established per Article 9.5 of Chapter 5 (Public Safety, Morals & Welfare), specifically §59.5.0401, which states that all commercial zones from 10 PM to 7 AM one hour averaged sound level shall not exceed 60dBA.

## Ambient Noise

Samples were taken on Saturday night August 29, 2009. Temperatures that night were 84°, with the wind less than 1.5 mph. Overall conditions were a very nice, warm summer evening.

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Suite 150  
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Ambient sound levels were sampled and recorded at three different locations on 6<sup>th</sup> Street and Island and on the roof top of the 21 story condominium building on 6<sup>th</sup> street. The ambient noise was measured over a 3 hour period on a Saturday night from 10PM-1:30AM. The vehicle traffic was moderate to heavy on the night of this sampling. Pedestrian traffic was also heavy. Ambient sound levels included street traffic created by vehicles, pedestrian traffic, emergency vehicles, air-traffic fly over, and music very noticeable from the establishment directly across the street from Stingaree, Tivoli Bar. The microphone for sound level measurement was located 4' off street level at curb location, see attached sheet.

6th & Island Nighttime Data												
Frequency in Hz	31.5	63	125	250	500	1K	2K	4K	8K	10K	dBA	Time
LEQ of NW corner of 6th & Island	61.8	66.4	62.1	55	54.1	52.7	49.3	43.3	47	41.1	62.2	10:48PM
LEQ on rooftop of Stingeraee	58.3	67	74.4	68	68.4	71.5	66.3	68.9	64.8	62.6	80	11:29PM
LEQ of SE corner of 6th & Island	62.5	64.1	62.8	56.9	57.1	54.7	50.2	45.6	40.7	44.4	64.3	12:50PM
LEQ on rooftop of 21 story building on Island	59.7	63.4	60.4	54.7	53.6	52.6	48.8	44.1	43.9	41.2	61.3	1:24PM

The sound levels from the previous survey conducted in 2005, before Stingaree was constructed sampled between 62 and 67dBA during the same hours for these locations. As the above chart shows, the sound levels for these locations before and after the Stringaree restaurant was constructed, have not changed. The sources of the ambient sound levels have not significantly changed. The pedestrian vehicle and traffic is still high. The audible sounds from these surrounding sources have not changed.

The measured ambient sound levels emanating from the locations on 6<sup>th</sup> & Island exceed current ambient levels set forth by the San Diego Municipal Code, but not by a greater degree than in 2005 when the City approved the Conditional Use Permit. The dominate factor in the ambient noise level being the Tivoli Bar and vehicle traffic from 6<sup>th</sup> Street. The dining establishments in the immediate area do not have sufficient parking for any of their patrons, therefore pedestrian traffic is moderate and vehicle traffic is heavy on 5<sup>th</sup> & 6<sup>th</sup> Streets and Island.

These audible sounds are heard from the top of the 21 story condominium building on 6<sup>th</sup> street. However at this location there are also audible sounds from 5<sup>th</sup> Street due

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to the line of sight on the upper floors of the building. Any floor above the 4<sup>th</sup> has a line of sight to 5<sup>th</sup> Street, 6<sup>th</sup> & Island and the baseball field. All these locations produce sound levels that are audible to the condominiums. These sound levels are within the parameters set forth by the City of San Diego Municipal Code.

### Conclusions

The Stingaree rooftop dining at its loudest sound level can only produce a sound level of 80dBA at the roof top location. This is limited due to the equipment in place. The management increased the sound level to its absolute loudest level for these samples. The ambient sound levels on the street corners of 6<sup>th</sup> and Island did not change from the samples recorded in September 2005, when Stingaree had not yet been constructed. The 21 story condominium building, which was not built in 2005, is approximately 350 feet away at its closest point. The sound levels sampled at the roof top of the 21 story building recorded sound levels of 61dBA, which is within acceptable levels of the current noise code. It must be noted that the sound level on the roof top is also sampling sound levels from 5<sup>th</sup> Street, which have more vehicle & pedestrian traffic and live music. The recordings at any of the locations sampled; do not show any indication of higher sound levels due to the operation of the Stingaree restaurant. The ambient sound levels for the area during the time of the samplings have not changed from the 2005 samples.

Prepared by:

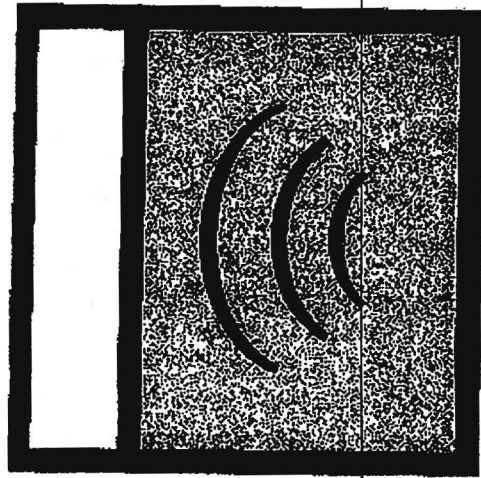
*Bill Bergiadis*

Troy Acoustics

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# TROY



## ACOUSTICS

6<sup>th</sup> & Island  
Sound Level Survey

[www.troysoundwalls.com](http://www.troysoundwalls.com)

The measured ambient sound levels emanating from four locations on 6<sup>th</sup> & Island exceed current ambient levels set forth by the San Diego Municipal Code. The dominate factor being the Tivoli Bar and vehicle traffic from 6<sup>th</sup> Street. The dining establishments in the immediate area do not have sufficient parking for any of there patrons, therefore pedestrian traffic is moderate and vehicle traffic is heavy on 5<sup>th</sup> & 6<sup>th</sup> Streets and Island.

### Dining Area Sound Levels

Under the proposed operations of the outdoor rooftop dining area the sound levels associated with the roof top dining area of 454 6<sup>th</sup> Ave. will not exceed the ambient sound level of the immediate area. The Tivoli Bar, which is located directly across the street diagonally, is the dominate sound level factor in this immediate area. Across the street to the east is a four story concrete masonry structure used for storage. This structure will not be a consideration for any intrusive sound level considerations. The property to the north is a vacant lot. This also will not be a consideration for an intrusive sound level consideration. The building to the south is vacant and it is understood that this site is approved for a future hotel. This location will also not be considered for intrusive sound level considerations. The business to the west is a single story commercial operation, selling furniture during the daytime hours. This business was not in operation during sound level samplings, and will not be affected acoustically when the restaurant is in operation. There was also a lower income housing complex located on 5<sup>th</sup> Ave. This structure is taken into consideration for noise reduction requirements of the roof top dining area.

There is another outdoor roof top dining area located at the Solamar Hotel. This location is some 350 feet away. The ambient sound level measurements taken at the SE location were not affected by the operations of this roof top dining area. This roof top dining area does not contribute to the ambient sound level of the immediate area.

### Noise Reduction Requirements

To further insure that any future sound levels will not contribute to an increase in the ambient sound level of 6<sup>th</sup> & Island the constructions documents have included sound mitigation efforts. A roof top an acoustically engineered barrier wall is to be part of the construction. This wall, at 42" in height will border 6<sup>th</sup> Avenue and Island Street. Cabana walls are to have barrier heights of 7.5'. Acoustically engineered full height walls on the north and west sides are also to be a part of these documents. Since the rooftop dining area is at a higher elevation than the adjacent structures there is no reflection of sound level. The acoustically engineered barrier will isolate sound transmission to the north where the low income house complex is located. This acoustically engineered barrier in addition to the storage room along this wall

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creates a buffer zone of the rooftop dining area to the low income housing complex. The current ambient sound levels of the area will likely be heard on the rooftop dining area. To mask this sound level, small outdoor speakers have been included in the construction documents. These speakers are design to provide low level ambient background music for the dining patrons of the rooftop dining area. The speaker layout will be engineered and positioned to face the patron dining on the rooftop area and not towards adjacent structures or businesses. This establishment, as the other dining establishments will not have parking and therefore will not contribute to the vehicle traffic in the immediate area, thus not increasing the ambient level in this category. Pedestrian traffic should increase, however will not exceed the sound level emitting from the Tivoli Bar. No other controls are necessary for this establishment to operate under normal conditions.

### Conclusions

The rooftop dining area does not represent a large enough occupancy level (450 patrons) under normal conditions to generate enough acoustical energy that would increase the ambient level of the immediate area that would be distinguished above the current sound levels. There are currently no adjacent structures that are higher in elevation resulting in the elimination of reflective sound levels. The only business that might be affected by any sound level transmission is the boutique furniture store which closes before there would be an increase in sound level of the dining area establishment. The other roof top dining area located some 350 feet away has been documented as not contributing to the ambient sound level of the immediate area.

The traffic sound level and patrons from Tivoli Bar are the dominate factors emanating from 6<sup>th</sup> Street that will be intrusive to the rooftop dining area. The sound levels from the dining area will not be intrusive to the surrounding areas or any adjacent structures or businesses.

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BB

6TH & ISLAND AMBIENT

3000 RTA 6.06

BB

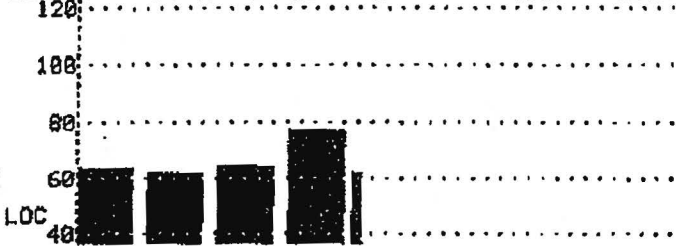
Date and Time: 25 JUN 05 15:34

Data Type: SPL spectra

Recalled from file: 6TH\_ISLA, record: 4

25 JUN 15:34:46 W.Fall B.AVE B.MAX B.SUM

KEEP



Note: AMBIENT 12:20PM @ 6  
SPL 780.4850

Input 1  
RESET 18 JUN 05 00:32:26

A-WEIGHT  
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Min = 54.9 Max = 101.8  
\*recall data

6TH\_ISLA DELETE

BB

Data Type: SPL spectra

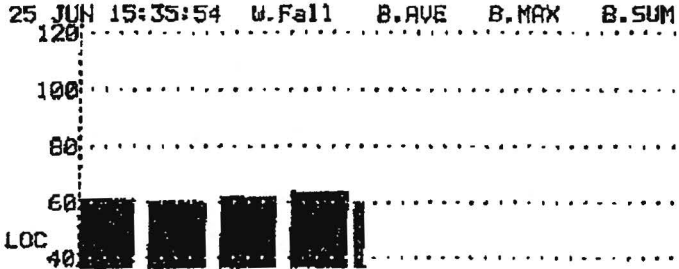
Recalled from file: 6TH\_ISLA, record: 4

Note: AMBIENT 12:20PM @ 6TH & ISLAND

CHANNEL		1				
SLOW	=	62.7	Min =	56.0	Max =	99.8
FAST	=	61.6	Min =	54.9	Max =	101.8
IMPULSE	=	63.9	Min =	55.6	Max =	103.4
LEQ	=	76.2	SEL =	105.1	Peak C =	112.5

6TH & ISLAND AMBIENT 3000 RTA 6.06

Date and Time: 25 JUN 05 15:35  
 Data Type: SPL spectra  
 Recalled from file: 6TH\_ISLA, record: 5



KEEP  
 Note: AMBIENT MON. NIGHT  
 SPL 1230.4175  
 Input 1  
 RESET 28 JUN 05 22:08:00

a-WEIGHT  
 FAST = 53.4 Min = 53.4 Max = 87.0  
 59.7 +N  
 \*recall data

6TH\_ISLA DELETE

Data Type: SPL spectra  
 Recalled from file: 6TH\_ISLA, record: 5  
 Note: AMBIENT MON. NIGHT ON ISLAND ACROSS FROM SITE

CHANNEL	1				
SLOW =	60.7	Min =	54.1	Max =	84.1
FAST =	59.7	Min =	53.4	Max =	87.0
IMPULSE =	61.1	Min =	53.9	Max =	88.0
LEQ =	62.8	SEL =	93.7	Peak C =	104.1

6TH & ISLAND AMBIENT 3000 RTA 6.06

Date and Time: 25 JUN 05 15:35  
Data Type: SPL spectra  
Recalled from file: 6TH\_ISLA, record: 6

25 JUN 15:35:09 W.Fall B.AVE B.MAX B.SUM



6TH\_ISLA DELETE

KEEP  
Note: AMBIENT MON. NIGHT  
SPL 1223.7925  
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RESET 20 JUN 05 22:40:57

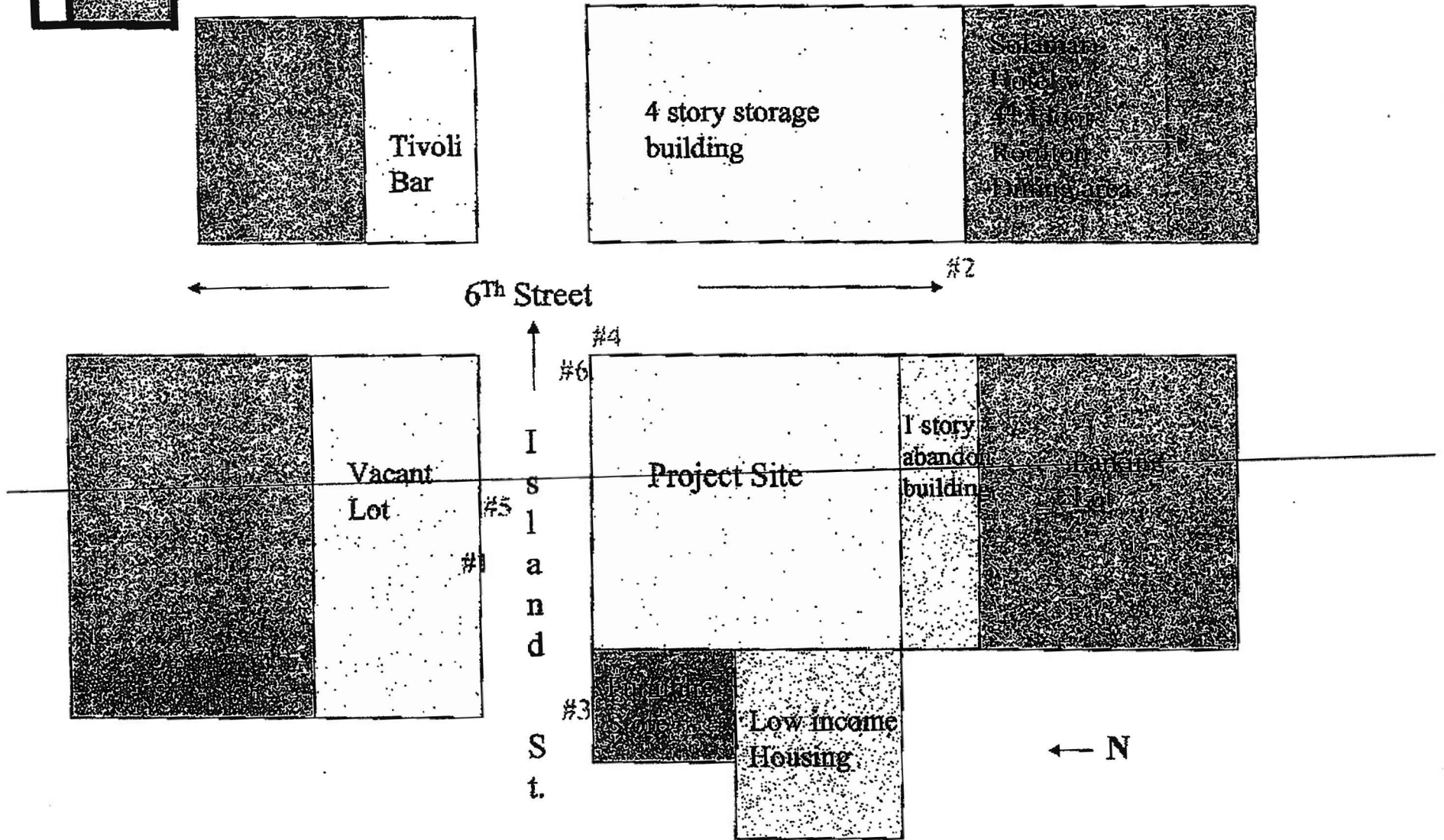
A-WEIGHT  
FAST = 64.3 dB  
Min = 58.9 Max = 78.3  
\*recall data

Data Type: SPL spectra  
Recalled from file: 6TH\_ISLA, record: 6  
Note: AMBIENT MON. NIGHT ON 6TH ACROSS FROM TIVOLI

CHANNEL	1			
SLOW	= 65.6	Min = 60.4	Max = 75.7	
FAST	= 64.3	Min = 58.9	Max = 78.3	
IMPULSE	= 66.0	Min = 60.4	Max = 81.7	
LEQ	= 66.8	SEL = 97.6	Peak C = 102.0	



# 6<sup>TH</sup> & Island Sound Level Survey Locations Map





8145 Ronson Rd. #C  
San Diego, CA 92111  
858-430-0330  
858-430-0331 fax

August 25, 2009

To whom it may concern:

We have recently been retained by the owners of Stingaree to analyze and take steps to reduce the volume of the speaker system on the Stingaree rooftop. A total of four high powered speakers (450 watts each) were removed. To ensure that the remaining speaker system will operate at an audible volume level, we added very small, low wattage loudspeakers in select areas of the rooftop. This upgraded, more sophisticated system will allow Stingaree to provide good audio coverage to their guests while reducing the overall sound level outside the building. It is widely recognized in the industry that using a larger number of speakers lower in wattage provides adequate coverage to an area, while being able to control sound from traveling outside the premises.

Sincerely,

Brad Donaldson

**Pro Systems**



ARCHITECTS RICHARD BUNDY & DAVID THOMPSON

September 25, 2009

**Demien Farrell**  
ENDEV  
404 Fourteenth Street  
San Diego, California 92101

re: Stingaree  
Code Enforcement issues

Demien:

The drawings for Permit approval of the items noted in by the City's Code Enforcement Department were submitted to the City for approval on Wednesday, September 23, 2009. We understand that these drawings should be approved, stamped, punched, and incorporated into the City's Permit Record Set for the original construction within the next few days.

Respectfully,

A handwritten signature in black ink that reads "Richard S. Bundy". The signature is written in a cursive, flowing style.

**Richard S. Bundy, FAIA**  
C5975

## Heather Thomaselli

---

**From:** Jamie Sigler [jamie@jpublicrelations.com]  
**Sent:** Monday, September 28, 2009 12:23 PM  
**To:** James Brennan; Karen M. ZoBell; Demien Farrell; Heather Thomaselli  
**Subject:** PR STUFF - CUP

Hi there -

Here is the case study which I included awards in - I will send over some examples of the awards / press clippings in a separate email.

Thanks!

When Stingaree opened in 2005 it became the largest and most exclusive restaurant and nightlife destination to ever open in San Diego's Gaslamp Quarter — helping to lead an overall transformation of San Diego into a destination on par with other major metropolitan areas. Stingaree is not just another nightclub.

The multi-million dollar venue has elevated the status of San Diego's nightlife and entertainment scene and become the hot spot to catch a glimpse of A-list celebrities, professional athletes and San Diego's most stylish crowd.

Four years after opening, Stingaree continues to draw crowds from around not only just the country but the world and its popularity is fueled in part by continued prominent placements in top tier national media outlets, including *Maxim*, *People*, *US Weekly*, *Los Angeles Times*, *The Miami Herald*, *New York Times* and *Travel + Leisure*. Almost every media outlet has been enthralled with the chill vibe on Stingaree's rooftop oasis over looking the San Diego Skyline.

Accolades for Stingaree include prominent placement on the coveted *Condé Nast Traveler* Hot List in 2007. Also, Stingaree received an impressive #5 ranking on the Top-10 Hot New Bars in America poll by MSN.com. In that poll Stingaree was placed alongside leading nightlife venues in Los Angeles, New York, Miami and Las Vegas – which demonstrates that San Diego is no longer a sleepy beach town. In addition Stingaree has been named best nightclub in the Gaslamp since opening by *944 Magazine* and one of the top 15 restaurants in the nation by the *CITY Magazine*. Stingaree continues to be recognized by meeting planners and event professionals for having one of the best outdoor spaces for meetings and special events, accolades have been given by *Smart Meetings*, *Meetings West* and *BizBash Magazine*.



jamie lynn sigler  
partner

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## Heather Thomaselli

---

**From:** Jamie Sigler [jamie@jpublicrelations.com]  
**Sent:** Monday, September 28, 2009 12:34 PM  
**To:** Heather Thomaselli; James Brennan; Demien Farrell; Karen M. ZoBell  
**Subject:** Conde Nast Scan



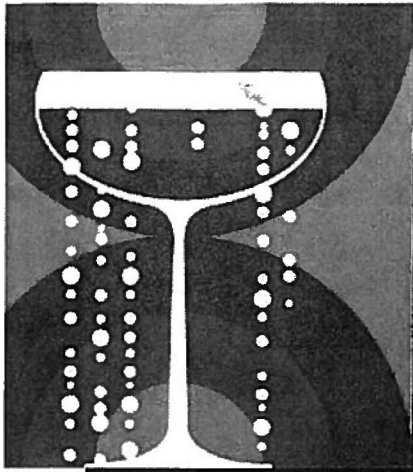
jamie lynn sigler  
partner

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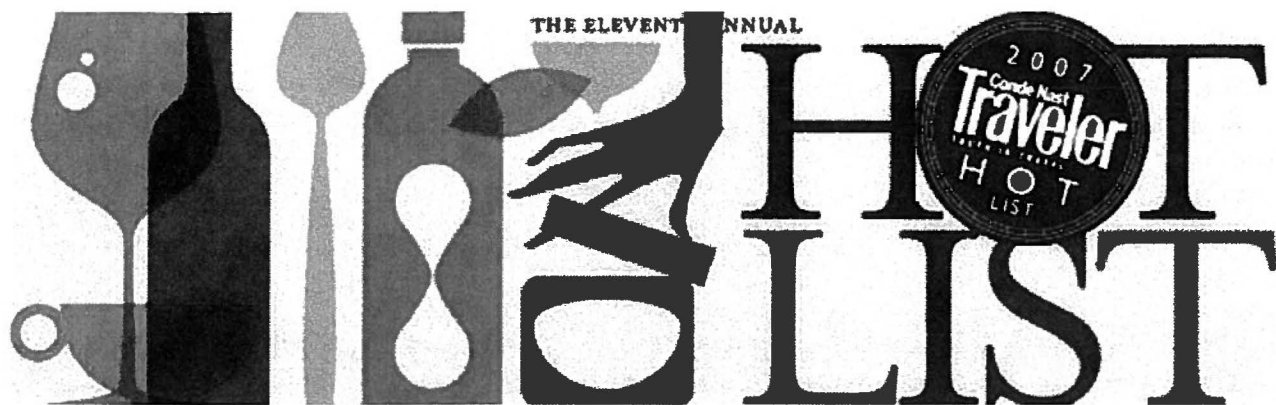
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## **Stingaree**

San Diego, California

Taking its name from San Diego's Wild West-era red-light district, Stingaree brings a little bling to the booming Petco ballpark area. On Friday and Saturday nights, an A-list crowd (think Fergie and Kanye West) fill the three-story club, which includes a mezzanine with a VIP penthouse and a breezy rooftop garden with fire pits and private cabanas. The moddish '60s aesthetic includes translucent plastic bar chairs, funky starburst chandeliers, and stairways that could double as go-go cages. Although known for its bottle service (a rarity in San Diego), the club has a tasty tequila Stingareeta and a Get Fresh mojito made with Bacardi, mint, and three types of berries (cover, \$20).

Address: 454 Sixth Ave.

Tel: 619-544-9500

[stingaree.com](http://stingaree.com)

Top 10

# NEW BARS of 2006

New bars open all the time, but only the best will make it to our list of 10 for 2006. From New York to San Francisco, from Chicago to San Diego, we've selected the best bars that opened in 2006.



## SLIDESHOW:

Our editors rank the top 10 in the U.S.

Select a city:

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- New York
- Philadelphia
- Portland
- Raleigh-Durha
- San Diego
- San Francisco
- Seattle



- 5. Stingaree: San Diego**  
Rooftop cabanas with fire pits keep San Diego A-listers buzzing about the Gaslamp's hottest new club.  
Photo courtesy of Stingaree

## Lorena Cordova

---

**From:** John Kerr [drift\_inc@msn.com]  
**Sent:** Monday, June 22, 2009 8:55 AM  
**To:** Lorena Cordova; 'Josh Hanna'

Ms. Cordova, We as owners of a condo in the Alta @ 575 6th Greatly oppose the project for the Stingaree at the 6th and island address. We have lived there for 2 years and have been kept awake by the Stingaree for nights on end. If they are able to add to the days and time for live entertainment there will be no sleep for anyone in that area. We are presently out of town and unable to attend your meeting but I want my voice heard.

Thank You

Loreali and John Kerr  
575 6th ave # 1006

---

Insert movie times and more without leaving Hotmail®. [See how.](#)



## Lorena Cordova

---

**From:** Joshua Hanna [joshuah@ankaproperty.com]  
**Sent:** Monday, June 15, 2009 1:17 PM  
**To:** Lorena Cordova  
**Subject:** Stingaree - CUP 2005-47

Lorena,

I received a Notice of Application for Stingaree's request to amend their Use Permit, for rooftop live entertainment and DJ/Dancing on Thursdays through Sundays. As a resident of the Alta high-rise building at 575 Sixth Ave., I would like to protest such a revision. Stingaree has continually violated their current CUP having very loud events from the rooftops on Thursday nights. This week they violated their CUP on Thursday night and Sunday night. As a part of the original CUP, the applicant was required to, *"implement(ing) the noise treatment measures recommended by the acoustical study submitted for this project dated June 25, 2005, including the installation of sound insulation materials with the interior of the building and exterior mitigations discussed within the study as necessary to comply with City of San Diego Noise Abatement requirements."* (Condition #5, CUP 2005-47) I believe it is important for CCDC to review, and make available, the acoustical in reference to see what "exterior mitigations" were discussed in the report.

See Condition #6, where it states that, *"Sound and amplification equipment shall be monitored during and after business hours to ensure that audible noise remain at acceptable levels so as not to disturb surrounding neighbors."* The audible levels from Stingaree on Thursday and Sunday nights has been outrageous and not acceptable, especially considering they are not permitted to be operating amplified music on these nights. Even if they were permitted to operate on these nights the decibel levels are extremely high, especially the low level bass.

Please advise how I may make my opposition formal.

Also, please contact the City of San Diego's Neighborhood Code Compliance Department (George at 619-533-6139) to get a history of the "Request for Investigations" that have been recorded against Stingaree.

Thank you,

---

**Joshua Hanna - Anka Developments, Inc.**

SAN DIEGO: 625 Broadway, Suite 625, San Diego, CA, 92101  
Ph: 619 234 6050 Fax: 619 234 6057  
Email: [joshuah@ankaproperty.com](mailto:joshuah@ankaproperty.com)  
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## **Lorena Cordova**

---

**From:** James Arnold [james.arnold.ca@gmail.com]  
**Sent:** Friday, July 10, 2009 3:58 PM  
**To:** Lorena Cordova  
**Subject:** Re: CUP 2005-47A: Stingaree

Lorena,  
I would like to place a vote of "NO" for the Stingaree plan to add Thurs & Sun nites.  
However, I cannot make the scheduled meeting.

Sent from my iPhone

On Jul 10, 2009, at 3:24 PM, Lorena Cordova <[cordova@ccdc.com](mailto:cordova@ccdc.com)> wrote:

To whom it may concern:

Next week is the meeting of the Centre City Advisory Committee (CCAC), the official downtown community planning group, that will take place on Wednesday, July 15<sup>th</sup> at 5:15 p.m. The CCAC, comprised of elected officials that represent downtown property owners, business owners and residents, will be asked to make a recommendation to the Hearing Officer. Below is the link to access the agenda, staff report and attachments for this meeting.

<http://www.ccdc.com/index.cfm?eventID=1125&CurntDate=07/10/2009&FuseAction=events.ShowEvent&eventCategoryID=0>

Also, the link for this particular item is below:

<http://www.ccdc.com/events/resources/Item%2017.pdf>

Please rest assured that you will also be notified when this item is scheduled for a public hearing.

Good day,

**Lorena Cordova, Junior Planner**

Centre City Development Corporation | 401 B Street, Suite 400 | San Diego, CA 92101 | P:619.533.7171 | F:619.236.9148

## Lorena Cordova

---

**From:** John Gallup [john\_gallup@johngallup.com]  
**Sent:** Wednesday, June 17, 2009 12:59 AM  
**To:** Lorena Cordova  
**Cc:** Fred J. Maas; kevinfaulconer@sandiego.gov

Ms Cordova,

I *strongly* object to the proposed conditional use permit amendment for Stingaree, the "night club" at Sixth and Island. As a resident of Alta (575 6th Avenue) I already find it impossible to sleep on Friday and Saturday nights due to the loud music, noise, taxi traffic, shouting, light displays, and prevailing air of lawlessness at this facility.

