



THE CITY OF SAN DIEGO

## Report to the Hearing Officer

DATE ISSUED: June 14, 2023 REPORT NO. HO-23-029

HEARING DATE: June 21, 2023

SUBJECT: HAVANA 1920 LIVE ENTERTAINMENT; Process Three Decision

PROJECT NUMBER: [1067486](#)

OWNER/APPLICANT: LLJ Retail Ventures 6, LLC (Owner)  
5<sup>th</sup> and Market Street Group, LLC (Applicant)

### SUMMARY

Issue: Should the Hearing Officer approve a Conditional Use Permit (CUP) to expand the existing indoor live entertainment to include the second floor of Havana 1920 Restaurant ("Project") located at [548 Fifth Avenue](#) within the Horton/Gaslamp neighborhood of the [Downtown Community Planning \(DCP\) area](#) (Council District 3)?

Staff Recommendation: **APPROVE** Conditional Use Permit No. 3182130.

Community Planning Group Recommendation: On November 16, 2022, the Downtown Community Planning Council voted 6-0, with 4 abstentions, to recommend approval of the Project with the same conditions as the original CUP No. 2003-10 (Attachment 8).

Other Recommendations: On December 8, 2022, the San Diego Police Department recommended approval of the Project with conditions (Attachment 11), which have been incorporated into the draft permit (Attachment 6).

Environmental Review: On May 9, 2023, the Environmental Analysis Section (EAS) determined that the Project is consistent with the previously certified City of San Diego Downtown Environmental Impact Report (SCH# 2003041001). Development within the Downtown Community Planning area is covered under the following documents, referred to collectively as the "Downtown FEIR": the Final Environmental Impact Report (FEIR) for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and 10th Amendment to the Redevelopment Plan for the Centre City Redevelopment Project (SCH No. 2003041001) certified by the former Redevelopment Agency ("Former Agency") and the San Diego City Council ("City Council") on March 14, 2006 (Resolutions R-04001 and R-301265, respectively); subsequent addenda to the FEIR adopted by the Former Agency and the City Council on August 3, 2007 (Resolutions R-04193 and R-302931, respectively), April 23, 2010 (Resolutions R-

04508 and R-305761, respectively), April 13, 2010 (Resolutions R-04510 and R-305759, respectively), and August 3, 2010 (Resolutions R-04544 and R-306014, respectively), and adopted by the City Council on February 12, 2014 (Resolution R-308724), July 14, 2014 (Resolution R-309115), and November 17, 2020 (Resolution R-313302); and the Final Supplemental Environmental Impact Report (SEIR) for the Downtown San Diego Mobility Plan (SCH No. 2014121002) certified by the City Council on July 6, 2016 (Resolution R-310561).

Development within the Downtown Community Planning area is also covered under the following documents, referred to collectively as the "CAP FEIR": the FEIR for the City of San Diego Climate Action Plan ("CAP") (Project No. 416603/SCH No. 2015021053) certified by the City Council on January 4, 2016 (Resolution R-310176); the Addendum to the CAP FEIR for the CAP Consistency Checklist (Project No. 416603/SCH No. 2015021053) adopted by the City Council on July 19, 2016 (Resolution R-310595); and the Addendum to the CAP FEIR for the City of San Diego CAP Update (Project No. 416603/SCH No. 2015021053) adopted by the City Council on August 10, 2022 (Resolution R-314298).

The Downtown FEIR and CAP FEIR are both "Program EIRs" prepared in compliance with the California Environmental Quality Act ("CEQA") Guidelines Section 15168. The information contained in the Downtown FEIR and the CAP FEIR reflects the independent judgment of the City of San Diego as the Lead Agency. All environmental documents for the Downtown Community Plan area are available on the City of San Diego website (<https://www.sandiego.gov/ceqa/final>) and the Urban Division website (<https://www.sandiego.gov/development-services/news-programs/downtown-development/eirs>). This project is a subsequent discretionary action within the scope of the development program evaluated in the Downtown FEIR and the CAP FEIR and is not a separate project for the purposes of CEQA review pursuant to CEQA Guidelines Sections 15378(c) and 15060(c)(3). Pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162, there is no change in circumstance, additional information, or project changes to warrant additional environmental review for this action. Therefore, no further environmental documentation is required under CEQA.

Fiscal Impact Statement: No fiscal impact; Project is privately owned and funded.

Code Enforcement Impact: None; no active code enforcement cases on the property.

Housing Impact Statement: None; no housing units currently on the property and no new construction is proposed as part of the Project.

## BACKGROUND

The Project is located at the 2,500 square-foot Project site (Attachment 1) on the west side of Fifth Avenue between Market Street and Island Avenue within the boundaries of the Gaslamp Quarter Planned District (GQPD) (Attachment 2) in the Horton/Gaslamp neighborhood of the DCP area. The site is surrounded by a mixture of uses including retail, restaurants, hotels, and other live entertainment venues.



The existing building, known as the Marin Hotel, is designated as a historical resource by the City of San Diego Historical Resources Board (HRB #147) and is a contributor to the nationally and locally designated historic Gaslamp District (Historical District Contributing Site #127-033). A full-service restaurant called Havana 1920 operates on floors one and two of the five-story mixed-use building originally constructed in 1887. Floors three through five contain a hotel, and the basement operates as a nightclub.

The Project site is currently entitled for live entertainment within the basement level only, pursuant to CUP No. 2003-10 (Attachment 7), approved on May 15, 2003, by the Centre City Development Corporation.

Pursuant to Gaslamp Quarter Planned District Ordinance (GQPDO) Section [157.0305\(c\)\(2\)\(A\)](#), establishments providing performances by live non-acoustic musicians, disc jockeys, or patron dancing are required to obtain approval of a CUP. A CUP is a Process Three, Hearing Officer decision with appeal rights to the Planning Commission. According to San Diego Municipal Code (SDMC) Section [126.0305](#), Findings for Conditional Use Permit Approval, the decision maker may approve a CUP if the decision maker finds that the proposed use: will not adversely affect the applicable land use plan; will not be detrimental to the public health, safety, and welfare; will comply with the regulations of the SDMC Land Development Code; and is appropriate at the proposed location.

## DISCUSSION

### Project Description:

The Applicant is seeking to allow live entertainment on the second floor of the building. The establishment has operated with live entertainment in the basement under the existing CUP No. 2003-10 since 2003.

The proposed live entertainment at the Project site will be limited to the existing basement nightclub and amplified background music for patrons on the second floor. A designated live entertainment area has been identified on the eastern edge of the second floor along the windows where DJs and live musicians will set up their equipment (see Sheet A2.1 of Attachment 10). The proposed hours of live entertainment on the second floor and in the basement are consistent with the other live entertainment CUPs in the vicinity: up until 1:30 AM. The second floor will remain a restaurant while open and will not transition into a nightclub, and a dedicated dance floor is not proposed. Small speakers angled toward the interior of the restaurant and away from the exterior will be utilized for the live music, and noise-attenuating improvements have already been installed to mitigate impacts on the neighborhood, including an extra layer of drywall in the ceiling, acoustic sound panels, and an acoustic sound curtain. No new construction is being proposed as a part of this Project. The doors

and windows will remain closed during the live entertainment. A Project narrative, plans, and photo survey have been included as Attachment 10 to this report.

Permits Required

- Conditional Use Permit per SDMC Section 157.0305(c)(2)(A) for performances by live non-acoustic musicians, disc jockeys, or patron dancing.

Neighborhood Context

The Horton/Gaslamp neighborhood offers a variety of entertainment, shopping, arts, cultural, and dining experiences. The Gaslamp Quarter was Downtown’s first commercial and business center and now operates as San Diego’s prime entertainment and celebration destination with a mixture of restaurants, cafes, nightclubs, and bars that draw tourists and residents alike. The Gaslamp Quarter is a National Register Historic District, and its historic buildings serve the entertainment uses well by providing a fine-grained, pedestrian-scaled environment and recalling the district’s colorful past.

As San Diego’s prime entertainment destination, the Gaslamp Quarter hosts many establishments with live entertainment. Within one block of the Project site, eleven establishments have been granted CUPs for live entertainment, as listed in the table below and as shown in the vicinity map (Attachment 4).

<b>Address</b>	<b>CUP No.</b>
548 Fifth Ave	2003-10
415 Market St	2011-37
421 Market St	2011-27
560 Fifth Ave	2008-36
535 Fourth Ave	2014-37
627 Fourth Ave	2012-45
600 Fifth Ave	2012-12
611 Fifth Ave	2010-09
555 Market St	2015-27
454 Sixth Ave	2005-47A
550 J St	2017-13

Community Plan Analysis:

The Project is consistent with multiple DCP goals and policies for Downtown and the Horton/Gaslamp neighborhood, including:

- 3.1-G-2 - Provide for an overall balance of uses—employment, residential, cultural, government, and destination—as well as a full compendium of amenities and services.
- 3.5-G-2 - Foster a rich mix of uses in all neighborhoods, while allowing differences in emphasis on uses to distinguish between them.
- 3.5-P-2 - Emphasize neighborhood character in each district, to promote diversity and complexity.

- 6.4-G-1 - Maintain Horton/Gaslamp as an entertainment and shopping district, with broad mix of uses, high activity, and wide-ranging appeal.

Project-Related Issues:

Staff has not received any public comments related to the proposed Project, and no significant issues or major concerns were identified during the review by City staff. To address any potential adverse impacts of the proposed live entertainment, standard operational conditions are included in the draft permit to ensure that the use is not detrimental to the neighborhood, including:

- Live entertainment shall be limited to no later than 1:30 AM seven days per week.
- Live entertainment may consist of amplified live music from disc jockeys, musicians, or live bands located indoors only (no outdoor live entertainment).
- All doors and windows must be closed when live entertainment occurs.
- Per SDPD, security staff must be provided during the hours of live entertainment.

The draft permit consolidates the existing entitlement for live entertainment in the basement with the new live entertainment on the second floor. All applicable conditions from the existing CUP have been retained in the draft permit. The proposed CUP will supersede CUP No. 2003-10.

CONCLUSION

Staff has reviewed the Project and all issues identified through the review process have been resolved in conformance with the regulations of the SDMC. Staff has provided a draft resolution with findings (Attachment 5) and draft permit with conditions (Attachment 6) and recommends the Hearing Officer APPROVE CUP No. 3182130.

ALTERNATIVES

1. Approve CUP No. 3182130, with modifications.
2. Deny CUP No. 3182130, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

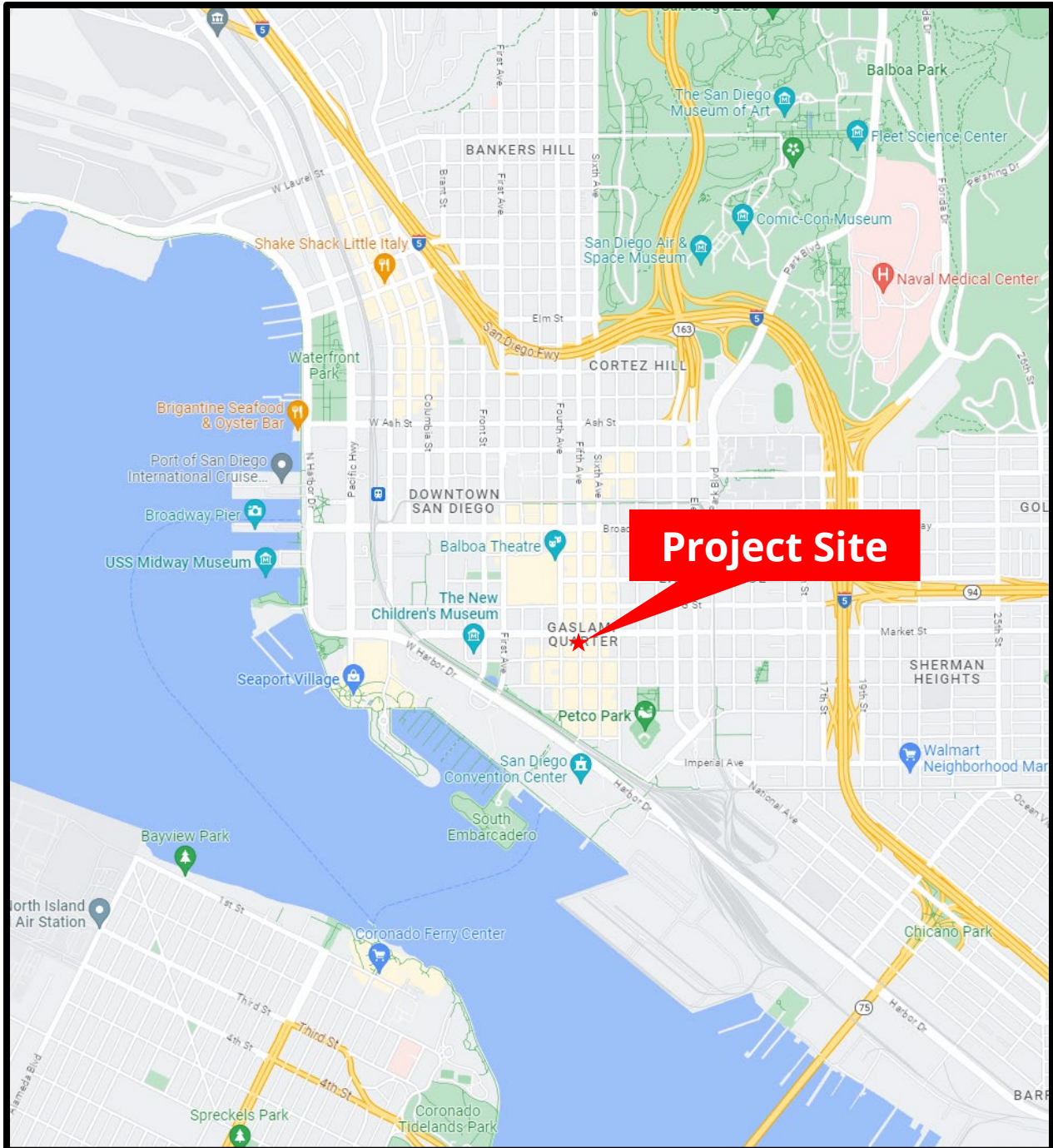


Jacob Basinger  
Assistant Planner, Urban Division  
Development Services Department

Attachments:

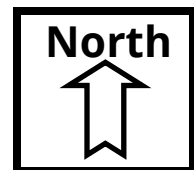
1. Project Location Map

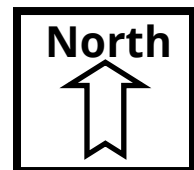
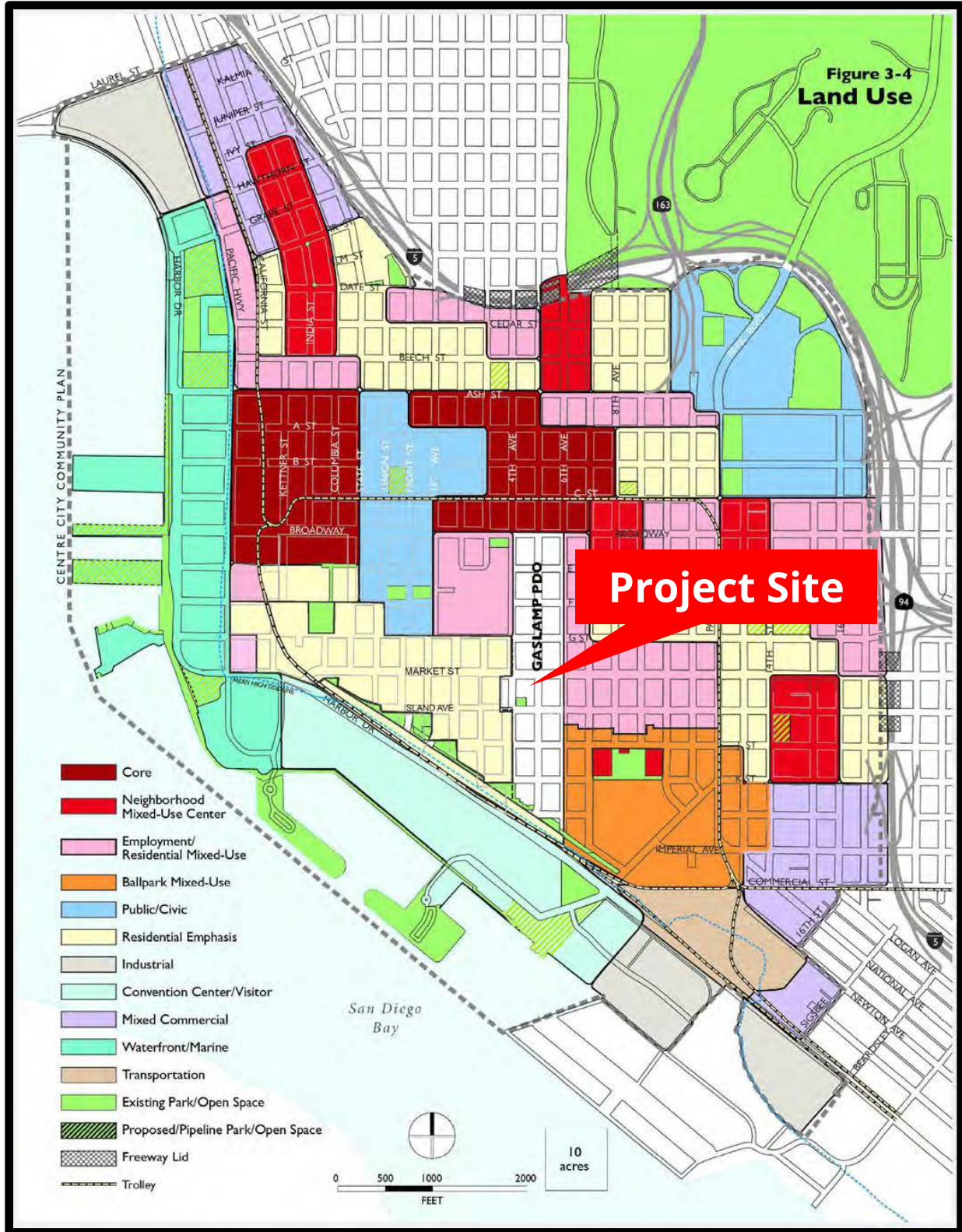
2. Land Use Map
3. Aerial Photograph
4. Live Entertainment Vicinity Map
5. Draft Resolution with Findings
6. Draft Permit with Conditions
7. Existing CUP No. 2003-10
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement
10. Project Plans
11. San Diego Police Department Recommendation