Stingaree was already a public nuisance on Friday and Saturday nights, but was also in place when I moved in. Extending the period of disturbance by 100 percent, solely to enrich the financially distressed owners of this entity, seems to me exactly the sort of thing that CCDC should *not* be doing, if it is still interested in building a viable, livable downtown for San Diego.

Your cooperation will be greatly appreciated.

John Gallup, President  
John Gallup & Associates  
625 Broadway, Suite 1201  
San Diego CA 92101  
Tel 619 234 0063  
Fax 619 234 6735  
johngallup.com

**Lorena Cordova**

---

**From:** Pete Cretu [pete.cretu@gmail.com]  
**Sent:** Wednesday, June 17, 2009 9:53 AM  
**To:** Lorena Cordova  
**Subject:** Stingaree application

Good morning Ms. Cordova,

My name is Pete Cretu and I am a resident in the Alta complex off 6th and Market. I would like to voice my opposition to the proposed amendment of Stingaree's Conditional Use Permit. While I have some issues with the noise levels on Friday and Saturday nights, this was something expected when I purchased of my unit. I believe that this amendment would severely impact the quality of life in the surrounding locations, including my complex. One of the reasons I have made a purchase downtown was to have easy access to nightlife and entertainment however, I feel that this amendment goes beyond what one can expect living downtown.

Thank you for your attention to this matter. Please feel free to contact me if you have any questions.

Best,

Pete Cretu  
714 803 8138

## Lorena Cordova

---

**From:** gayle malone [malonezone@cox.net]  
**Sent:** Wednesday, June 17, 2009 4:24 PM  
**To:** Lorena Cordova  
**Subject:** stingaree

I would like you to know that I would not like Stingaree to operate a rooftop club. The noise is intrusive at it is.

Thank you,  
Gayle Malone  
575 6th Ave  
San Diego  
619 993 8150

**Lorena Cordova**

---

**From:** Jeremy Briggs [jeremy@storecare.com]  
**Sent:** Thursday, June 18, 2009 11:27 AM  
**To:** Lorena Cordova  
**Subject:** Alta - Stingaree

Dear Lorena,

The Alta HOA ask that I email with comments regarding noise from 5th avenue and various venues on 6th.

I am on the 10th floor south side of the building facing Stingaree. I moved to Alta because it is very close to the gaslamp district. I want to live close to the gaslamp district because of the entertainment it offers. Please do everything in your power to make sure 4th, 5th, and 6th avenues remain as entertaining as possible. San Diego is a very large county with lots of options for living quarters without entertainment, even downtown. Please assist in making Gaslamp appealing to residents like myself.

A quick note on the difference between entertainment on 5th and 6th avenue... I do not go to 5th avenue night clubs because they are packed with tourists. Every time I go out on 6th avenue (stingaree, side bar, ivy hotel) I see friends that live in San Diego year round. In my opinion one street of night life is not enough to support the tourists and locals in downtown San Diego.

Thanks for your time, and please feel free to forward any questions you may have over to me.

Best Regards,

Jeremy Briggs

\*\*\*\*\*

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## Lorena Cordova

---

**From:** Schorr, Andrew [ASchorr@LRLaw.com]  
**Sent:** Thursday, June 18, 2009 2:02 PM  
**To:** Lorena Cordova  
**Cc:** trisandy2@cox.net  
**Subject:** Stingaree Application to Amend CUP 2005-47  
**Attachments:** ASchorr@lrlaw.com.vcf

Madam,

We are owners of Unit 410 at ALTA, 575 6th Ave. and want to express our opposition to any amendment to the Stingaree CUP that would allow outside dancing or music any day of the week after 11pm and to outside dancing or music at any time on Sunday evenings. Please pass our opposition on to the CCDC Hearing Officer.

Thanks.

Andrew D. Schorr  
One S. Church Ave., Ste. 700  
Tucson, AZ 85701-1611  
Tel: 520.629.4414  
Fax: 520.879.4718  
E-mail: [ASchorr@LRLaw.com](mailto:ASchorr@LRLaw.com)

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[www.lewisandroca.com](http://www.lewisandroca.com).

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## Lorena Cordova

---

**From:** cheriealford@aol.com  
**Sent:** Tuesday, June 23, 2009 6:51 AM  
**To:** Lorena Cordova  
**Subject:** Amendment to Stingaree Conditional Use Permit

Dear Ms. Cordova,

My family are residents at 575 6th Avenue, San Diego (ALTA) and would like to object to a change in the permit allowing live entertainment and rooftop dancing at Stingaree on Thursdays and Sundays. The noise, lights and traffic congestion are already unbearable on Friday and Saturday night and affect our quality of life in our home.

Even after the bar closes at 2 a.m., the streets are filled with noisy Stingaree patrons, police and other law enforcement as many "overserved" find their cars and drive away. Our concern is public safety and peace of mind for those of us who require a decent night's sleep to go to work the next morning. You are welcome to come to our home on a Friday or Saturday night and experience this first hand.

There must be another acceptable avenue the owners of Stingaree can pursue that will produce extra profits and not at the expense of residents in the area. Approving the Amendment to the Conditional Use Permit is just not acceptable to the neighborhood.

Thank you,

Larry & Cherie Eyer

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## Alta Owners Association

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9610 Waples Street  
San Diego, Ca 92121-2992  
WWW.NNJ.COM

(858) 550-7900  
(800) 448-7601  
FAX (858) 550-7929

June 30, 2009

Loma Cordova  
Centre City Development Corporation  
401 B Street, Fourth Floor  
San Diego, CA 92101

Re: Permit to change Stingaree's Conditional Use Permit 2005-47 to allow live entertainment on their roof top Thursday through Sunday

Dear Ms. Cordova:

This letter is written at the direction of the Alta Homeowners Association's Board of Directors for the condominium building located at 575 6th Ave., San Diego, CA 92101.

It has come to the Board's attention that Stingaree has put in an application to change their Conditional Use Permit 2005-47 as follows:

- **Allow live entertainment on the rooftop Thursday through Sunday until 1 am (currently they may have a DJ on the rooftop on Fridays and Saturdays from 11 am until 12 am).**

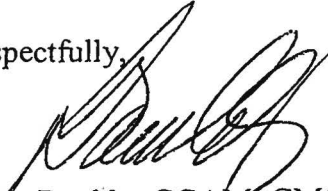
Given that ALTA is a residential high-rise near Stingaree (less than one block); ALTA is already subjected to substantial noise and sounds that emanate from Stingaree. In fact, Owners have made individual complaints to the CCDC and City regarding the fact that Stingaree has had excessive noise and also has allowed entertainment noise to occur outside their currently approved Conditional Use Permit parameters.

The community understands the required balance of commercial and residential elements in Downtown San Diego and looks forward to these elements mixing nicely together. However, allowing a commercial space to implement outside entertainment that would create an "imbalance" in the community is unjust. Further, since Stingaree has not followed the terms of their existing Conditional Use Permit, it should not be enhanced to allow them to potentially create additional noise issues in the community.

Therefore, the Alta Board of Directors requests that you **deny the application of change to Stingaree's existing Conditional Use Permit** that would allow them to have live entertainment on the rooftop Thursdays through Sundays 11 a.m. until 1 a.m. Furthermore, we request that the terms of their existing Conditional Use Permit be enforced.

Respectfully,

Centre City  
Development Corp.

  
Dawn Braddy, CCAM, CMCA  
For the ALTA Board of Directors

JUL 06 2009

Orig. To:  
Copy To:

## Lorena Cordova

---

**From:** Lesley Guajardo [lesleyguajardo@yahoo.com]  
**Sent:** Monday, July 06, 2009 11:42 AM  
**To:** Lorena Cordova  
**Cc:** cball@pd.sandiego.gov  
**Subject:** Re: CUP 2005-47: Stingaree

Dear Lorena,

Thank you for hearing my concerns regarding the NOTICE OF APPLICATION about the Stingaree Restaurant and Night Club requesting to amend their Conditional Use Permit (2005-47). My family is COMPLETELY OPPOSED to allowing the Stingaree to amend their Use Permit. We do not want them to be able to add any additional days (Thursdays and Sundays) for a live DJ, and we do not want them to be able to allow live dancing on their roof top. We live in the condominium building Alta and already deal with the sounds of their night club vibrating through our home as it is.

**To be frank, the Stingaree is NOT following the guidelines of their Conditional Use Permit as it is now:**

ITEM No. 3 in their Use Permit states that "Amplified music and live entertainment including dancing, shall be permitted only within the confines of the building (ground level & mezzanine only.) and not on the rooftop... the Stingaree plays amplified music so loud on the roof top that there are times when I can't even hear my own television at night with my windows closed!!! I understand that they are allowed to play "AMBIENT RECORDED MUSIC" on the roof top but this music is way louder than what is allowed AND there have been several times where they have had a DJ other than their restricted days of Friday and Saturday nights. For example, on either Tuesday, June 16 or Tuesday, June 23, there was a DJ on the roof top yelling into his microphone and playing "Beattles" music. I could hear what he said verbatim inside my condo.

ITEM No. 6 states that "Sound and amplification equipment shall be monitored during and after business hours to ensure that audible noise remain at acceptable levels so as not to disturb surrounding neighbors." ...

This is definitely NOT happening. The sound needs to be monitored to levels that are acceptable. Not being able to hear my own television is unacceptable and waking up my young child is unacceptable. Can you believe that we play soothing water-fall background music in his room to try to drown out the nightclub music and yelling noise of the dj's, and he still wakes up...

Thank you for reviewing this request and NOT amend the original Conditional Use Permit for the Stingaree. I would also ask that the original amendment be revisited and followed. The noise levels of the music played on the rooftop need to be monitored. We all live with the noises that living downtown brings. We have lived downtown for 8 years now and love it. The sounds of the Stingaree Night Club are excessive and need immediate attention.

Sincerely,

Enrique and Lesley Guajardo  
Alta residents

<u><font color="#810081"></font></u>&nbsp;-<br><a rel="nofollow" target="\_blank" href="http://www.baby-gaga.com/"></a>

---

**From:** Lorena Cordova <cordova@ccdc.com>  
**To:** Lesley Guajardo <lesleyguajardo@yahoo.com>  
**Sent:** Monday, June 15, 2009 10:02:20 AM  
**Subject:** FW: CUP 2005-47: Stingaree

Lesley,  
As discussed, please see attached.



June 25, 2009

Ms. Lorena Cordova, Junior Planner  
Centre City Development Corporation  
401 B Street, Suite 400  
San Diego, CA 92101

RE: Stingaree Application for Extended Entertainment

Dear Lorena,

Thank you for providing Hotel Solamar and our owner, La Salle Hotel Properties, with the opportunity to address our concerns regarding the recent application by the Stingaree for extended entertainment on their roof deck. As a business bordering the Gaslamp Quarter and East Village/Ballpark districts we are very in tune with the dynamics of this major entertainment district and the impact of its many businesses and special events which have gained the area its reputation.

The Hotel Solamar is a 235-room upscale boutique hotel which opened in 2005 as part of the JMI ballpark redevelopment project, a project supported and endorsed by CCDC. We believe the property has excelled at contributing to a positive image for the neighborhood and has been successful in the original redevelopment intent for this area. As the neighborhood has grown and matured, so have the dynamics of its many local organizations. We are now at a crossroad considering the impact that some of our local neighbor's practices have on our business as well as others in the neighborhood.

In late March of this year, Mark Dibella, our Director of Sales and Marketing, contacted the General Manager of Stingaree in an effort to address the ongoing and increasing complaints from our guests regarding the noise from the nightclub. In a meeting with Mr. Dave Renzella, Stingaree's General Manager, and Mr. James Thorp, its Assistant General Manager, Mr. Dibella conveyed our growing concern regarding our guest's hospitality experience, our image and our financial repercussions from repeated noise complaints we were receiving from our guests. Please note that our facility design has our premium suites and many of our guestrooms facing 6<sup>th</sup> Avenue with its western views. As such, guests in these suites and guestrooms receive the brunt of the noise generated by Stingaree's operation. Both gentlemen were gracious in their appreciation of facilitating a meeting and hearing the information and acknowledged in a follow-up the many of the areas of concern that were likely accelerating noise levels along with their action plans. Please see the attached email referencing this issue.

The hotel maintains a Manager on Duty (MOD) Log in which our third shift personnel document any guest issues overnight. Our MOD Log for Fridays and Saturdays over the years documents the continual complaints stemming from Stingaree's rooftop nightclub

Hotel Solamar / CCDC / Stingaree Permit  
June 24, 2009

Centre City  
Development Corp.

06 2009

Orig. To:  
Copy To:

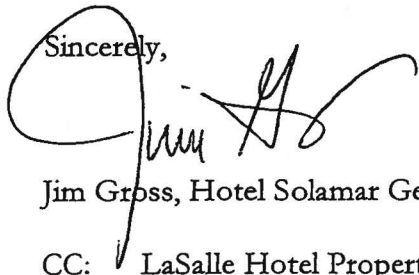
operation in addition to the noise created at closing due to the mass exodus of customers as well the post-closing noise from their refuse clean up.

Although our overnight staff has repeatedly reached out to Stingaree personnel since the March meeting, the intensity of noise remains unabated as previously described. This will likely escalate with the approach of summer. The hotel continues to suffer financial losses from customer demanding room rate adjustments as well as our efforts to provide complimentary food and beverage credits to mitigate guest complaints from the noise. The ongoing damage to our reputation due to complaint letters and postings on social media sites such as Trip Advisor continues to impact us. We can provide our MOD reports noting these complaints and corresponding revenue adjustments to further document and support our losses as well as customer complaint letters should you so request.

At this time, the Hotel Solamar and its owner cannot lend our support to any approval for a permit application which extends the hours of rooftop operation on Fridays and Saturdays or provides for the expansion of these operations on Thursdays and Sundays. Quite frankly, it is bad enough as it is being limited to Fridays and Saturdays. We believe their operations often violate local noise ordinances which are often overlooked and seldom enforced and they do nothing in creating neighborhood good will with other area residences and business. In addition, Hotel Solamar cannot support any CCDC approval for a permit application to add rooftop entertainment operations on Thursdays and Sundays as this would further impact our business operations and cause us additional financial impact for two more days each week. We also believe that these concerns will be acknowledged and supported by other nearby neighbors including the homeowners associations for Alta, Gaslamp Square and the Terraces.

We are prepared to participate in any Public Hearings relative to this process and appreciate your assistance in providing us with information as this application process proceeds. Please do not hesitate to contact me if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Gross", with a large, stylized initial "J" and "G".

Jim Gross, Hotel Solamar General Manager

CC: LaSalle Hotel Properties

**Lorena Cordova**

---

**From:** Nicholas Brennan [nick@themarkhoa.com]  
**Sent:** Tuesday, July 14, 2009 8:23 AM  
**To:** Lorena Cordova; judyannejudkins@yahoo.com  
**Cc:** kevinfaulconer@sandiego.gov; Brandon Nichols; Fred J. Maas; courtney@themarkhoa.com  
**Subject:** RE: Stingaree (proposed amendment)

Ms. Cordova,

My name is Nicholas Brennan and I am the General Manager of The Mark COA, in which Mr. and Mrs. Judkins reside. I can assure you that many of our homeowners echo the statements made by Mr. and Mrs. Judkins.

As the Judkins stated, Luck D's sent notices to all the physical addresses at The Mark, which allowed the homeowners to sign a petition (with well over 100 signatures) to apposed the amendment to the permit. If Stinagree had given due notice to homeowners at The Mark, I can assure you that there would have been similar results. I think that at the very least, all residential properties that are affected by the noise level at Stingaree should be noticed and given the chance to voice their concern.

Furthermore, SDPD and city code compliance, rarely take any action when excessive noise levels have been reported. East Village residents should be given notice as to how report and have action taken when Stingaree is not in compliance with its current permits.

At the very least, all East Village residents should be given due notice in order to either attend the hearing or voice concerns via a signed petition.

I hope that CCDC will take the concerns of East Village residents seriously and delay action on this item until ALL persons that are to be affected have the ability to voice their concerns.

I thank you for forwarding this e-mail to all the appropriate parties. Please contact me if you have any questions.

Best regards,

Nicholas Brennan  
General Manager  
**The Mark Condominiums Owner Association**  
nick@themarkhoa.com  
(619) 696-9260

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---

**From:** Lorena Cordova [mailto:cordova@ccdc.com]  
**Sent:** Monday, July 13, 2009 6:08 PM  
**To:** 'judyannejudkins@yahoo.com'  
**Cc:** kevinfaulconer@sandiego.gov; Brandon Nichols; Fred J. Maas; nick@themarkhoa.com; courtney@themarkhoa.com  
**Subject:** RE: Stingaree (proposed amendment)

Mr. and Mrs. Judkins,

Thank you for taking the time to e-mail me about the Stingaree's CUP amendment application. I will forward this information to the applicant so that they are aware; provide a copy of this e-mail to the Centre City Advisory Committee (CCAC) the day of the meeting; and include the e-mail in the staff report presented to the Hearing Officer. As I'm sure you're aware, the CCAC meeting will take place this Wednesday, July 15<sup>th</sup> at 5:15 p.m. here at CCDC (401 B Street, Suite 400) and you are more than welcome to attend. For more information, you may click on the link below: <http://www.ccdc.com/index.cfm?eventID=1125&CurntDate=07/13/2009&FuseAction=events.ShowEvent&eventCategoryID=0>

As required with any CUP application, the Stingaree is being processed in accordance with the Land Development Code procedures for a Process Three pursuant to citywide regulations. The regulations require notification to all property owners and occupants within a 300-foot radius of the subject establishment be notified and staff has verified the package is complete. Establishments not located within the 300-foot radius, such as The Mark and Park Lofts condominium projects, are more than welcome to state/voice their position for an application in writing or by attending any of the public meetings we hold where this item is being discussed. Also, I can certainly add you to the list of interested parties as we continue to go through the CUP process. However, we will not postpone this application based on this request as the notification requirements are being met.

As far as the denial of this application or revocation of the existing permit, we will bring this item forward to the Hearing Officer to make a determination on the application. Pursuant to citywide regulations, a CUP decision is made by a Hearing Officer, not by staff, and this application will not be any different. However, although staff has made a recommendation, the public input is equally taken into consideration by the Hearing Officer. Therefore, your comments will be taking into consideration when making a decision on this application.

With regards to your recommendation for the CUP conditions, within the city limits everyone is subject to the same noise ordinance. Therefore, Neighborhood Code Compliance Department (NCCD) monitors compliance and San Diego Police Department (SDPD) issues Entertainment Permits that are subject to the same noise regulations referenced in our use permits. We have been working with NCCD to rectify this situation and hopefully achieve that in this process. However, to report violations to an existing CUP, the best outlet to formalize such a complaint would be to contact NCCD, so that they may further investigate the activity on the premise. NCCD will collaborate with CCDC to monitor the compliance of the establishment to take into account for future reviews and/or public hearings. However, you may also contact CCDC directly. For NCCD, you may contact Senior Land Investigator Tina Sanchez via email at [tsanchez@sandiego.gov](mailto:tsanchez@sandiego.gov) or by calling her at 619.533.6134. Here at CCDC, you may call us at 619.235.2200 and ask for me, Lorena Cordova. It should be noted that it was due to complaints and an NCCD investigation that the Stingaree was directed to CCDC to apply for a CUP amendment in order to address certain violations that included violating their CUP.

Again, thank you for taking the time to e-mail me. As mentioned, I will forward this information along to the applicant and the Hearing Officer.

Good day,

**Lorena Cordova, Junior Planner**

Centre City Development Corporation | 401 B Street, Suite 400 | San Diego, CA 92101 | P:619.533.7171 | F:619.236.9148

**From:** judyannejudkins@yahoo.com [mailto:judyannejudkins@yahoo.com]

**Sent:** Sunday, July 12, 2009 7:22 PM

**To:** Lorena Cordova

**Cc:** kevinfaulconer@sandiego.gov; Brandon Nichols; Fred J. Maas; nick@themarkhoa.com; courtney@themarkhoa.com

**Subject:** Stingaree (proposed amendment)

Dear Ms. Cordova,

We reside at The Mark Condominiums, 800 The Mark Lane, Unit 1601. This email is in response to the

proposed Amendment to Conditional Use Permit 2005-47 for Stingaree ( 454 Sixth Avenue ).

**This Matter Should Be Postponed until All Directly Affected Residents are Notified.**

We respectfully request that consideration of Stingaree's request to approve an amendment to its conditional use permit be postponed until all residents directly affected by its excessive noise, repeated violations and the proposed amendment are notified, including residents of The Mark Condominiums and Park Loft Condominiums.

We recently received a notice regarding another matter (Lucky D's request for an amendment to its conditional use permit) and, when we reviewed CCDC's web site for more information, were astonished to find that this Stingaree application is also pending and in fact a hearing has been scheduled and CCDC staff has recommended approval. Your report indicates that most of the objections received were from residents of the ALTA Condominiums. With respect, if CCDC had provided notice of this proposed action to residents of all of the nearby condominium projects from whom complaints had been received by either the San Diego Police Department or Neighborhood Code Compliance, rather than just those within a limited radius, the objections would have been much more numerous and broadly based.

Frankly, the very problem with Stingaree has been such a blatant disregard for both its existing CUP conditions and the noise ordinance that residents substantially outside of a 500' radius have been significantly affected. It seems only fair and reasonable to us that all directly affected residents be notified of the proposed action that will undoubtedly lead to more violations and painful nights. We believe if you inform residents of The Mark and Park Loft, you will be inundated with further objections.

**The Proposed Application Should Be Denied.**

If you are not inclined to postpone the hearing and notify additional affected residents, then we request that Stingaree's application be denied.

Stingaree has abused its current permit with no apparent repercussions. The current CUP permits Stingaree to have "ambient recorded music" on the rooftop. The Webster definition of ambient music is "music intended to serve as an unobtrusive accompaniment to other activities, background music;" presumably, this would mean (and was undoubtedly intended) to mean unobtrusive to those actually on the rooftop, much less to residents located two or three block away. Stingaree has repeatedly and deliberately violated this restriction; based on personal experience, we would be surprised if a single weekend in the summer of 2008 passed without at least two nights of violations of this restriction – they repeatedly had live music and greatly amplified music (often with DJs) from the rooftop; the music at times shook our windows. We were forced to call the SDPD on numerous occasions, and also contacted Neighborhood Code Compliance, to no apparent avail; only the return of colder weather provided mostly peaceful weekend evenings.

We are astounded that CCDC would consider expanding the music allowed at this facility when the operator so blatantly and habitually violates the existing permit conditions (not to mention building permit requirements and noise ordinances). Expanding Stingaree's rights and imposing additional conditions will undoubtedly be just a one way street – they will take advantage of the expanded rights and continue to disregard the conditions, both new and old.

**Stingaree's Existing CUP Should be Revoked.**

Section 15 of the existing CUP provides that it can be revoked "if there is a material breach or default in any of the conditions of this permit." Just based on our personal experience and the experience of others who have written to you, it is clear that Stingaree has materially breached the CUP conditions. We know that CCDC only provides a limited number of live entertainment permits. To provide the "downtown" experience that both guests and residents deserve, this permit should be given to an operator with the integrity to comply with the permit conditions and respect for its neighbors.

**Please Provide Residence a Practical Remedy for Future Violations.**



Assuming CCDC is not inclined to revoke the existing CUP (and based on the staff recommendation that seems the likely result), we strongly request that CCDC take the following steps to help assure future compliance by Stingaree and to help residents address non-compliance:

- 1) **Notify the SDPD and Neighborhood Code Compliance that neither the existing CUP nor the proposed amendment allows violation of the noise ordinance.** (When we contacted code compliance last year, the first response we received from a staff employee was that she wasn't sure the noise ordinance "really makes sense" for downtown businesses like Stingaree;" thankfully, future interaction was more productive. And, as recently as three weekends ago, in response to a noise complaint to the SDPD, we were informed that Stingaree "now has a permit for amplified music until 2am seven days a week;" aside from being inaccurate, this does not apply to the rooftop and also does not exempt Stingaree from compliance with the noise ordinance.
- 2) **Provide a single point of contact with both CCDC and Neighborhood Code Compliance, for residents to report violations,** and designate a person to visit the facility in "real time" in response to complaints, to confirm whether conditions are being violated.

We love living in East Village ; it is our neighborhood. We want to be good neighbors; however, we expect the local retail establishments to do the same. Thankfully, all but one of the local businesses seem to share this goal. We hope you will help the East Village residents satisfactorily address this issue. Please postpone any decision on this matter until all affected neighbors have been informed. If you are not willing to postpone consideration of the proposed amendment, then please help us protect our neighborhood by denying the application and by providing residents the practical mechanisms to addressing future non-compliance with the permit conditions.

Sincerely,

Greg and Judy Judkins

P.S. We are happy to invite you and any CCAC or CCDC member to our home on an evening when Stingaree in playing "ambient" music from the rooftop that can be heard more than two blocks away; just send us your telephone number and be prepared to shout in order to be heard!

---

Please Note: Correspondents should assume that all communication to or from this address is recorded and may be reviewed by third parties.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 8.5.375 / Virus Database: 270.13.13/2236 - Release Date: 07/13/09 17:57:00

## **Lorena Cordova**

---

**From:** joy sunyata [joyoforchidshell@yahoo.com]  
**Sent:** Tuesday, July 14, 2009 3:49 PM  
**To:** Lorena Cordova  
**Cc:** KevinFaulconer@sandiego.gov  
**Subject:** Action Item #17 CCAC Meeting Agenda 7/15/09 STINGAREE

Lorena,

Here is my request regarding above action:

No rooftop entertainment on Thursdays.

It is my understanding that rooftop entertainment is growing in popularity; yet, please remember that to honor the City of Villages plan, do we really want loud music blaring from more and more open air rooftops Downtown?

How to balance all the components of Urban Living Downtown, certainly is challenging; yet, quality of life for all residents must be at the forefront of all decisions.

I would appreciate a response by 7/21/09, if possible. Thank you.

joy sunyata  
Citizen Activist  
District 2 Downtown Resident.

**Lorena Cordova**

---

**From:** Philip Ochoa [po9473@yahoo.com]  
**Sent:** Tuesday, June 16, 2009 7:15 PM  
**To:** Lorena Cordova

Dear Ms. Cordova,

I am a resident of ALTA, a high-rise residential building near the Stingaree. While I enjoy the nightlife that downtown San Diego has to offer, I am opposed to the Stingaree being allowed to have rooftop music and parties as has been requested. Already the noise levels coming from there are excessive, especially on the weekends. Should you allow them to proceed, it should be contingent upon their providing noise barriers that would isolate the noise to their building and not spill over to the surrounding buildings.....Thank you.

Phil Ochoa  
619-696-9228

Centre City  
Development Corp.

JUL 10 2009

Only To:  
Copy To:

515 6th Ave #405  
San Diego, CA. 92101  
July 9, 2009

Attention: Lorena Cordova, Junior Planner  
401 B St. Suite 400  
San Diego, CA. 92101

Dear Lorena:

I live between 7th + 6th Ave + Market St. in a high rise called ATTA. My condo faces south toward Petco Park and is almost to 7th Ave. This month I will have celebrated two years as a downtown resident although I have lived in San Diego county for thirty years. In the year and a half of downtown living, I have enjoyed it immensely. Then, approximately three-four months ago, beginning on a Thursday night, the air was filled with boisterous noise from the rooftop terrace of the Sturgance. The noise was so loud that with my double pane windows closed, the music blared into my small condo. It was deafening noise. I could not believe it since I had not heard such awful noise

from that establishment in previous months.

The Dj. was screaming, music was blasting, movies were being shown, I do not know if there was dancing on the rooftop since I cannot see onto the rooftop terrace. The music continued past 12:00 AM. I called the police because I wanted the music to be lowered. I needed to sleep since I work as a school nurse in a high school, and I had to go to work the next day.

The police did go to the Stargaze and the music eventually became softer; however, it was 2:00 AM when the music totally stopped. I could not get sleep. I was very tired in the morning and I was tired at work. For a nurse being tired on the job is impossible.

Since that Thursday night, Stargaze has put the exact same performance on other Thursday nights without any regard for community well being and awareness. "Let's just Party" is ~~the~~ their slogan.

Please, do not allow Stuyvesant to feel as though they have absolute control in the down town area. The management of Stuyvesant feels that they can have boisterous loud D.J. music, dancing, movies, etc whenever they want. They have been non-compliant, and now they want less restrictions on their permit even though they are currently in code violation!

The other factor in my case against this terrible loud music is that I need my sleep during the night because I have a serious health condition (Hx of breast cancer and recent breast cancer). I do not want to worsen my health.

Thank you so much for your attention in this matter. Please consider individual / community needs in your decision.

Sincerely,  
Judy Koplan  
Alta Resident

TO: LORENA CORDOVA, JUNIOR PLANNER  
FROM: OWEN AND MARILYN O'BRIEN  
RE: NOTICE OF PUBLIC HEARING, PROJECT NAME: STINGAREE

Dear Ms. Cordova,

We live at 575 6<sup>th</sup> Avenue, which is the ALTA building . When we are on our balcony we actually look down on the Stingaree building. It seems to be a very successful nightclub but the noise is extremely loud, especially when there is live entertainment and dancing on the rooftop. For those who cannot get into the place they wait outside in a line that sometimes interferes with foot traffic on Island. The people in this line also bear loud noise.

What is the right solution? We do not know. We understand young people want to have fun but someway the noise level needs to be controlled, especially when one cannot get to sleep late at night. The limos delivering guests to this place also cause a parking problem when they double park on 6<sup>th</sup> Avenue.

We are concerned and we hope the right solution to this problem can be enforced.

Thank you,



Owen and Marilyn O'Brien

Luther W. Horton  
Kimberly S. Oberrecht  
Cheryl A. Kirkpatrick  
Richard H. Martha  
Jacob R. Felderman  
Emily D. Wallace  
Russell L. Bolin  
Daniel S. Klein  
Nathaniel J. Michels  
Erin E. Schroeder  
Gabrielle J. Anderson-Thompson  
Ashley V. LaFontaine  
Fang-Chung Li  
Sharla N. Hilburn  
Jill E. Klemann  
Alice S. Lee  
Armita Radjabian  
Jessica M. Gard

# HORTON, OBERRECHT, KIRKPATRICK & MARTHA

ATTORNEYS AT LAW  
A PROFESSIONAL CORPORATION  
225 BROADWAY, SUITE 2200  
SAN DIEGO, CALIFORNIA 92101  
TELEPHONE (619) 232-1183  
FACSIMILE (619) 696-5719

Centre City  
Development Corp.

JUN 25 2009

Orig. To:  
Copy To:

RIVERSIDE OFFICE  
3847 TWELFTH STREET  
RIVERSIDE, CALIFORNIA 92501

ORANGE COUNTY OFFICE  
2030 MAIN STREET, SUITE 240  
IRVINE, CALIFORNIA 92614  
TELEPHONE (949) 251-5100  
FACSIMILE (949) 251-5104

NORTHERN CALIFORNIA OFFICE  
980 NINTH STREET, 16<sup>TH</sup> FLOOR  
SACRAMENTO, CALIFORNIA 95814  
TELEPHONE (916) 449-9950  
FACSIMILE (916) 449-9507

PARALEGALS

Tina Hill  
Yvette Hopson  
Elvia Ramos

OFFICE ADMINISTRATOR  
Mary Martin

June 23, 2009

Lorena Cordova  
CENTRE CITY DEVELOPMENT  
CORPORATION  
401 B Street, Suite 400  
San Diego, CA 92101-4298  
[cordova@ccdc.com](mailto:cordova@ccdc.com)

VIA E-MAIL & U.S. MAIL

Dear Ms. Cordova:

I live in a residential unit very near Stingaree, Alta, 575 Sixth Avenue. I received one of your letters.

I would like to object to any additional noise coming from the rooftop of Stingaree. On Friday and Saturday nights, the loud music coming from the rooftop of Stingaree invades the privacy of many residents of Alta. I have a two-bedroom unit on the southwest corner on Floor 17. The loud bass music from Stingaree has caused me to move my master bedroom from facing south to facing east. I have heard other residents at Alta complain that the music from Stingaree on Friday and Saturday nights gets so loud that they cannot even hear their own television.

The City of San Diego is encouraging people to live in Downtown San Diego. The loud music from Stingaree discourages people from wanting to live Downtown. It has also affected my property values because of the loud noise.

Please do not allow Stingaree to change their Conditional Use Permit unless it involves putting a restriction on the noise that they can generate through this music.

Very truly yours,

Luther W. Horton



## Lorena Cordova

---

**From:** John Mancuso [johnmancuso@gmail.com]  
**Sent:** Monday, August 10, 2009 5:07 PM  
**To:** tsanchez@sandiego.gov; Lorena Cordova  
**Subject:** Stingaree Amendment to CUP 2005-47

Dear Ms Sanchez and Ms Cordova,

I am a resident of The Mark in downtown San Diego. I am writing you this note to implore you to reconsider the amendment allowing Stingaree to host live entertainment on Thursdays and Sundays before a national holiday. As it stands now, I am exposed to the loud and inappropriate music that comes from the roofdeck every Friday and Saturday night until 1am. The current permit allows for "ambient" music at night, though the music that is played each weekend is well in excess of what any rational person would consider "ambient". I am afraid that with additional latitude, the abuses that Stingaree currently is allowed will only get worse and more frequent.

As a resident of downtown, I understand that I live in an urban area where the overall level of noise is somewhat higher than that of other residential areas. However, the noise produced by Stingaree every weekend is simply unacceptable for a residential area under any standards. The proposed expansion to Thursdays and Sundays will only make things worse for downtown residents.

Please let me know if there is anything else I can do to express my concern about this issue.

John Mancuso

August 10, 2009

Ms. Lorena Cordova  
Junior Planner  
Centre City Development Corporation  
401 B Street Suite 400  
San Diego, Ca 92101-4298

Re: NOTICE OF PUBLIC HEARING  
STINGAREE  
Conditional Use Permit 2005-47

Dear Ms. Cordova:

As the Owner of the Island Hotel, located at 461 Fifth Avenue, my concern is with the noise level on the rooftop while dancing and extended live entertainment times are taking place.

I have several rooms that do look out towards the wall that they will be holding their rooftop dancing and live entertainment.

Please convey my concerns to the CCDC Hearing Officer.

Sincerely,

Alan Y. Wong  
Owner  
Island Hotel  
461 Fifth Avenue  
San Diego, CA 92101

## Lorena Cordova

---

**From:** Peggy Mollen [pmollen@ucsd.edu]  
**Sent:** Monday, August 10, 2009 3:29 PM  
**To:** TSanchez@sandiego.gov  
**Cc:** Lorena Cordova  
**Subject:** Notice of Public Hearing - Stingaree

Tina,

As a resident of The Mark my husband and I would strongly disagree with allowing additional nights of loud music on the roof top of Stingaree.

Most of the neighboring residents all live in glass buildings and the noise factor would be simply unfair to many. As well as our household pets who hear much better than we do.

We find this application extremely unfair to the many families that would be affected.

Peggy and Jeff Bailey  
The Mark unit 2801

## Lorena Cordova

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**From:** Mike Giglio [mikegiglio@cox.net]  
**Sent:** Tuesday, August 04, 2009 9:50 PM  
**To:** Lorena Cordova  
**Subject:** [SPAM-TAG]> Stingaree Amendment to Conditional Use Permit 2005-47  
**Attachments:** ATT00001.jpg

Dear Ms. Cordova,

We are the owners of Unit 1104, 575 Sixth Avenue, San Diego. The purpose of this communication is to register our objection to the subject application which would allow Stingaree to change the days and times of live entertainment and allow dancing on the rooftop of the existing restaurant and nightclub.

As owners of property in the area of Stingaree, our right to the quiet enjoyment of our property will be denied should this application be approved. The noise from the current rooftop operation limits the quiet enjoyment of our property during the evenings they currently operate. Expanding the times and days of their operation and allowing dancing of the rooftop will only exacerbate this situation and increase our frustration. The applicant's right to make a profit should not be at the expense of the property owners in the vicinity who will have their quiet enjoyment rights deprived during the proposed expanded operations of this club.

Thank you for your consideration of our point of view regarding this matter. Also, we would like to received notice of the decision regarding the subject hearing.

Yours truly,

Mike Giglio and Penny Wolford  
575 Sixth Avenue, Unit 1104  
San Diego, CA 92101

or

e-mail at: [pennywolford@yahoo.com](mailto:pennywolford@yahoo.com) and/or [mikegiglio@cox.net](mailto:mikegiglio@cox.net)



**Lorena Cordova**

---

**From:** Randy Andrade [andrade.ent@att.net]  
**Sent:** Wednesday, August 12, 2009 10:43 PM  
**To:** Lorena Cordova  
**Cc:** andrade.ent@att.net  
**Subject:** Public Hearing for Stingaree on 8.13.09

The Stingaree is requesting a permit to allow dancing and live entertainment on the rooftop beyond the current times allowed.

The noise level from the establishment is very high and can be heard from blocks away. It infringes on our right to peaceful enjoyment of our residences, just as Lucky D's live entertainment would have. The original permit should have never been issued. Certainly, this expansion should be denied for the same reason. It is inappropriate and impossible to easily monitor and eliminate once it starts.

Thank you for your attention in this matter.

Respectfully,

Mike Andrade  
(408) 354-6441  
(408) 354-3881 fax

The Mark units #2705 and #704

CONFIDENTIALITY NOTICE: This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify us by reply e-mail at [andrade.ent@att.net](mailto:andrade.ent@att.net) by telephone at (408) 354-6441, and destroy the original transmission and its attachments without reading them or saving them to disk. Thank you.

## Lorena Cordova

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**From:** james irish [jimirish@cox.net]  
**Sent:** Tuesday, August 11, 2009 2:13 PM  
**To:** Lorena Cordova  
**Subject:** Fwd: Stingaree  
**Attachments:** sc0037cf2a.pdf; ATT00001.htm

Hi Lorena,

I will be unable to attend the hearing on Thursday due to a conflict but would like my voice to be heard. the Stingaree plays music on Sundays and weekdays that travels over 4 blocks (and I am on the 22nd story) with such penetration through structure that it is impossible to sleep until they close at 2:30 to 3:00am. I have called the police 3 times last month or so to complain on non-weekend days. The volume is completely unreasonable . If they are permitted to have loud music every night I will be forced to move and the value of my high rise will plummet. I would like to plead that the conditional permit they seek is denied for good cause.

Thank you,

Jim Irish  
800 The Mark lane 2206  
San Diego, CA 92101  
858-722-7266

Begin forwarded message:

**From:** james irish <jimirish@cox.net>  
**Date:** August 11, 2009 1:49:08 PM PDT  
**To:** [cordova@ccdc.com](mailto:cordova@ccdc.com)  
**Subject:** Stingaree

## Lorena Cordova

---

**From:** Mabendix@aol.com  
**Sent:** Saturday, June 20, 2009 5:42 PM  
**To:** tsanchez@sandiego.gov  
**Cc:** Jabendix@aol.com; Lorena Cordova  
**Subject:** Stingaree CUP

Tina,

I got your contact information from Lorena Cordova at the CCDC. My wife and I have spoken with Lorena on two occasions regarding the terms of the CUP granted to the Stingaree restaurant.

It is our understanding that the CUP allows amplified music and live entertainment only within the confines of the building (not on the roof). We are also told that a DJ is allowed on the roof on Friday and Saturday nights and that "ambient" music only is allowed on the roof Sunday through Thursday. Finally, we understand that dancing is not allowed on the roof of the establishment.

If those facts are correct, **Stingaree is not in compliance**. We live at the corner of 6th and Market, one block north of Stingaree. We hear amplified music and live entertainment originating from the roof -- and can see dancing as well. The amplified music occurs on a regular basis -- at very least every Friday and Saturday. This week there was a live band on Tuesday, June 16 which lasted until approximately 10:45.

We are sending this for two reasons: (1) to request that Stingaree be required to comply with the terms of the approved CUP, and (2) to go on record against their request to broaden its terms to include more nights.

They have demonstrated to that they are willing to go beyond what is allowed. Granting more days will create a huge nuisance in the neighborhood.

***Mike Bendix***  
***575 6th Ave, #1805***  
***cell: 760-212-3987***

---

A Good Credit Score is 700 or Above. See yours in just 2 easy steps!

**Lorena Cordova**

---

**From:** judyannejudkins@yahoo.com  
**Sent:** Sunday, July 12, 2009 7:22 PM  
**To:** Lorena Cordova  
**Cc:** kevinfaulconer@sandiego.gov; Brandon Nichols; Fred J. Maas; nick@themarkhoa.com; courtney@themarkhoa.com  
**Subject:** Stingaree (proposed amendment)

Dear Ms. Cordova,

We reside at The Mark Condominiums, 800 The Mark Lane, Unit 1601. This email is in response to the proposed Amendment to Conditional Use Permit 2005-47 for Stingaree ( 454 Sixth Avenue ).

***This Matter Should Be Postponed until All Directly Affected Residents are Notified.***

We respectfully request that consideration of Stingaree's request to approve an amendment to its conditional use permit be postponed until **all** residents directly affected by its excessive noise, repeated violations and the proposed amendment are notified, including residents of The Mark Condominiums and Park Loft Condominiums.

We recently received a notice regarding another matter (Lucky D's request for an amendment to its conditional use permit) and, when we reviewed CCDC's web site for more information, were astonished to find that this Stingaree application is also pending and in fact a hearing has been scheduled and CCDC staff has recommended approval. Your report indicates that most of the objections received were from residents of the ALTA Condominiums. With respect, if CCDC had provided notice of this proposed action to residents of **all** of the nearby condominium projects from whom complaints had been received by either the San Diego Police Department or Neighborhood Code Compliance, rather than just those within a limited radius, the objections would have been much more numerous and broadly based.

Frankly, the very problem with Stingaree has been such a blatant disregard for both its existing CUP conditions and the noise ordinance that residents substantially outside of a 500' radius have been significantly affected. It seems only fair and reasonable to us that all directly affected residents be notified of the proposed action that will undoubtedly lead to more violations and painful nights. We believe if you inform residents of The Mark and Park Loft, you will be inundated with further objections.

***The Proposed Application Should Be Denied.***

If you are not inclined to postpone the hearing and notify additional affected residents, then we request that Stingaree's application be denied.

Stingaree has abused its current permit with no apparent repercussions. The current CUP permits Stingaree to have "ambient recorded music" on the rooftop. The Webster definition of ambient music is "music intended to serve as an unobtrusive accompaniment to other activities, background music;" presumably, this would mean (and was undoubtedly intended) to mean unobtrusive to those actually on the rooftop, much less to residents located two or three block away. Stingaree has repeatedly and deliberately violated this restriction; based on personal experience, we would be surprised if a single weekend in the summer of 2008 passed without at least two nights of violations of this restriction – they repeatedly had live music and greatly amplified music (often with DJs) from the rooftop; the music at times shook our windows. We were forced to call the SDPD on numerous occasions, and also contacted Neighborhood Code Compliance, to no apparent avail; only the return of colder weather provided mostly peaceful weekend evenings.

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one way street – they will take advantage of the expanded rights and continue to disregard the conditions, both new and old.

**Stingaree's Existing CUP Should be Revoked.**

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**Please Provide Residence a Practical Remedy for Future Violations.**

Assuming CCDC is not inclined to revoke the existing CUP (and based on the staff recommendation that seems the likely result), we strongly request that CCDC take the following steps to help assure future compliance by Stingaree and to help residents address non-compliance:

- 1) ***Notify the SDPD and Neighborhood Code Compliance that neither the existing CUP nor the proposed amendment allows violation of the noise ordinance.*** (When we contacted code compliance last year, the first response we received from a staff employee was that she wasn't sure the noise ordinance "really makes sense" for downtown businesses like Stingaree;" thankfully, future interaction was more productive. And, as recently as three weekends ago, in response to a noise complaint to the SDPD, we were informed that Stingaree "now has a permit for amplified music until 2am seven days a week;" aside from being inaccurate, this does not apply to the rooftop and also does not exempt Stingaree from compliance with the noise ordinance.
- 2) ***Provide a single point of contact with both CCDC and Neighborhood Code Compliance, for residents to report violations,*** and designate a person to visit the facility in "real time" in response to complaints, to confirm whether conditions are being violated.

We love living in East Village ; it is our neighborhood. We want to be good neighbors; however, we expect the local retail establishments to do the same. Thankfully, all but one of the local businesses seem to share this goal. We hope you will help the East Village residents satisfactorily address this issue. Please postpone any decision on this matter until all affected neighbors have been informed. If you are not willing to postpone consideration of the proposed amendment, then please help us protect our neighborhood by denying the application and by providing residents the practical mechanisms to addressing future non-compliance with the permit conditions.

Sincerely,

Greg and Judy Judkins

P.S. We are happy to invite you and any CCAC or CCDC member to our home on an evening when Stingaree in playing "ambient" music from the rooftop that can be heard more than two blocks away; just send us your telephone number and be prepared to shout in order to be heard!

## OPPOSITION TO PROPOSED AMENDMENT TO CUP 2005-47

Date: August 7, 2009

To: Centre City Development Corporation (“CCDC”) Hearing Officer  
Public Hearing of August 13, 2009

From: Greg D. Judkins & Judy A. Judkins  
800 The Mark Lane, #1601, San Diego, California 92101

Subject: Stingaree (454 Sixth Avenue) – Amendment to Conditional Use Permit 2005-47  
for Live Entertainment – Gaslamp Quarter Sub Area of the Centre City  
Redevelopment Project

REQUESTED ACTION: We request that the CCDC Hearing Officer deny the request by 6<sup>th</sup> & Island Investments, LLC (the “Applicant”) for an amendment of Conditional Use Permit 2005-47 (the “CUP”) for Stingaree, located at 454 Sixth Avenue.

### Stingaree Repeatedly Violates the CUP

The CCDC staff report submitted for this matter does not present a complete, or completely accurate, depiction of the Applicant’s violations of the existing CUP. The CUP includes the following provisions:

“Amplified music and live entertainment . . . shall be permitted only within the confines of the building (ground level & mezzanine only.) . . .” (Section 3, emphasis added)

“The Permittee shall be in compliance with the City of San Diego Noise Ordinance at all times.” (Section 5)

“Sound and amplification equipment shall be monitored during and after business hours to ensure that audible noise remain at acceptable levels so as not to disturb surrounding neighbors.” (Section 6)

The staff report includes a copy of a May 20, 2009 letter (the “Notice of Violation”) from the Neighborhood Code Compliance Division of the City of San Diego (“NCCD”). A public records request has revealed that a Civil Penalty Notice & Order (CPN&O) has also been issued to Stingaree; this was not included with the staff report. See Exhibit 1.

A public records request to NCCD for copies of written complaints submitted NCCD through July 23, 2009 also revealed that, in addition to the written complaints (Requests for Investigation) that led to the NCCD inspection on May 14, 2009, three additional written complaints have been received by NCCD after the Notice of Violation was issued. See Exhibit 2. We believe additional written complaints were submitted after July 23, 2009.

A public records request to the San Diego Police Department (SDPD) revealed that SDPD has received at least 45 calls for excessive noise at Stingaree, and has dispatched officers to

## OPPOSITION TO PROPOSED AMENDMENT TO CUP 2005-47

Page 2 of 4

Stingaree for noise violations at least 40 times. While detailed information on calls before 2008 apparently is not available, the records provided by SDPD confirm that between May 18, 2008 and June 21, 2009 (approximately 14 months), SDPD received at least 18 calls, and officers were dispatched at least 16 times, to address excessive noise from Stingaree's rooftop. See Exhibit 3. Note that the rooftop venue operates primarily during the warmer season (approximately late April through early November), and most of the calls were received after midnight.

As recently as July 14, 2009, Stingaree was scheduling and promoting live entertainment events on its rooftop (See Exhibit 4) and a representative of the Applicant (Demien Farrell) represented (inaccurately) in oral testimony at the July 15, 2009 CCAC meeting that Stingaree was permitted to have live entertainment on its rooftop on Friday and Saturday nights. This was corrected only after pointed inquiries to CCDC. See Exhibit 5.

The CCDC staff report refers to the Applicant's "apparent" violations of the existing CUP. However, attached to the staff report are copies of 19 objections received by CCDC from interested parties (16 homeowners, two owners' associations and one hotel operator); of those, 15 specifically describe or refer to repeated violations, or activity which constitute violations, of the CUP, using phrases such as "unbearable," "deafening noise," "intrusive," "outrageous," "impossible to sleep on Friday and Saturday nights," "noise levels . . . are excessive, especially on weekends," "kept awake for nights on end," "continually violated their current CUP," and "already a public nuisance." With due respect to CCDC staff, given the number of complaints submitted to NCCD, the Notice of Violation issued by NCCD, the number of SDPD calls and dispatches, and the responses from neighbors, it seems that Stingaree's violations of the CUP have moved well past the "apparent" stage and well into repeated, habitual and wilful.

### Stingaree is a Public Nuisance

Pursuant to Section 59.5.0502 of the San Diego Municipal Code (part of Chapter 5, Article 9.5, Division 5, which regulates "Public Nuisance Noise"), it is considered a prima facie violation of the noise ordinance if any sound production or reproduction device, loud speaker or sound amplifier or similar machine or device is operated between the hours of 10:00pm and 8:00am in a manner as to be plainly audible at a distance of 50' from the building or structure in which it is located.

Most of the objections received by CCDC came from residents of ALTA condominiums and The Mark condominiums (and their owners' associations). Available SDPD records show that most of the calls received by SDPD are also from residents of ALTA condominiums and The Mark condominiums. All of the complaints are for excessive noise (i.e., beyond just plainly audible). Note that the southwest corner of the ALTA residential tower (the location closest to Stingaree) is located more than 200' from Stingaree, and the southwest corner of The Mark residential tower (again the location closest to Stingaree) is located more than 500' from Stingaree.

(My wife and I can personally confirm that music and microphone noise from Stingaree's rooftop was plainly audible within our condominium many weekends during the 2008 season

## OPPOSITION TO PROPOSED AMENDMENT TO CUP 2005-47

Page 3 of 4

and several times already this year. Since we are located approximately 600' from Stingaree, this means that the noise levels from Stingaree were exceeding the threshold set forth in the noise ordinance by a factor of more than ten.)

Given the breadth and depth of documentation submitted, there cannot be any reasonable doubt that the noise emanating from Stingaree is a public nuisance. The nuisance should not be allowed to continue, much less be the subject of expanded rights that will only increase the nuisance and place additional drain on public resources (including SDPD officers).

### Approval of the CUP Amendment Cannot be Supported by the Required Findings

As indicated in the CCDC staff report, four findings must be made, including (i) that the proposed use or development will not be detrimental to the public health, safety and welfare, and (ii) that the proposed use is appropriate at the proposed location. These findings cannot be supported based on the information submitted.

The CCDC staff report does not even advance the proposition that the proposed use will not be detrimental to the public health, safety and welfare. The only argument advanced by staff is that "The live entertainment proposed at Stingaree will not be detrimental to the public health, safety and welfare of the community when operated with the recommended conditions of approval . . ." However, all evidence accompanying the staff report supports the exact opposite conclusion – that the expanded scope of the proposed amendment will be highly detrimental to the community, and that the Applicant has shown virtually no willingness or ability to operate Stingaree in compliance with CUP conditions.

In support for the proposed CUP amendment, the CCDC staff report identifies five other CUPs for live entertainment within a nine-block radius of Stingaree. While the staff report parenthetically mentions that these five venues all provide live entertainment within enclosed buildings, the focus of staff's discussion is on locations, days and hours of operation. This entirely misses the "big picture" point – there are no other CUPs allowing live entertainment or amplified music on a rooftop or other outside venue anywhere near Stingaree's location.

The only Stingaree venue affected by the proposed amendment is the rooftop. The CCDC staff report states that "there are other similar live entertainment venues throughout this entertainment district" [emphasis added]; again with due respect to CCDC staff, in the context of the pending application, that is simply and completely inaccurate.

Again, no evidence has been submitted that the proposed use is appropriate at the proposed location, and in fact all evidence accompanying the staff report supports the exact opposite conclusion – this facility is located near high-rise residential projects, and permitting live entertainment and amplified music from the rooftop will be highly injurious to neighbors. This is not a theoretical discussion or academic analysis. The Applicant has repeatedly operated live entertainment and amplified music from the rooftop (in violation of the CUP), and the resulting impact on the community has been amply demonstrated and reported.

OPPOSITION TO PROPOSED AMENDMENT TO CUP 2005-47

Page 4 of 4

CCDC Staff Should be Directed to Evaluate the Noise Complaints and Schedule a Public Hearing

The existing CUP includes the following provision:

In the event that any noise and/or vibration complaints are received, CCDC shall evaluate the complaints and if it is determined that the business is potentially creating a nuisance for the neighborhood, a duly noticed public hearing shall be scheduled. After receiving public testimony, the Hearing Officer may revoke or modify the Permit. (Section 6, emphasis added)

We respectfully request that CCDC staff be directed to comply with this provision of the CUP, regardless of the decision on the pending application.

The Proposed Amendment Should be Denied


The issue pending before the Hearing Officer was considered, and a determination was made, in October 2005 when the existing CUP was issued. The decision then was that amplified music and live entertainment would be permitted "only" within the confines of the building, and "only" ambient music would be permitted on the rooftop.

What has changed? Since then, hundreds of residences have been constructed nearby and are now occupied. And the very concerns that led to imposition of these two requirements have now been fully realized – as shown by the complaints submitted to NCCD, the calls to SDPD and the responses received in opposition to the proposed CUP amendment.

What else has changed? The only apparent justification for the proposed amendment is that Stingaree has repeatedly operated in violation of the existing CUP and, now that the Applicant has been formally cited, it wants to amend the CUP so it can continue the same activity but now not be in violation. This is both astounding and outrageous; we find it difficult to accept that CCDC would seriously consider rewarding a repeat offender in this manner.

The decision regarding the proposed amendment is really all about a simple four-letter word – "only." We respectfully request that amplified music and live entertainment at Stingaree continue to be permitted only within the confines of the building, and that only ambient music be permitted on the rooftop. The proposed amendment would be highly detrimental to the community, and cannot be supported based on the information before the Hearing Officer.

Respectfully submitted,



Greg D. Judkins

**EXHIBIT 1**

**(Attached)**



THE CITY OF  
**SAN DIEGO**

NEIGHBORHOOD CODE COMPLIANCE DIVISION

**REQUEST FOR INVESTIGATION**

NOISE  LAND DEV.  BLDG. CODE ENF.  DISABLED ACCESS  HOUSING  SIGNS  ZONING

FOR OFFICE USE ONLY	
DATE	6-20-09
BY	
CONTROL #	NC 119628
T.B. Map #	

454 6<sup>th</sup> Ave SD CA 92101  
 VIOLATION ADDRESS APT. # ZIP CODE CROSS STREET

STINGAREE  
 OWNER  AGENT/MANAGER/RESPONSIBLE PARTY  TENANT/LESSEE PHONE NUMBER

ADDRESS CITY STATE ZIP CODE

ALLEGED VIOLATION  
 Night club, not in compliance with their approved CUP 2005-47

DID YOU CONTACT THE RESPONSIBLE PARTY?  YES  NO CONTACT DATE: \_\_\_\_\_

RESULT \_\_\_\_\_

IS THIS RESIDENTIAL PROPERTY?  SINGLE FAMILY  DUPLEX  MULTIFAMILY

IS THIS COMMERCIAL PROPERTY?  RETAIL SALES

IS THIS UNIMPROVED LAND?  YES  NO IS TH \_\_\_\_\_

WHEN WAS THE WORK STARTED? \_\_\_\_\_ (APPROX. DATE) COMPLETED \_\_\_\_\_

CAN THE VIOLATION BE OBSERVED FROM THE PUBLIC RIGHT-OF-WAY? \_\_\_\_\_

WILL YOU PROVIDE ACCESS TO THE INSPECTOR IF NECESSARY? \_\_\_\_\_

IS THERE ANY DRUG ACTIVITY AT THE SITE?  YES  NO

THE NOISE OCCURS:  EVERY DAY  ONCE OR TWICE A WEEK  ON WEEKENDS

START TIME (FROM 7 P.M. TO 7 P.M.)  EVENING (7 P.M. TO 10 P.M.)  NIGHT (10 P.M. TO 7 A. M.)

STOP TIME (FROM 15 TO 15 MINUTES)  15 TO 30 MINUTES.  MORE THAN 30 MINUTES.

stingaree

**Dave Renzella**  
General Manager

ph: 619.544.9500 fax: 619.393.0193	454 6th Ave. San Diego, CA 92101	dave@stingsandiego.com www.stingsandiego.com
---------------------------------------	-------------------------------------	---



PRINT YOUR NAME \_\_\_\_\_

YOUR ADDRESS, CITY, AND ZIP CODE \_\_\_\_\_

YOUR DAYTIME PHONE NUMBER \_\_\_\_\_

LANGUAGE SPOKEN \_\_\_\_\_

SIGNATURE *via email per J. Sanchez*

DATE 6-20-09

**FOR OFFICE USE ONLY**

ROUTE SLIP NO. \_\_\_\_\_ DATE SENT \_\_\_\_\_

DATE ASSIGNED \_\_\_\_\_ DATE DUE \_\_\_\_\_ LAMBERT COORDINATES \_\_\_\_\_

PRIORITY \_\_\_\_\_ COUNCIL DIST. \_\_\_\_\_ COMM. PLAN \_\_\_\_\_ EST. SETBACK \_\_\_\_\_

CURB-TO-PROPERTY LINE \_\_\_\_\_ DOC. # \_\_\_\_\_ DOC. DATE \_\_\_\_\_

ORDINANCE # \_\_\_\_\_ EFFECTIVE DATE \_\_\_\_\_ CUP/VARIANCE \_\_\_\_\_

BLDG PMT # \_\_\_\_\_ ISSUED \_\_\_\_\_ EXPIRED \_\_\_\_\_ FINALED \_\_\_\_\_



**Sanchez, Tina**

---

**From:** [REDACTED]  
**Sent:** Monday, June 29, 2009 10:43 AM  
**To:** Sanchez, Tina  
**Cc:** cordova@ccdc.com  
**Subject:** Re: Stingaree CUP

Tina,

Thank you for the follow up regarding Stingaree.