**Project Location Map**

Havana 1920 Live Entertainment CUP, Project No. 1067486  
548 5<sup>th</sup> Avenue



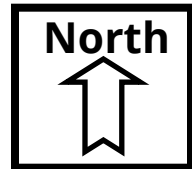


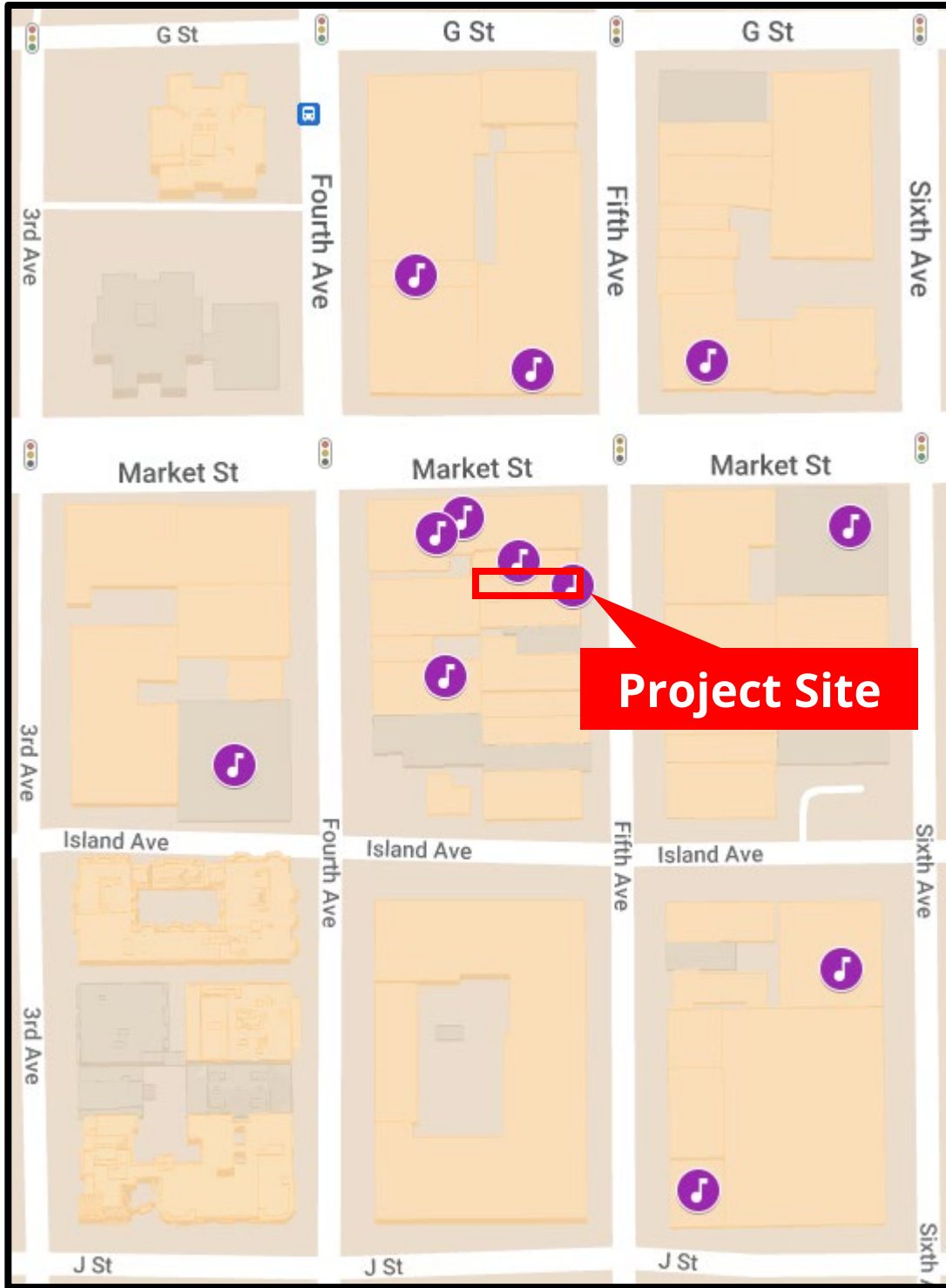




**Aerial Photo**

Havana 1920 Live Entertainment CUP, Project No. 1067486  
548 5<sup>th</sup> Avenue



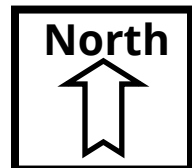


 = Existing Conditional Use Permit for Live Entertainment



### Live Entertainment Vicinity Map

Havana 1920 Live Entertainment CUP, Project No. 1067486  
548 5<sup>th</sup> Avenue



HEARING OFFICER RESOLUTION NO. \_\_\_\_\_  
CONDITIONAL USE PERMIT NO. 3182130  
**HAVANA 1920 LIVE ENTERTAINMENT CUP - PROJECT NO. 1067486**

WHEREAS, LLJ RETAIL VENTURES 6, LLC, Owner, and 5<sup>TH</sup> AND MARKET STREET GROUP, LLC, Permittee, filed an application with the City of San Diego for a Conditional Use Permit (CUP) for indoor live entertainment in the basement and on the second floor of Havana 1920 Restaurant ("Project"), as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 3182130, on portions of a 2,500 square-foot site;

WHEREAS, the Project site is located at 548 Fifth Avenue in the Gaslamp Quarter Planned District (GQPD) and Gaslamp/Horton neighborhood of the Downtown Community Plan (DCP) ("Downtown") area;

WHEREAS, the Project site is legally described as the south half of Lot "K" in Block 95 of Horton's Addition in the City of San Diego, County of San Diego, State of California, according to Map thereof filed in the Office of the County Recorder of San Diego County;

WHEREAS, Development within the Downtown Community Planning area is covered under the following documents, referred to collectively as the "Downtown FEIR": the Final Environmental Impact Report (FEIR) for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and 10th Amendment to the Redevelopment Plan for the Centre City Redevelopment Project (SCH No. 2003041001) certified by the former Redevelopment Agency ("Former Agency") and the San Diego City Council ("City Council") on March 14, 2006 (Resolutions R-04001 and R-301265, respectively); subsequent addenda to the FEIR adopted by the Former Agency and the City Council on August 3, 2007 (Resolutions R-04193 and R-302931, respectively), April 23, 2010 (Resolutions R-04508 and R-305761, respectively), April 13, 2010 (Resolutions R-04510 and R-305759, respectively),

and August 3, 2010 (Resolutions R-04544 and R-306014, respectively), and adopted by the City Council on February 12, 2014 (Resolution R-308724), July 14, 2014 (Resolution R-309115), and November 17, 2020 (Resolution R-313302); and the Final Supplemental Environmental Impact Report (SEIR) for the Downtown San Diego Mobility Plan (SCH No. 2014121002) certified by the City Council on July 6, 2016 (Resolution R-310561);

WHEREAS, Development within the Downtown Community Planning area is also covered under the following documents, referred to collectively as the "CAP FEIR": the FEIR for the City of San Diego Climate Action Plan ("CAP") (Project No. 416603/SCH No. 2015021053) certified by the City Council on January 4, 2016 (Resolution R-310176); the Addendum to the CAP FEIR for the CAP Consistency Checklist (Project No. 416603/SCH No. 2015021053) adopted by the City Council on July 19, 2016 (Resolution R-310595); and the Addendum to the CAP FEIR for the City of San Diego CAP Update (Project No. 416603/SCH No. 2015021053) adopted by the City Council on August 10, 2022 (Resolution R-314298);

WHEREAS, the Downtown FEIR and CAP FEIR are "Program EIRs" prepared in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15168; the information contained in the Downtown FEIR and CAP FEIR reflects the independent judgment of the City of San Diego as the Lead Agency; the environmental impacts of the Project were adequately addressed in the Downtown FEIR and CAP FEIR; the Project is within the scope of the development program described in the Downtown FEIR and CAP FEIR and is adequately described within each document for the purposes of CEQA; and none of the conditions listed in CEQA Guidelines Section 15162 exist;

WHEREAS, based on the foregoing, no further environmental documentation or review is required under CEQA.

WHEREAS, on June 21, 2023, the Hearing Officer of the City of San Diego considered CUP No. 3182130 pursuant to the Land Development Code of the City of San Diego; NOW THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to CUP No. 3182130:

**Findings for a Conditional Use Permit – SDMC Section 126.0305**

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

The proposed development consists of a CUP request for indoor live entertainment in the basement and on the second floor of the Havana 1920 Restaurant. The Project site is located on the west side of Fifth Avenue between Market Street and Island Avenue within the GQPD and the Horton/Gaslamp neighborhood of the DCP area.

Live entertainment is permitted in the GQPD with approval of a CUP, pursuant to Gaslamp Quarter Planned District Ordinance (GQPDO) Section 157.0305(c)(2)(A). Conditions of approval have been incorporated into the permit, including restrictions on the hours of live entertainment, increased security, and noise abatement measures such as keeping the windows and doors closed, to ensure that the Project complies with the provisions of the GQPDO and San Diego Municipal Code (SDMC) and will not create a nuisance for neighbors.

Per the DCP, the Horton/Gaslamp neighborhood offers a variety of entertainment, shopping, arts, cultural, and dining experiences. The Gaslamp Quarter was Downtown's first commercial and business center and now operates as San Diego's prime entertainment and celebration destination with a mixture of restaurants, cafes, nightclubs, and bars that draw visitors and residents alike. The Project provides an expanded live entertainment venue that is consistent with other establishments in the neighborhood. Within one block of the Project site, eleven establishments have been granted CUPs for live entertainment. The Gaslamp Quarter is a National Register Historic District, and its historic buildings serve the entertainment uses well by providing a fine-grained, pedestrian-scaled environment and recalling the district's colorful past. No new construction is proposed as part of the Project; therefore, the building will retain its historic character as a contributing structure to the district.

Live entertainment on the second floor of the Havana 1920 Restaurant in addition to the existing live entertainment in the basement will enhance the mixed-use nature of the neighborhood by increasing the entertainment experiences available for patrons of the Gaslamp Quarter and Downtown as a whole. This is consistent with DCP Goals 3.1-G-2, to provide for an overall balance of uses—employment, residential, cultural, government, and destination—as well as a full compendium of amenities and services, and 3.5-G-2, to foster a rich mix of uses in all neighborhoods, while allowing differences in emphasis on uses to distinguish between them. The live entertainment will contribute to the mix of uses by adding an entertainment aspect to the existing restaurant space, while also furthering the Horton/Gaslamp neighborhood's unique qualities as an entertainment district by providing another entertainment venue for residents and visitors alike.

Similarly, the project is consistent with Policy 3.5-P-2 to emphasize neighborhood character in each district. The Havana 1920 Restaurant is housed within a designated historical building, Historic Site #147, and the designated Gaslamp Quarter National Register Historic District. No new construction is proposed as part of the Project; therefore, the building will retain its historic character as a contributing structure to the district. Moreover, the Gaslamp Quarter is identified by the DCP as an entertainment and shopping district. By increasing the on-site live entertainment activity, and therefore the use of the designated historical building, this Project will further emphasize the Gaslamp Quarter's unique neighborhood character as a historical district and live entertainment destination.

This Project will also further DCP Goal 6.4-G-1, to maintain the Horton/Gaslamp neighborhood as an entertainment and shopping district, with a broad mix of uses, high activity, and wide-ranging appeal. By providing an expanded live entertainment venue, the Project will continue to foster the neighborhood's character as an entertainment district and increase activity within the Gaslamp Quarter.

Because live entertainment is permitted with the approval of a CUP in the GQPD and the Project advances the goals and policies of the Horton/Gaslamp neighborhood as described above, the proposed use will not adversely affect the applicable land use plan.

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

The proposed development will not be detrimental to the public health, safety, and welfare because conditions of approval will be implemented to ensure that the indoor live entertainment will not become a nuisance to the community. These conditions are consistent with other nearby CUPs for live entertainment and include limiting the hours that live entertainment can occur, specifying what kinds of live entertainment are allowed on the premise, specifying where the live entertainment can occur within the premise, and providing adequate security to monitor patron behavior. Moreover, measures to mitigate the noise impact of the live entertainment on the area will be required. These include keeping the doors and windows closed throughout the duration of live entertainment, orienting the speakers toward the interior of the establishment, and utilizing currently installed acoustic sound panels, an acoustic sound curtain, and extra ceiling drywall. The conditions of approval and noise mitigation measures will ensure that the live entertainment use does not become a nuisance to the surrounding neighborhood, and therefore will not be detrimental to the public health, safety, and welfare.

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

The Project complies with the Land Development Code (LDC) because the proposed live entertainment is allowed in the GQPD with approval of a CUP (SDMC Section 157.0305(c)(2)(A)). No deviations from LDC requirements are proposed as part of the

Project. The Project was reviewed by multiple City disciplines that determined the indoor live entertainment is consistent with the GQPDO and the DCP with approval of a CUP. Moreover, when operated in compliance with the San Diego Police Department's (SDPD) conditions of approval, which include providing security and monitoring patron conduct, the use will be consistent with all recommendations of the SDPD. The proposed use will also be required to obtain any other applicable government approvals and comply with the applicable requirements of the State Department of Alcoholic Beverage Control and the SDPD. By obtaining a CUP and complying with the conditions of approval, the proposed live entertainment will be compliant with the regulations of the Land Development Code.

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

Live entertainment is appropriate at the proposed location because the Project is located within the Gaslamp Quarter, which the DCP describes as San Diego's prime entertainment and celebration destination. By providing live entertainment, the Project furthers the DCP goals for the neighborhood to be a high-activity, mixed-use entertainment destination because it provides an additional entertainment attraction in the neighborhood for use by residents and visitors. Furthermore, the Project site already hosts permitted live entertainment in the basement pursuant to the previously approved CUP No. 2003-10, which this permit will supersede. Extending that permission to host live entertainment on the second floor is appropriate for the location because the building is situated within a mixed-use area where a number of similar venues already co-exist with other uses. In a one-block radius surrounding the Project site eleven establishments currently hold CUPs for live entertainment. The proposed Project will be consistent with those already-permitted establishments, with similar hours of operation, noise monitoring and abatement measures, and security conditions. Therefore, the proposed live entertainment is appropriate for the location.

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

BE IT FURTHER RESOLVED that, based on these findings adopted by the Hearing Officer, Conditional Use Permit No. 3182130 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 3182130, a copy of which is attached hereto and made a part hereof.