Per your request, please accept this e-mail as my statement, under penalty of perjury, regarding the events of Tuesday, June 16, 2009. Live music played throughout the evening and there was dancing. I finally called the police just before 10:30 p.m. to complain. I saw a police car arrive about 3 minutes later. At 10:37 p.m. the music stopped.

Since our conversation last week, there were no new violations (Tue, Wed, Thur). Our main complaint is that the Friday and Saturday night rooftop music is played so loud that it is a nuisance for the neighborhood. There is no way for anyone living in our building at 575 6th Avenue to sleep until the music is turned off, usually between 1:30 and 2:00 a.m. I realize that it's way beyond the normal business hours of your office but I would love to have someone in authority come to our unit and witness in person the reverberation on our windows.

---

I am happy to attend the CPN&O and testify regarding the events I have witnessed. I would also like the opportunity to be heard on the level of noise that occurs on the two nights per week that rooftop music is allowed.

Please let me know how I can help.

[REDACTED]

***In a message dated 6/23/2009 11:52:48 A.M. Pacific Daylight Time, [TSanchez@san Diego.gov](mailto:TSanchez@san Diego.gov) writes:***

[REDACTED]

***To follow-up on our conversation of today, June 23<sup>rd</sup>, 2009, the Stingaree has been issued a Civil Penalty Notice & Order (CPN&O) for violation of their Conditional Use Permit. They were advised to cease and desist rooftop events that were occurring outside of what was originally approved (Friday & Saturday nights). They were directed to contact CCDC to amend their permit.***

***I am aware the Stingaree is in conversation with CCDC to complete the process.***

***In the interim, if the rooftop events are still occurring other than on permitted days, this would be in violation of their CPN&O.***



*It is our understanding that the CUP allows amplified music and live entertainment only within the confines of the building (not on the roof). We are also told that a DJ is allowed on the roof on Friday and Saturday nights and that "ambient" music only is allowed on the roof Sunday through Thursday. Finally, we understand that dancing is not allowed on the roof of the establishment.*

*If those facts are correct, Stingaree is not in compliance. We live at the corner of 6th and Market, one block north of Stingaree. We hear amplified music and live entertainment originating from the roof -- and can see dancing as well. The amplified music occurs on a regular basis -- at very least every Friday and Saturday. This week there was a live band on Tuesday, June 16 which lasted until approximately 10:45.*

*We are sending this for two reasons: (1) to request that Stingaree be required to comply with the terms of the approved CUP, and (2) to go on record against their request to broaden its terms to include more nights.*

---

*They have demonstrated to that they are willing to go beyond what is allowed. Granting more days will create a huge nuisance in the neighborhood.*

*[REDACTED]*  
*[REDACTED]*  
*[REDACTED]*

---

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*Make your summer sizzle with fast and easy recipes for the grill.*



THE CITY OF SAN DIEGO

NEIGHBORHOOD CODE COMPLIANCE DIVISION

REQUEST FOR INVESTIGATION

NOISE LAND DEV. BLDG. CODE ENF. DISABLED ACCESS HOUSING SIGNS ZONING

FOR OFFICE USE ONLY
DATE
BY
CONTROL # NC 119628
T.B. Map #

VIOLATION ADDRESS 454 6th Ave APT. # ZIP CODE CROSS STREET

OWNER AGENT/MANAGER/RESPONSIBLE PARTY TENANT/LESSEE PHONE NUMBER

ADDRESS CITY STATE ZIP CODE

ALLEGED VIOLATION Violation of existing CUP. Excessive rooftop noise to late hours.

DID YOU CONTACT THE RESPONSIBLE PARTY? YES NO CONTACT DATE:

RESULT

IS THIS RESIDENTIAL PROPERTY? SINGLE FAMILY DUPLEX MULTIFAMILY

IS THIS COMMERCIAL PROPERTY? RETAIL SALES OFFICES RESTAURANT

IS THIS UNIMPROVED LAND? YES NO IS THIS WORK CURRENTLY IN PROGRESS? YES NO

WHEN WAS THE WORK STARTED? COMPLETED? (APPROX. DATE)

CAN THE VIOLATION BE OBSERVED FROM THE PUBLIC RIGHT-OF-WAY? YES NO

WILL YOU PROVIDE ACCESS TO THE INSPECTOR IF NECESSARY? YES NO

IS THERE ANY DRUG ACTIVITY AT THE SITE? YES NO ARE THERE LOOSE PETS AT THE SITE? YES NO

THE NOISE OCCURS: EVERY DAY ONCE OR TWICE A WEEK ON WEEKENDS DAYTIME EVENING NIGHT 5 TO 15 MINUTES 15 TO 30 MINUTES MORE THAN 30 MINUTES

[Redacted Name]

[Redacted Address]

PRINT YOUR NAME

YOUR ADDRESS, CITY, AND ZIP CODE

YOUR DAYTIME PHONE NUMBER

LANGUAGE SPOKEN

SIGNATURE

DATE 7-10-09

FOR OFFICE USE ONLY

ROUTE SLIP NO. DATE SENT

DATE ASSIGNED DATE DUE LAMBERT COORDINATES

PRIORITY COUNCIL DIST. COMM. PLAN EST. SETBACK

CURB-TO-PROPERTY LINE DOC. # DOC. DATE

ORDINANCE # EFFECTIVE DATE CUP/VARIANCE

BLDG PMT # ISSUED EXPIRED FINALED



**EXHIBIT 2**

**(Attached)**

**Sanchez, Tina**

---

**From:** Lorena Cordova [cordova@ccdc.com]  
**Sent:** Thursday, June 25, 2009 9:38 AM  
**To:** Sanchez, Tina  
**Subject:** RE: Stingaree CUP

Thank you.

Lorena Cordova, Junior Planner

Centre City Development Corporation | 401 B Street, Suite 400 | San Diego, CA 92101 | P:619.533.7171 | F:619.236.9148

---

**From:** Sanchez, Tina [mailto:TSanchez@sandiego.gov]  
**Sent:** Tuesday, June 23, 2009 11:52 AM  
**To:** [REDACTED]  
**Cc:** Lorena Cordova  
**Subject:** RE: Stingaree CUP

---

[REDACTED]

To follow-up on our conversation of today, June 23<sup>rd</sup>, 2009, the Stingaree has been issued a Civil Penalty Notice & Order (CPN&O) for violation of their Conditional Use Permit. They were advised to cease and desist rooftop events that were occurring outside of what was originally approved (Friday & Saturday nights). They were directed to contact CCDC to amend their permit.

I am aware the Stingaree is in conversation with CCDC to complete the process.

In the interim, if the rooftop events are still occurring other than on permitted days, this would be in violation of their CPN&O.

Since you have advised me that the events are still occurring on other evenings, I have requested that you provide a statement which states under penalty of perjury that the events are occurring on specific dates and times, approximate number of persons in attendance, DJ or band playing, to what time did the event shut down and any other information you may have observed.

Your assistance in providing documentation (video) to verify the violation will be helpful. You will be required to attend our CPN&O hearing to provide testimony of the incidents witnessed as stated.

Your assistance is appreciated.

Should you have any questions, please feel free to contact me at (619) 533-6134.

Tina Sanchez  
Senior Land Development Investigator  
Development Services Department  
Neighborhood Code Compliance Division  
(619) 533-6134

**EXHIBIT 3**

**(Attached)**

AUG 07 2009

Orig To:  
Copy To:

**Greg D. Judkins**  
**Judy A. Judkins**  
800 The Mark Lane, #1601  
San Diego, California 92101  
619.702.4566

July 24, 2009

Sent via Email: [dplein@pd.sandiego.gov](mailto:dplein@pd.sandiego.gov)

Sgt. Dan Plein, SDPD, MS 742  
San Diego Police Department  
1401 Broadway  
San Diego, California 92101

Re: Public Records Request

Sgt Plein:

The purpose of this letter is to request information under the Public Records Act. If this request should be directed to another person, please let me know right away and provide the appropriate contact information.

I request copies of all written records of *complaints regarding excessive noise* received by the San Diego Police Department (SDPD), from any source (including but not limited to complaints received directly from members of the public and complaints forwarded to SDPD from other departments or divisions of the City of San Diego), in any form (including but not limited to (a) notes, logs or other records of complaints received by telephone, (b) correspondence, (c) memoranda, and (d) Citizen Request Forms), *regarding Stingaree*, located at 454 6<sup>th</sup> Avenue, San Diego, California 92101, *received by SDPD between October 18, 2005 and July 23, 2009.*

This information will be used to oppose to Stingaree's request to amend its Conditional Use Permit (No. 2005-47) and may also be used to support efforts to enforce compliance with the Conditional Use Permit and with City of San Diego Ordinances (including but not limited to the noise ordinance) or to seek revocation of the Conditional Use Permit.

My understanding is that SDPD has ten days after receipt of this request to comply with it. Please confirm that you have received it. *Please note that we are seeking to determine the number of noise complaints received by SDPD regarding Siingaree since its CUP was issued, and would be open to alternative means of obtaining that information if it would be easier or more efficient for SDPD.*

My address and telephone number are set forth above. I can also be reached by email at [gregjudkins@yahoo.com](mailto:gregjudkins@yahoo.com). Thank you for your prompt attention to this request.

Sincerely,

  
Greg D. Judkins

**Plein, Dan**

---

**From:** Sanchez, Tina [TSanchez@sandiego.gov]  
**Sent:** Monday, June 29, 2009 10:50 AM  
**To:** Plein, Dan; Hill, Jennifer@ABC  
**Cc:** Negrete, Melody; Lindsey, Samuel; Andrade, George  
**Subject:** FW: Stingaree CUP

FYI

---

**From:** Mabendix@aol.com [mailto:Mabendix@aol.com]  
**Sent:** Monday, June 29, 2009 10:43 AM  
**To:** Sanchez, Tina  
**Cc:** cordova@ccdc.com  
**Subject:** Re: Stingaree CUP

Tina,

Thank you for the follow up regarding Stingaree.

Per your request, please accept this e-mail as my statement, under penalty of perjury, regarding the events of Tuesday, June 16, 2009. Live music played throughout the evening and there was dancing. I finally called the police just before 10:30 p.m. to complain. I saw a police car arrive about 3 minutes later. At 10:37 p.m. the music stopped.

Since our conversation last week, there were no new violations (Tue, Wed, Thur). Our main complaint is that the Friday and Saturday night rooftop music is played so loud that it is a nuisance for the neighborhood. There is no way for anyone living in our building at 575 6th Avenue to sleep until the music is turned off, usually between 1:30 and 2:00 a.m. I realize that it's way beyond the normal business hours of your office but I would love to have someone in authority come to our unit and witness in person the reverberation on our windows.

I am happy to attend the CPN&O and testify regarding the events I have witnessed. I would also like the opportunity to be heard on the level of noise that occurs on the two nights per week that rooftop music is allowed.

Please let me know how I can help.

**Mike Bendix**  
**760-212-3987**

***In a message dated 6/23/2009 11:52:48 A.M. Pacific Daylight Time, TSanchez@sandiego.gov writes:***

*Mike,*

*To follow-up on our conversation of today, June 23<sup>rd</sup>, 2009, the Stingaree has been issued a Civil Penalty Notice & Order (CPN&O) for violation of their Conditional Use Permit. They were advised to cease and desist rooftop events that were occurring outside of what was originally approved (Friday & Saturday nights). They were directed to contact CCDC to amend their permit.*

*I am aware the Stingaree is in conversation with CCDC to complete the process.*

6/29/2009

**575 6th Ave, #1805**  
**cell: 760-212-3987**

---

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## THE CITY OF SAN DIEGO

May 20, 2009

Mellos Family Trust  
Karen Mellos, Trustee  
2830 Willow Glen Drive  
El Cajon CA 92019

6<sup>th</sup> and Island Investments, LLC  
James W. Brennan, Agent for Service  
404 14<sup>th</sup> Street  
San Diego CA 92101

Re: Stingaree, 454 6<sup>th</sup> Avenue, San Diego, CA 92101

This letter serves as an official notice that your establishment, known as Stingaree located at 454 6<sup>th</sup> Avenue, San Diego, CA, 92101, is in violation of San Diego Municipal Code (SDMC). An inspection of the property was conducted on May 14, 2009. It was observed that a rooftop event was being hosted which included the following violations: There has been the construction of; two hard top seating areas, one set of stairs that allow access to the roof top (one next to the kitchen area and one next to the restrooms), a DJ booth also next to the restrooms, two portable raised platforms, three large screens attached to the structure, and two fire pits all of which are not on the city stamped approved plans. All of these items were constructed without city approval, permits or required inspections. We also observed amplified music, dancing, live entertainment, excessive noise with the event ending in the early morning hours. These actions are in violation of your approved CUP/Alcohol Sales Permit.

To comply with the law you shall immediately; cease the use of the hard top seating areas, DJ booth and raised platforms for live entertainment, remove the stairs, and stop use of the unpermitted gas fired appliances (fire pits). All of these are life fire safety issues which create an unsafe and dangerous condition and can only be corrected by getting them properly permitted or by their removal. The Thursday night events must also cease until such time as all permits and approvals are obtained.

You are in violation of San Diego Municipal Code (SDMC), Sections 121.0302(a)(b), 129.0111, 129.0202, 129.0302, 129.0314, 129.0402, 129.0415, and 57.0204(A), violation of Conditional Use Permit (CUP)/Gaslamp Quarter Alcohol Sales Permit No. 2005-47, by the hosting of rooftop events at the Stingaree restaurant on Thursday nights which is prohibited.

**Development Services Department  
Neighborhood Code Compliance Division**

1200 Third Avenue, 8th Floor, MS 51N • San Diego, CA 92101-4106

Tel (619) 236-5500 Fax (619) 236-5920

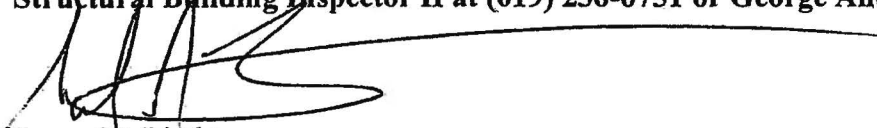


Stingaree, 454 6<sup>th</sup> Avenue  
May 20, 2009  
Page 2

Immediately submit an application and required plans to the Centre City Development Corporation, 400 B Street, Suite 400, San Diego, CA 92101 to request an amendment to CCDC/CUP 2005-47. Upon approval, proceed to Development Services Department, 1200 Third Ave. 3<sup>rd</sup> Fl, San Diego, CA 92101, to obtain all required building permits and final approvals.

This letter is not inclusive of all land use violations observed. A comprehensive enforcement notice will be forthcoming to address all zoning and building code violations.

Should you have any questions regarding this letter, you may **contact Samuel J. Lindsey, Structural Building Inspector II at (619) 236-6731 or George Andrade at (619) 533-6139.**



Samuel J. Lindsey  
Structural Building Inspector II

cc: Lorena Cordova, Junior Planner, CCDC, MS 51D  
Jennifer Hill, Supervising Investigator, Dept. of Alcohol Beverage Control  
Sgt. Dan Plein, Sgt., SDPD, MS 742  
File

NC# 119628

## JARVIS, LYNDA

---

**From:** WONG, KARIN  
**Sent:** Tuesday, January 31, 2006 06:22 AM  
**To:** JARVIS, LYNDA  
**Subject:** stingaree

Hi there Lynda, Just wanted to drop you a note about Stingaree. Sat night (1-28) the place was packed, Friedman had to shut down their valet due to the major clog it was creating. Also the same guy from 529 market St called in a 415N. Leahy and Walb handled that. I thot you had mentioned they have permits to have live bands on the roof top two nights a week. If this is the case can we get a pac file for this so we dont have to disp on the 415n?? Let me know about the permits if you would so we can at least have something concrete in case of future 415N from this guy. (Sorry I dont have the inc # off the top of my head). Thanks for all your help. I am off WTF. my cell is 858-663-4927 if you need/want to get a hold of me :)

Karin Wong

# CALLS FOR SERVICE

Address Information: 454 -454 06TH

Date Range: 10/18/2005 - 07/23/2009 , 00:00 - 23:59 Hours, Day of Week SUN - SAT

Crime Type = 415N

8/4/2009

Sorted by: No Sort Order Selected

Incident #	Date/Time	LOCATION	Type	Dis	Beat	Reporting Party	Phone	OST
P08010015284	Sat 01/17/2008 2203	454 06TH AV	415N	O	523	MICHAEL MORGAN	[REDACTED] 04	2.41
P06020007144	Fri 02/3/2006 2223	454 06TH AV	415N	O	523	MICHAEL MORGAN	[REDACTED]	0.89
P08020039675	Fri 02/17/2006 2305	454 08TH AV	415N	CAN	523	MICHAEL MORGAN	[REDACTED]	
P06030026495	Sun 03/12/2006 2015	454 06TH AV	415N	K	523	MR MORGAN	[REDACTED]	0.64
P06030042183	Fri 03/19/2006 1903	454 08TH AV	415N	K	523	MICHAEL MORGAN	[REDACTED]	1.89
P06070032012	Fri 07/14/2006 2215	454 06TH AV	415N	K	523	MICHAEL MORGAN	[REDACTED] 04	1.55
P08080080087	Sun 08/27/2006 2313	454 06TH AV	415N	K	523	MICHAEL MORGAN	[REDACTED]	0.35
P06090017500	Fri 09/8/2006 1940	454 06TH AV	415N	CAN	523	MICHAEL MORGAN	[REDACTED]	
P08100047122	Sun 10/22/2006 2222	454 06TH AV	415N	K	523	MICHAEL MORGAN	[REDACTED]	0.48
P08060029008	Fri 06/13/2008 2325	454 06TH AV	415N	K	523	LESLIE	[REDACTED]	0.86
P08060029117	Sat 06/14/2008 0012	454 06TH AV	415N	K	523	LESLIE	[REDACTED]	0.48
P08080004827	Sun 08/3/2008 0044	454 06TH AV	415N	K	523	GREG	[REDACTED]	0.07
P08080038712	Sun 08/17/2008 0003	454 06TH AV	415N	K	523	JUDKINS, GREG	[REDACTED]	0.28
P08110017820	Sat 11/8/2008 2330	454 06TH AV	415N	K	523	MS WHALEN	[REDACTED]	0.24
P09030031134	Sun 03/15/2009 0107	454 06TH AV	415N	K	523	DOMINIQUE	[REDACTED]	0.00
P09040048757	Thu 04/23/2009 2359	454 06TH AV	415N	CAN	523	TAMARA JESSUP	[REDACTED]	
P09040048828	Fri 04/24/2009 0059	454 06TH AV	415N	K	523	JUDY CAPLIN	[REDACTED]	1.00
P09050015690	Thu 05/7/2009 2321	454 06TH AV	415N	K	523	FEM	[REDACTED]	0.53
P09050020591	Sat 05/9/2009 2346	454 06TH AV	415N	K	523	SANJEEV JUNEJA	[REDACTED]	0.30
P09050020643	Sun 05/10/2009 0007	454 06TH AV	415N	CAN	523	STEVE	[REDACTED]	
P09080034998	Tue 08/16/2009 2139	454 06TH AV	415N	K	523	GUAJARDO/LESLIE (MS)	[REDACTED]	0.18
P05120009193	Mor 12/5/2005 0141	454 06TH AV	415N	K	523	MATT SMITH	[REDACTED]	0.39
P05120021788	Sat 12/10/2005 2252	454 06TH AV	415N	K	523	MICHAEL MORGAN	[REDACTED]	1.50
P05120037131	Sat 12/17/2005 2333	454 06TH AV	415N	K	523	MORGAN, MICHAEL	[REDACTED]	0.07
P06010030341	Sat 01/14/2008 2144	454 06TH AV	415N	CAN	523	MORGAN, MICHAEL	[REDACTED]	
P06010063148	Sat 01/28/2006 2316	454 06TH AV	415N	K	523	MICHAEL MORGAN	[REDACTED]	0.37
P06020004951	Thu 02/2/2006 2341	454 06TH AV	415N	K	523	MICHAEL MORGAN	[REDACTED]	1.37
P06020023410	Fri 02/10/2006 2146	454 06TH AV	415N	K	523	MICHAEL MORGAN	[REDACTED]	1.02
P06020026855	Sat 02/11/2006 2238	454 06TH AV	415N	K	523	MICHAEL MORGAN	[REDACTED]	0.00
P06020039523	Fri 02/17/2006 2159	454 06TH AV	415N	K	523	MICHAEL MORGAN	[REDACTED]	0.57
P06020042004	Sat 02/18/2006 2352	454 06TH AV	415N	CAN	523	MICHAEL MORGAN	[REDACTED]	
P06030033478	Wed 03/15/2006 2220	454 06TH AV	415N	K	523	MORGAN, MICHAEL	[REDACTED]	0.11
P06070047787	Sat 07/22/2006 0002	454 08TH AV	415N	U	523	MICHAEL MORGAN	[REDACTED]	0.14
P06080039910	Fri 08/18/2006 2219	454 06TH AV	415N	W	523	MICHAEL MORGAN	[REDACTED]	1.31
P06080044170	Sun 08/20/2006 2047	454 08TH AV	415N	K	523	MORGAN, MICHAEL	[REDACTED]	0.74
P06080051058	Wed 08/23/2006 2359	454 06TH AV	415N	K	523	MICHAEL MORGAN	[REDACTED]	0.67
P06090008847	Sun 09/3/2006 2304	454 06TH AV	415N	K	523	MICHAEL MORGAN	[REDACTED]	0.08
P06090036258	Sun 09/17/2006 0015	454 06TH AV	415N	W	523	MIKE MORGAN	[REDACTED]	
P06090054030	Sun 09/24/2006 2227	454 06TH AV	415N	K	523	MICHAEL MORGAN	[REDACTED]	1.06
P08050038088	Sun 05/18/2008 0026	454 06TH AV	415N	K	523	TIM	[REDACTED]	0.36
P08110015610	Sat 11/8/2008 0118	454 06TH AV	415N	K	523	PATTY COLLINS	[REDACTED]	0.17
P08110017897	Sun 11/9/2008 0008	454 06TH AV	415N	K	523	SUSAN OLIVER	[REDACTED]	0.27
P08110017993	Sun 11/9/2008 0059	454 06TH AV	415N	K	523	SANDY RAHMANN	[REDACTED]	0.48
P09060028984	Sun 06/14/2009 0043	454 06TH AV	415N	K	523	JIM IRISH	[REDACTED]	0.00
P09080044130	Sun 08/21/2009 0011	454 06TH AV	415N	K	523	SANJEEV JUNEJA	[REDACTED]	0.04

*unable to retrieve*

*unable to retrieve*

Total # of Calls = 45

Total Out of Service Time = 22.63

08/06/09 14:04:19 Message received from CAD  
Incident History for: #P08060029008 Xref: #P08060029117

Entered 06/13/08 23:25:59 BY CT29 8730  
Dispatched 06/13/08 23:27:11 BY RC05 8754  
Enroute 06/13/08 23:28:23  
Closed 06/13/08 23:48:24

Initial Type: 415N  
Final Type: 415N (DISTURBING PEACE NOISE ONLY) Pri: 3 Dispo: K  
Police BLK: 0540000043970 FMap: 1724D2 TMap: 1289B4 Group: P5  
Beat: 523 Src: T Inc Cmdr:  
Loc: 454 06TH AV -- STINGAREE btwn J ST & ISLAND AV

Loc Info:

Name: LESLIE Addr: [REDACTED] Phone: [REDACTED]

/2325 (8730 ) NBRHD Gaslamp  
/2325 ENTRY LOUD MUSIC COMING FRM LOC, SYS MUSIC KEEPS GETTIN  
G LOUDER // UNK IF COMIN G FRM INSIDE OR OUTSIDE  
OF BUSN //

/2326 MISC ,ENTRY DATE: 02/14/06 BY OPERATOR: 8835 EXPIRES:  
11/08/08454 06TH AV TOPIC: STINGAREE, PERMIT INFO  
AMPLIFIED MUSIC & LIVE ENTERTAINMENT PERMITTED ON  
GROUNDLEVEL & MEZZANINE ONLY, COMMENCE NO EARLIE  
R THAN 1100, ENDNO LATER THAN 0200, 7 DAYS/WEEK//  
AMBIENT RECORDED MUSICPERMITTED THROUGHOUT ROOFTO  
P ENDING NO LATER THAN 0100//DJ PERMITTED ON ROOF  
TOP W/VIC PERMISSION FRI & SAT NO (M)P

/2326 MISC ,OLICE HISTORY ENTRY DATE: 02/14/06 BY OPERATOR:  
8835 EXPIRES: 11/08/08454 06TH AV TOPIC: STINGARE  
E, PERMIT INFOEARLIER THAN 1100 AND NO LATER THAN  
0000//ALL DOORS ANDWINDOWS SHALL REMAIN CLOSED W  
HENEVER AMPLIFIED/LIVE MUSICPLAYED//DANCING NOT P  
ERMITTED ON ROOFTOP//QUESTIONS CONTACTDETS MEISNE  
R OR ENCINAS//JARVIS #4600

/2326 (8754 ) HOLD  
/2327 DISP 524K3 #6357 STONE, LIANNE K  
#6143 MATTLY, JUSTIN

/2327 \$PREMPT 524K3  
/2327 HOLDC  
/2328 DISPER 567BK #5007 NIGRO, MICHAEL  
/2328 ASST 569BK #5942 DE LA PENA, SUSAN  
/2328 ASSTER 563BK #5578 CURRAN, CHRISTOPHER P  
/2334 MMISC 569BK , THEY CLOSED THE DOORS & WILL BE TURNING DOWN TH  
E MUSIC

/2339 CLEAR 567BK  
/2348 CLEAR 563BK  
/2348 CLEAR 569BK D/K  
/2348 CLOSE 569BK D/K  
/0014 CROSS #P08060029117

\*\*\* This is from OUCH-DISP \*\*\*

08/06/09 14:05:09 Message received from CAD  
Incident History for: #P08060029117 Xref: #P08060029008

Entered 06/14/08 00:12:36 BY CT28 8446  
Dispatched 06/14/08 00:13:56 BY RC05 8754  
Onscene 06/14/08 00:16:30  
Closed 06/14/08 00:28:17

Initial Type: 415N  
Final Type: 415N (DISTURBING PEACE NOISE ONLY) Pri: 3 Dispo: K  
Police BLK: 0540000043970 FMap: 1724D2 TMap: 1289B4 Group: P5  
Beat: 523 Src: T Inc Cmdr:  
Loc: 454 06TH AV -- STINGAREE btwn J ST & ISLAND AV

Loc Info:

Name: LESLIE

Addr: [REDACTED]

Phone: [REDACTED]

/0012 (8446 ) NBRHD Gaslamp  
/0012 ENTRY LOUD MUSIC,, COMING FROM LOC ROOF TOP BAR  
/0013 (8754 ) HOLD , NUA AUP5  
/0013 (8446 ) MISC , PI IS REF LOC'S PERMIT BUT PERMIT FOR ROOFTOP I  
S ONLY TILL 0000 HRS  
/0013 (8754 ) DISP 541Y2 #6261 WILLIAMS, KYLE J  
/0013 ASST 549Y2 #5479 CUPPLES, DAVID W  
/0014 CROSS #P08060029008  
/0016 ONSCNE 541Y2  
/0016 ONSCNE 549Y2  
/0028 MMISC 541Y2 , NOISE HERE IS VERY MINIMAL  
/0028 CLEAR 541Y2  
/0028 CLEAR 549Y2 D/K  
/0028 CLOSE 549Y2 D/K

\*\*\* This is from OUCH-DISP \*\*\*

08/06/09 14:05:29 Message received from CAD  
Incident History for: #P08080004827

Entered 08/03/08 00:44:54 BY CT06 8243  
Dispatched 08/03/08 03:20:49 BY RC05 8952  
Enroute 08/03/08 03:20:57  
Onscene 08/03/08 03:23:15  
Closed 08/03/08 03:26:37

Initial Type: 415N  
Final Type: 415N (DISTURBING PEACE NOISE ONLY) Pri: 3 Dispo: K  
Police BLK: 0540000043970 FMap: 1724D2 TMap: 1289B4 Group: P5  
Beat: 523 Src: T Inc Cmdr:  
Loc: 454 06TH AV -- STINGAREE btwn J ST & ISLAND AV

Loc Info: POSS FRM LOC  
Name: GREG

Addr: [REDACTED] Phone: [REDACTED]

/0044 (8243 ) NBRHD Gaslamp  
/0044 ENTRY MUSIC  
/0045 (8952 ) HOLD ,NUA  
/0045 HOLD ,NUA DUE TO INC #4810/1183, #4342/245, #2820/CW,  
#4721/10851, #4759/1016, #4760/10851, #4778/10852  
, #4774/1016, #4778/1016, #4790/1182, #3757/1186,  
#4628/1186 ... AND 9 CALLS HOLDING  
/0045 (8243 ) MISC , 454 06TH AV TOPIC: STINGAREE, PERMIT INFOAMPLIF  
IED MUSIC & LIVE ENTERTAINMENT PERMITTED ON GROUND  
LEVEL & MEZZANINE ONLY, COMMENCE NO EARLIER THAN  
1100, ENDNO LATER THAN 0200, 7 DAYS/WEEK//AMBIEN  
T RECORDED MUSICPERMITTED THROUGHOUT ROOFTOP ENDI  
NG NO LATER THAN 0100//DJ PERMITTED ON ROOFTOP W/  
VIC PERMISSION FRI & SAT NO (M)  
/0045 MISC , POLICE HISTORY ENTRY DATE: 02/14/06 BY OPERATOR  
: 8835 EXPIRES: 11/08/08454 06TH AV TOPIC: STINGA  
REE, PERMIT INFOEARLIER THAN 1100 AND NO LATER TH  
AN 0000//ALL DOORS ANDWINDOWS SHALL REMAIN CLOSED  
WHENEVER AMPLIFIED/LIVE MUSICPLAYED//DANCING NOT  
PERMITTED ON ROOFTOP//QUESTIONS CONTACTDETS MEIS  
NER OR ENCINAS//JARVIS #4600  
/0156 (8952 ) HOLD ,NUA DUE TO INC #4961/1183, #4964/1141, #4721/108  
51, #4759/1016, #4920/242, #4922/415V, #4799/5150  
, #4906/1016, #4966/415, #3757/1186, #4628/1186 .  
.. AND 19 CALLS HOLDING  
/0242 HOLD ,NUA DUE TO INC #4961/1183, #4721/10851, #4920/24  
2, #4922/415V, #4951/415DV, #4978/415V, #4980/242  
, #4983/415V, #4906/1016, #4966/415, #5016/415, #  
5033/415, #3757/1186 ... AND 24 CALLS HOLDING  
/0320 DISP 522K3 #6198 LEGRAND, HOUSHAWN  
#6200 PERALTA, JOSEPH  
/0320 (6198 ) \*ENROUT 522K3  
/0323 \*ONSCNE 522K3  
/0325 (8952 ) \$PREMPT 522K3  
/0326 CLOSE 522K3 D/K

\*\*\* This is from OUCH-DISP \*\*\*

.08/06/09 14:05:47 Message received from CAD  
Incident History for: #P08080036712

Entered 08/17/08 00:03:12 BY CT01 8318  
Dispatched 08/17/08 00:08:22 BY RC05 8886  
Enroute 08/17/08 00:08:22  
Onscene 08/17/08 00:08:41  
Closed 08/17/08 00:16:51

Initial Type: 415N  
Final Type: 415N (DISTURBING PEACE NOISE ONLY) Pri: 3 Dispo: K  
Police BLK: 0540000043970 FMap: 1724D2 TMap: 1289B4 Group: P5  
Beat: 523 Src: T Inc Cmdr:  
Loc: 454 06TH AV -- STINGAREE btwn J ST & ISLAND AV

Loc Info:

Name: JUDKINS, GREG

Addr: [REDACTED]

Phone: [REDACTED]

/0003 (8318 ) NBRHD Gaslamp  
/0003 ENTRY LOUD MUSIC  
/0003 (8886 ) HOLD  
/0003 (8318 ) MISC , PI APPLIES//CT01/MELERO  
/0008 (8886 ) DISPER 567BK #5007 NIGRO, MICHAEL  
/0008 ASSTOS 561BK #5605 PETERSON, VERNON J  
/0008 ASSTOS 565BK #5367 HALL, DAVID  
/0008 CLEAR 567BK  
/0016 MISC 561BK , TURNING THE MUSIC DOWN  
/0016 CLEAR 561BK D/K  
/0016 CLEAR 565BK D/K  
/0016 CLOSE 565BK D/K

\*\*\* This is from OUCH-DISP \*\*\*



.08/06/09 14:06:05 Message received from CAD  
Incident History for: #P08110017820

Entered 11/08/08 23:30:39 BY CT05 8896  
Dispatched 11/08/08 23:31:35 BY RC05 8160  
Enroute 11/08/08 23:31:35  
Onscene 11/08/08 23:34:58  
Closed 11/08/08 23:38:51

Initial Type: 415N  
Final Type: 415N (DISTURBING PEACE NOISE ONLY) Pri: 3 Dispo: K  
Police BLK: 0540000043970 FMap: 1724D2 TMap: 1289B4 Group: P5  
Beat: 523 Src: T Inc Cmdr:  
Loc: 454 06TH AV -- STINGAREE btwn J ST & ISLAND AV

Loc Info:

Name: MS WHALEN Addr: [REDACTED] Phone: [REDACTED]

/2330 (8896 ) NBRHD Gaslamp  
/2330 ENTRY LOUD MUSIC// THE RP LIVES 3 BLOCKS AWAY  
/2331 (8160 ) DISP 568BK #5025 CALI, FRANCIS  
/2331 ASSTER 564BK #6186 SERRANO, MICHAEL R  
/2332 (8896 ) MISC ,SAT 11/08/08 23:32 #P08110017820 415N POLICE HIS  
TORY ENTRY DATE: 02/14/06 BY OPERATOR: 8835 EXPIR  
ES: 11/08/08454 06TH AV TOPIC: STINGAREE, PERMIT  
INFOAMPLIFIED MUSIC & LIVE ENTERTAINMENT PERMITTE  
D ON GROUNDLEVEL & MEZZANINE ONLY, COMMENCE NO EA  
RLIER THAN 1100, ENDNO LATER THAN 0200, 7 DAYS/WE  
EK//AMBIENT RECORDED MUSICPERMITTED THROUGHOUT RO  
OFTOP ENDING NO LATER THAN 0100//DJ PE  
/2332 MISC ,RMITTED ON ROOFTOP W/VIC PERMISSION FRI & SAT NO  
(M)POLICE HISTORY ENTRY DATE: 02/14/06 BY OPERAT  
OR: 8835 EXPIRES: 11/08/08454 06TH AV TOPIC: STIN  
GAREE, PERMIT INFOEARLIER THAN 1100 AND NO LATER  
THAN 0000//ALL DOORS ANDWINDOWS SHALL REMAIN CLOS  
ED WHENEVER AMPLIFIED/LIVE MUSICPLAYED//DANCING N  
OT PERMITTED ON ROOFTOP//QUESTIONS CONTACTDETS ME  
ISNER OR ENCINAS//JARVIS #4600  
/2334 (8160 ) ONSCNE 568BK  
/2334 ONSCNE 564BK  
/2337 MISC 568BK , SPOKE TO GENERAL MGR, WILL TURN DOWN THE MUSIC  
/2338 CLEAR 568BK D/K  
/2338 CLEAR 564BK  
/2338 CLOSE 564BK D/K

\*\*\* This is from OUCH-DISP \*\*\*

08/06/09 14:06:28 Message received from CAD  
Incident History for: #P09030031134

Entered 03/15/09 01:07:01 BY CT10 8362  
Dispatched 03/15/09 03:52:42 BY RC05 8412  
Enroute 03/15/09 03:52:42  
Onscene 03/15/09 03:52:42  
Closed 03/15/09 03:52:49

Initial Type: 415N  
Final Type: 415N (DISTURBING PEACE NOISE ONLY) Pri: 3 Dispo: K  
Police BLK: 0540000043970 FMap: 1724D2 TMap: 1289B4 Group: P5  
Beat: 523 Src: T Inc Cmdr:  
Loc: 454 06TH AV -- STINGAREE btwn J ST & ISLAND AV

Loc Info:

Name: DOMINIQUE Addr: [REDACTED] Phone: [REDACTED]

/0107 (8362 ) NBRHD Gaslamp  
/0107 ENTRY GUESTS COMPLIANING ABOUT LOUD MUSIC/NOISE FROM CL  
UB ACROSS STREET// RP RE Q OFCRS MAKE CONTACT TO  
SEE IF CLUB WITH REASON FOR THEIR NOISE LEVEL  
  
/0107 (8412 ) HOLD ,NUA  
/0107 (8362 ) MISC , PI IS NOISE INFO FOR LOC  
/0304 (8720 ) HOLD , 15 PENDING 13 ACTIVE,NUA #0553 1145,#1272 11-8,  
#1302 1183,#0928 20002,#1224 415DV,#1276 417,1291  
415V,#0559 DV,#1182 FD,#1243 1016,#1249 1016,#12  
97 23152,#1303 20002R//  
  
/0352 (8412 ) DISPOS 525S3 #3771 HERNANDEZ, MANUEL S  
/0352 CLEAR 525S3 D/K  
,ALL QUIET  
  
/0352 CLOSE 525S3 D/K

\*\*\* This is from OUCH-DISP \*\*\*



08/06/09 14:07:25 Message received from CAD  
Incident History for: #P09040048828

Entered 04/24/09 00:59:09 BY CT20 8402  
Dispatched 04/24/09 00:59:45 BY RC05 8961  
Enroute 04/24/09 00:59:45  
Onscene 04/24/09 01:02:13  
Closed 04/24/09 01:29:54

Initial Type: 415N  
Final Type: 415N (DISTURBING PEACE NOISE ONLY) Pri: 3 Dispo: K  
Police BLK: 0540000043970 FMap: 1724D2 TMap: 1289B4 Group: P5  
Beat: 523 Src: T Inc Cmdr:  
Loc: 454 06TH AV -- STINGAREE btwn J ST & ISLAND AV

Loc Info:

Name: JUDY CAPLIN Addr: [REDACTED] Phone: [REDACTED]

/0059 (8402 ) NBRHD Gaslamp  
/0059 ENTRY LOUD MUSIC COMING THE BAR, NFI  
/0059 (8961 ) DISPER 563BK #6261 WILLIAMS, KYLE J  
/0059 ASSTER 567BK #6026 DECESARI, GEOFFREY S  
/0059 CHANGE LOC: 06TH AV/ISLAND AV  
--> 454 06TH AV  
LOCI: THE STINGARY  
-->  
/0059 (8402 ) CHANGE LOC: 454 06TH AV  
--> 06TH AV/ISLAND AV  
LOCI:  
--> THE STINGARY  
NAM: JUSY CAPLIN  
--> JUDY CAPLIN  
/0100 (8961 ) CHANGE LOC: 06TH AV/ISLAND AV  
--> 454 06TH AV  
LOCI: THE STINGARY  
-->  
NAM: JUDY CAPLIN  
--> JUSY CAPLIN  
/0100 CHANGE NAM: JUSY CAPLIN  
--> JUDY CAPLIN  
/0100 (8402 ) MISC , ON ROOFTOP OF CLUB  
/0102 (6261 ) \*ONSCNE 563BK  
/0102 \*ONSCNE 563BK  
/0102 (8361 ) SUPP NAM: DOMINIQUE  
ADR: HOTEL SOLEMAR  
PHO: 6198199500  
TXT: LOUD MUSIC//  
/0103 MISC , POLICE HISTORY ENTRY DATE: 11/16/08 BY OPERATOR:  
8630 EXPIRES: 08/11/11454 06TH AV TOPIC: STINGAR  
EE, PERMIT INFOAMPLIFIED MUSIC & LIVE ENTERTAINME  
NT PERMITTED ON GROUNDLEVEL & MEZZANINE ONLY, COM  
MENCE NO EARLIER THAN 1100, ENDNO LATER THAN 0200  
, 7 DAYS/WEEK//AMBIENT RECORDED MUSICPERMITTED TH  
ROUGHOUT ROOFTOP ENDING NO LATER THAN 0100//DJ PE  
RMITTED ON ROOFTOP W/VIC PERMISSION FR  
/0103 MISC , I & SAT NO (M) POLICE HISTORY ENTRY DATE: 11/16/0  
8 BY OPERATOR: 8630 EXPIRES: 08/11/11454 06TH AV  
TOPIC: STINGAREE, PERMIT INFOEARLIER THAN 1100 AN  
D NO LATER THAN 0000//ALL DOORS ANDWINDOWS SHALL  
REMAIN CLOSED WHENEVER AMPLIFIED/LIVE MUSICPLAYED  
//DANCING NOT PERMITTED ON ROOFTOP//QUESTIONS CON  
TACTDETS MEISNER OR ENCINAS//JARVIS #4600ORIG ENT  
RY 021406  
/0117 (8961 ) CALLBK 563BK , 9 01:16:41 TO RC05 FROM 563BK: CAN YOU PLZ HAVE T  
HE PHONE ROOM CB BOTH RPS ON OUR CALL AND GET THE

.08/06/09 14:07:40 Message received from CAD  
Incident History for: #P09050015690

Entered 05/07/09 23:21:41 BY CT14 8821  
Dispatched 05/07/09 23:22:17 BY RC05 8654  
Enroute 05/07/09 23:22:17  
Onscene 05/07/09 23:23:17  
Closed 05/07/09 23:32:56

Initial Type: 415N  
Final Type: 415N (DISTURBING PEACE NOISE ONLY) Pri: 3 Dispo: K  
Police BLK: 0540000043970 FMap: 1724D2 TMap: 1289B4 Group: P5  
Beat: 523 Src: T Inc Cmdr:  
Loc: 454 06TH AV -- STINGAREE btwn J ST & ISLAND AV

Loc Info: STINGAREE  
Name: FEM

Addr: / [REDACTED]

Phone: / [REDACTED]

/2321 (8821 ) NBRHD Gaslamp  
/2321 ENTRY LOUD MUSIC FRM LOC  
/2322 (8654 ) DISP 563BK #6261 WILLIAMS, KYLE J  
/2322 ASST 564BK #6186 SERRANO, MICHAEL R  
/2322 ASSTER 569BK #5942 DE LA PENA, SUSAN  
/2322 (8821 ) MISC , PI IS PERMIT INFO FOR LOC/CT14 D195  
/2323 (8654 ) ONSCNE 563BK  
/2324 ONSCNE 564BK  
/2324 ONSCNE 569BK  
/2332 (8416 ) \$PREMPT 569BK  
/2332 \$PREMPT 564BK  
/2332 \$PREMPT 563BK  
/2332 CLOSE 563BK D/K

\*\*\* This is from OUCH-DISP \*\*\*

08/06/09 14:08:05 Message received from CAD  
Incident History for: #P09050020591

Entered 05/09/09 23:46:31 BY CT31 8446  
Dispatched 05/09/09 23:50:13 BY RC05 8270  
Enroute 05/09/09 23:50:15  
Onscene 05/09/09 23:50:15  
Closed 05/10/09 00:00:08

Initial Type: 415N  
Final Type: 415N (DISTURBING PEACE NOISE ONLY) Pri: 3 Dispo: K  
Police BLK: 0540000043970 FMap: 1724D2 TMap: 1289B4 Group: P5  
Beat: 523 Src: T Inc Cmdr:  
Loc: 454 06TH AV -- STINGAREE btwn J ST & ISLAND AV

Loc Info:

Name: SANJEEV JUNEJA Addr: [REDACTED] Phone: [REDACTED]

/2346 (8446 ) NBRHD Gaslamp  
/2346 ENTRY LOUD MUSIC COMING FROM OPEN TERRACE , , PER RP MUS  
IC IS EXTREMELY LOUD  
/2346 MISC , , PI DOES APPLY  
/2350 (8270 ) DISP 569BK #5942 DE LA PENA, SUSAN  
/2350 ASSTOS 524J3 #6310 MASSEY, BRADLEY S  
/2350 ASSTER 564BK #6186 SERRANO, MICHAEL R  
/2352 \$PREMPT 524J3  
/2356 CLEAR 569BK D/K  
,BUSN TURNED DOWN THEIR MUSIC  
/0000 CLEAR 564BK  
/0000 CLOSE 564BK D/K

\*\*\* This is from OUCH-DISP \*\*\*

08/06/09 14:08:25 Message received from CAD  
Incident History for: #P09050020643

Entered 05/10/09 00:07:11 BY CT19 8630  
Closed 05/10/09 00:08:28

Initial Type: 415N  
Final Type: 415N (DISTURBING PEACE NOISE ONLY) Pri: 3 Dispo: CAN  
Police BLK: 0540000043970 FMap: 1724D2 TMap: 1289B4 Group: P5  
Beat: 523 Src: T Inc Cmdr:  
Loc: 454 06TH AV -- STINGAREE btwn J ST & ISLAND AV

Loc Info:

Name: STEVE Addr: [REDACTED] Phone: [REDACTED]

/0007 (8630 ) NBRHD Gaslamp  
/0007 ENTRY FROM THE ROOFTOP BAR,, MUSIC IS VERY LOUD,, WS  
/0008 (8270 ) CANCEL ,PER 564BK JUST CLEARED FROM THIS LOC ABOUT 1 MIN  
AGO, THEY HAVE TURNED DOWN THE MUSIC SIGNIFICANT  
LY  
/0008 CLOSE D/CAN  
/0008 (8630 ) MISC ,PI IS PERMIT INFO FOR THE BAR,,SYS ONLY AMBIENT  
MUSIC IS ALLOWED ON ROOFTOP,,RP SAYS THE MUSIC IS  
BLARING

\*\*\* This is from OUCH-DISP \*\*\*

08/06/09 14:08:49 Message received from CAD  
Incident History for: #P09060034996

Entered 06/16/09 21:39:56 BY CT06 8741  
Dispatched 06/16/09 22:18:47 BY RC05 8560  
Enroute 06/16/09 22:18:54  
Onscene 06/16/09 22:21:00  
Closed 06/16/09 22:29:51

Initial Type: 415N  
Final Type: 415N (DISTURBING PEACE NOISE ONLY) Pri: 3 Dispo: K  
Police BLK: 0540000043970 FMap: 1724D2 TMap: 1289B4 Group: P5  
Beat: 523 Src: T Inc Cmdr:  
Loc: 454 06TH AV -- STINGAREE btwn J ST & ISLAND AV

Loc Info:

Name: GUAJARDO/LESLIE (MS) Addr: [REDACTED] Phone: [REDACTED]

/2139 (8741 ) NBRHD Gaslamp  
/2139 ENTRY LIVE DJ ON ROOFTOP  
/2140 (8560 ) HOLD ,NUA  
/2141 (8741 ) SUPP TXT: \*PI APPLIES\*  
/2141 MISC ,ENTRY DATE: 11/16/08 BY OPERATOR: 8630 EXPIRES:  
08/11/11454 06TH AV TOPIC: STINGAREE, PERMIT INFO  
AMPLIFIED MUSIC & LIVE ENTERTAINMENT PERMITTED ON  
GROUNDLEVEL & MEZZANINE ONLY, COMMENCE NO EARLIE  
R THAN 1100, ENDNO LATER THAN 0200, 7 DAYS/WEEK//  
AMBIENT RECORDED MUSICPERMITTED THROUGHOUT ROOFTO  
P ENDING NO LATER THAN 0100//DJ PERMITTED ON ROOF  
TOP W/VIC PERMISSION FRI & SAT NO (M)P  
/2141 MISC ,OLICE HISTORY ENTRY DATE: 11/16/08 BY OPERATOR:  
8630 EXPIRES: 08/11/11454 06TH AV TOPIC: STINGARE  
E, PERMIT INFOEARLIER THAN 1100 AND NO LATER THAN  
0000//ALL DOORS ANDWINDOWS SHALL REMAIN CLOSED W  
HENEVER AMPLIFIED/LIVE MUSICPLAYED//DANCING NOT P  
ERMITTED ON ROOFTOP//QUESTIONS CONTACTDETS MEISNE  
R OR ENCINAS//JARVIS #4600ORIG ENTRY 021406  
/2218 (8560 ) DISP 529K3 #6357 STONE, LIANNE K  
#6278 LINK, NICHOLAS  
/2218 (6357 ) \*ENROUT 529K3  
/2221 \*ONSCNE 529K3  
/2225 (8302 ) SUPP TXT: MRS BENDIX, ADD OF [REDACTED], PH# [REDACTED]  
[REDACTED] CLLD COMPLAINING OF SAME, SYS THEY DO  
NOT HAVE A PERMIT ON TUES//CT02 D52  
/2229 (6357 ) \*MISC 529K3 , PER MANAGEMENT THEY TURNED DOWN THE MUSIC AND T  
HEY ARE SHUTTING DOWN THE PARTY AT 2230 HOURS. VE  
RBAL WARNING  
/2229 \*CLEAR 529K3 D/K  
/2229 CLOSE 529K3 D/K

\*\*\* This is from OUCH-DISP \*\*\*



08/06/09 14:14:49 Message received from CAD  
Incident History for: #P08050038088

Entered 05/18/08 00:28:18 BY CT16 8524  
Dispatched 05/18/08 00:32:18 BY RC05 8657  
Enroute 05/18/08 00:32:18  
Onscene 05/18/08 00:33:37  
Closed 05/18/08 00:42:57

Initial Type: 415N  
Final Type: 415N (DISTURBING PEACE NOISE ONLY) Pri: 3 Dispo: K  
Police BLK: 0540000043970 FMap: 1724D2 TMap: 1289B4 Group: P5  
Beat: 523 Src: T Inc Cmdr:  
Loc: 454 06TH AV -- STINGAREE btwn J ST & ISLAND AV

Loc Info:

Name: TIM

Addr: [REDACTED]

Phone: [REDACTED]

/0028 (8524 ) NBRHD Gaslamp  
/0028 ENTRY LOUD MUSIC COMING FROM LOC //  
/0028 (8657 ) HOLD ,NUA  
/0028 (8524 ) MMISC , PI IS NOISE RELATED  
/0032 (8657 ) DISPER 564BK #6186 SERRANO, MICHAEL R  
/0032 ASSTER 569BK #5942 DE LA PENNA, SUSAN  
/0033 ONSCNE 564BK  
/0033 ONSCNE 569BK  
/0037 MMISC 569BK ,WILL TURN DOWN MUSIC  
/0042 CLEAR 564BK D/K  
/0042 CLEAR 569BK D/K  
/0042 CLOSE 569BK D/K

\*\*\* This is from OUCH-DISP \*\*\*

.08/06/09 14:15:17 Message received from CAD  
Incident History for: #P08110015610

Entered 11/08/08 01:18:42 BY CT30 8446  
Dispatched 11/08/08 01:19:17 BY RC04 8160  
Enroute 11/08/08 01:19:17  
Onscene 11/08/08 01:19:17  
Closed 11/08/08 01:25:27

Initial Type: 415N  
Final Type: 415N (DISTURBING PEACE NOISE ONLY) Pri: 3 Dispo: K  
Police BLK: 0540000043970 FMap: 1724D2 TMap: 1289B4 Group: P5  
Beat: 523 Src: T Inc Cmdr:  
Loc: 454 06TH AV -- STINGAREE btwn J ST & ISLAND AV

Loc Info:

Name: PATTY COLLINS

Addr: [REDACTED]

Phone: [REDACTED]

/0118 (8446 ) NBRHD Gaslamp  
/0118 ENTRY 2ND HAND TO RP FROM TENNANT,, LOUD MUSIC COMING F  
ROM LOC  
/0119 SUPP TXT: PER RP TENNANT ADV ITS COMING FROM THE ROOF  
OF LOC  
/0119 (8160 ) DISPOS 562BK #5516 ZALDIVAR, JESSE R  
/0119 ASST 526S3 #5547 HINZO, RICHARD A  
/0120 (8446 ) MISC , 454 06TH AV TOPIC: STINGAREE, PERMIT INFOAMPLIF  
IED MUSIC & LIVE ENTERTAINMENT PERMITTED ON GROUND  
LEVEL & MEZZANINE ONLY, COMMENCE NO EARLIER THAN  
1100, ENDNO LATER THAN 0200, 7 DAYS/WEEK//AMBIEN  
T RECORDED MUSICPERMITTED THROUGHOUT ROOFTOP ENDI  
NG NO LATER THAN 0100//DJ PERMITTED ON ROOFTOP W/  
VIC PERMISSION FRI & SAT NO (M)454 06TH AV TOPIC:  
STINGAREE, PERMIT INFOEARLIER THAN 11  
/0120 MISC ,00 AND NO LATER THAN 0000//ALL DOORS ANDWINDOWS  
SHALL REMAIN CLOSED WHENEVER AMPLIFIED/LIVE MUSIC  
PLAYED//DANCING NOT PERMITTED ON ROOFTOP//QUESTIO  
NS CONTACTDETS MEISNER OR ENCINAS//JARVIS #4600  
/0121 (8160 ) OK 562BK , THEY ARE TURNING DOWN THE MUSIC, DONE HERE IN 5  
MINS  
/0123 \$PREMPT 562BK  
/0125 (5547 ) \*CLEAR 526S3 D/K  
,MUSIC OFF  
/0125 CLOSE 526S3 D/K

\*\*\* This is from OUCH-DISP \*\*\*

08/06/09 14:15:35 Message received from CAD  
Incident History for: #P08110017897 Xref: #P08110017993

Entered 11/09/08 00:08:36 BY CT02 8335  
Dispatched 11/09/08 00:25:55 BY RC05 8160  
Enroute 11/09/08 00:25:55  
Onscene 11/09/08 00:27:07  
Closed 11/09/08 00:34:07

Initial Type: 415N  
Final Type: 415N (DISTURBING PEACE NOISE ONLY) Pri: 3 Dispo: K  
Police BLK: 0540000043970 FMap: 1724D2 TMap: 1289B4 Group: P5  
Beat: 523 Src: T Inc Cmdr:  
Loc: 454 06TH AV -- STINGAREE btwn J ST & ISLAND AV

Loc Info:

Name: SUSAN OLIVER

Addr: [REDACTED]

Phone: [REDACTED]

/0008 (8335 ) NBRHD Gaslamp  
/0008 ENTRY LOUD MUSIC AND PEOPLE,,  
/0008 (8160 ) HOLD  
/0009 (8335 ) MISC ,PI PERMIT INFO FOR BUSN  
/0025 (8160 ) DISPER 563BK #6261 WILLIAMS, KYLE J  
/0026 ASST 562BK #5516 ZALDIVAR, JESSE R  
/0027 ONSCNE 563BK  
/0027 MISC 563BK , TALKING WITH STAFF NOW, THEY ARE TURNING DOWN M  
USIC  
/0034 CLEAR 563BK D/K  
/0034 ONSCNE 562BK  
/0034 CLEAR 562BK  
/0034 CLOSE 562BK D/K  
/0100 (8446 ) CROSS #P08110017993

\*\*\* This is from OUCH-DISP \*\*\*

.08/06/09 14:15:58 Message received from CAD  
Incident History for: #P08110017993 Xref: #P08110017897

Entered	11/09/08	00:59:51	BY CT31	8446
Dispatched	11/09/08	01:02:42	BY RC05	8160
Enroute	11/09/08	01:02:42		
Onscene	11/09/08	01:02:42		
Closed	11/09/08	01:16:30		

Initial Type: 415N  
Final Type: 415N (DISTURBING PEACE NOISE ONLY) Pri: 3 Dispo: K  
Police BLK: 0540000043970 FMap: 1724D2 TMap: 1289B4 Group: P5  
Beat: 523 Src: T Inc Cmdr:  
Loc: 454 06TH AV -- STINGAREE btwn J ST & ISLAND AV

Loc Info:

Name: SANDY RAHMANN

Addr: [REDACTED]

Phone: [REDACTED]

/0059	(8446)	NBRHD		Gaslamp
/0059		ENTRY		SEE IH #17897 ,,MUSIC EXTREMELY LOUD AGAIN PER RP
/0100		CROSS		#P08110017897
/0100		MISC		, PI IS REF PERMIT INFO FOR LOC
/0102	(8160)	DISPOS	562BK	#5516 ZALDIVAR, JESSE R
/0102		ASSTOS	561S	#3669 MILANO, JAMES E
/0105		MISC	562BK	, STAFF HERE HAS TURNED DOWN THE MUSIC EACH TIME
				UTS HAVE RESPONDED, WILL TURN IS DOWN AGAIN
/0116		MISC	562BK	, COMPLETELY SHUT DOWN ROOF TOP
/0116		CLEAR	562BK	D/K
/0116		CLEAR	561S	
/0116		CLOSE	561S	D/K

\*\*\* This is from OUCH-DISP \*\*\*

08/06/09 14:16:36 Message received from CAD  
Incident History for: #P09060028984

Entered 06/14/09 00:43:44 BY CT13 8939  
Dispatched 06/14/09 03:57:40 BY RC05 8834  
Enroute 06/14/09 03:57:40  
Onscene 06/14/09 03:57:40  
Closed 06/14/09 03:57:57

Initial Type: 415N  
Final Type: 415N (DISTURBING PEACE NOISE ONLY) Pri: 3 Dispo: K  
Police BLK: 0540000043970 FMap: 1724D2 TMap: 1289B4 Group: P5  
Beat: 523 Src: T Inc Cmdr:  
Loc: 454 06TH AV -- STINGAREE btwn J ST & ISLAND AV

Loc Info:

Name: JIM IRISH

Addr: [REDACTED]

Phone: [REDACTED]

/0043 (8939 ) NBRHD Gaslamp  
/0043 ENTRY LOUD MUSIC COMING FROM ROOF TOP BAR//CHRONIC PROBLEM  
/0043 (8270 ) HOLD ,NUA  
/0045 (8939 ) MMISC ,POLICE HISTORY ENTRY DATE: 11/16/08 BY OPERATOR:  
8630 EXPIRES: 08/11/11454 06TH AV TOPIC: STINGAREE, PERMIT INFOAMPLIFIED MUSIC & LIVE ENTERTAINMENT PERMITTED ON GROUNDLEVEL & MEZZANINE ONLY, COMMENCE NO EARLIER THAN 1100, ENDNO LATER THAN 0200, 7 DAYS/WEEK//AMBIENT RECORDED MUSICPERMITTED THROUGHTOUT ROOFTOP ENDING NO LATER THAN 0100//DJ PERMITTED ON ROOFTOP W/VIC PERMISSION FR  
/0045 MMISC ,I & SAT NO (M)  
/0045 MMISC ,POLICE HISTORY ENTRY DATE: 11/16/08 BY OPERATOR:  
8630 EXPIRES: 08/11/11454 06TH AV TOPIC: STINGAREE, PERMIT INFOEARLIER THAN 1100 AND NO LATER THAN 0000//ALL DOORS ANDWINDOWS SHALL REMAIN CLOSED WHENEVER AMPLIFIED/LIVE MUSICPLAYED//DANCING NOT PERMITTED ON ROOFTOP//QUESTIONS CONTACTDETS MEISNER OR ENCINAS//JARVIS #4600ORIG ENTRY 021406  
/0047 (8270 ) HOLD ,NUA DUE TO INC #8276-5150V, #8631-211, #8796-415DV/1016, #8771-211, #8743-415V, #8972-415DV, #8664-415, #8804-415  
/0057 HOLD ,HOLD FOR BIKE UTS  
/0326 HOLD ,AUP5 STILL NUA DUE TO INC #9126-11-8, #8631-211, #9108-415V, #9136-CCW, #9238-415DV, #8804-415, #8989-23152 \*\* 525S 10-4 CALL PENDING \*\*  
/0357 (8834 ) DISPOS 529J3 #6288 CARA, BISMARCK ANTHONY  
/0357 CLEAR 529J3 D/K  
,06/14/09 03:56:55 TO RC05 FROM 529J3: THE 415N AT STINGAREE IS ALL QUIET NOW.  
/0357 CLOSE 529J3 D/K  
/0359 (6288 ) \*MISC , C4. NO MORE NOISE. BUSINESS IS CLOSED FOR THE EVENING.