---

Jacob Basinger  
Assistant Planner, Urban Division

Development Services Department

Adopted on: June 21, 2023

IO#: 24009372

ATTACHMENT: Conditional Use Permit No. 3182130

DRAFT



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

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

INTERNAL ORDER NUMBER: 24009372

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 3182130  
**HAVANA 1920 LIVE ENTERTAINMENT CUP PROJECT NO. 1067486**  
HEARING OFFICER

This Conditional Use Permit No. 3182130 is granted by the Hearing Officer of the City of San Diego ("City") to LLJ Retail Ventures 6, LLC, Owner, and 5<sup>th</sup> and Market Street Group, LLC, Permittee, pursuant to San Diego Municipal Code (SDMC) Section 126.0305. The 2,500 square-foot site is located at 548 Fifth Avenue in the Gaslamp Quarter Planned District and within the Horton/Gaslamp neighborhood of the Downtown Community Plan area. The project site is legally described as: the south half of Lot "K" in Block 95 of Horton's Addition in the City of San Diego, County of San Diego, State of California, according to Map thereof filed in the Office of the County Recorder of San Diego County.

This permit shall supersede CUP No. 2003-10, recorded in the Office of the County Recorder on May 28, 2003 as Document #2003-0623291.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to allow indoor live entertainment on the second floor and in the basement of the building as described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 21, 2023, on file in the Development Services Department (DSD).

The project shall include:

- a. Indoor live entertainment on the second floor and basement of the building.
- b. Public and private accessory improvements determined by DSD to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division

## ATTACHMENT 6

1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by June 21, 2026.

2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to DSD; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
9. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.
10. If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid"

condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

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

**CLIMATE ACTION PLAN REQUIREMENTS:**

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

**LIVE ENTERTAINMENT REQUIREMENTS:**

13. The primary use of the site is a restaurant and entertainment venue. The intended use shall be in conformance with permitted uses as outlined in the Gaslamp Quarter Planned District Ordinance (SDMC Section 157.0304) and all other relevant regulations in the SDMC. Any proposed change in use shall be reviewed and approved by the City. Any significant remodel or tenant improvements shall be reviewed by the City for consistency with the uses as approved in this Permit.
14. Live entertainment shall occur no later than 1:30 a.m. seven days per week.
15. All live entertainment shall take place indoors and be confined to the interior of the building. All doors and windows shall remain closed whenever live entertainment is occurring, except for normal ingress and egress, and in case of emergency.
16. No formal dance floor shall be provided on the second floor.

## ATTACHMENT 6

17. All live music and entertainment must be conducted in compliance with all applicable SDMC permits and regulations. If required, San Diego Police Department regulatory permits shall be obtained.
18. Sound and amplification equipment shall be monitored during business hours to ensure that audible noise remains at acceptable levels. Noise levels shall be in conformance with the noise abatement standards of the SDMC and the City's Noise Ordinance (SDMC Section 59.5.0401). In the event that a noise or vibration complaint is filed, the appropriate decision maker shall evaluate the complaints and if it is determined that the business is potentially creating a nuisance to the neighborhood, a duly noticed hearing shall be scheduled. After receiving public testimony, the City Hearing Officer may revoke or modify the permit.
19. During the hours of live entertainment, the Permittee shall employ one security officer for every fifty (50) patrons of the live entertainment venue(s). The security officers shall wear clothing that identifies them as security officers and shall be on duty from the time live entertainment and dancing begins until one-half hour after the live entertainment 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.
20. During the hours of live entertainment, a minimum of one (1) additional security officer shall be required for the entrance to that portion of the premises designated for live entertainment.
21. During the hours of live entertainment, the Permittee shall post a minimum of one (1) additional security guard for every twenty (20) or fewer patrons who are awaiting admission or exiting the premises.
22. 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 on all sidewalk areas. Any queuing may not obstruct access to any other business.
23. Patrons awaiting entrance as well as those leaving the establishment shall be monitored so 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.
24. A point of contact shall be kept on file with the City in case any complaints arise. Complaints shall be responded to by the Owner/Permittee within 24 hours.

### INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.

**ATTACHMENT 6**

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on June 21, 2023 and Resolution No. \_\_\_\_.

Permit Type/PTS Approval No.: PMT-3182130  
Date of Approval: June 21, 2023

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

---

Jacob Basinger  
Assistant Planner, Urban Division  
Development Services Department

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

**The undersigned Owner/Permittee**, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

**LLJ RETAIL VENTURES 6, LLC**  
Owner

By \_\_\_\_\_  
NAME:  
TITLE:

**5<sup>TH</sup> AND MARKET STREET GROUP, LLC**  
Permittee

By \_\_\_\_\_  
NAME:

TITLE:

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

DRAFT

23391

DOC # 2003-0623291

MAY 28, 2003 2:24 PM

**RECORDING REQUESTED BY:**

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

**AND WHEN RECORDED MAIL TO:**

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

OFFICIAL RECORDS  
SAN DIEGO COUNTY RECORDER'S OFFICE  
GREGORY J. SMITH, COUNTY RECORDER  
FEES: 19.00



*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*

SP

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

**CONDITIONAL USE PERMIT NO. 2003-10  
CENTRE CITY ALCOHOL SALES PERMIT**

**TESOROS  
548-552 FIFTH AVENUE**

WHEREAS, on May 15, 2003, Rosie Vera owner of Tesoro Restaurant, requested approval of a Conditional Use Permit to allow for the sale of alcoholic beverages (ABC Type 47 license – on premise alcohol for a bona fide public eating establishment) in conjunction with live music, entertainment and dancing. The restaurant is located at 548-552 Fifth Avenue. The site, described as the south half of lot K in block 95 of Horton's Addition in the City of San Diego, County of San Diego, State of California, according to Map thereof made by L. L. Lockling on file in the Office of the County Recorder of San Diego County, is located in Land Use District J-Gaslamp Quarter Planned District of the Centre City Community Plan Area; and,

WHEREAS, on May 15, 2003, the Designated Hearing Officer of the Centre City Development Corporation (CCDC) held a duly noticed public hearing and considered Conditional Use Permit No. 2003-10, 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.

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. 2003-10 is hereby GRANTED to Tesoro Restaurant, subject to the plans approved and the following conditions:

1. The sale of alcoholic beverages shall be an accessory or secondary use to the primary use of the property and the intended use must be in conformance with permitted uses as outlined in the Centre City Planned District Ordinance.
2. The business shall maintain a valid license from the State Department of Alcohol Beverage Control (ABC) and be in compliance with all conditions of said license at all times.
3. The business shall maintain an 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 entire establishment shall operate as one entity.
4. All 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. Amplified live entertainment shall be permitted only within the confines of the basement. Ambient music shall be permitted throughout the ground floor of the restaurant. No music will be piped into the patio or adjacent areas.
6. Sound and amplification equipment shall be monitored during and after business hours to ensure that audible noise remains at acceptable levels. Noise levels shall be in conformance with the Noise Abatement Standards of the San Diego



Municipal Code. In the event of any Noise Violations the owner will be responsible for hiring an acoustical engineer to evaluate and give suggestions on noise attenuation.

7. Establishment will be operational seven days a week from 10:00 a.m. to 2:00 a.m. The hours of live music, entertainment, dancing or special events shall be from 5:00 p.m. to 1:30 a.m.
8. 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 on all sidewalk areas. Any queuing may not obstruct access to any other business. Any queuing of patrons shall be done along Fifth Avenue.
9. Patrons awaiting entrance to 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. The services of promoters or other persons for the purpose of profit sharing shall not be used. 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.
12. This Permit may be revoked by CCDDC 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 CCDDC, this permit may be revoked after the holding of a public hearing.
13. This Permit shall not become effective until:
  - a) The Permittee signs and returns the Permit to CCDDC; and
  - b) The Permit is recorded in the Office of the County Recorder.
  - c) This Permit must be used within 36 months after the date of approval or the Permit shall be void.
14. After establishment of the business, the Property shall not be used for other uses unless:
  - a) Authorized by CCDDC; 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 CCDDC.
15. 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.
16. The owner or operator shall adhere to all Federal, State and local laws, ordinances and regulations at all times.
17. 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.

Passed and adopted by the President of CCDDC on May 15, 2003

ATTEST:

CENTRE CITY DEVELOPMENT  
CORPORATION

  
Lucy Gonzalez      Date  
Junior Planner

PERMITTEE (S) SIGNATURE

  
Rosie Vera      Date  
Tesoro Restaurant

Centre City CUP 2003-10  
Tesoros Restaraunt – Alcohol Beverage Permit

\*\*\*\*\*

State of California

County of San Diego

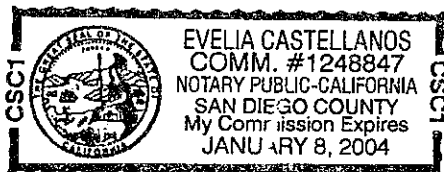
On May 21, 2003 before me, Evelia Castellanos, Notary Public  
Date Name, Title of Officer

Personally appeared Rosa Delia Vera  
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

Page 3	City of San Diego · Information Bulletin 620	August 2018
	<b>City of San Diego Development Services</b> 1222 First Ave., MS-302 San Diego, CA 92101	<h1>Community Planning Committee Distribution Form</h1>
	Project Name: Havana 1920 Live Entertainment CUP	Project Number: 1067486
Community:     Downtown		
<p style="text-align: center;">For project scope and contact information (project manager and applicant), log into OpenDSD at <a href="https://aca.accela.com/SANDIEGO">https://aca.accela.com/SANDIEGO</a>.</p> <p style="text-align: center;">Select "Search for Project Status" and input the Project Number to access project information.</p>		
<input checked="" type="radio"/> Vote to Approve <input type="checkbox"/> Vote to Approve with Conditions Listed Below <input type="checkbox"/> Vote to Approve with Non-Binding Recommendations Listed Below <input type="checkbox"/> Vote to Deny		Date of Vote:  November 16, 2022
# of Members Yes <p style="text-align: center;">6</p>	# of Members No <p style="text-align: center;">0</p>	# of Members Abstain <p style="text-align: center;">4</p>
Conditions or Recommendations:		
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)		
NAME:     Manny Rodriguez		
TITLE:    Chair, Downtown Community Planning Council		DATE:     May 30, 2023
<p style="text-align: center;"><i>Attach additional pages if necessary (maximum 3 attachments).</i></p>		

Visit our web site at [www.sandiego.gov/development-services](http://www.sandiego.gov/development-services).

Upon request, this information is available in alternative formats for persons with disabilities.

DS-5620 (08-18) ONLINE FORM

	City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000	<h1 style="margin:0;">Ownership Disclosure Statement</h1>	FORM <h2 style="margin:0;">DS-318</h2> October 2017
---	---	---	---

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 AMENDMENT TO CUP 2003-10

Project Title: HAVANA 1920 CONDITIONAL USE PERMIT AMENDMENT Project No. For City Use Only: \_\_\_\_\_  
 Project Address: 548 5TH AVE

Specify Form of Ownership/Legal Status (please check): **TENANT/APPLICANT**  
 Corporation  Limited Liability -or-  General -What State? CA Corporate Identification No. 201702110050  
 Partnership  Individual

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter 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), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of ANY person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

**Property Owner**  
 Name of Individual: LLC Retail Ventures 6, LLC  Owner  Tenant/Lessee  Successor Agency  
 Street Address: 750 B Street, Suite 3020  
 City: San Diego State: CA Zip: 92101  
 Phone No.: (619) 814-0565 Fax No.: \_\_\_\_\_ Email: fborquez@llventures.com  
 Signature: [Signature] Date: 9/4/2019  
 Additional pages Attached:  Yes  No

**Applicant**  
 Name of Individual: 5th and Market Street Group, LLC (tenant)  Owner  Tenant/Lessee  Successor Agency  
 Street Address: 515 Fifth Avenue  
 City: San Diego State: CA Zip: 92101  
 Phone No.: (619) 227-3685 Fax No.: \_\_\_\_\_ Email: joe@5thgroup.com  
 Signature: [Signature] Date: 8/30/19  
 Additional pages Attached:  Yes  No

**Other Financially Interested Persons**  
 Name of Individual: ALEX STOLYAR - ARCHITECT, OWNER AGENT  Owner  Tenant/Lessee  Successor Agency  
 Street Address: 9640 GRANITE RIDGE DR. SUITE 130  
 City: SAN DIEGO State: CA Zip: 92123  
 Phone No.: 619-698-9177 Fax No.: \_\_\_\_\_ Email: alex@coargroup.com  
 Signature: [Signature] Date: 03/06/2023  
 Additional pages Attached:  Yes  No