\*\*\* This is from OUCH-DISP \*\*\*

08/06/09 14:16:52 Message received from CAD  
Incident History for: #P09060044130

Entered 06/21/09 00:11:02 BY CT08 8212  
Dispatched 06/21/09 00:45:38 BY RC05 8657  
Enroute 06/21/09 00:45:38  
Closed 06/21/09 01:09:46

Initial Type: 415N  
Final Type: 415N (DISTURBING PEACE NOISE ONLY) Pri: 3 Dispo: K  
Police BLK: 0540000043970 FMap: 1724D2 TMap: 1289B4 Group: P5  
Beat: 523 Src: T Inc Cmdr:  
Loc: 454 06TH AV -- STINGAREE btwn J ST & ISLAND AV

Loc Info:

Name: SANJEEV JUNEJA Addr: [REDACTED] CELL Phone: [REDACTED]

/0011 (8212 ) NBRHD Gaslamp  
/0011 ENTRY LOUD MUSIC // CHRONIC PROBLEM  
/0011 SUPP TXT: RP ALSO COMPLAINING ABOUT PEOPLE OUT ON TERR  
ACE OF CLUB // CT08 RADER  
  
/0011 (8183 ) HOLD  
/0012 (8212 ) MISC ,PI APPLIES // CT08 RADER  
/0015 SUPP TXT: RP SYS THIS NOT JUST "AMBIENT MUSIC" // HE I  
S ON 11TH FL AND SAYS IT SOUNDS LIKE MUSIC IS RIG  
HT OUTSIDE HIS WINDOW // CT08 RADER  
  
/0045 (8657 ) DISPER 562BK #5516 ZALDIVAR, JESSE R  
/0045 ASSTER 564BK #6186 SERRANO, MICHAEL R  
/0046 \$PREMPT 562BK  
/0047 \$PREMPT 564BK  
/0048 MMISC ,UT 97...ON #4206 SAME LOC  
/0109 CLOSE 564BK D/K  
,MUSIC TURNED DOWN

\*\*\* This is from OUCH-DISP \*\*\*

# CALLS FOR SERVICE

Address Information: 454 -454 06TH

Date Range: 10/18/2005 - 07/23/2009 , 00:00 - 23:59 Hours, Day of Week SUN - SAT

Crime Type = 415N

8/4/2009

Sorted by: No Sort Order Selected

Incident #	Date/Time	LOCATION	Type	Dis	Beat	Reporting Party	Phone	OST
P06010015264	Sat 01/17/2008 2203	454 06TH AV	415N	O	523	MICHAEL MORGAN	[REDACTED]	2.41
P06020007144	Fri 02/3/2006 2223	454 06TH AV	415N	O	523	MICHAEL MORGAN	[REDACTED]	0.89
P06020039876	Fri 02/17/2006 2305	454 06TH AV	415N	CAN	523	MICHAEL MORGAN	[REDACTED]	
P06030026495	Sun 03/12/2006 2015	454 06TH AV	415N	K	523	MR MORGAN	[REDACTED]	0.64
P06030042183	Sun 03/19/2006 1903	454 06TH AV	415N	K	523	MICHAEL MORGAN	[REDACTED]	1.89
P06070032012	Fri 07/14/2006 2215	454 06TH AV	415N	K	523	MICHAEL MORGAN	[REDACTED]	1.55
P06080060687	Sun 08/27/2006 2313	454 06TH AV	415N	K	523	MICHAEL MORGAN	[REDACTED]	0.36
P06090017600	Fri 09/8/2006 1940	454 06TH AV	415N	CAN	523	MICHAEL MORGAN	[REDACTED]	
P08100047122	Sun 10/22/2006 2222	454 06TH AV	415N	K	523	MICHAEL MORGAN	[REDACTED]	0.48
P08060029008	Fri 06/13/2006 2325	454 06TH AV	415N	K	523	LESLIE	[REDACTED]	0.86
P08060029117	Sat 06/14/2006 0012	454 06TH AV	415N	K	523	LESLIE	[REDACTED]	0.48
P08080004827	Sun 08/3/2006 0044	454 06TH AV	415N	K	523	GREG	[REDACTED]	0.07
P080800038712	Sun 08/17/2006 0003	454 06TH AV	415N	K	523	JUDKINS, GREG	[REDACTED]	0.28
P08110017820	Sat 11/8/2006 2330	454 06TH AV	415N	K	523	MS WHALEN	[REDACTED]	0.24
P09030031134	Sun 03/15/2009 0107	454 06TH AV	415N	K	523	DOMINIQUE	[REDACTED]	0.00
P09040048757	Thu 04/23/2009 2359	454 06TH AV	415N	CAN	523	TAMARA JESSUP	[REDACTED]	
P09040048828	Fri 04/24/2009 0059	454 06TH AV	415N	K	523	JUDY CAPLIN	[REDACTED]	1.00
P09050015690	Thu 05/11/2009 2321	454 06TH AV	415N	K	523	FEM	[REDACTED]	0.53
P09050020591	Sat 05/09/2009 2348	454 06TH AV	415N	K	523	SANJEEV JUNEJA	[REDACTED]	0.30
P09050020643	Sun 05/10/2009 0007	454 06TH AV	415N	CAN	523	STEVE	[REDACTED]	
P09060034988	Tue 06/16/2009 2139	454 06TH AV	415N	K	523	GUJARDO, LESLIE (MS)	[REDACTED]	0.18
P05120009193	Mor 12/5/2005 0141	454 06TH AV	415N	K	523	MATT SMITH	[REDACTED]	0.39
P05120021788	Sat 12/10/2005 2252	454 06TH AV	415N	K	523	MICHAEL MORGAN	[REDACTED]	1.50
P05120037131	Sat 12/17/2005 2333	454 06TH AV	415N	K	523	MORGAN, MICHAEL	[REDACTED]	0.07
P06010030341	Sat 01/14/2006 2144	454 06TH AV	415N	CAN	523	MORGAN, MICHAEL	[REDACTED]	
P06010063148	Sat 01/28/2006 2316	454 06TH AV	415N	K	523	MICHAEL MORGAN	[REDACTED]	0.37
P06020004861	Thu 02/2/2006 2341	454 06TH AV	415N	K	523	MICHAEL MORGAN	[REDACTED]	1.37
P06020023410	Fri 02/10/2006 2148	454 06TH AV	415N	K	523	MICHAEL MORGAN	[REDACTED]	1.02
P06020025855	Sat 02/11/2006 2238	454 06TH AV	415N	K	523	MICHAEL MORGAN	[REDACTED]	0.00
P06020039523	Fri 02/17/2006 2159	454 06TH AV	415N	K	523	MICHAEL MORGAN	[REDACTED]	0.57
P06020042004	Sat 02/18/2006 2352	454 06TH AV	415N	CAN	523	MICHAEL MORGAN	[REDACTED]	
P06030033478	Wed 03/15/2006 2220	454 06TH AV	415N	K	523	MORGAN, MICHAEL	[REDACTED]	0.11
P06070047787	Sat 07/22/2006 0002	454 06TH AV	415N	U	523	MICHAEL MORGAN	[REDACTED]	0.14
P06080039910	Fri 08/18/2006 2219	454 06TH AV	415N	W	523	MICHAEL MORGAN	[REDACTED]	1.31
P06080044170	Sun 08/20/2006 2047	454 06TH AV	415N	K	523	MORGAN, MICHAEL	[REDACTED]	0.74
P06080051058	Wed 08/23/2006 2359	454 06TH AV	415N	K	523	MICHAEL MORGAN	[REDACTED]	0.67
P06090008847	Sun 09/3/2006 2304	454 06TH AV	415N	K	523	MICHAEL MORGAN	[REDACTED]	0.08
P06090036258	Sun 09/17/2006 0015	454 06TH AV	415N	W	523	MIKE MORGAN	[REDACTED]	
P06090054030	Sun 09/24/2006 2227	454 06TH AV	415N	K	523	MICHAEL MORGAN	[REDACTED]	1.08
P08050038088	Sun 05/18/2006 0028	454 06TH AV	415N	K	523	TIM	[REDACTED]	0.36
P08110015610	Sat 11/8/2006 0118	454 06TH AV	415N	K	523	PATTY COLLINS	[REDACTED]	0.17
P08110017897	Sun 11/9/2006 0008	454 06TH AV	415N	K	523	SUSAN OLIVER	[REDACTED]	0.27
P08110017993	Sun 11/9/2006 0059	454 06TH AV	415N	K	523	SANDY RAHMANN	[REDACTED]	0.46
P09060028984	Sun 06/14/2009 0043	454 06TH AV	415N	K	523	JIM IRISH	[REDACTED]	0.00
P09060044130	Sun 06/21/2009 0011	454 06TH AV	415N	K	523	SANJEEV JUNEJA	[REDACTED]	0.04

*unable to retrieve*

*unable to retrieve*

Total # of Calls = 45

Total Out of Service Time = 22.63

**EXHIBIT 4**

**(Attached)**



RESTAURANT | NIGHT CLUB | MEZZANINE | ROOFTOP PHOTOS



INFORMATION /

Event Calendar

The DJ Booth overlooking the Packed Dance Floor

events | sting card | gift cards | directions | lost & found | careers | contact | press

FOOD DRINK HOST AN EVENT  VIP PACKAGES



Join us at Stingaree for special Guest Dj Nights, Benefits and VIP Hosted parties. Check our list of events out more.

- ▼ Friday, Jul. 17 **Shades of Summer**  
 Fortune Friday on the Rooftop, DJ Big J and Dean Mason. DJ Erock downstairs in the club, hosted by Hope Dworaczyk, April 2009 Playmate of the Year.
- ▼ Saturday, Jul. 18 **Fashen**
- ▼ Friday, Jul. 24 **Shades of Summer**  
 Fortune Friday on the Rooftop-- DJ Theron, with Jason Whitmore on the Sax. Celebrating Jason from Fortunes 30th Birthday. DJ Neva downstairs in the Club- Comic Con 2009 Kick off party
- ▼ Saturday, Jul. 25 **Mayhem Comic Con Launch Party with Tyrese**  
 Hosted by Tyrese. featuring his new hit single "Take Me Away" Entertainment Weekly Crooked
- ▼ Friday, Jul. 31 **Shades of Summer**  
 Fortune Fridays on the Rooftop. Yusef. DJ Scooter downstairs in the Club.

Dean Mason. DJ Erock downstairs in the club, hosted by Hope Dworaczyk

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Exclusivity has never been so attainable..

**EXHIBIT 5**

**(Attached)**



RE: RE: Stingaree

Friday, July 24, 2009 2:28 PM

From: "Lorena Cordova" <cordova@ccdc.com>  
To: "Greg Judkins" <gregdjudkins@yahoo.com>  
Cc: "Judy Judkins" <judyannejudkins@yahoo.com>, "Sanchez, Tina" <TSanchez@sanleigo.gov>

Mr. Judkins,

I apologize for the delayed response but, I'm working on several projects and it's difficult to get to everyone in a timely manner.

As far as events at Stingaree planned for tonight July 24<sup>th</sup> and next Friday July 31<sup>st</sup>, I did look into the matter further and relayed the information to the Permittee who said the website had not been updated but assured that they are relocating the live performances (i.e., musicians) within the building. Staff acknowledges the oversight in the initial e-mail response to you. If you encounter any issues, over the course of this process, please continue to direct them to both Neighborhood Code Compliance and CCDC to keep on file and present to the Hearing Officer. However, you may also contact the Stingaree nightclub managers at the numbers listed below as they will be managing the nightclub over the course of this weekend. Their contact information is below:

James Thorpe 619.787.1617  
Dave Renzella 619.807.7390

As far as revocation process, it's pursuant to Section 121.0313 of the Land Development Code. Click the link below to view details on the process...

<http://docs.sandiego.gov/municode/MuniCodeChapter12/Ch12Art01Division03.pdf>

CCDC staff, myself and my supervisor Assistant Vice President of Current Planning Brad Richter, would be the contacts for initiating a revocation process. However, at this time, staff will wait for the determination of the Hearing Officer on the Amendment to the CUP and let this process takes its course before revocation is considered.

Good day,

Lorena Cordova, Junior Planner

Centre City Development Corporation | 401 B Street, Suite 400 | San Diego, CA 92101 | P:619.533.7171 | F:619.236.9148

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**From:** Greg Judkins [mailto:gregdjudkins@yahoo.com]  
**Sent:** Thursday, July 23, 2009 12:21 PM  
**To:** Lorena Cordova  
**Cc:** Judy Judkins  
**Subject:** Fw: RE: Stingaree

Are you going to reply to my email?

Also, can you let me what we need to do to initiate the process for revoking a CUP? Or point me to the right person to contact?

--- On Thu, 7/16/09, Greg Judkins <gregdjudkins@yahoo.com> wrote:

From: Greg Judkins <gregdjudkins@yahoo.com>

Subject: RE: Stingaree

To: "Tina Sanchez" <tsanchez@sandiego.gov>, "Lorena Cordova" <cordova@ccdc.com>

Cc: "Judy Judkins" <judyannejudkins@yahoo.com>, "George Andrade" <gandrade@sandiego.gov>

Date: Thursday, July 16, 2009, 8:47 PM

Lorena:

Are you saying that as long as Stingaree has a DJ, then they can also have a musician providing live entertainment? Does that really make any sense? Do you really think that's a fair reading of the CUP?

The CUP reads:

"Amplified music and live entertainment, including dancing, shall be permitted only within the confines of the building (ground level & mezzanine only) . . . ."

The Stingaree website is promoting an event on July 24 as follows:

"Fortune Friday on the Rooftop- DJ Theron, with Jason Whitmore on the Sax"

So, are you saying the live entertainment (Jason Whitmore on the sax) is okay just because DJ Theron is also featured? If not, then why won't CCDC and NCCD take action to address this wilful violation of the CUP?

Further, the July 31 event that Stingaree is promoting is as follows:

"Fortune Fridays on the Rooftop. Yusef. DJ Scooter downstairs in the Club"

I'm struggling to understand how your response regarding DJs even applies to this event; Yusef is a musician, not a DJ; the DJ mentioned here is downstairs, not on the rooftop. And again, given that this is a clear violation of the CUP, why won't CCDC and NCCD take action to address this wilful violation of the CUP?

Finally, you did not address my question regarding whether you will be informing Stingaree that Mr. Farrell's assertion at last night's CCAC meeting, that Stingaree is permitted to have live entertainment on its rooftop on Friday and Saturday nights, is not correct?

I regret needing to be so direct and forceful on this, but I get the impression that you are trying to avoid squarely addressing my questions.

I look forward to your response.

I also request that Tina Sanchez and NCCD accept this as "voicing a complaint."

Greg

--- On Thu, 7/16/09, Lorena Cordova <cordova@ccdc.com> wrote:

From: Lorena Cordova <cordova@ccdc.com>

Subject: RE: Stingaree

To: "Greg Judkins" <gregjudkins@yahoo.com>, "Tina Sanchez" <tsanchez@sandiego.gov>

Cc: "Judy Judkins" <judyannejudkins@yahoo.com>, "George Andrade" <gandrade@sandiego.gov>

Date: Thursday, July 16, 2009, 7:16 PM

Greg and Judy,

As we continue with the application process for the Stingaree's CUP amendment, we appreciate you keeping us abreast of all the activities planned at the establishment. Neighborhood Code Compliance Senior Land Investigator Tina Sanchez will continue to monitor the Stingaree for any violations to their existing CUP and encourage you to contact her to voice a complaint. However, I'd like to clarify that their existing CUP allows Stingaree to have a DJ on the rooftop on Friday and Saturday nights until midnight. Therefore, having a Friday night event on July 24<sup>th</sup> or July 31<sup>st</sup> as noted in the email below is within the parameters of the existing CUP. However, excessive noise in violation of the noise ordinance or dancing, among other things, may be something that they could potentially violate. Therefore, she will monitor the establishment and follow-up with you, if she needs additional information.

Attached is the copy of the existing CUP for your reference.

Public hearing shown on the staff report was a tentative date. However, rest assured that when a public hearing is scheduled, you'll be informed.

Good day,  
**Lorena Cordova, Junior Planner**  
Centre City Development Corporation | 401 B Street, Suite 400 | San Diego, CA 92101  
P:619.533.7171|F:619.236.9148

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**From:** Greg Judkins [mailto:gregjudkins@yahoo.com]  
**Sent:** Thursday, July 16, 2009 8:16 AM  
**To:** Lorena Cordova; Tina Sanchez  
**Cc:** Judy Judkins; George Andrade  
**Subject:** Stingaree

Lorena and Tina: Will CCDC or NCCD be taking action in response to Stingaree's rooftop live entertainment events scheduled for July 24 and July 31?

Lorena: Will you be informing Stingaree that Mr. Farrell's assertion at last night's CCAC meeting, that Stingaree is permitted to have live entertainment on its rooftop on Friday and Saturday nights, is not correct?

Also, the staff report on Stingaree's proposed CUP amendment indicates that a public hearing with a Hearing Officer is scheduled for July 30, 2009, but doesn't indicate the time or location. Can you let us know the time and location of the hearing?

Thank you,

Greg

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Please Note: Correspondents should assume that all communication to or from this address is recorded and may be reviewed by thlrd parties.

## Lorena Cordova

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**From:** Alex Yakut [alex yakut@yahoo.com]  
**Sent:** Monday, September 28, 2009 2:50 PM  
**To:** Lorena Cordova  
**Subject:** Singaree-454 Sixth Avenue Project Appeal

Dear Ms. Cordova,

I strongly support the Hearing Officer's decision to deny the amendment to conditional use permit 2005-47 (CUP2005-47A) concerning the Singaree's times and hours of operation.

I live at 575 Sixth Avenue, across the street from the Singaree. The noise level of the entertainment at the Singaree is very high, and extremely disturbing, even with the windows closed.

The City's downtown's development allows the co-existence of residential and commercial enterprises without either side infringing on the rights of the other one. We expect the the City of San Diego Planning Commission to consider the rights of the residents in this matter.

We have no objection to this business operating in a normal manner as long as it is conducted within reasonable hours, and as long as the sounds are not amplified.

Please deny the appeal to the Amendment to Conditional Use Permit 2005-47 (CUP2005-47A).

Sincerely,

Alex Yakut  
575 Sixth Ave.  
San Diego, CA 92101

**OPPOSITION TO APPEAL OF CCDC HEARING OFFICER DECISION TO DENY THE PROPOSED AMENDMENT TO CONDITIONAL USE PERMIT 2005-47**

Date: October 5, 2009

To: Planning Commission  
Public Hearing of October 8, 2009

From: Greg D. Judkins & Judy A. Judkins  
800 The Mark Lane, #1601, San Diego, California 92101

Subject: Stingaree (454 Sixth Avenue) – Appeal of CCDC Hearing Officer’s Decision to Deny the Proposed Amendment to Conditional Use Permit 2005-47

REQUESTED ACTION: We request that the Planning Commission deny the appeal by 6<sup>th</sup> & Island Investments, LLC (the “Applicant”) of the Centre City Development Corporation (“CCDC”) Hearing Officer’s Decision to deny the Proposed Amendment to Conditional Use Permit 2005-47 (the “CUP”) for Stingaree, located at 454 Sixth Avenue.

**CLARIFICATION OF PROPOSED AMENDMENT**

The actual text and form of the proposed amended CUP was not included with the staff report for the Planning Commission hearing; as a result, it is important that the full impact of the proposed amendment is clearly understood.

The CCDC Notice of Planning Commission Public Hearing for this matter, as well as previous public notices and staff reports, describe the proposed amendment as “to allow a change in the days and times of live entertainment on the rooftop of Stingaree . . . .” However, in addition to the changes specifically described in the staff report, the proposed amendment *would also remove the existing general prohibition on amplified music and live entertainment on the rooftop.*

The existing CUP includes the following provision:

“Amplified music and live entertainment, including dancing, shall be permitted **only** within the confines of the building (ground level & mezzanine **only**.) . . . Ambient recorded music shall be permitted throughout the roof top level ending no later than 1:30 a.m. . . . All doors and windows shall remain closed whenever amplified live entertainment or music is played in the establishment. No musical equipment or sound reproduction devices shall be operated or used within the sidewalk café.” (Section 3, emphasis added)

We request that the Planning Commission review the proposed CUP amendment, and specifically note that the word “**only**” is clearly *omitted* from the relevant section (Section 3) of the proposed CUP amendment. In addition, to better understand the context of the proposed amendment, it is important to understand the meaning of “ambient;” the Merriam Webster dictionary defines ambient music as “music intended to serve as an unobtrusive accompaniment to other activities . . . .”

The clear intent of the existing CUP provisions is to *keep all amplified sound within the enclosed building.* This is of paramount importance, because the complaints to the San Diego Police Department (“SDPD”), the complaints to the Neighborhood Code Compliance Division (“NCCD”) and the public opposition to the proposed CUP amendment all result primarily from the Applicant’s repeated violations of this restriction. It is also the primary reason why the required “findings” to support the proposed amendment cannot be made based on the record before the Planning Commission.

**OPPOSITION TO APPEAL OF CCDC HEARING OFFICER DECISION TO DENY THE PROPOSED AMENDMENT TO CONDITIONAL USE PERMIT 2005-47**

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**STINGAREE'S APPEAL SHOULD BE DENIED**

The Applicant cites four grounds for its appeal, none of which have merit.

**Stingaree Has Repeatedly Violated the CUP**

First, the Applicant asserts "factual error" – claiming that neighboring residents' assertions about Stingaree violating the terms and conditions of the existing CUP are untrue. The Applicant undermines its own credibility in taking this position, in light of the extensive record before the Planning Commission, including following:

1. The May 20, 2009 notice of violation (the "Notice of Violation") shows that Stingaree was caught "red-handed" by NCCD investigators – with "amplified music, dancing, live entertainment, excessive noise with the event ending in the early morning hours" – and all of this on a Thursday night (May 14, 2009), in an investigation triggered by numerous complaints to NCCD. The Applicant has not disputed that this prohibited activity actually occurred on that Thursday night and continued into the early morning hours.
2. Records provided by SDPD in response to a public records request made in July 2009 (included with the staff report to the Planning Commission) show that:
  - (a) between May 18, 2008 and November 9, 2008 (approximately six months – the 2008 "season" for use of the rooftop), SDPD received at least nine calls to address excessive noise from Stingaree's rooftop, with seven of those calls received after midnight (the required ending time for any rooftop DJ on Friday or Saturday nights); and
  - (b) between March 15, 2009 and June 21, 2009 (approximately three months – essentially the first half of the 2009 "season" for use of the rooftop), SDPD received at least nine additional calls to address excessive noise from Stingaree's rooftop, with five of those calls received after midnight, one call received on a Tuesday night and one call received on a Thursday night.

All of the calls to SDPD were received after 10:00pm. The SDPD dispatch logs also show that, when officers were able to respond before Stingaree closed, they typically received assurances from Stingaree management that the rooftop music would be "turned down." Of course, each of those assurances was an admission that the rooftop music was being amplified, and after midnight in most instances.

3. At the CCDC Hearing Officer public hearing, staff reported to the Hearing Officer that NCCD had received eight additional formal complaints after the Notice of Violation (May 20, 2009) and before the public hearing (August 13, 2009) – a period of less than three months. Also note that at least three SDPD noise complaints were received after the Notice of Violation (and before the date of the public records request).
4. Attached to the staff report are copies of 30 written opposition statements received by CCDC from interested parties, the vast majority of which specifically describe or refer to repeated violations, or activity which constitute violations, of the CUP, using phrases such as "unbearable," "deafening noise," "intrusive," "outrageous," "impossible to sleep on Friday and Saturday nights," "noise levels ... are excessive, especially on weekends," "kept awake for nights on end," "continually violated their current CUP," "at times shook our windows," "impossible to sleep until they close," "can be heard from blocks away," "extremely disturbing, even with the windows closed," and "already a public nuisance." In



**OPPOSITION TO APPEAL OF CCDC HEARING OFFICER DECISION TO DENY THE PROPOSED AMENDMENT TO CONDITIONAL USE PERMIT 2005-47**

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addition, six speakers at the CCDC public hearing described repeated violations. The CUP includes the following provision:

“Sound and amplification equipment shall be monitored during and after business hours to ensure that audible noise remain at acceptable levels so as not to disturb surrounding neighbors.” (Section 6)

A listing of the opposition statements, with highlights, is attached as Exhibit A. Clearly, the Appellant has violated this condition of the CUP.

5. Most of the opposition received by CCDC came from residents of ALTA condominiums and The Mark condominiums (and their owners' associations). In addition, most of the calls to SDPD in 2008 and 2009 were also from residents of ALTA condominiums and The Mark condominiums. Virtually all of the objections and complaints are based on excessive noise (i.e., beyond just plainly audible). As indicated in the staff report and its attachments, the ALTA residential tower is located approximately 250' from Stingaree, and The Mark residential tower is located approximately 650' from Stingaree. The CUP includes the following provision:

“The Permittee shall be in compliance with the City of San Diego Noise Ordinance at all times.” (Section 5)

Under the noise ordinance, it is a prima facie violation of the noise ordinance if any sound amplifier is operated between the hours of 10:00pm and 8:00am in a manner as to be plainly audible at a distance of 50' from the building or structure in which it is located. Based on the distance of The Mark residential tower from Stingaree, the noise levels from Stingaree have exceeded the threshold in the noise ordinance by a factor of more than ten.