# HAVANA 1920

## CONDITIONAL USE PERMIT AMENDMENT

NOT FOR CONSTRUCTION



6353 DEL CERRO BLVD., SAN DIEGO, CA 92120  
619.498.9177 | www.coargroup.com



PROJECT:  
GBOD HOSPITALITY GROUP  
HAVANA 1920  
  
548 5TH AVENUE  
SAN DIEGO, CA 92101



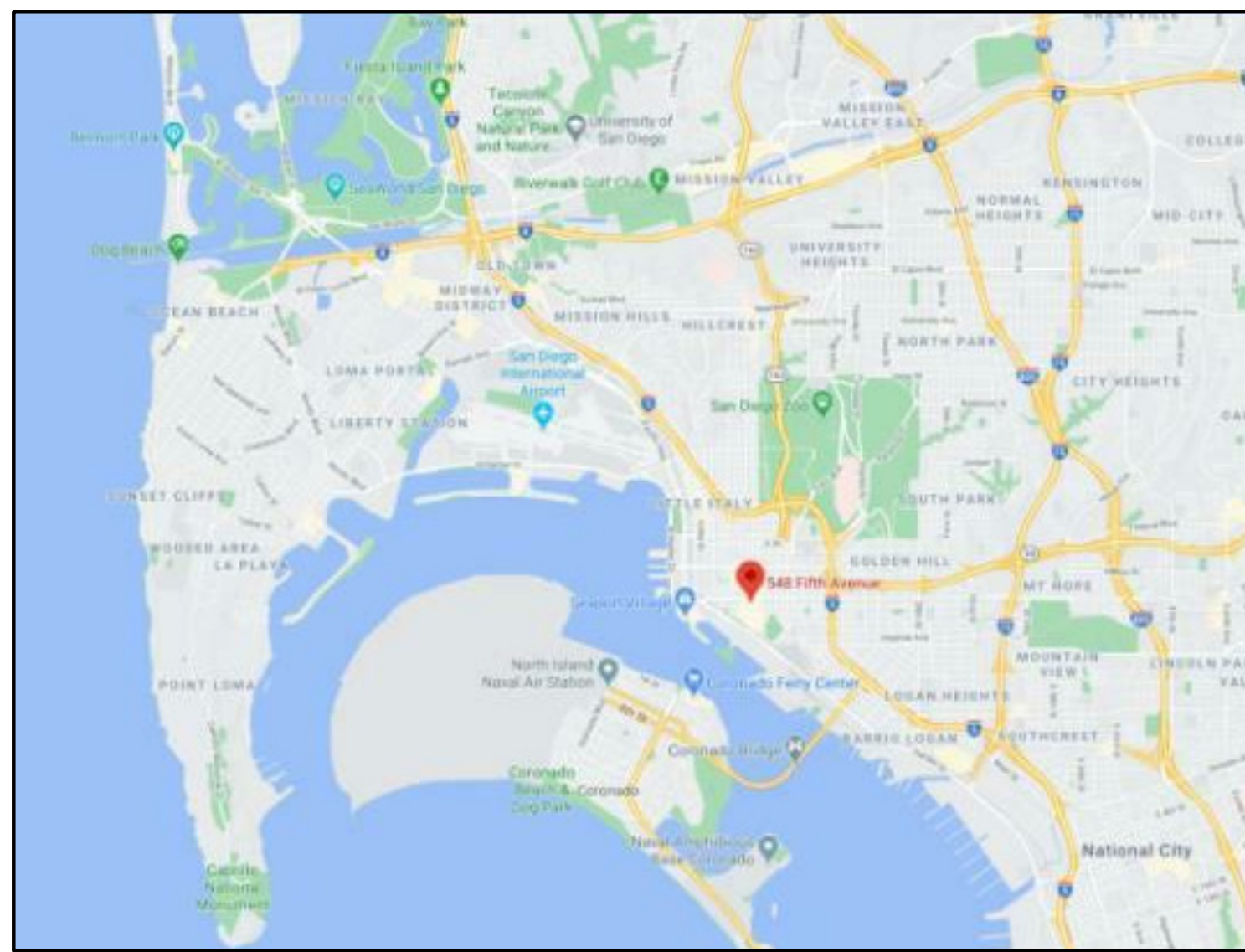
PROJECT DATA		LEGAL DESCRIPTION														
<b>PROJECT ADDRESS:</b>	548 5TH AVENUE SAN DIEGO, CA 92101	PARCEL: 535-082-15-00 THE SOUTH HALF OF LOT K IN BLOCK 95 OF HORTON'S ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY														
<b>ASSESSOR'S PARCEL NO.</b>	535-082-15-00	<b>PROJECT TEAM</b>														
<b>OWNER:</b>	548-552 5TH AVE LLC 548-552 5TH AVE C036 SAN DIEGO, CA 92101															
<b>TENANT:</b>	HAVANA 1920 548 5TH AVENUE SAN DIEGO, CA 92101	<b>ARCHITECTURE</b> COAR DESIGN GROUP 6353 Del Cerro Blvd San Diego, CA 92120 (619) 698-9177 / (619) 698-9178 (FAX) Contact: Jeff Katz, AIA jeff@coargroup.com														
<b>GOVERNING AGENCY:</b>	CITY OF SAN DIEGO 1222 FIRST AVENUE SAN DIEGO, CA	<b>SHEET INDEX</b>														
<b>GOVERNING CODES:</b>	2019 CBC															
<b>SCOPE OF WORK:</b>	-ATTAIN A CONDITIONAL USE PERMIT AMENDMENT TO CONDITIONAL USE PERMIT 2003-10 TO ALLOW LIVE AMPLIFIED ENTERTAINMENT ON THE SECOND FLOOR OF RESTAURANT  *NO CONSTRUCTION IS PROPOSED REFERENCE BUILDING PERMIT NUMBER IS 1286664  PREVIOUS CUP ALLOWED AMPLIFIED LIVE ENTERTAINMENT WITHIN THE BASEMENT ONLY  NO LIVE ENTERTAINMENT IS PROPOSED ON FLOOR 1															
<b>ZONING:</b>	GASLAMP QUARTER PLANNED DISTRICT (GQPD - GASLAMP - QTR)  AIRPORT APPROACH OVERLAY ZONE  RESIDENTIAL TANDEM PARKING OVERLAY ZONE  TRANSIT AREA OVERLAY ZONE  PARKING STANDARDS TRANSIT PRIORITY AREA  ALUCP AIRPORT INFLUENCE AREA - SDIA REVIEW AREA 1  FAA PART 77 NOTICING AREA, WITHIN THE HORTON/GASLAMP NEIGHBORHOOD OF THE DOWNTOWN COMMUNITY PLAN AREA  HRB #127 GASLAMP DISTRICT/DISTRICT CONTRIBUTOR HRB # 127-031.  HRB #207 CHINESE THEMATIC DISTRICT/DISTRICT CONTRIBUTOR # 207-004	<table border="1"> <thead> <tr> <th>No.</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>T-1</td> <td>TITLE SHEET</td> </tr> <tr> <td>T-2</td> <td>STORM WATER COMPLIANCE</td> </tr> <tr> <td>A1.0</td> <td>OVERALL SITE AREA</td> </tr> <tr> <td>A1.1</td> <td>SITE PLAN</td> </tr> <tr> <td>A2.1</td> <td>FLOOR PLANS</td> </tr> <tr> <td>A3.0</td> <td>PHOTO SURVEY</td> </tr> </tbody> </table>	No.	Description	T-1	TITLE SHEET	T-2	STORM WATER COMPLIANCE	A1.0	OVERALL SITE AREA	A1.1	SITE PLAN	A2.1	FLOOR PLANS	A3.0	PHOTO SURVEY
No.	Description															
T-1	TITLE SHEET															
T-2	STORM WATER COMPLIANCE															
A1.0	OVERALL SITE AREA															
A1.1	SITE PLAN															
A2.1	FLOOR PLANS															
A3.0	PHOTO SURVEY															
<b>GEOLOGIC HAZARD CATEGORY:</b>	13 DOWNTOWN SPECIAL FAULT ZONE	<b>CONDITIONS</b>														
<b>OCCUPANCY GROUP:</b>	FLOORS 3-5 = R-2 (HOTEL) - NO CHANGES FLOORS 2 = A-2 (RESTAURANT) - NO CHANGES* FLOORS 1 = A-2 (RESTAURANT) - NO CHANGES BASEMENT = A-2 (NIGHTCLUB) - NO CHANGES  *NO DEVIATIONS ARE REQUESTED, THE CUP IS REQUIRED FOR LIVE ENTERTAINMENT PURSUANT TO SDMC SECTION 157.0201(3)(A)(I)															
<b>CONSTRUCTION TYPE:</b>	TYPE III B, SPRINKLERED (NO CHANGES)	<b>HAVANA OPERATIONAL DATA</b>														
<b>YEAR BUILT:</b>	1888 (NO CHANGES)															
<b>GROSS FLOOR AREA:</b>	GROUND FLOOR 1,904 S.F. SECOND FLOOR 1,462 S.F. FLOORS 3-5 1,904 (X 3) S.F. TOTAL BUILDING AREA 9,078 S.F.  NOTE: THE 2,200 S.F. BASEMENT SQUARE FOOTAGE DOES NOT COUNT TOWARDS GSA PER CBC SEC. 506.5															
<b>SITE AREA:</b>	2,500 S.F. (.057 ACRES)	<p>HAVANA 1920 OPERATES 7 DAYS PER WEEK, 52 WEEKS PER YEAR. THE DOWNSTAIRS CAFE OPENS AT 11AM EACH MORNING AND THE UPSTAIRS RESTAURANT OPERATION OPENS FOR LUNCH AROUND 12PM. THE CAFE AND RESTAURANT BOTH CLOSE AT 11PM DURING WEEKNIGHTS AND BETWEEN 12AM AND 1AM ON WEEKEND NIGHTS. EMPLOYEES WORKING AT HAVANA RANGE FROM 1 AT OPENING TO 6 WHEN THE RESTAURANT IS FULLY OPEN ON A BUSIER NIGHT. THE HOURS OF LIVE ENTERTAINMENT WILL BE CONSISTENT WITH THE RESTAURANT HOURS. THE TYPES OF LIVE ENTERTAINMENT PROPOSED ON THE SECOND FLOOR RESTAURANT WILL BE LIMITED TO AMPLIFIED AMBIENT BACKGROUND MUSIC FOR DINING. THE SECOND FLOOR IS A RESTAURANT AND WILL REMAIN A RESTAURANT DURING OPEN HOURS, AND WILL NOT TRANSITION TO A NIGHTCLUB. THE RESTAURANT FOOD IS MADE TO ORDER. THERE WILL ALSO BE NO DEDICATED DANCE FLOOR. THE PRIMARY USE OF THE ESTABLISHMENT IS A RESTAURANT AND THE LIVE AMPLIFIED ENTERTAINMENT IS INCIDENTAL TO THE RESTAURANT. SMALL SPEAKERS WILL BE UTILIZED FOR THE LIVE MUSIC AND ANGLED TOWARD THE INTERIOR OF THE RESTAURANT, AWAY FROM THE EXTERIOR OF THE BUILDING. NOISE ATTENUATING IMPROVEMENTS HAVE ALREADY BEEN IMPLEMENTED INTO THE RESTAURANT INCLUDING AN EXTRA LAYER OF DRYWALL ON THE CEILING, ACOUSTIC SOUND PANELS ON THE CEILING, AND AN ACOUSTIC SOUND CURTAIN TO PREVENT SOUND LEAKAGE FROM THE PREMISES. THE DOORS AND WINDOWS ARE ALSO SEALED AND WILL REMAIN CLOSED DURING ENTERTAINMENT.</p>														
<b>NUMBER OF STORIES &amp; HEIGHT:</b>	5 STORIES 56'-0" HIGH (NO CHANGES)															

Description: Date:  
CUP SUBMITTAL 09/16/22  
CUP RE-SUBMITTAL 03/09/23

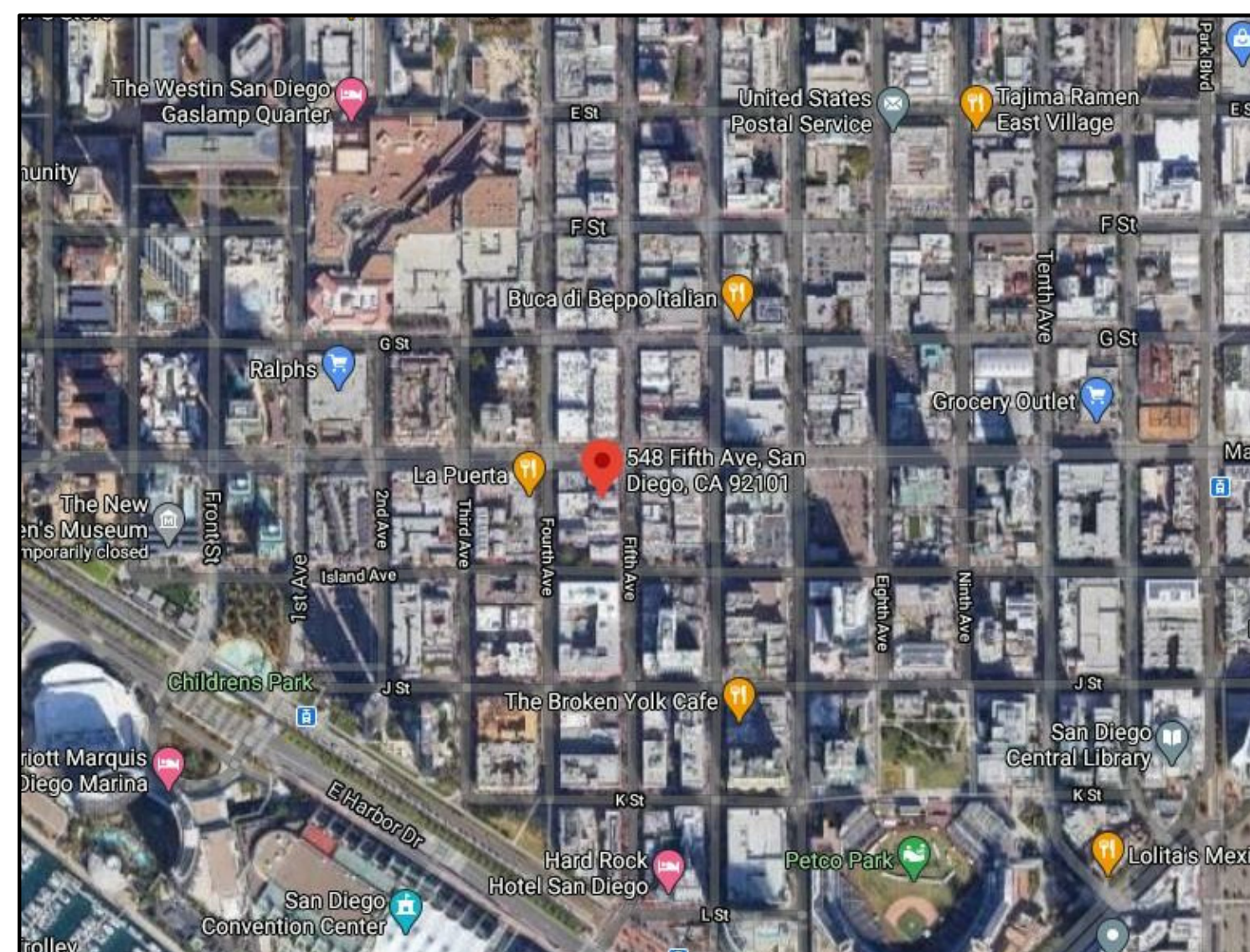
NOT FOR CONSTRUCTION  
Project Number: 201101  
Approved By: JK  
Checked By: MK  
Drawn By: AS  
Sheet Title:  
TITLE SHEET

SHEET NUMBER:  
T-1

LOCATION MAP



VICINITY MAP



# ATTACHMENT 10



THE CITY OF SAN DIEGO

City of San Diego • Form DS-560 • September 2021

Page 2

City of San Diego • Form DS-560 • September 2021

Page 3

City of San Diego • Form DS-560 • September 2021

Page 4

FORM  
DS-560  
September 2021

## Stormwater Requirements Applicability Checklist

Project Address: 548 5th Avenue San Diego CA 92101

Project Number: 1067486

### SECTION 1: Construction Stormwater Best Management Practices (BMP) Requirements

All construction sites are required to implement construction BMPs per the performance standards in the [Stormwater Standards Manual](#). Some sites are also required to obtain coverage under the State Construction General Permit (CGP), administered by the [California State Water Resources Control Board](#).

For all projects, complete Part A - If the project is required to submit a Stormwater Pollution Prevention Plan (SWPPP) or Water Pollution Control Plan (WPCP), continue to Part B.

#### PART A - Determine Construction Phase Stormwater Requirements

- Is the project subject to California's statewide General National Pollutant Discharge Elimination System (NPDES) permit for Stormwater Discharges Associated with Construction Activities, also known as the State Construction General Permit (CGP)? (Typically projects with land disturbance greater than or equal to 1 acre.)  
 Yes, SWPPP is required; skip questions 2-4.  No; proceed to the next question.
- Does the project propose construction or demolition activity, including but not limited to, clearing, grading, grubbing, excavation, or any other activity resulting in ground disturbance and/or contact with stormwater?  
 Yes, WPCP is required; skip question 3.  No; proceed to the next question.
- Does the project propose routine maintenance to maintain the original line and grade, hydraulic capacity, or original purpose of the facility? (Projects such as pipeline/utility replacement)  
 Yes, WPCP is required; skip question 4.  No; proceed to the next question.
- Does the project only include the following Permit types listed below?
  - Electrical Permit, Fire Alarm Permit, Fire Sprinkler Permit, Plumbing Permit, Sign Permit, Mechanical Permit, Spa Permit.
  - Individual Right of Way Permits that exclusively include only ONE of the following activities: water service, sewer lateral, or utility service.
  - Right of Way Permits with a project footprint less than 150 linear feet that exclusively include only ONE of the following activities: curb ramp, sidewalk and driveway apron replacement, potholing, curb and gutter replacement, and retaining wall encroachments. Yes, no document is required.

#### Check one of the boxes below and continue to Part B

- If you checked "Yes" for question 1, an SWPPP is REQUIRED - continue to Part B
- If you checked "No" for question 1 and checked "Yes" for question 2 or 3, a WPCP is REQUIRED. If the project proposes less than 5,000 square feet of ground disturbance AND has less than a 5-foot elevation change over the entire project area, a Minor WPCP may be required instead. Continue to Part B
- If you check "No" for all questions 1-3 and checked "Yes" for question 4, Part B does not apply, and no document is required. Continue to Section 2.

<sup>1</sup> More information on the City's construction BMP requirements as well as CGP requirements can be found at <http://www.sandiego.gov/stormwater/regulations/index.shtml>

CLEAR FORM

Visit our web site: [sandiego.gov/tda](http://sandiego.gov/tda)  
Upon request, this information is available in alternative formats for persons with disabilities.  
DS-560 (09-21)

P1

#### PART B - Determine Construction Site Priority

This prioritization must be completed within this form, noted on the plans, and included in the SWPPP or WPCP. The city reserves the right to adjust the priority of projects both before and after construction. Construction projects are assigned an inspection frequency based on if the project has a "high threat to water quality." The City has aligned the local definition of "high threat to water quality" to the risk determination approach of the State Construction General Permit (CGP). The CGP determines risk level based on project specific sediment risk and receiving water risk. Additional inspection is required for projects within the Areas of Special Biological Significance (ASBS) watershed. **NOTE:** The construction priority does **NOT** change construction BMP requirements that apply to projects; rather, it determines the frequency of inspections that will be conducted by city staff.

#### Complete Part B and continue to Section 2

1. ASBS  
 A. Projects located in the ASBS watershed.
2. High Priority  
 A. Projects that qualify as Risk Level 2 or Risk Level 3 per the Construction General Permit (CGP) and are not located in the ASBS watershed.  
 B. Projects that qualify as LUP Type 2 or LUP Type 3 per the CGP and are not located in the ASBS watershed.
3. Medium Priority  
 A. Projects that are not located in an ASBS watershed or designated as a High priority site.  
 B. Projects that qualify as Risk Level 1 or LUP Type 1 per the CGP and are not located in an ASBS watershed.  
 C. WPCP projects (>5,000 square feet of ground disturbance) located within the Los Peñasquitos watershed management area.
4. Low Priority  
 A. Projects not subject to a Medium or High site priority designation and are not located in an ASBS watershed.

#### Section 2: Construction Stormwater BMP Requirements

Additional information for determining the requirements is found in the [Stormwater Standards Manual](#).

#### PART C - Determine if Not Subject to Permanent Stormwater Requirements

Projects that are considered maintenance or otherwise not categorized as "new development projects" or "redevelopment projects" according to the [Stormwater Standards Manual](#) are not subject to Permanent Stormwater BMPs.

- If "yes" is checked for any number in Part C, proceed to Part F and check "Not Subject to Permanent Stormwater BMP Requirements."
- If "no" is checked for all the numbers in Part C, continue to Part D.

- Does the project only include interior remodels and/or is the project entirely within an existing enclosed structure and does not have the potential to contact stormwater?  
 Yes  No
- Does the project only include the construction of overhead or underground utilities without creating new impervious surfaces?  
 Yes  No
- Does the project fall under routine maintenance? Examples include but are not limited to roof or exterior structure surface replacement, resurfacing or reconfiguring surface parking lots or existing roadways without expanding the impervious footprint, and routine replacement of damaged pavement (grinding, overlay and pothole repair).  
 Yes  No

CLEAR FORM

Visit our web site: [sandiego.gov/tda](http://sandiego.gov/tda)  
Upon request, this information is available in alternative formats for persons with disabilities.  
DS-560 (09-21)

P2

#### PART D - PDP Exempt Requirements

PDP Exempt projects are required to implement site design and source control BMPs.

- If "yes" is checked for any questions in Part D, continue to Part F and check the box labeled "PDP Exempt."
- If "no" is checked for all questions in Part D, continue to Part E.

- Does the project ONLY include new or retrofit sidewalks, bicycle lanes, or trails that:
  - Are designed and constructed to direct stormwater runoff to adjacent vegetated areas, or other non-erodible permeable areas? Or;
  - Are designed and constructed to be hydraulically disconnected from paved streets and roads? Or;
  - Are designed and constructed with permeable pavements or surfaces in accordance with the Green Streets guidance in the City's Stormwater Standards manual? Yes, PDP exempt requirements apply  No, proceed to next question
- Does the project ONLY include retrofitting or redeveloping existing paved alleys, streets or roads designed and constructed in accordance with the Green Streets guidance in the [City's Stormwater Standards Manual](#)?  
 Yes, PDP exempt requirements apply  No, proceed to next question

#### PART E - Determine if Project is a Priority Development Project (PDP)

Projects that match one of the definitions below are subject to additional requirements, including preparation of a Stormwater Quality Management Plan (SWQMP).

- If "yes" is checked for any number in Part E, continue to Part F and check the box labeled "Priority Development Project."
- If "no" is checked for every number in Part E, continue to Part F and check the box labeled "Standard Development Project."

- New development that creates 10,000 square feet or more of impervious surfaces collectively over the project site. This includes commercial, industrial, residential, mixed-use, and public development projects on public or private land.  Yes  No
- Redevelopment project that creates and/or replaces 5,000 square feet or more of impervious surfaces on an existing site of 10,000 square feet or more of impervious surfaces. This includes commercial, industrial, residential, mixed-use, and public development projects on public or private land.  Yes  No
- New development or redevelopment of a restaurant. Facilities that sell prepared foods and beverages for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (Standard Industrial Classification [SIC] 5812), and where the land development creates and/or replaces 5,000 square feet or more of impervious surface.  Yes  No
- New development or redevelopment on a hillside. The project creates and/or replaces 5,000 square feet or more of impervious surface (collectively over the project site) and where the development will grade on any natural slope that is twenty-five percent or greater.  Yes  No
- New development or redevelopment of a parking lot that creates and/or replaces 5,000 square feet or more of impervious surface (collectively over the project site).  Yes  No
- New development or redevelopment of streets, roads, highways, freeways, and driveways. The project creates and/or replaces 5,000 square feet or more of impervious surface (collectively over the project site).  Yes  No

CLEAR FORM

Visit our web site: [sandiego.gov/tda](http://sandiego.gov/tda)  
Upon request, this information is available in alternative formats for persons with disabilities.  
DS-560 (09-21)

P3

- New development or redevelopment discharging directly to an environmentally sensitive area. The project creates and/or replaces 2,500 square feet of impervious surface (collectively over the project site), and discharges directly to an Environmentally Sensitive Area (ESA). "Discharging directly to" includes flow that is conveyed overland a distance of 200 feet or less from the project to the ESA, or conveyed in a pipe or open channel any distance as an isolated flow from the project to the ESA (i.e. not commingled with flows from adjacent lands).  Yes  No
- New development or redevelopment projects of retail gasoline outlet (RGO) that create and/or replaces 5,000 square feet of impervious surface. The development project meets the following criteria: (a) 5,000 square feet or more or (b) has a projected Average Daily Traffic (ADT) of 100 or more vehicles per day.  Yes  No
- New development or redevelopment projects of an automotive repair shop that creates and/or replaces 5,000 square feet or more of impervious surfaces. Development projects categorized in any one of Standard Industrial Classification (SIC) codes 5013, 5014, 5541, 7532-7534 or 7536-7539.  Yes  No
- Other Pollutant Generating Project. These projects are not covered in any of the categories above but involve the disturbance of one or more acres of land and are expected to generate post-construction phase pollutants, including fertilizers and pesticides. This category does not include projects creating less than 5,000 square feet of impervious area and projects containing landscaping without a requirement for the regular use of fertilizers and pesticides (such as a slope stabilization project using native plants). Impervious area calculations need not include linear pathways for infrequent vehicle use, such as emergency maintenance access or bicycle and pedestrian paths if the linear pathways are built with pervious surfaces or if runoff from the pathway sheet flows to adjacent pervious areas.  Yes  No

#### PART F - Select the appropriate category based on the outcomes of Part C through Part E

- The project is NOT SUBJECT TO PERMANENT STORMWATER REQUIREMENTS  Yes  No
- The project is a STANDARD DEVELOPMENT PROJECT. Site design and source control BMP requirements apply. See the [Stormwater Standards Manual](#) for guidance.  Yes  No
- The Project is PDP EXEMPT. Site design and source control BMP requirements apply. Refer to the [Stormwater Standards Manual](#) for guidance.  Yes  No
- The project is a PRIORITY DEVELOPMENT PROJECT. Site design, source control and structural pollutant control BMP requirements apply. Refer to the [Stormwater Standards Manual](#) for guidance on determining if the project requires hydromodification plan management.  Yes  No

ALEX STOLYAR	AGENT - ARCHITECT
Name of Owner or Agent	Title
	08/29/2022
Signature	Date

CLEAR FORM

Visit our web site: [sandiego.gov/tda](http://sandiego.gov/tda)  
Upon request, this information is available in alternative formats for persons with disabilities.  
DS-560 (09-21)

P4

NOT FOR  
CONSTRUCTION



6333 DEL CERRO BLVD., SAN DIEGO, CA 92120  
619.498.9177 | www.coargroup.com

#### PROJECT:

GBOD HOSPITALITY  
GROUP  
HAVANA 1920

548 5TH AVENUE  
SAN DIEGO, CA 92101



Description: Date:

CUP SUBMITTAL 09/16/22

CUP RE-SUBMITTAL 03/09/23

NOT FOR  
CONSTRUCTION

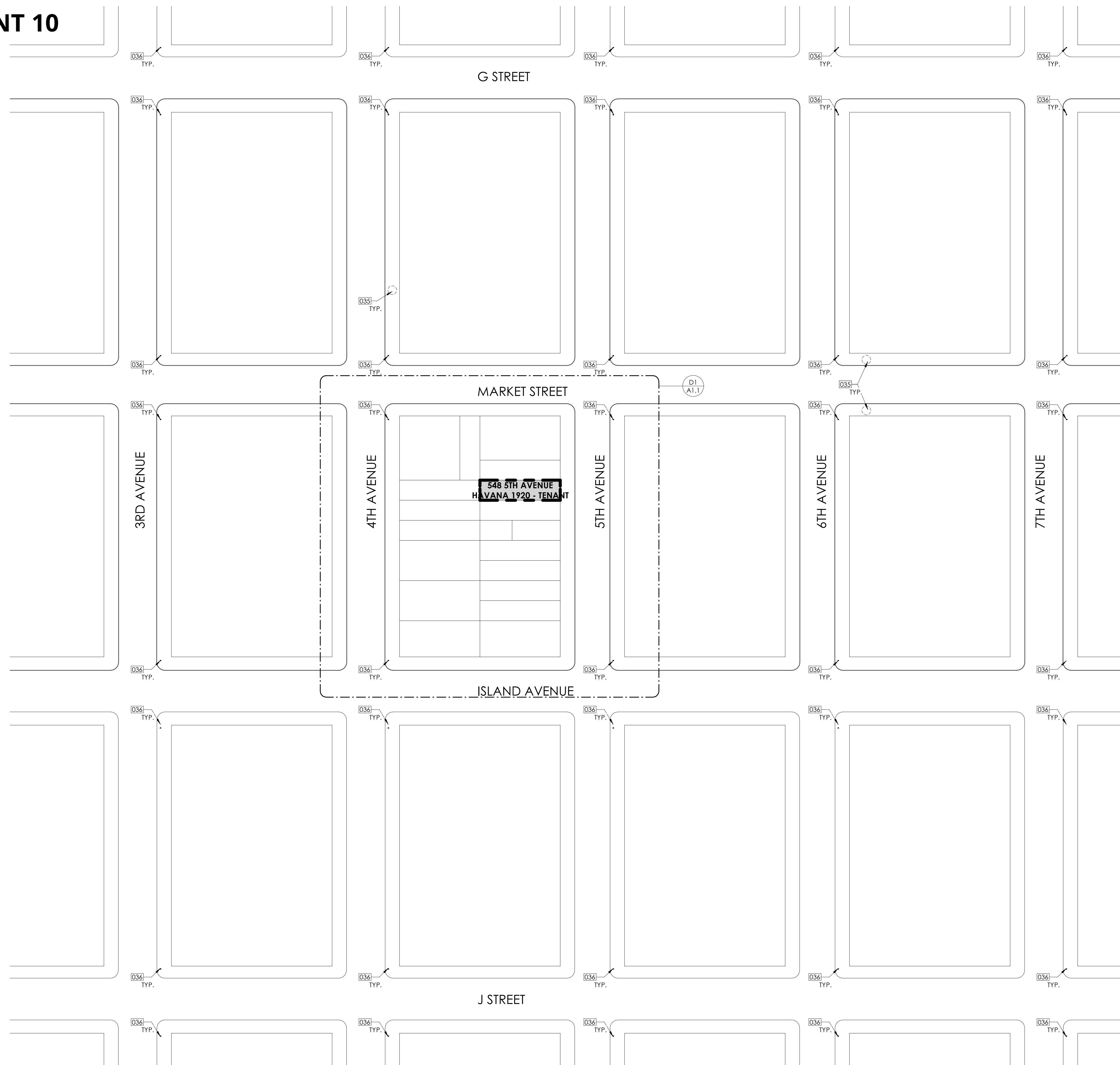
Project Number: 201101  
Approved By: JK  
Checked By: MK  
Drawn By: AS

Sheet Title:  
STORM WATER  
COMPLIANCE

SHEET NUMBER:

T-2

# ATTACHMENT 10



## CONSTRUCTION NOTES

035 DENOTES LOCATION OF EXISTING TRANSIT STOP  
 036 DENOTES LOCATION OF EXISTING FIRE HYDRANT

NOT FOR CONSTRUCTION



6333 DEL CERRO BLVD., SAN DIEGO, CA 92120  
 619.498.9177 | www.coargroup.com

### PROJECT:

GBOD HOSPITALITY GROUP  
 HAVANA 1920

548 5TH AVENUE  
 SAN DIEGO, CA 92101



Description: Date:

CUP SUBMITTAL 09/16/22

CUP RE-SUBMITTAL 03/09/23

NOT FOR CONSTRUCTION

Project Number: 201101  
 Approved By: JK  
 Checked By: MK  
 Drawn By: AS

Sheet Title:

OVERALL SITE AREA

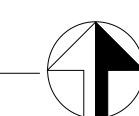
SHEET NUMBER:

A1.0

NOTE: NO DEVIATIONS ARE REQUESTED, THE CUP IS REQUIRED FOR LIVE ENTERTAINMENT PURSUANT TO SDMC SECTION 157.0201(3)(A)(I)

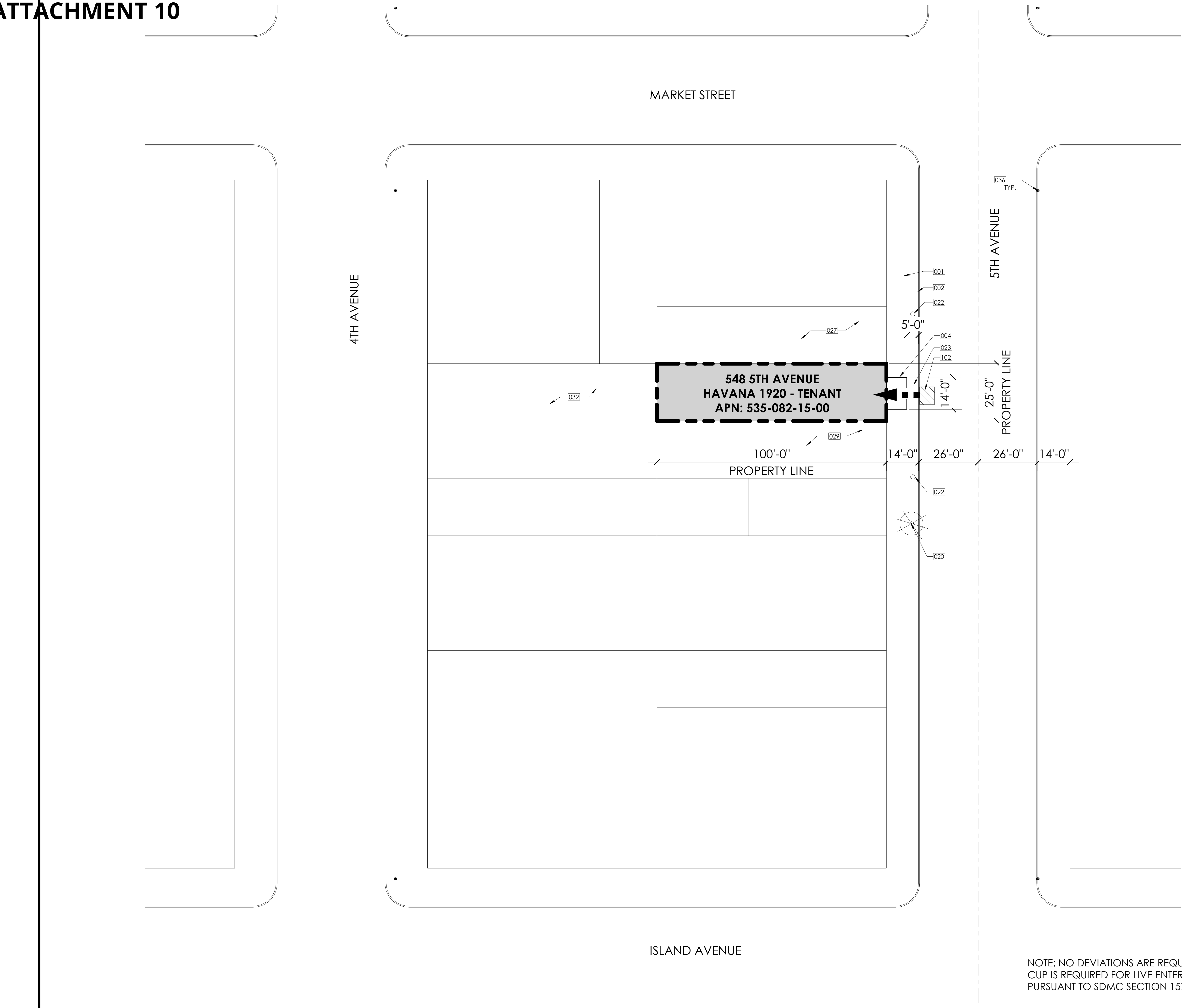
### SITE PLAN LEGEND

- PROPERTY LINE
- PROJECT AREA





# ATTACHMENT 10



- ### CONSTRUCTION NOTES
- 001 EXISTING SIDEWALK (PUBLIC WAY)
  - 002 EXISTING CURB
  - 004 SIDEWALK CAFE RAILING, ENCROACHMENT PER RECORDED NEIGHBORHOOD USE PERMIT NUMBER 2004-17. SHOWN FOR REFERENCE ONLY. NO CHANGES PROPOSED
  - 020 EXISTING TREE
  - 022 EXISTING LIGHT POLE
  - 023 EXISTING CLEAR PATH OF PEDESTRIAN WALK WAY. SHOWN FOR REFERENCE ONLY. NO CHANGES PROPOSED
  - 027 ADJACENT PARCEL LAND USE, 560 5TH AVENUE: RESTAURANT/BAR
  - 029 ADJACENT PARCEL LAND USE, 544 5TH AVENUE: MIXED-USE WITH LOBBY AND RESTAURANT/BAR ON GROUND FLOOR, & OFFICE SPACE ABOVE
  - 032 ADJACENT PARCEL LAND USE, 547 4TH AVENUE: MIXED-USE WITH RESTAURANT/RETAIL ON GROUND FLOOR, & HOTEL ABOVE
  - 036 DENOTES LOCATION OF EXISTING FIRE HYDRANT
  - 102 EXISTING STREET SCAPES IMPROVEMENT (DECK) TO BE REMOVED & REBUILT. CURRENTLY BEING PROCESSED AS SPACES AS PLACES STREETARY - PRJ #1072210