The Applicant also asserts (without any factual support) that many of the complaints may have actually resulted from noise generated by other venues. However, most of the complaints and opposition have been submitted by residents of the south side of the ALTA condominium tower, and the south and west sides of the Mark condominium tower; note that these residents can actually see the Stingaree rooftop area, and the coordination of light and video with the amplified music leave no doubt as to the source of the excessive noise. The Applicant's position is further undermined by its recent disclosure that four high-powered speakers (450 watts each) were used on Stingaree's rooftop until just over a month ago.

6. The appeal submitted by the Applicant states that “When [NCCD] issued the notice of violation of the current conditions of the existing Conditional Use Permit and Neighbor Code Compliance, we immediately ceased any activities that were restricted by the conditions of the CUP ...” (emphasis added). Aside from being factually untrue (see discussion below), this is a clear admission that the Applicant regularly conducted activities not permitted by the existing CUP.

The Applicant's appeal also states that it has spent approximately \$3,000 on “new sound equipment and speaker [sic] to be placed on the rooftop” stating that “the music will be amplified at lower volumes.” This is also a clear admission that music was previously amplified at higher volumes, and will continue to be amplified at lower volumes.

Stunningly, the Applicant just recently submitted additional materials in support of its appeal, including an August 25, 2009 letter from ProSystems stating:

**OPPOSITION TO APPEAL OF CCDC HEARING OFFICER DECISION TO DENY THE PROPOSED AMENDMENT TO CONDITIONAL USE PERMIT 2005-47**

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“We have recently been retained by the owners of Stingaree to analyze and take steps to reduce the volume of the speaker system on the Stingaree rooftop. A total of four high powered speakers (450 watts each) were removed.” (emphasis added)

Again, the existing CUP states that “Amplified music and live entertainment, including dancing, shall be permitted only within the confines of the building (ground level & mezzanine only.) ...”

Yet, in the face of this overwhelming record, the Applicant claims that neighbors’ assertions of Stingaree’s repeated violations of the existing CUP are untrue. We request that the Planning Commission consider this when evaluating the Applicant’s credibility – especially when it asserts that it wishes to work with CCDC, residents and concerned business owners to co-exist as good neighbors, and promises to comply with CUP conditions in the future.

**Stingaree is a Public Nuisance**

Second, the Applicant argues that denial of the proposed amendment conflicts with the purpose and goals of applicable ordinances, essentially arguing that (a) its requests should be granted because it is a unique and successful entertainment establishment, and (b) Stingaree began operating before development and occupancy of the new residential projects in the area. (As a factual matter, the “new” residential projects were actually planned and entitled before Stingaree’s CUP was approved, and some of the properties represented by opponents of the proposed amendment (e.g., Baltic Inn) substantially pre-date Stingaree.)

The San Diego Municipal Code is not designed to approve or promote activities that constitute nuisances. As an example, Chapter 5, Article 9.5, Division 5 regulates “Public Nuisance Noise.” The core issue at stake is whether Stingaree will be permitted to engage in activity that has clearly been demonstrated to be a public nuisance, and do so on expanded days and during expanded times. Denial of Stingaree’s request is perfectly consistent with the purposes of the applicable ordinances, and is in fact mandated by those ordinances. Approval of the requested amendment would be tantamount to condoning a public nuisance.

Further, the “timing” argument made by the Applicant entirely misses the point and undermines its own position. If it is true that residents knew or should have known that they would face noise challenges by living near an entertainment district, then it is also true that the owners of Stingaree knew or should have known that they would face noise limitations by operating near a residential district.

Moreover, the restrictions on Stingaree’s CUP have been in place since it began operating, before the “new” residential towers were completed and occupied. Stingaree’s neighbors are not the ones requesting a change to the CUP - they are simply requesting that Stingaree abide by the existing CUP, with terms and conditions accepted by the Applicant in 2005, and that those terms and conditions remain in place.

The issues at stake in this appeal were considered and decided in October 2005 when the existing CUP was issued. CCDC determined then that amplified music and live entertainment should be permitted “only” within the confines of the building, with only a DJ permitted on the rooftop, and then only on Friday and Saturday nights until midnight. What has changed in the last four years?

Two fundamental changes have occurred that are relevant to this appeal. First, hundreds of the residences planned for nearby blocks have been completed and are now largely occupied, with more to follow. Second, Stingaree has been generating amplified sound from its rooftop in violation of the existing CUP. The result is that the very concerns that led to the restrictions on amplified sound from Stingaree’s rooftop have now

**OPPOSITION TO APPEAL OF CCDC HEARING OFFICER DECISION TO DENY THE PROPOSED AMENDMENT TO CONDITIONAL USE PERMIT 2005-47**

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been fully realized – as shown by the complaints submitted to NCCD, the calls to SDPD, the Notice of Violation and the responses received in opposition to the proposed CUP amendment.

Astoundingly, now that the Applicant has been formally cited for its violations, it wants the CUP to be amended to eliminate the restrictions it accepted in 2005 – to enable Stingaree to continue, rather than cease, the offending and prohibited activity. As opponents passionately expressed at the CCDC public hearing, it is difficult for neighbors to understand why approval of the proposed amendment would be seriously considered.

**Approval of the CUP Amendment Cannot be Supported by the Required Findings**

Third, the Applicant asserts that “the findings cannot be made to support denying the amendment” and that it “agrees with CCDC staff that all findings to approve the amendment ... can be made.” Of course, the Applicant is attempting to shift the “burden” of the required findings, and apparently did not understand that CCDC staff would objectively evaluate the objections and evidence submitted by the public, and conclude that the necessary findings cannot be made.

The applicable ordinances require that four specific findings must be made before a CUP amendment is approved. Contrary to the Applicant’s position, no findings are required to deny an amendment; rather, if the required findings cannot be made, then the proposed amendment must be denied.

As indicated in the CCDC staff report, the required findings include (i) that the proposed use or development will not be detrimental to the public health, safety and welfare, and (ii) that the proposed use is appropriate at the proposed location. As further indicated in the staff report, neither of these findings can be supported based on the record.

In fact, all evidence accompanying the staff report supports the conclusions that (a) the expanded scope of the proposed amendment will be detrimental to the community (and the proposed amendment must be denied even if it “could” be detrimental to the community), and (b) the proposed use is not appropriate at the proposed location - the Stingaree rooftop, located near high-rise residential projects, where sound travels up and enforcement of noise constraints is difficult (and the proposed amendment must be denied even if the proposed use “may” not be appropriate at the location).

The impact of amplified sound from Stingaree’s rooftop is not a theoretical discussion or academic analysis. The Applicant has repeatedly operated amplified music and live entertainment from the rooftop, and the resulting impact on the community has been amply demonstrated and reported – to SDPD, to NCCD and to CCDC. The existing restrictions cannot be eliminated without jeopardizing the welfare of the community.

It is also important to note that there are no other CUPs allowing live entertainment or amplified music on a rooftop or other outside venue anywhere near Stingaree’s location. In support of its amendment, the Applicant has previously referred to other roof-top venues operated without CUPs (identified in the staff report). However, all of those other venues are hotels – which have an inherent incentive to control excessive noise after hours. Hotels primarily sell room nights, and hotel revenues would suffer significantly if noise levels repeatedly disturbed hotel guests. And again, this is not a theoretical discussion or academic analysis – it is amply demonstrated by (a) the financial impacts Stingaree has had on the Hotel Solamar, (b) the Hotel Solamar’s decision to eliminate amplified music and DJs from its rooftop venue, and (c) the fewer numbers of complaints received for the hotel venues.

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**No Meaningful New Information Has Been Submitted**

The fourth basis for appeal asserted by the Applicant is “new information.” However, the new information provided is either factually incorrect or does not provide any basis for granting the appeal.

The Applicant contends that “When [NCCD] issued the notice of violation of the current conditions of the existing Conditional Use Permit and Neighbor Code Compliance, we immediately ceased any activities that were restricted by the conditions of the CUP ...” (emphasis added). This is factually untrue, and even if it was true it could easily have been presented at the CCDC Hearing Officer public hearing.

As to whether the contention is accurate, (a) note the report from NCCD to CCDC staff (conveyed to the Hearing Officer at the CCDC public hearing) that eight formal complaints were received by NCCD after the Notice of Violation (May 20, 2009) and before the CCDC Hearing Officer public hearing (August 13, 2009); (b) note the additional calls SDPD received after the Notice of Violation; (c) note that the four 450-watt speakers on the rooftop were not removed until late August 2009, more than three months after the Notice of Violation; and (d) note the Stingaree web page included with the staff report showing that, as recently as July 14, 2009, Stingaree was scheduling and promoting live entertainment events on its rooftop in violation of the CUP, and the “Bikini Week” promotional email attached as Exhibit B, promoting yet another Thursday night rooftop event (with a DJ and other live entertainment) on July 2, 2009.

The Applicant also states that it has spent approximately \$3,000 on new sound equipment and speakers “to be placed on the rooftop” and that “the music will be amplified at lower volumes” and submits an unsigned letter from ProSystems stating that new sound equipment and speakers have been placed on the rooftop. The Applicant seems to be arguing that the appeal should be granted because it has taken concrete steps to assure that the existing CUP will be violated to a lesser degree than before.

The Applicant also submits a report of an updated acoustical study by Troy Acoustics. It is difficult to understand how that report supports the appeal or proposed amendment. The report summarizes the ambient noise levels around Stingaree, and apparently compares that to the noise generated by Stingaree rooftop “dining.” The conclusion states that “Stingaree rooftop dining at its loudest sound level can only produce a sound level of 80dBA at the roof top location” and “The sound levels sampled at the roof top of the 21-story building recorded levels of 61dBA.” While we are not sound engineers, a few issues are raised:

1. Neighbors have not complained about loud dining; rather, it is the excessively loud music and other entertainment related noise that is both the problem and the subject of this appeal.
2. The maximum 80dBA sound level reported from the Stingaree rooftop (apparently without the previous high-powered speakers in place, but without any further indication of what sound amplification system or components were in place) is still substantially louder than the 62dBA to 64dBA ambient levels recorded, and well above the 60dBA maximum permitted by the noise ordinance.
3. There does not appear to be a comparison of noise levels from the ALTA rooftop with and without the amplified music from the Stingaree rooftop, or any comparable measurements from levels below the top of the building (i.e., where residents actually live) or from closer locations such as Hotel Solamar.

We also note that the acoustical study was apparently completed after the recent changes to the sound amplification equipment, and nothing in the proposed amendment would expressly restrict the Applicant’s ability to change the sound amplification system or components in the future.

**OPPOSITION TO APPEAL OF CCDC HEARING OFFICER DECISION TO DENY THE PROPOSED AMENDMENT TO CONDITIONAL USE PERMIT 2005-47**

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Finally, the Applicant expresses its wish to “work with CCDC, the Planning Commission and the residents and concerned business owners to co-exist ... as good neighbors.” While this is appreciated, the Applicant’s expressed desire to be a good neighbor has no bearing on the pending appeal.

The Applicant can (and should) address its neighbors’ concerns independent of this appeal or its outcome – recall that this process was triggered by complaints of repeated violations of the existing CUP and the resulting investigation and Notice of Violation (issued more than four months ago). The Applicant can follow-through on its stated intent to meet with residents to determine how best to address their complaints; however, the Applicant’s efforts would likely be better received if it was not continuing to pursue an amendment to the CUP that would enable it to simply disregard many of those complaints.

Fundamentally, the findings required to approve the proposed amendment still cannot be supported by the record, and the Planning Commission should not rely on the Applicant’s expressions of its newfound desire to be a good neighbor as a basis to grant the appeal.

**CCDC STAFF SHOULD EVALUATE THE NOISE COMPLAINTS AND SCHEDULE A PUBLIC HEARING TO CONSIDER REVOCATION OF THE CUP**

The existing CUP includes the following provision:

In the event that any noise and/or vibration complaints are received, CCDC shall evaluate the complaints and if it is determined that the business is potentially creating a nuisance for the neighborhood, a duly noticed public hearing shall be scheduled. After receiving public testimony, the Hearing Officer may revoke or modify the Permit. (Section 6, emphasis added)

We respectfully request that the decision of the Hearing Officer directing CCDC staff to comply with this provision of the CUP also be upheld.

**THE APPEAL SHOULD BE DENIED**

Given the breadth and depth of documentation submitted, it is clear that the noise emanating from Stingaree’s rooftop is a public nuisance. The nuisance should not be allowed to continue, much less be the subject of expanded rights that will only increase the nuisance and place additional drain on public resources.

We respectfully request that the appeal be denied, that amplified music and live entertainment at Stingaree continue to be permitted only within the confines of the building, and that only ambient music be permitted on the rooftop. The proposed amendment would be detrimental to the community, and cannot be supported based on the record before the Planning Commission.

Respectfully submitted,

  
Greg D. Judkins

  
Judy A. Judkins

Joshua Hanna	Alta Resident	"has continually violated the current CUP ... .The audible levels from Stingaree ... has been outrageous and not acceptable ..."	Correspondence	6/15/2009
Philip Ochoa	Alta Resident	"Already the noise levels coming from there are ... excessive, especially on weekends."	Correspondence	6/16/2009
John Gallup	Alta Resident	"I already find it impossible to sleep on Friday and Saturday nights due to the loud music ..."	Correspondence	6/17/2009
Pete Cretu	Alta Resident	"... would severely impact the quality of life in the surrounding locations... goes beyond what one can expect living downtown."	Correspondence	6/17/2009
Gayle Malone	Alta Resident	"The noise is intrusive as it is."	Correspondence	6/17/2009
John Steffey	Alta Resident	"... will result in excessive noise in our neighborhood... Alta is already affected by the loud music ... played at Stingaree ... "	Correspondence	6/17/2009
Andrew D. Schorr	Alta Resident	"... opposition to any amendment ... that would allow ... music any day of the week after 11 pm ..."	Correspondence	6/18/2009
Loreali Kerr and John Kerr	Alta Resident	"... have been kept awake by the Stingaree for nights on end ... will be no sleep for anyone in the area."	Correspondence	6/22/2009
Larry Alford & Cherie Alford	Alta Resident	"... already unbearable on Friday and Saturday night ... affects our quality of life ... concern for those who require a decent nights sleep ..."	Correspondence	6/23/2009
Luther Horton	Alta Resident	"On Friday and Saturday nights, the loud music coming from the rooftop of Stingaree invades the privacy of many residents of Alta ... [and] has caused me to move my master bedroom ..."	Correspondence	6/23/2009
Hotel Solamar (Jim Gross, GM)	Hotel	"Our MOD Log ... documents the continual complaints from Stingaree's rooftop nightclub operation ... often violate local noise ordinances ..."	Correspondence	6/25/2009
Mike Bendix	Alta Resident	"Our main complaint is that the Friday and Saturday night rooftop music is played so loud that it is a nuisance for the neighborhood."	Correspondence	6/29/2009
Alta Owners Association	HOA	"ALTA is already subjected to substantial noise and sound... from Stingaree ... Owners have made ... complaints to CCDC and City ..."	Correspondence	6/30/2009
Enrique Guarjardo and Lesley Guajardo	Alta Resident	"... Stingaree plays amplified music so loud on the roof top . . . I can't hear my own television ... with my windows closed!!!"	Correspondence	7/6/2009
Judy Kaplan	Alta Resident	"The noise was so loud that with my double pane windows closed, the music blared into my small condo. It was deafening noise ..."	Correspondence	7/9/2009
James Arnold		"... place a vote of "NO" for the Stingaree plan ..."	Correspondence	7/10/2009
Greg and Judy Judkins	The Mark Resident	"... blatant disregard for both its existing CUP conditions and the noise ordinance ... amplified music ... from the rooftop ... at times shook our windows ... blatantly and habitually violates the [CUP] conditions ..."	Correspondence	7/12/2009

EXHIBIT A

The Mark Owners Association	HOA	"Furthermore, SDPD and city code compliance rarely take any action when excessive noise levels have been reported."	Correspondence	7/14/2009
Joy Sunyata	Downtown Resident/Activist	"... do we really want loud music blaring from more and more open air rooftops Downtown ..."	Correspondence	7/14/2009
Mike Giglio and Penny Wolford	Alta Resident	"The noise from the current rooftop operation limits the quiet enjoyment of our property ... expanding ... will only exacerbate this situation ..."	Correspondence	8/4/2009
Owen and Marilyn O'Brien	Alta Resident	"... we ... look down on the Stingaree building ... the noise is extremely loud, especially when there is live entertainment ... on the rooftop."	Correspondence	8/5/2009
John Mancuso	The Mark Resident	"loud ... music ... from the roofdeck every Friday and Saturday night until 1am ... well in excess of ... 'ambient.'"	Correspondence	8/10/2009
Island Hotel (Alan Y. Wong, Owner)	Hotel	"... my concern is with the noise level on the rooftop ..."	Correspondence	8/10/2009
Peggy and Jeff Bailey	The Mark Resident	"... the noise factor would simply be unfair to many ... we find this application extremely unfair to the many families that would be affected."	Correspondence	8/10/2009
James Irish	The Mark Resident	"Stingaree plays music ... that travels over 4 blocks with such penetration that is is impossible to sleep until they close ..."	Correspondence	8/11/2009
Jeffrey Bailey	The Mark Resident	"We are for the success of any business but not when it becomes a glaring nuisance on me or other neighbors."	Correspondence	8/11/2009
Mike Andrade	The Mark Resident	"The noise level is very high and can be heard from blocks away. It infringes on our right to peaceful enjoyment of our residences ..."	Correspondence	8/12/2009
Alex Yakut	Alta Resident	"The noise level of the entertainment at the Stingaree is very high, and extremely disturbing, even with the windows closed."	Correspondence	9/28/2009
SD Downtown Residents Group	Resident Group		Speaker at CCDC Public Hearing	8/13/2009
Baltic Inn (Gary Crowe)	Hotel		Speaker at CCDC Public Hearing	8/13/2009
Trilogy Real Estate Mgmt (H. Greenberg)	Property Owner/Manager		Speaker at CCDC Public Hearing	8/13/2009
Sandra Rehmann	The Mark Resident		Speaker at CCDC Public Hearing	8/13/2009
Hotel Solamar (Jim Gross, GM)	Hotel		Speaker at CCDC Public Hearing	8/13/2009
David Giammona	Alta Resident		Speaker at CCDC Public Hearing	8/13/2009
Lesley Guajardo	Alta Resident		Speaker at CCDC Public Hearing	8/13/2009

EXHIBIT B



**FW: Bikini week// Stingaree**

Friday, September 11, 2009 7:37 AM

**From:** "Jim Gross" <Jim.Gross@hotelsolamar.com>  
**To:** gregjudkins@yahoo.com

Please see attached email.

Thanks

**Jim Gross | General Manager, Hotel Solamar**  
**Hotel Solamar | JSix Restaurant | A Kimpton**  
**Hotel & Restaurant**  
435 6th Avenue | San Diego | California | 92101 | t 619 819 9561 | f 619 819 9539  
jim.gross@hotelsolamar.com  
[www.hotelsolamar.com](http://www.hotelsolamar.com) | [www.jsixsandiego.com](http://www.jsixsandiego.com) | *The epitome of sun & sea in downtown San Diego*



---

**From:** Lorena Cordova [mailto:cordova@ccdc.com]  
**Sent:** Tuesday, June 30, 2009 11:33 AM  
**To:** Jim Gross  
**Subject:** RE: Bikini week// Stingaree

Thank you Jim. I will have Neighborhood Code Compliance look into this.  
Good day,

**Lorena Cordova, Junior Planner**  
Centre City Development Corporation | 401 B Street, Suite 400 | San Diego, CA 92101 | P:619.533.7171 | F:619.236.9148

---

**From:** Jim Gross [mailto:Jim.Gross@hotelsolamar.com]  
**Sent:** Tuesday, June 30, 2009 11:21 AM  
**To:** Lorena Cordova  
**Cc:** Mark Dibella  
**Subject:** FW: Bikini week// Stingaree

Lorena,  
I will add this to my file on the Stingaree. It is funny that they are trying to get approval to have DJ's other than Friday and Saturday's but this ad below says they are already doing it.  
Have a great Holiday weekend.

**Jim Gross | General Manager, Hotel Solamar**  
**Hotel Solamar | JSix Restaurant | A Kimpton**  
**Hotel & Restaurant**  
435 6th Avenue | San Diego | California | 92101 | t 619 819 9561 | f 619 819 9539  
jim.gross@hotelsolamar.com  
[www.hotelsolamar.com](http://www.hotelsolamar.com) | [www.jsixsandiego.com](http://www.jsixsandiego.com) | *The epitome of sun & sea in downtown San Diego*



---

**From:** Terra Williams  
**Sent:** Tuesday, June 30, 2009 8:45 AM  
**To:** Mark Dibella; Jim Gross



**Subject:** Bikini week

**Wednesday, July 1:** *The party starts at Wave House in Mission Beach from 12-6pm. Expect bikini models, an energetic crowd made of hot San Diego college students, local DJs playing all day, body painters, photo stations and more.*

*Bikini Week VIPs will head to the Sé San Diego Hotel Wednesday night for the official opening night soiree at Sirén, the elegant rooftop lounge. This will be a chance for industry professionals, sponsors, designers, and media to mingle amid the bikini madness. Special house DJs will create the ambience as Diego's own Francisco Medavog showcases his own one of kind couture line of bikinis.*

**Thursday July 2:** The party picks back up Thursday night from 8pm-Midnight on the rooftop at Stingaree. Bikini models dressed in the edgy bikini designs from Los Angeles, Orange County, and Las Vegas will strut the specially designed sky-way runway under the stars. DJs will be spinning mash-ups on all 3 levels of the club as Stingaree provides appetizers and signature cocktails, and body painters and renowned Illusionist Nick Ivory astound you with their fascinating art and magic.

**Friday July 3:** The Ivy Hotel welcomes the third night of Bikini Week from 8pm-2am. From Envy to the Rooftop and Ultra Lounge, the Ivy's famed DJs will spin all night long, bikini models will show new styles throughout the scene, and A Style Concierge will pamper guests with complimentary makeovers. If you're lucky, you'll make it up to the Ivy Rooftop where a full professional photo shoot will showcase the best bikinis of the night.

**Saturday July 4:** To San Diegans, Independence Day is better enjoyed with cocktails and bikini fashion shows. From 12pm-Dusk Hard Rock Hotel San Diego will be the main stage and runway for Bikini Week. The elite designer of the week will put on a high-fashion show, with air and makeup styled by A Style Concierge. Like what you see? Head over the designer lounge and pick up a new suit for summer. As Float is decked out in Intervention style party décor, the winner of All American Bikini Girl contest will be revealed.

**Sunday July 5:** On the last and final day of Bikini Week, local designers will show off their best designs at the W Hotel pool and Beach Bar from 12pm-Dusk. Hosted in partnership with Fortune 421, this Fourth of July recovery party will feature entertainment by Chris Clouse and a hot crowd of San Diego designers, VIPs, beach-chic locals hanging by the pool, and of course an appearance by the new Miss All American Bikini Girl.

---

Please Note: Correspondents should assume that all communication to or from this address is recorded and may be reviewed by third parties.



City of San Diego  
Development Services  
1222 First Ave., MS-302  
San Diego, CA 92101  
(619) 448-6000

# 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: \_\_\_\_\_

Stingaroo

Project Address:

454 6th Avenue San Diego CA 92101

### 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):  
Mellos Family Trust - Karen Mellos  
 Owner  Tenant/Lessee  Redevelopment Agency

Name of individual (type or print):  
James W Brennan  
 Owner  Tenant/Lessee  Redevelopment Agency

Street Address:  
2830 Willow Glen Drive

Street Address:  
404 14th Street

City/State/Zip:  
El Cajon, CA 92019

City/State/Zip:  
San Diego, CA 92101

Phone No:  
619-447-0682

Fax No:  
619-447-0543

Phone No:  
619-704-1707

Fax No:  
619-238-1102

Signature:  
*Karen Mellos*  
Date:  
09/28/2009

Signature:  
*James Brennan*  
Date:  
09/28/2009

Name of individual (type or print):  
 Owner  Tenant/Lessee  Redevelopment Agency

Name of individual (type or print):  
 Owner  Tenant/Lessee  Redevelopment Agency

Street Address:

Street Address:

City/State/Zip:

City/State/Zip:

Phone No:

Fax No:

Phone No:

Fax No:

Signature:

Date:

Signature:

Date:



**AUDIO VISUAL SOLUTIONS**

8145 Ronson Rd. #C  
San Diego, CA 92111  
858-430-0330  
858-430-0331 fax

Centre City  
Development Corp.

OCT 26 2009

*Orig. To:*  
*Copy To:*

October 25, 2009

To whom it may concern:

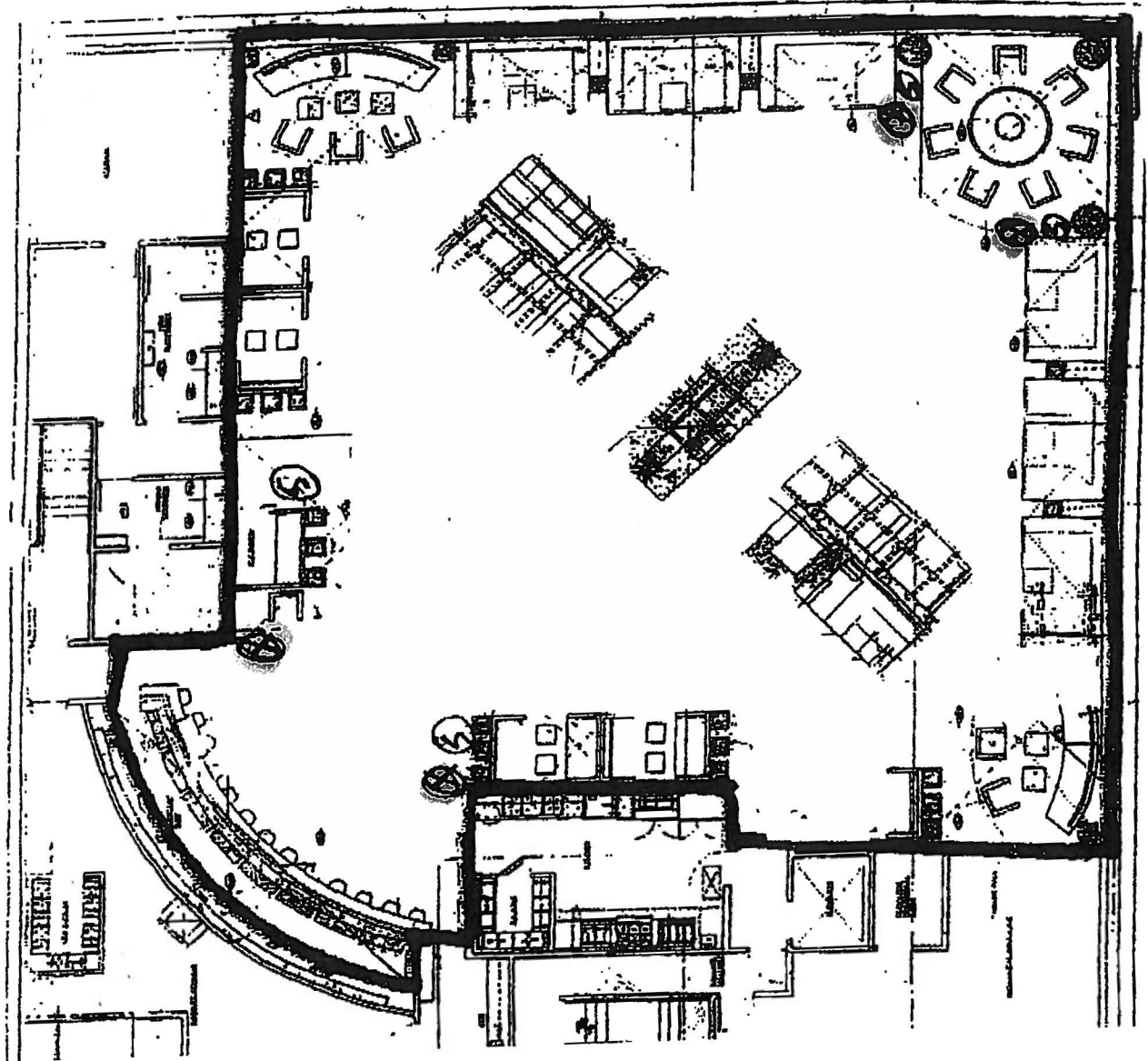
We have recently been retained by the owners of Stingaree to analyze and take steps to reduce the volume of the speaker system on the Stingaree rooftop. A total of four high-powered speakers (450 watts each) were removed (see attached drawing). We also removed 4 subwoofers (dedicated low frequency speakers). To ensure that the remaining speaker system will operate at a lower volume level, we added very small, low wattage loudspeakers in select areas of the rooftop. Using a larger number of speakers lower in wattage provides adequate coverage to an area, while being able to control sound from traveling outside the premises. This will allow Stingaree to provide good audio coverage to their guests while reducing the overall sound level outside the building.