NOT FOR CONSTRUCTION

6353 DEL CERRO BLVD., SAN DIEGO, CA 92120  
619.498.9177 | www.coargroup.com

PROJECT:  
GBOD HOSPITALITY GROUP  
HAVANA 1920  
548 5TH AVENUE  
SAN DIEGO, CA 92101



Description:      Date:  
CUP SUBMITTAL      09/16/22  
CUP RE-SUBMITTAL      03/09/23

NOTE:  
1. PROVIDE BUILDING ADDRESS NUMBER, VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY PER FHPS POLICY P-00-6

NOT FOR CONSTRUCTION  
Project Number: 201101  
Approved By: JK  
Checked By: MK  
Drawn By: AS

### SITE PLAN LEGEND

	PROPERTY LINE
	PROJECT AREA
	ACCESSIBLE ENTRY

NOTE: NO DEVIATIONS ARE REQUESTED, THE CUP IS REQUIRED FOR LIVE ENTERTAINMENT PURSUANT TO SDMC SECTION 157.0201 (3)(A)(I)

# ATTACHMENT 10

## CONSTRUCTION NOTES

NOT FOR CONSTRUCTION



6333 DEL CERRO BLVD., SAN DIEGO, CA 92120  
619.498.9177 | www.coargroup.com

PROJECT:

GBOD HOSPITALITY GROUP  
HAVANA 1920

548 5TH AVENUE  
SAN DIEGO, CA 92101



Description: Date:

CUP SUBMITTAL 09/16/22

CUP RE-SUBMITTAL 03/09/23

RE-SUBMITTAL

NOT FOR CONSTRUCTION

Project Number: 201101

Approved By: JK

Checked By: MK

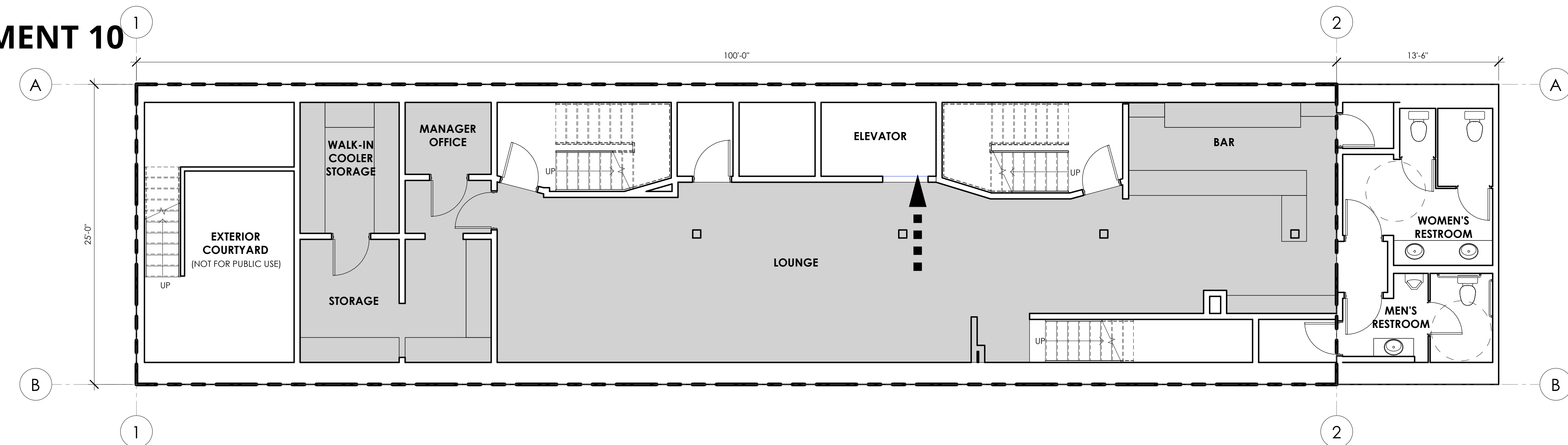
Drawn By: AS

Sheet Title:

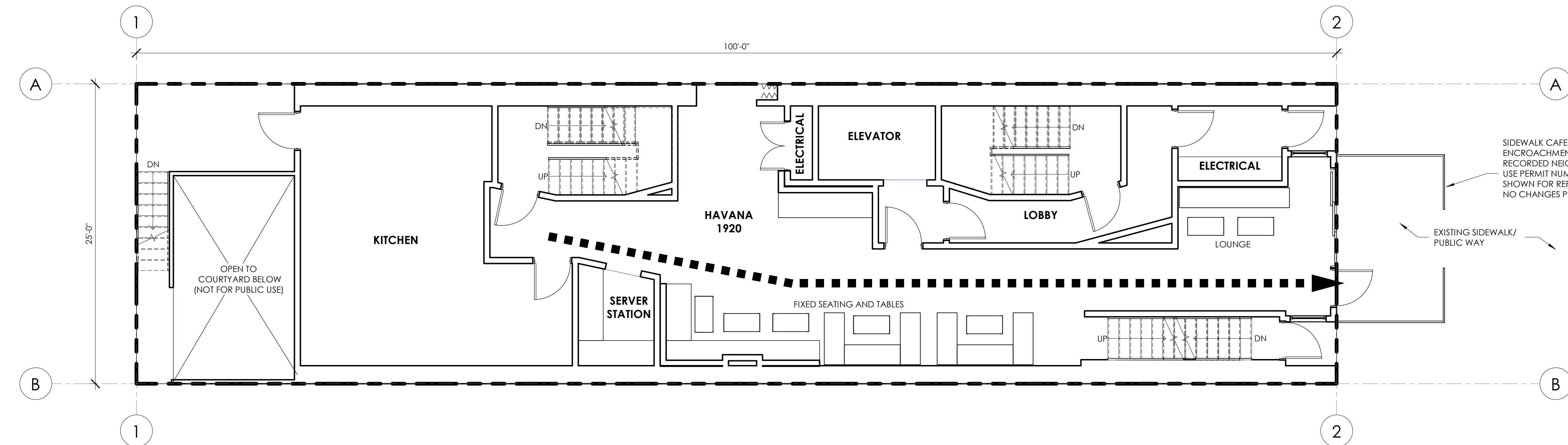
FLOOR PLANS

SHEET NUMBER:

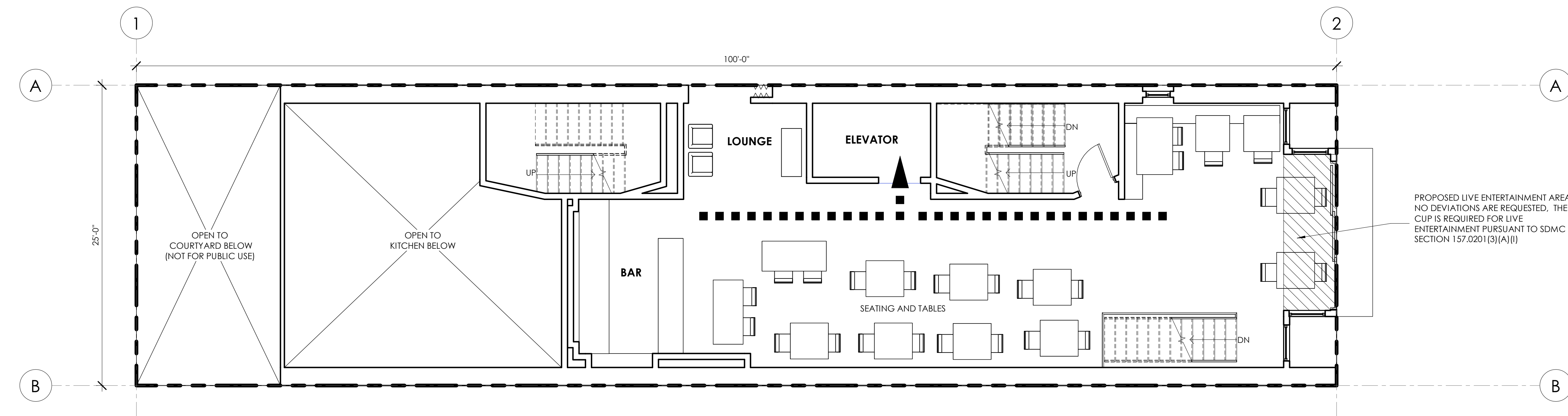
# A2.1



A1 BASEMENT PLAN - NO CHANGES, SHOWN FOR REFERENCE ONLY  
A2.1 SCALE: 3/16" = 1'-0"



C1 FIRST FLOOR PLAN - NO CHANGES, SHOWN FOR REFERENCE ONLY  
A2.1 SCALE: 3/16" = 1'-0"



D1 SECOND FLOOR PLAN  
A2.1 SCALE: 3/16" = 1'-0"





SIDEWALK CAFE RAILING. ENCROACHMENT PER RECORDED NEIGHBORHOOD USE PERMIT NUMBER 2004-17. SHOWN FOR REFERENCE ONLY. NO CHANGES PROPOSED

EXISTING SIDEWALK/ PUBLIC WAY

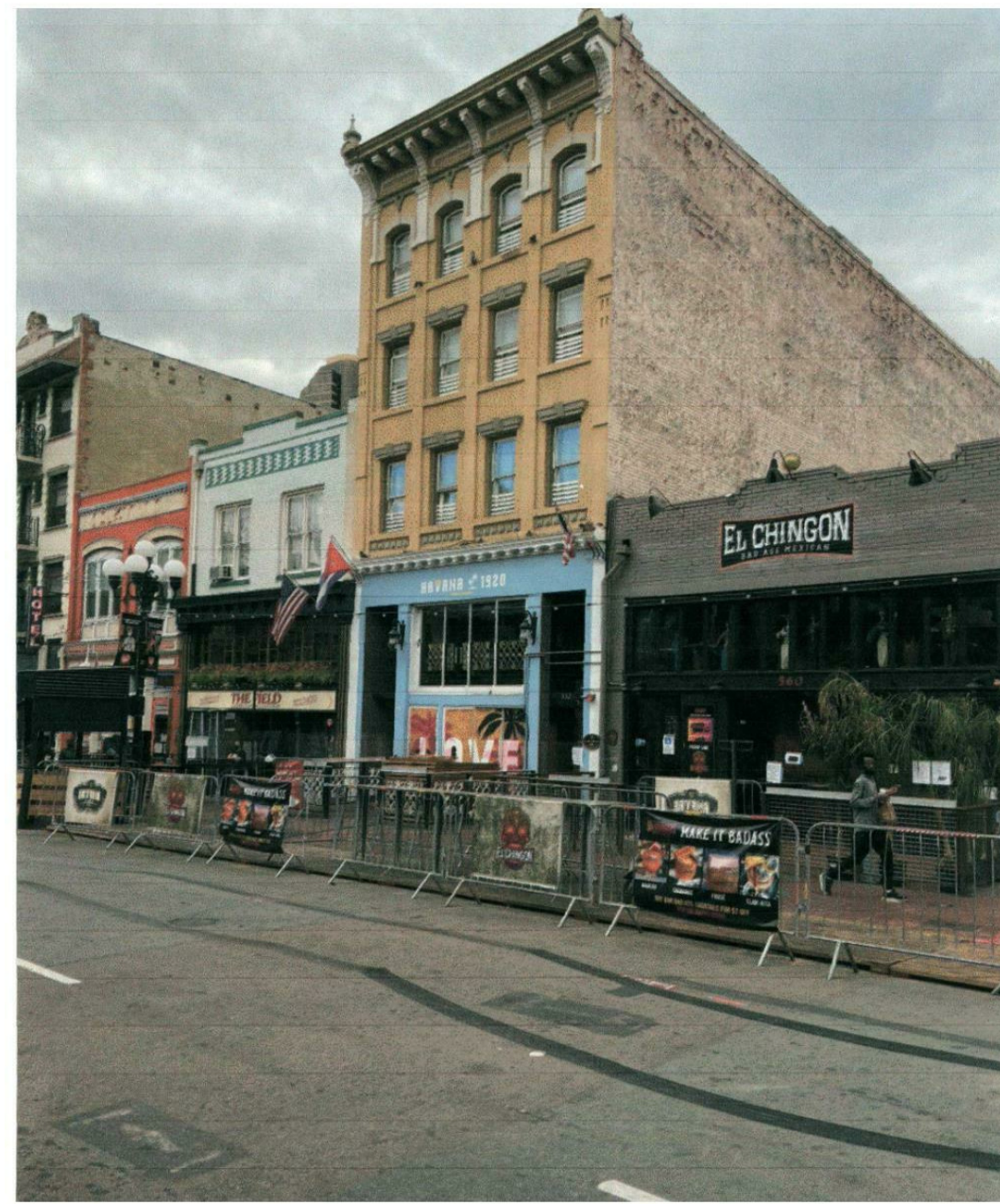
PROPOSED LIVE ENTERTAINMENT AREA. NO DEVIATIONS ARE REQUESTED. THE CUP IS REQUIRED FOR LIVE ENTERTAINMENT PURSUANT TO SDMC SECTION 157.0201(3)(A)(i)

REFERENCE BUILDING PERMIT APPROVAL NUMBER FOR THE TENANT SPACE IS 1286664. FOR REFERENCE ONLY, NO CHANGES PROPOSED

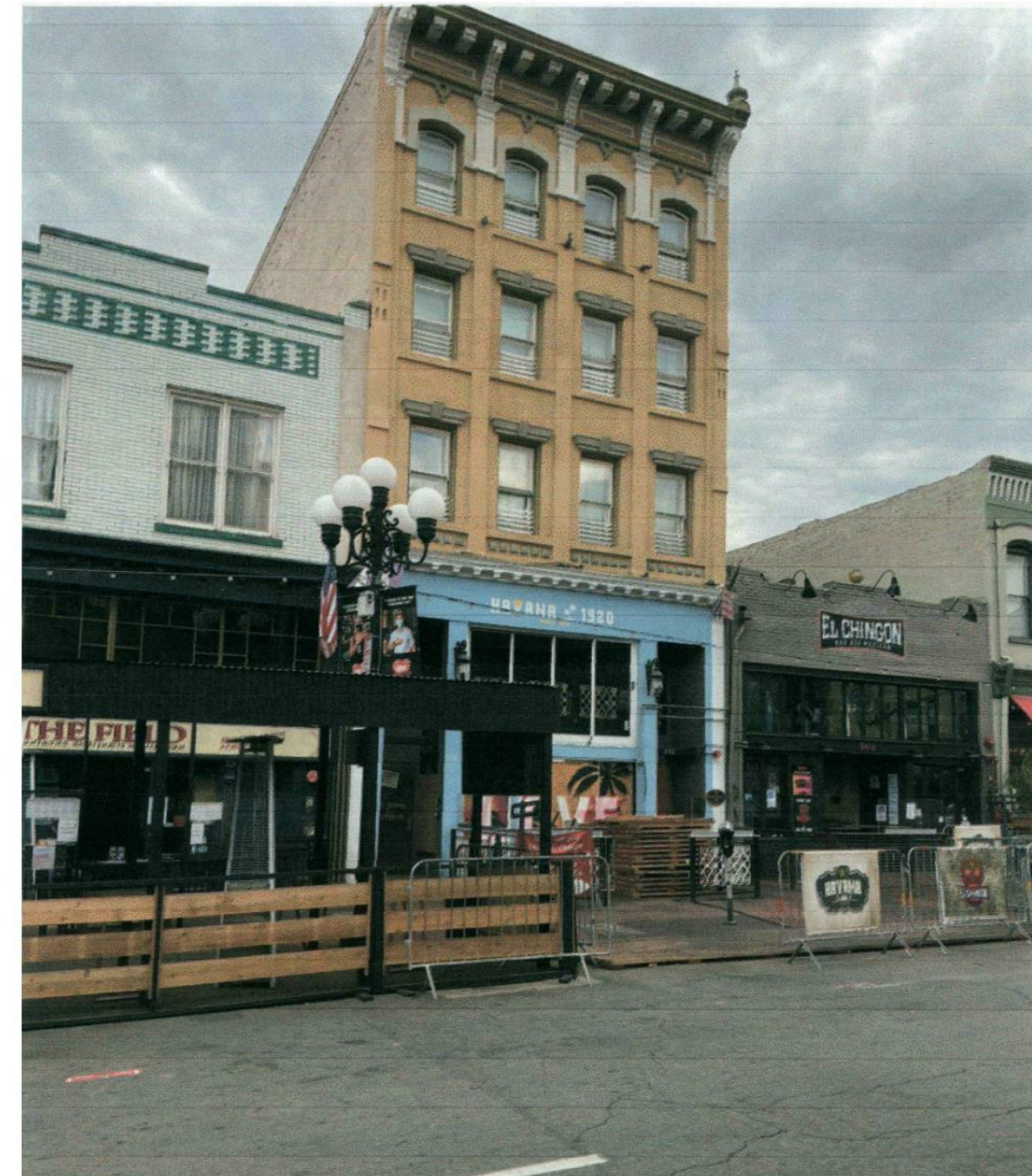
### PLAN LEGEND

-  EXISTING ENTERTAINMENT AREAS PER RECORDED CONDITIONAL USE PERMIT NUMBER 2003-10. SHOWN FOR REFERENCE ONLY, NO CHANGES PROPOSED
-  PROPOSED LIVE ENTERTAINMENT AREA
-  PROPERTY LINE
-  ACCESSIBLE PATH OF TRAVEL

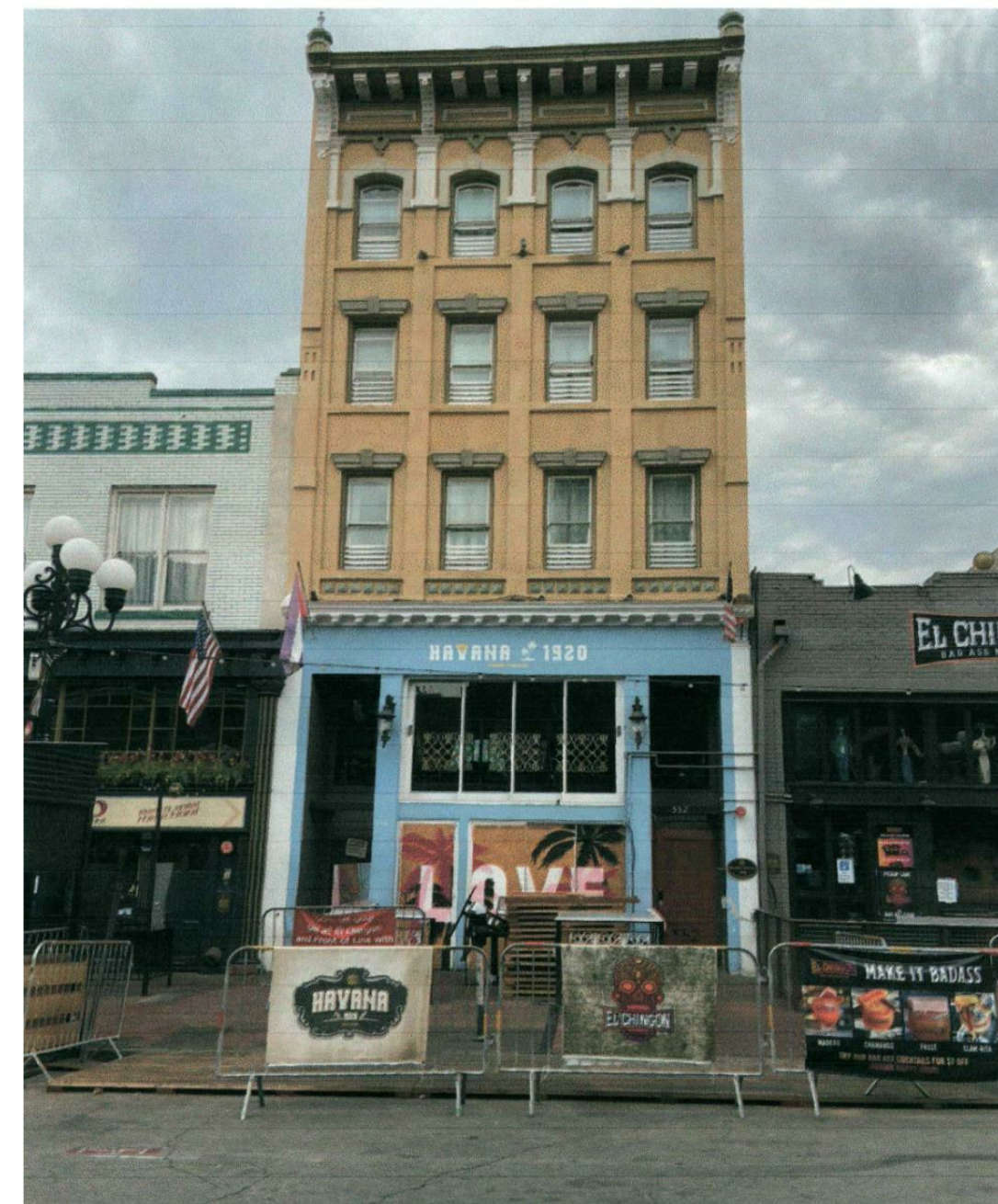
# ATTACHMENT 10



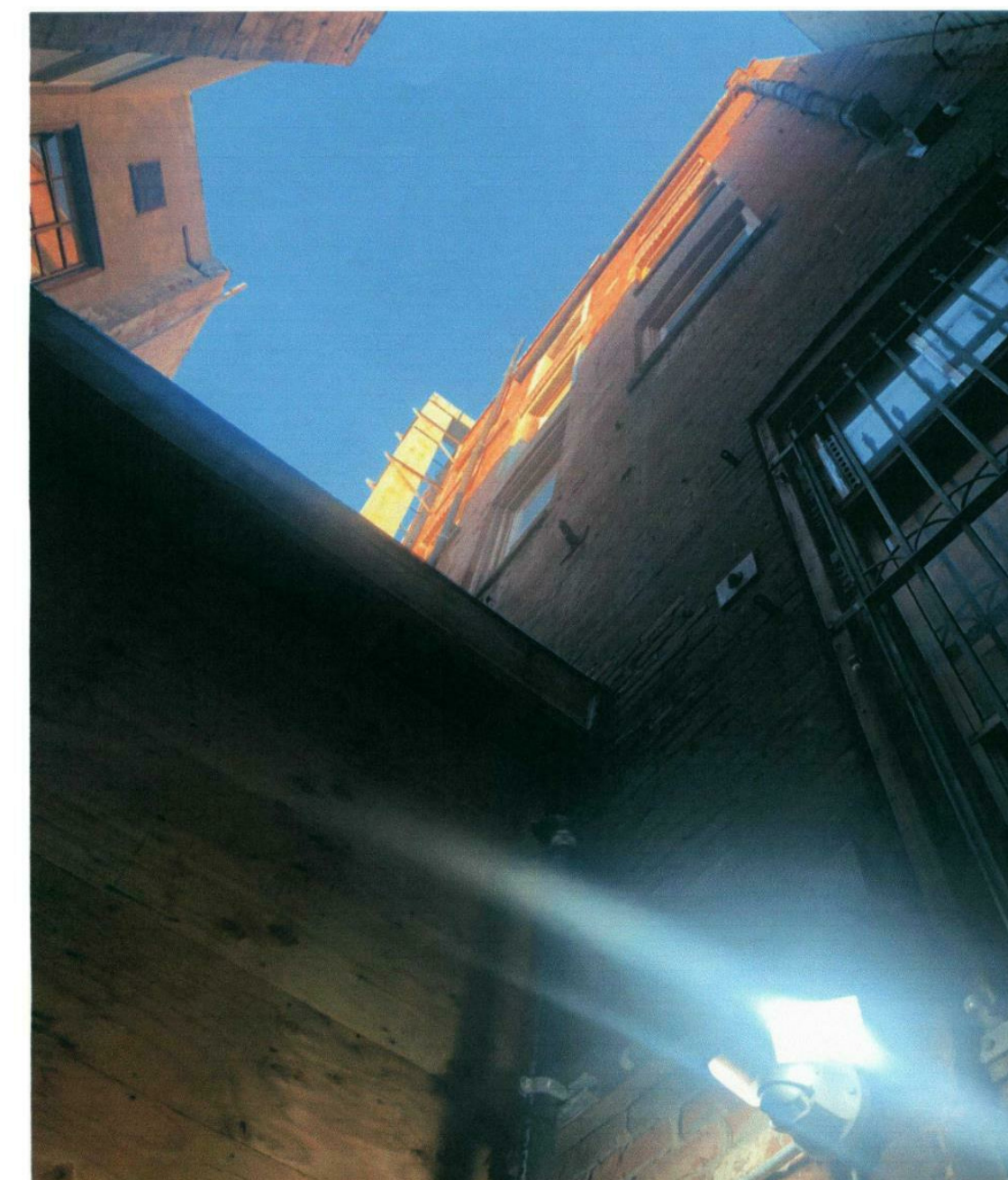
1



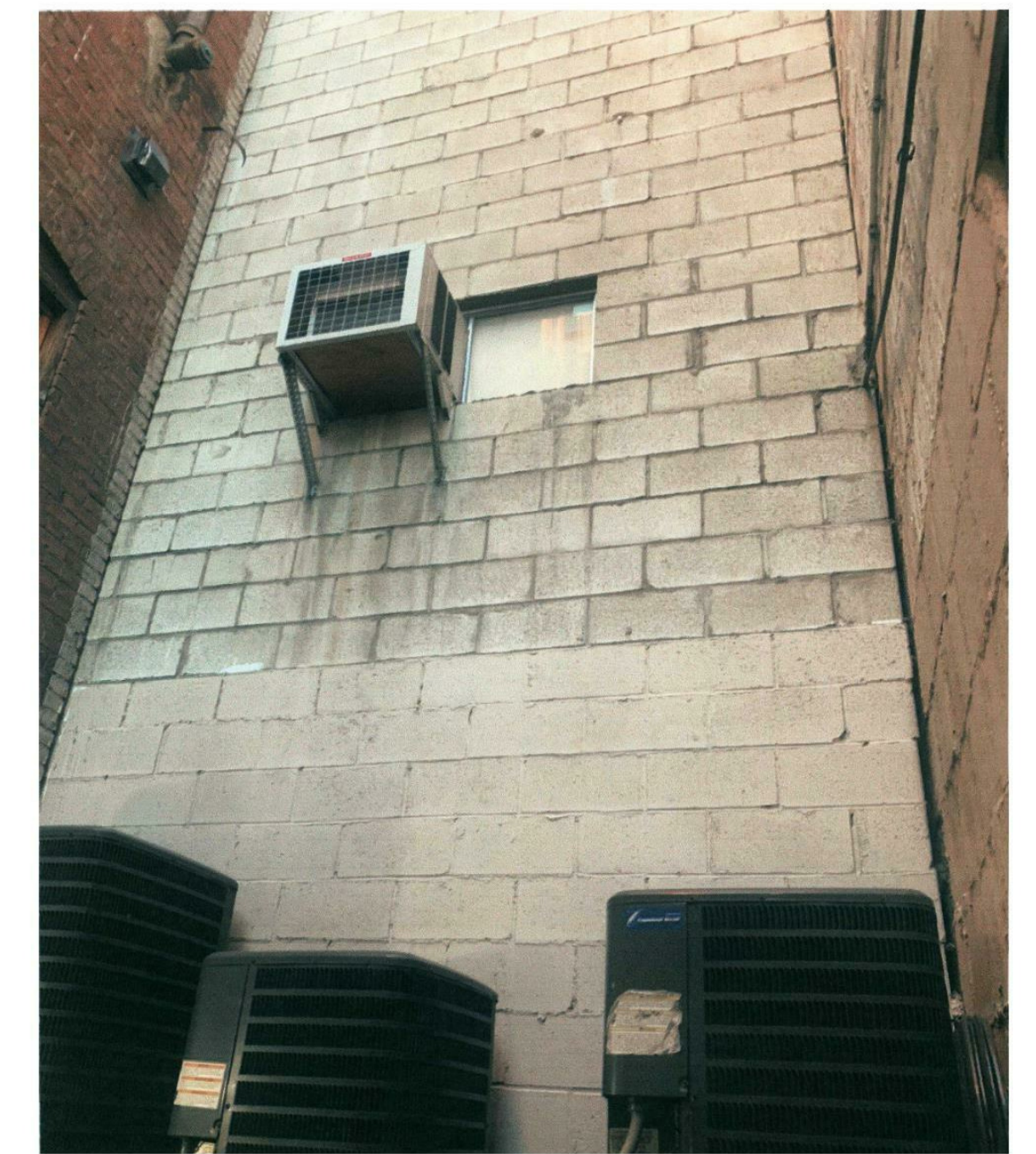
2



3

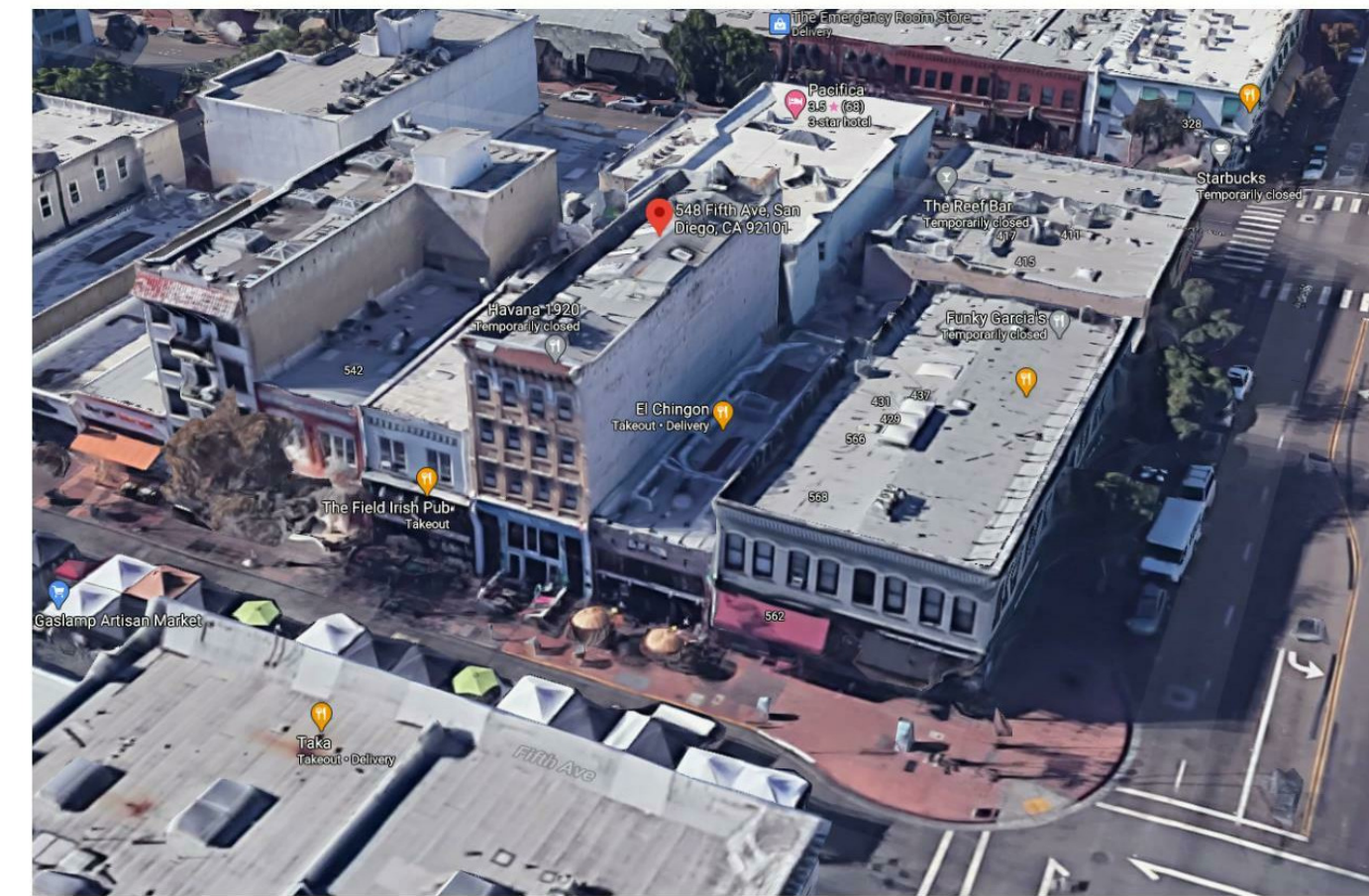
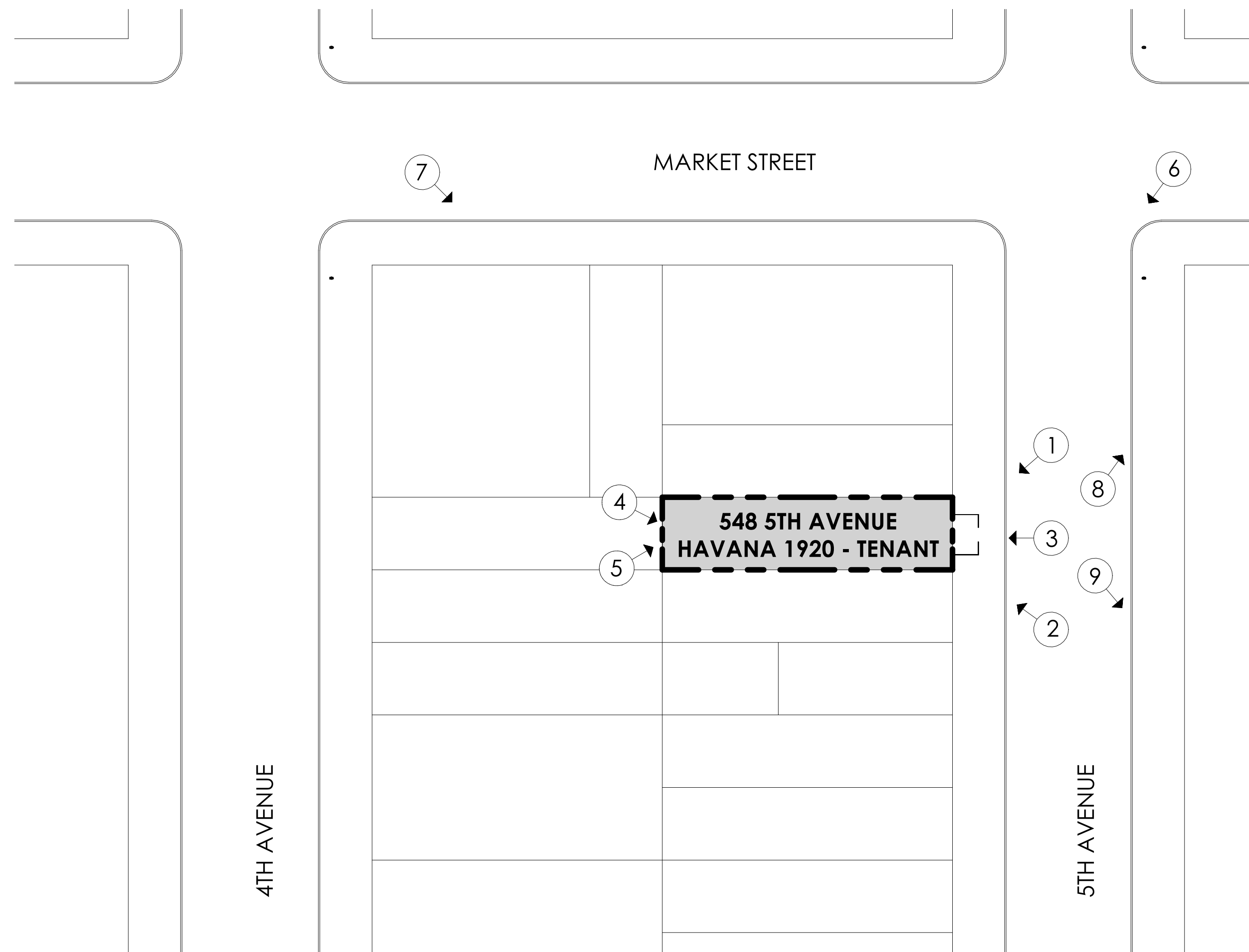


4



5

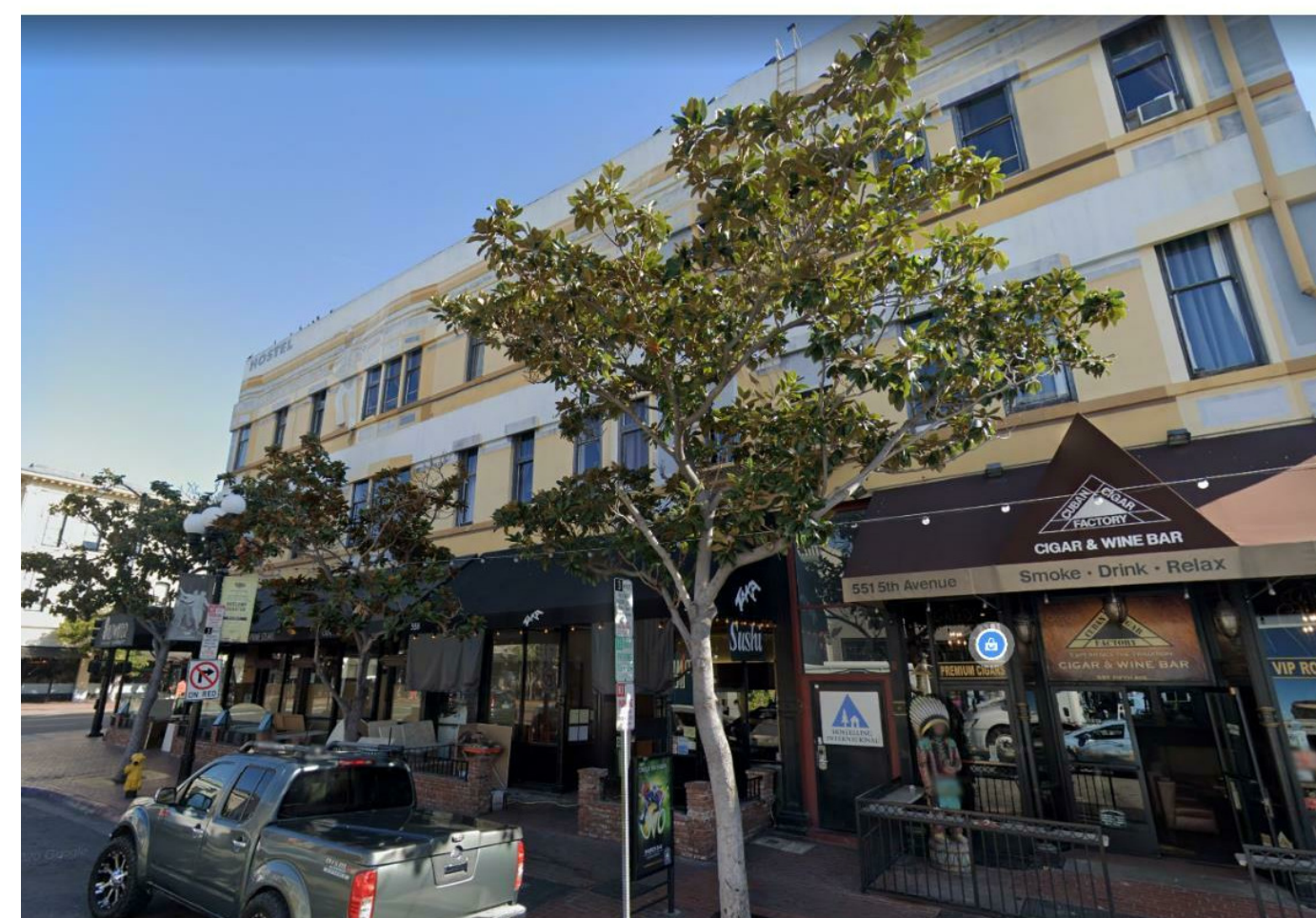
## KEY MAP



6



7



8



9

NOTE: NO DEVIATIONS ARE REQUESTED, THE CUP IS REQUIRED FOR LIVE ENTERTAINMENT PURSUANT TO SDMC SECTION 157.0201 (3) (A) (I)

NOT FOR CONSTRUCTION

**coar**  
DESIGN GROUP

6353 DEL CERRO BLVD., SAN DIEGO, CA 92120  
619.498.9177 | www.coargroup.com

PROJECT:

GBOD HOSPITALITY GROUP  
HAVANA 1920

548 5TH AVENUE  
SAN DIEGO, CA 92101

**GBOD**  
HOSPITALITY GROUP

Description: Date:

CUP SUBMITTAL 09/16/22

CUP RE-SUBMITTAL 03/09/23

NOT FOR CONSTRUCTION

Project Number: 201101

Approved By: JK

Checked By: MK

Drawn By: AS

Sheet Title:

PHOTO SURVEY

SHEET NUMBER:

**A3.0**

**PRJ-1067486  
548 5<sup>TH</sup> AVE  
DISCRETIONARY PERMIT - HAVANA CUP AMENDMENT**

## **Havana 1920 operational data**

The scope of work is to attain a conditional use permit amendment to Conditional Use Permit 2003-10, to allow live amplified entertainment on the second floor of the restaurant. No construction is proposed. Existing Conditional Use Permit 2003-10 allowed amplified live entertainment within the basement only.

Havana 1920 operates 7 days per week, 52 weeks per year. The downstairs café opens at 11am each morning and the upstairs restaurant operation opens for lunch around 12pm. The café and restaurant both close at 11pm during weeknights and between 12am and 1am on weekend nights. Employees working at Havana range from 1 at opening to 6 when the restaurant is fully open on a busier night. The hours of live entertainment will be consistent with the restaurant hours. The types of live entertainment proposed on the second floor restaurant will be limited to amplified ambient background music for dining. The second floor is a restaurant and will remain a restaurant during open hours, and will not transition to a nightclub. The restaurant food is made to order. There will also be no dedicated dance floor. The primary use of the establishment is a restaurant and the live amplified entertainment is incidental to the restaurant. Small speakers will be utilized for the live music and angled toward the interior of the restaurant, away from the exterior of the building. Noise attenuating improvements have already been implemented into the restaurant including an extra layer of drywall on the ceiling, acoustic sound panels on the ceiling, and an acoustic sound curtain to prevent sound leakage from the premises. The doors and windows are also sealed and will remain closed during entertainment.

Within the building the floors consist of the following: basement – nightclub, floors 1 = restaurant, floors 2 = restaurant, floors 3-5 = hotel. No deviations or changes are requested, the conditional use permit amendment to Conditional Use Permit 2003-10 is only to allow live amplified entertainment on the second floor of the restaurant.

**From:** [Mcelroy, Adam](#)  
**To:** [Alexander, James](#)  
**Cc:** [Basinger, Jacob](#); [Mccurry, Benjamin](#)  
**Subject:** [EXTERNAL] RE:Havana 1920 Live Entertainment (1067486)  
**Date:** Thursday, December 8, 2022 10:39:03 AM

---

Good Morning Mr. Alexander,

I don't have any particular concerns at this location regarding live-entertainment. I would like to have it reflect current nearby businesses, therefore items I would likely try to incorporate into this permit would be the following:

1. Security while providing live entertainment shall be 1 to every 50 patrons.
2. In addition to the above a security guard shall be required for the entrance of the portion of the premise providing entertainment.
3. In addition to the above a security guard shall be required for every twenty (20) patrons the business may be queuing in lines.
4. Security shall be responsible to line queuing management in order to allow sidewalk thoroughfare.
5. While providing live entertainment, all doors and windows must be closed except for normal ingress and egress, and in case of emergency.
6. All music and or noise generated by the permittee shall be confined to the interior of the building. (no rooftop or patio entertainment)