Sincerely,

Brad Donaldson

**Pro Systems**

Rooftop Oasis	Event:	Date:	Time:



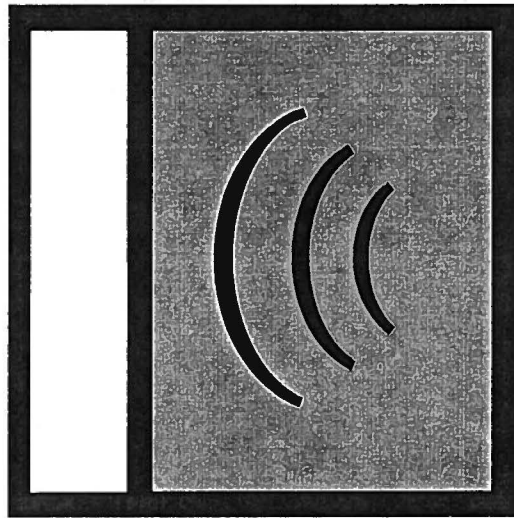
LOCATION of 450WATT  
SPEAKER REMOVED



LOCATION of  
SUBWOOFER REMOVED



# TROY



## ACOUSTICS

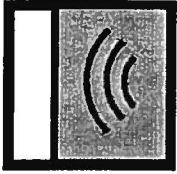
Stingaree  
October 2009

Centre City  
Development Corp.

OCT 26 2009

*Orig. To:*  
*Copy To:*

[www.troysoundwalls.com](http://www.troysoundwalls.com)



## Troy Acoustics Corporation

26330 Diamond Place,  
Suite 150  
Santa Clarita, CA 91350

[p] 800.987.3306  
[p] 818.376.8490

[w] [troyacoustics.com](http://troyacoustics.com)

### Executive Summary

#### Study Objectives

At the request of the management of the Stingaree restaurant, on August 29, 2009 and on October 16, 2009 Troy Acoustics conducted an acoustical survey related to sound levels resulting from traffic, pedestrians and music on 6<sup>th</sup> Street and Island, specifically 454 6<sup>th</sup> Avenue, the roof top of 575 6<sup>th</sup> Ave. (Alta), the Solamar Hotel specifically room #701 and the SE corner of 6<sup>th</sup> & J. Previously, in June of 2005, in connection with the original application for the Conditional Use Permit, Troy Acoustics conducted a noise analysis, a copy of which is attached. The 2005 study concluded that the measured ambient sound levels from four (4) locations on or around 6<sup>th</sup> and Island exceeded the maximum ambient sound levels established by the San Diego Municipal Code. However, various types of noise mitigation efforts were to be implemented, and concluded that the Stingaree rooftop area would not increase the ambient noise level that would be intrusive or a nuisance to the adjacent areas. The City accepted our report, included the noise mitigation in the Conditional Use Permit and approved the original Condition Use Permit. The objectives of the current work were to:

1. Determine the ambient sound level and the max sound level at this location during night peak hours.
2. Determine the ambient of the adjacent areas which include 575 6<sup>th</sup> Ave (Alta), the Solamar Hotel, and the corners of 6<sup>th</sup> & J. Also if the Stingaree sound levels are intrusive or create a noise nuisance to the adjacent areas.

#### Noise Criteria

The current City of San Diego Municipal Code Noise Ordinance identifies specific sound levels, which would be in violation of the municipal code. The commercially zoned area for which this location is established per Article 9.5 of Chapter 5 (Public Safety, Morals & Welfare), specifically §59.5.0401, which states that all commercial zones from 10 PM to 7 AM one hour averaged sound level shall not exceed 60dBA. Since the Stingaree is located in the "Entertainment District" of San Diego, §59.5.0502 would not be applicable. The ambient sound level in 2005 exceeded the allowable levels as set forth in section §59.5.0401.

#### Conditions & Ambient Noise

Samples were taken on Saturday night August 29, 2009. Temperatures that night were 84°, with the wind less than 1.5 mph. Overall conditions were a very nice, warm summer evening. Samples taken on Friday night October 16, 2009 included temperatures of 68°, with the wind less than 1.9 mph. Conditions were mild. Ambient sound levels were sampled and recorded at five different locations in the vicinity of 6<sup>th</sup> Street and Island. The ambient sound level was sampled over a period on a Saturday night August 29 from 9:45PM-11:30AM, and on Friday night October 16 from 10:15PM to 3:00AM. The vehicle traffic was moderate to heavy on the nights of this sampling.

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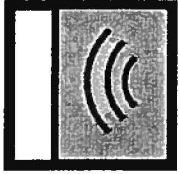
[p] 818.376.8490

[w] [troyacoustics.com](http://troyacoustics.com)

Pedestrian traffic was also heavy. This is standard for this entertainment district of San Diego. Ambient sound levels included street traffic created by vehicles, pedestrian traffic, emergency vehicles, air-traffic fly over, boom boxes in the cycle taxis, and music very noticeable from the establishment directly across the street from Stingaree, Tivoli Bar. The microphone for sound level measurement was located 4' off street level at curb location, see attached sheet.

Frequencies in Hz	Sound levels from various sources Friday Night Oct. 16, 2009											Time
	31.5	63	125	250	500	1000	2000	4000	8000	10000	dBA	
LEQ in Hotel Solamar rm 701 window closed	41.5	41.2	37.2	31.6	29.1	21.8	21.3	21.2	21.4	22.4	35.7	10:24 PM
LEQ in Hotel Solamar rm 701 window open	47.7	48.1	48.4	44.2	41.6	33.8	36.4	31.9	28.1	28.5	49.7	10:53 PM
LED at 6th & Island SE Corner	58.6	64.1	60.9	50.9	53.2	50.6	47	43.1	38.8	48.2	61.1	11:41 PM
LEQ of Rooftop @ 575 6th St.	59.9	60.2	57.2	49.1	47.9	45.4	44.1	41.3	36	34.4	56.4	12:07 AM
LEQ of Rooftop @ Stingaree	55.8	62.2	60.3	58.6	60.6	57.7	54.4	49.3	42.6	40.6	67.6	12:39 AM
LEQ in Hotel Solamar rm 701 window closed	44.1	40.6	35.8	29.1	23.7	13.5	11	11.2	12.7	16	31.5	1:08 AM
LEQ in Hotel Solamar rm 701 window open	47.4	45.2	50.7	44.1	42.8	47.9	39.3	32.7	26.6	28.1	56	1:38 AM
LEQ at 6th & J NW Corner	57.3	54.5	59.5	52.1	49.6	46.6	42.5	37.4	33.5	44.4	57.2	2:10 AM
LEQ at 6th & Island SE Corner	52.4	54.4	61	47.1	47.8	44.6	42.1	36.8	32.3	34.2	55.6	2:40 AM
LEQ in Hotel Solamar rm 701 window open	46.6	43	40	38	35.1	32.2	30.8	31.1	26.3	25.6	43.5	3:07 AM
Sound levels from various sources Saturday Night Aug. 29, 2009												
LEQ at 6th & Island NW Corner	61.8	66.4	62.1	55	54.1	52.7	49.3	43.3	47	41.1	62.2	9:48 PM
LEQ of Rooftop @ Stingaree	58.3	67	74.4	68	68.4	71.5	66.3	68.9	64.8	62.6	80	10:29 PM
LEQ at 6th & Island SE Corner	62.5	64.1	62.8	56.9	57.1	54.7	50.2	45.6	40.7	44.4	64.3	10:49 PM
LEQ of Rooftop @ 575 6th St.	59.7	63.4	60.4	54.7	53.6	52.6	48.8	44.1	43.9	41.2	61.3	11:24 PM

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The sound levels from the previous survey conducted in 2005, before Stingaree was constructed, sampled between 62 and 67dBA during the same hours for these locations. As the above chart shows, the sound levels for these locations before and after the Stingaree restaurant was constructed, have not changed. The sources of the ambient sound levels have not significantly changed. The pedestrian vehicle and traffic is still high. The audible sounds from these surrounding sources have not changed.

The measured ambient sound levels emanating from the locations on 6<sup>th</sup> & Island exceed current ambient levels set forth by the San Diego Municipal Code, but not by a greater degree than in 2005 when the City approved the Conditional Use Permit. The dominate factor in the ambient noise level being the Tivoli Bar and vehicle traffic from 6<sup>th</sup> Street. The dining establishments in the immediate area do not have sufficient parking for any of their patrons, therefore pedestrian traffic is moderate and vehicle traffic is heavy on 5<sup>th</sup> & 6<sup>th</sup> Streets and Island.

The audible sounds that are heard from the top of 575 6<sup>th</sup> (Alta) include the sounds from 5<sup>th</sup> Street as well as 6<sup>th</sup>, the railroad traffic to the west. The higher up in elevation you are your line of sight increases. As your line of sight increases the audible sound levels increase. This increase may not be an increase in sound level volume from a particular source, but definitely an increase in the number of different sound sources. Any floor above the 4<sup>th</sup> has a line of sight to 5<sup>th</sup> Street, 6<sup>th</sup> & Island and the baseball field. All these locations produce sound levels that are audible to the condominiums. These sound levels are within the parameters set forth by the City of San Diego Municipal Code.

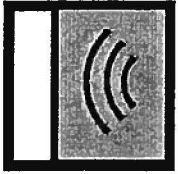
The same sounds are audible to the Solamar Hotel. Although located to the south west of the Stingaree, the Hotel has a direct line of sight to 5<sup>th</sup> and J. As indicated in the chart above when the windows are closed the sound levels are in normal Noise Criteria level for interior living spaces. Noise Criteria or NC level is a standard that describes the relative loudness of a space. The sound levels audible in the hotel room when the windows are closed are the in room refrigerator, the boom box music of the cycle cabs, the car alarms from the parking lot across the street and the occasional yelling of people emanating from the street level below. These sound levels do not have the intensity to be described as intrusive to the occupants of the rooms, however they are audible in very low levels. The sound level increases when the windows are open. The sampling recorded sound levels with the window open to 6<sup>th</sup>. These audible sound levels included a bus idling in front of the hotel, the boom boxes of the cycle cabs, the traffic passing in front of the hotel, music from different sources (Tivoli, Stingaree, J & 5<sup>th</sup> Streets) and the sound level of people laughing and yelling, indications of experiencing the entertainment district of San Diego

### Conclusions

The Stingaree rooftop dining and its music at its loudest sound level can only produce a sound level of 80dBA at the roof top location. This is limited due to the equipment in place. The management increased the sound level to its absolute loudest level for these samples. The ambient sound levels on the street corners of 6<sup>th</sup> and Island did not change from the samples recorded in September 2005, when Stingaree had not yet been constructed. The condominium building located at 575 6<sup>th</sup> (Alta), which was not built in 2005, is approximately 350 feet away

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at its closest point to the Stingaree. The sound levels sampled at the roof top of 575 6<sup>th</sup> (Alta) were 61dBA, and 56dBA, which is within acceptable levels of the current noise code. It must be noted that the sound level on the roof top is also sampling sound levels from 5<sup>th</sup> Street, which have more vehicle & pedestrian traffic and live music. The samplings at the Solamar Hotel inside room 701 clearing show that when the window is opened you can hear the audible sound levels emanating from outside, the entertainment district of San Diego, and all the sound levels associated with that. When the windows are closed you can hear the in room refrigerator which is louder than any of the other distinguishable sound sources. It is important to note that even though the Stingaree roof top music concluded at 1:30 AM, the sound levels do not drop in intensity until approximately 2:00 AM. At this time all establishments seem to close. This reduces the sound sources by the closing of the establishments, which reduces the traffic and the pedestrian levels on the sidewalks. There is a brief time between 2:00 AM and 2:20 AM when the cabs and the cycle taxis compete for fairs exiting these establishments. The recordings at any of the locations sampled do not show any indication of higher sound levels solely due to the operation of the Stingaree restaurant. This is the entertainment district in San Diego and the ambient and audible sound levels have not and will not change if the Stingaree closes at 10:00PM or 2:00AM. The ambient sound levels for the area during the time of the samplings have not changed from the 2005 samples, it is normal for the area.

Prepared by:

*Bill Bergiadis*

Troy Acoustics

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# Best Value Glass, Inc.

1517 N. Cuyamaca St. El Cajon, CA 92020  
 Phone: (619) 449-2429 Fax: (619) 449-2474

QUOTE NO.

**A01-010675**

STATE CONTRACTOR'S  
 LICENSE 828526

Submitted To Stingaree Restaurant, Bing	Date 10/22/09	Job Site Contact Stingaree Restaurant, Bing	Customer Ref#
Street 454 6th Avenue	Job Street 454 6th Avenue		
City, State and Zip San Diego, CA 92101	Job City, State and Zip San Diego, CA 92101		
Day Phone (617) 922-6891	Fax	Job Day Phone (617) 922-6891	Job Fax
Eve Phone	Sales Person Steve Welsh	Job Eve Phone	Quote No. A01-010675

Quantity	Description	Price	Amount
1	Aluminum windscreen ststem with posts and top rail 20 foot run with 90 degree corner and 20 foot return run color choices are white or black with 1/2" tempered glass	5,800.00	5,800.00
1	Add for 3/8" plexiglass	1,200.00	1,200.00
1	add for 3/8" lexan	1,800.00	1,800.00
1	Price does not include Boom lift or permit. Boom lift would cost \$900.00 to rent and permit would need to be obtained by Stingaree. We would need access to the outside for this system.		
	Note: BVG would recommend Tempered glass over plexiglass. Tempered glass is very safe and will hold up much better over time than plexiglass.		
	Tax at 9.75%		858.00

**We Propose** hereby to furnish material and labor -- complete in accordance with the above specifications, including tax, for the sum of: **\$9,658.00**

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tomado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized signature: \_\_\_\_\_

Note: This proposal may be withdrawn by us if not accepted within \_\_\_\_\_ days.

**Acceptance of Proposal** - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature \_\_\_\_\_ Date \_\_\_\_\_

**Payment Terms: C.O.D**  
 Payment is due in full upon installation of job.

Centre City  
 Development Corp.

OCT 26 2009

Orig. To:  
 Copy To:

OCT 26 2009

Orig. To:  
Copy To:

October 23, 2009

Brad Richter  
Asst. Vice President – Current Planning  
Centre City Development Corporation (CCDC)  
401 B Street, Suite 400  
San Diego, CA 92101

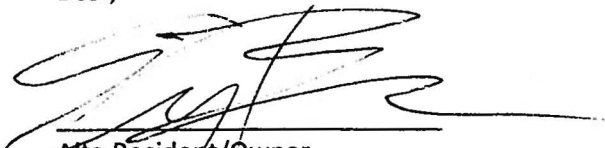
Re: Stingaree CUP Amendment

Dear Mr. Richter,

As a resident/owner of in the Alta high-rise condominium building, located at 575 6<sup>th</sup> Ave, I am writing in support of the Amendment to the Stingaree Conditional Use Permit. When making my decision to reside in the Gaslamp, and specifically at Alta, I was fully aware that I was moving into an entertainment district. I understand that a number of the businesses within the Gaslamp neighboring my building are dining and entertainment establishments that omit noise into the neighborhood from general operations and their patrons. One of the reasons I chose to live in the Gaslamp was to surround myself with the energy these establishments generate.

I do not feel that Stingaree is a nuisance or that the presence of music and patrons on the rooftop patio of Stingaree produces sound that interferes with the quiet enjoyment of my home. Thank you for taking the time to consider my support of this amendment and Stingaree regarding the Conditional Use Permit.

Best,

  
Alta Resident/Owner  
Unit # 205

OCT 26 2009

*Orig. To:*  
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October 23, 2009

Brad Richter  
Asst. Vice President – Current Planning  
Centre City Development Corporation (CCDC)  
401 B Street, Suite 400  
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Best,



Alta Resident/Owner

Unit #

212

OCT 26 2009

*Orig. To:*  
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October 23, 2009

Brad Richter  
Asst. Vice President – Current Planning  
Centre City Development Corporation (CCDC)  
401 B Street, Suite 400  
San Diego, CA 92101


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Alta Resident/Owner  
Unit #

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Best,

*Simone Morellato #207*

Alta Resident/Owner  
Unit #

**SIMONE MORELLATO**

OCT 26 2009

Orig. To:  
Copy To:

October 23, 2009

Brad Richter  
Asst. Vice President – Current Planning  
Centre City Development Corporation (CCDC)  
401 B Street, Suite 400  
San Diego, CA 92101

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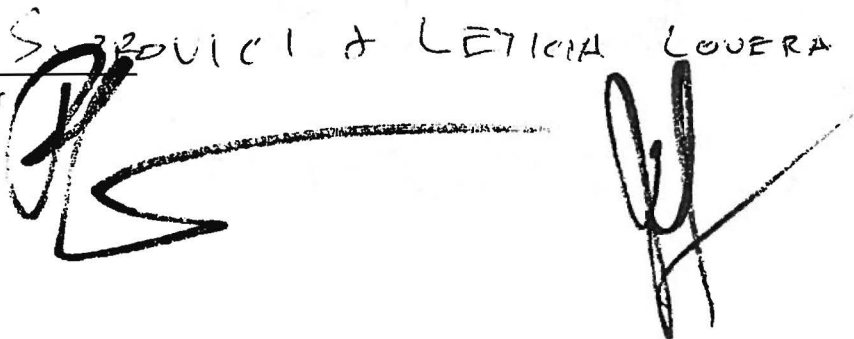
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Best,

RAZVAN S. BRUICI & LETICIA LOUERA  
Alta Resident/Owner  
Unit # 213



OCT 26 2009

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*Copy To:*

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Brad Richter  
Asst. Vice President – Current Planning  
Centre City Development Corporation (CCDC)  
401 B Street, Suite 400  
San Diego, CA 92101

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Best,



Alta Resident/Owner  
Unit #



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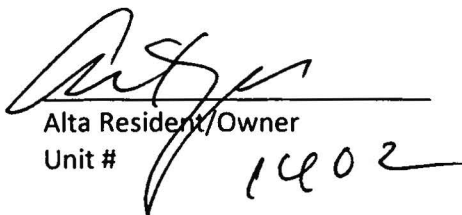
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Best,

  
Alta Resident/Owner  
Unit # 1402

Anthony Grega

OCT 26 2009

Orig. To:  
Copy To:

October 23, 2009

Brad Richter  
Asst. Vice President – Current Planning  
Centre City Development Corporation (CCDC)  
401 B Street, Suite 400  
San Diego, CA 92101

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Best,

*James Arnold*

*James Arnold 704*

Alta Resident/Owner  
Unit #

OCT 26 2009

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Asst. Vice President – Current Planning  
Centre City Development Corporation (CCDC)  
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Best,

AARON LILLIOTT UNIT 703



Alta Resident/Owner

Unit #

Centre City  
Development Corp.

OCT 26 2009

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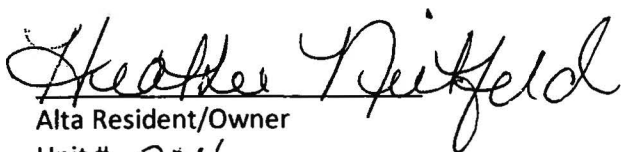
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Best,

  
Alta Resident/Owner  
Unit # 204

**RECORDING REQUESTED BY:**

Centre City Development Corporation  
401 B Street, Suite 400  
San Diego, CA 92101

**AND WHEN RECORDED MAIL TO:**

Centre City Development Corporation  
401 B Street, Suite 400  
San Diego, CA 92101

*THIS SPACE FOR RECORDER'S USE ONLY*

---

*NOTE: COUNTY RECORDER, PLEASE RECORD AS  
RESTRICTION ON USE OR DEVELOPMENT  
OF REAL PROPERTY AFFECTING THE TITLE  
TO OR POSSESSION THEREOF*

**GASLAMP QUARTER PLANNED DISTRICT  
AMENDMENT TO CONDITIONAL USE PERMIT 2005-47A  
(CUP 2005-47A)  
FOR LIVE ENTERTAINMENT**

**STINGAREE  
454 Sixth Avenue**

**DECISION OF THE PRESIDENT OF  
CENTRE CITY DEVELOPMENT CORPORATION**

**CENTRE CITY PLANNED DISTRICT  
CONDITIONAL USE PERMIT 2005-47A FOR LIVE ENTERTAINMENT**

**Stingaree  
454 Sixth Avenue**

WHEREAS, on August 2, 2005, Sixth and Island Investments, LLC., DBA Stingaree owner/applicant, filed an application for a Conditional Use Permit (CUP) to operate a 22,000 square foot tri-level restaurant/bar and event center with on-site consumption of alcoholic beverages and live entertainment located at 454 Sixth Avenue; more particularly described as Lots K and L in Block 113 of Horton's Addition in the City of San Diego, County of San Diego, State of California, according to the map thereof on file in the Office of the County Recorder of San Diego County, is located within the Gaslamp Quarter Planned District of the Centre City Community Plan Area;

WHEREAS, on October 18, 2005, the Centre City Development Corporation (CCDC) Hearing Officer held a duly noticed public hearing and approved Conditional Use Permit No. 2005-47, pursuant to Sections 126.0304, 126.0305, 103.1904, 103.1925 and 103.1919 of the Municipal Code of the City of San Diego;

WHEREAS, on May 22, 2009, Sixth and Island Investments, LLC., DBA Stingaree owner/applicant, filed an application for an amendment to CUP 2005-47 to allow expanded live entertainment activities in the roof-top bar and lounge of the establishment;

WHEREAS, on August 13, 2009, the CCDC Hearing Officer of CCDC held a duly noticed public hearing and, after considering a staff report and recommendation and public testimony, denied the amendment to CUP 2005-47 due to the inability to make the required findings for approval based on potential noise impacts the expanded hours and activities could create;

WHEREAS, on August 27, 2009, Sixth and Island Investments, LLC., DBA Stingaree owner/applicant, filed an appeal of this decision with CCDC; and,

WHEREAS, on November 5, 2009, the Planning Commission of the City of San Diego held a duly noticed public hearing and considered the record of the Hearing Officer action, the staff report and recommendation, and public testimony for the proposed amendment to CUP 2005-47.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of San Diego:

- a. *That the proposed use or development will not adversely affect the applicable land use plan;*

- b. *That the proposed use or development will not be detrimental to the public health, safety, and welfare;*
- c. *That the proposed use or development will comply to the maximum extent feasible with the regulations of the Land Development Code; and*
- d. *The proposed use is appropriate at the proposed location.*

BE IT FURTHER RESOLVED that, based on the Findings hereinbefore adopted by the Planning Commission, CUP 2005-47A is hereby GRANTED to Sixth and Island Investments, LLC.; DBA Stingaree subject the approved plans on file in the offices of CCDC and the following conditions:

1. The sale of alcoholic beverages shall be an accessory or secondary use to the primary use of the property in conformance with permitted uses as outlined in the Gaslamp Quarter Planned District Ordinance.
2. The business shall maintain a valid State Department of Alcohol and Beverage Control (ABC) Type 47 -“On-Sale Bona Fide Public Eating Place” alcoholic beverage license and be a bona-fide eating establishment, maintain an operational kitchen facility and make reasonable efforts to sell food products to the general public. The business shall be in compliance with all conditions of said license at all times. Food service shall be available during normal business hours.
3. Amplified music and live entertainment, including dancing, shall be permitted within the confines of the building (ground level and mezzanine) and shall commence no earlier than 11:00 a.m. and end no later than 2:00 a.m. seven days a week. All doors and windows shall remain closed whenever amplified live entertainment or music is played in the establishment. No musical equipment or sound reproduction devices shall be operated or used within the sidewalk café.
4. *The rooftop bar and lounge including the following activities:*
  - a. Ambient background music shall be allowed seven days a week until 1:30 a.m.
  - b. A DJ without microphone is permitted on Thursdays until 1:00 a.m.
  - c. A DJ is permitted on Friday and Saturday until 1:30 a.m., with no microphone allowed after midnight.
  - d. A DJ is permitted on Sundays, only when the following Monday is recognized as a National or State Holiday, until 1:00 a.m., with no microphones allowed after midnight.
  - e. Entertainers that do not produce sound (dancing, performing, etc.) are permitted.
  - f. No dance floor or dancing by patrons shall be allowed.
5. The sound system shall be operated with numerous small speakers as outlined in the October 25, 2009 report by Pro Systems Audio Visual Solutions and shall not be modified without prior approval by CCDC, based on a determination that the modified system will not possess greater sound generation capabilities as documented by a

professional sound and acoustic engineer. Any modification to the sound system which could create greater levels of noise shall require an amendment to this CUP.

6. A four-foot high tempered glass windscreen shall be installed on top of the parapet at the northeast corner of the roof, approximately 20 feet in length, and extending up to the rows of cabanas as outlined in the roof plans on file in the offices of CCDC.
7. All live entertainment must be pursuant to applicable San Diego Municipal Code permits and regulations and, if applicable, San Diego Police Department Regulatory Permits shall be obtained.
8. The Permittee shall be responsible for implementing the noise treatment measures recommended by the acoustical study submitted for this project dated June 25, 2005, including the installation of sound insulation materials within the interior of the building and exterior mitigations discussed within the study as necessary to comply with City of San Diego Noise Abatement requirements. The Permittee shall be in compliance with the City of San Diego Noise Ordinance at all times.
9. Sound and amplification equipment shall be monitored during and after business hours to ensure that audible noise remain at acceptable levels so as not to disturb surrounding neighbors. In the event that any noise and/or vibration complaints are received, CCDC shall evaluate the complaints and if it is determined that the business is potentially creating a nuisance for the neighborhood, a duly noticed public hearing shall be scheduled. After receiving public testimony, the Hearing Officer may revoke or modify the Permit.
10. During the hours of live entertainment and/or dancing the Permittee shall employ one security officer for every fifty (50) patrons in the premise. The security officers shall wear clothing that identifies them as security officers and shall be on duty from the time live entertainment and/or dancing begins until one-half hour after the live entertainment and/or dancing ceases. Their primary duty shall be to patrol the interior and the exterior of the premises in order to alleviate police problems, excessive noise, abusive behavior, disturbances, and any other violations of law that occur on or about the licensed premises.
11. Rope and stanchions shall be provided during the evening hours of operation and when events shall warrant. Any queuing of patrons outside of the establishment shall be maintained in an orderly manner and shall be so situated as to allow a clear pedestrian path of at least eight (8) feet along Island Avenue. Any queuing may not obstruct access to any other business.
12. Patrons awaiting entrance as well as those leaving the establishment shall be monitored as to not create a nuisance by obstructing the sidewalk in the area of the business or adjacent business or by being publicly inebriated, noisy, or rowdy.



13. No patron shall be permitted to remove a partially consumed bottle or drink of any type of alcoholic beverage from the premises, except for bottles of wine for patrons of the restaurant.
14. All servers, security and other Stingaree employees shall be trained and certified in responsible alcoholic beverage service policies and practices. This is to include: strong I.D checking procedures, not serving intoxicated patrons and responsible beverage pricing. The Permittee shall submit proof of compliance prior to commencement of operation of the establishment.
15. The service of promoters or other persons for the purpose of profit sharing shall not be permitted. The monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders, shall be the sole profit of the licensee.
16. A mandatory duly noticed public hearing shall occur within six (6) months after the date of commencement of operation to ensure conformance with the conditions stated herein. This review shall be noticed to all interested parties identified in this application. At that time, modifications to, or revocation of the CUP may be considered.
17. Any change to the approved business shall be reviewed and approved by CCDC. Any change in operator of the establishment shall require notification to CCDC.
18. This Permit may be revoked by CCDC if there is a material breach or default in any of the conditions of this permit. If the business creates a nuisance to the surrounding neighborhood, based on a determination of the President of CCDC, this permit may be revoked after the holding of a public hearing.
19. The owner or operator shall maintain the CUP and other business licenses in the establishment and shall make these documents available to anyone lawfully engaged in the inspections of the premises.
20. The owner or operator shall adhere to all Federal, State and local laws, ordinance and regulations at all times.
21. This Permit shall not become effective until:
  - a. The Permittee signs and returns the Permit to CCDC; and
  - b. The Permit is recorded in the Office of the County Recorder.
22. This Permit must be used within 36 months after the date of approval or the Permit shall be void.

23. After establishment of the business, the Property shall not be used for other uses unless:
- a. Authorized by CCDC; or
  - b. The uses are consistent with all zoning and development regulations of the Centre City Planned District Ordinance; or
  - c. This permit has been revoked by CCDC.
24. This Permit is a Covenant running with the lands 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.

Passed and adopted by the Planning Commission on August 13, 2009.

ATTEST:

CENTRE CITY DEVELOPMENT  
CORPORATION

PERMITTEE(S) SIGNATURE

\_\_\_\_\_  
Lorena Cordova  
Junior Planner

Date

\_\_\_\_\_  
James W. Brennan  
Managing Member  
Sixth and Island Investment, LLC.

Date