Thank you for allowing us to contribute to this permit.

Sincerely,

Adam

**Adam McElroy 5505**  
**Police Officer/SDPD Vice**  
**619 531-2435**

---

**From:** Alexander, James <JamesA@san Diego.gov>  
**Sent:** Thursday, December 8, 2022 10:19 AM  
**To:** Mcelroy, Adam <amcelroy@pd.sandiego.gov>  
**Cc:** Basinger, Jacob <JBasinger@san Diego.gov>; Mccurry, Benjamin <bmccurry@pd.sandiego.gov>  
**Subject:** RE: Offline Reviewer Form - Havana 1920 Live Entertainment (1067486)

Great. Thanks, Adam. Would you be able to copy/paste the applicable conditions into your recommendation form or even just an email or Word doc with some language that ties it to this CUP request at this address? That would be helpful for us to have on record for this project. Thanks.

**James Alexander**  
Senior Planner, Urban Division  
[JamesA@san Diego.gov](mailto:JamesA@san Diego.gov)  
(619) 446-5188  
[SanDiego.gov/DowntownDevelopment](http://SanDiego.gov/DowntownDevelopment)

**CONFIDENTIAL COMMUNICATION**

This electronic mail message and any attachments are intended only for the use of the addressee(s) named above. The email may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not an intended recipient, or the employee or agent responsible for delivering this email to the intended recipient, you are notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you received this email message in error, please immediately notify the sender by replying to this message or by telephone. Thank you.

---

**From:** Mcelroy, Adam <[amcelroy@pd.sandiego.gov](mailto:amcelroy@pd.sandiego.gov)>  
**Sent:** Thursday, December 8, 2022 6:19 AM  
**To:** Alexander, James <[JamesA@sandiego.gov](mailto:JamesA@sandiego.gov)>  
**Cc:** Basinger, Jacob <[JBasinger@sandiego.gov](mailto:JBasinger@sandiego.gov)>; Mccurry, Benjamin <[bmccurry@pd.sandiego.gov](mailto:bmccurry@pd.sandiego.gov)>  
**Subject:** RE: Offline Reviewer Form - Havana 1920 Live Entertainment (1067486)

Good Morning all,

In regards to CUP considerations at Havana 1920, I would like to keep conditions consistent with the neighboring business "El Chingon". I am including a copy of the conditions for this business to conduct live entertainment. These conditions give hours of live entertainment allowed, security requirements and noise considerations.

Thanks in advance,

Adam

**Adam McElroy 5505**  
**Police Officer/SDPD Vice**  
**619 531-2435**

---

**From:** Alexander, James <[JamesA@sandiego.gov](mailto:JamesA@sandiego.gov)>  
**Sent:** Wednesday, December 7, 2022 2:40 PM  
**To:** Mcelroy, Adam <[amcelroy@pd.sandiego.gov](mailto:amcelroy@pd.sandiego.gov)>  
**Cc:** Basinger, Jacob <[JBasinger@sandiego.gov](mailto:JBasinger@sandiego.gov)>  
**Subject:** RE: Offline Reviewer Form - Havana 1920 Live Entertainment (1067486)

Hello Officer McElroy,

Have you had a chance to take a look at this CUP request? Let me know when you expect to be able to get comments back to me. Thanks.

Copying our new planner, Jacob Basinger, who will be taking over this project.

**James Alexander**  
Senior Planner, Urban Division  
[JamesA@sandiego.gov](mailto:JamesA@sandiego.gov)  
(619) 446-5188  
[SanDiego.gov/DowntownDevelopment](http://SanDiego.gov/DowntownDevelopment)

**CONFIDENTIAL COMMUNICATION**

This electronic mail message and any attachments are intended only for the use of the addressee(s) named above. The

email may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not an intended recipient, or the employee or agent responsible for delivering this email to the intended recipient, you are noticed that any dissemination, distribution or copying of this communication is strictly prohibited. If you received this email message in error, please immediately notify the sender by replying to this message or by telephone. Thank you.

---

**From:** Alexander, James  
**Sent:** Friday, October 21, 2022 9:59 AM  
**To:** Mcelroy, Adam <[amcelroy@pd.sandiego.gov](mailto:amcelroy@pd.sandiego.gov)>  
**Subject:** Offline Reviewer Form - Havana 1920 Live Entertainment (1067486)

Hello Officer McElroy,

I have attached the Offline Reviewer form with links to the project plans, photo survey, ownership disclosure form, and original CUP for the following project that we recently received:

- **Havana 1920 Live Entertainment** (PRJ-1067486) – DOWNTOWN (Process 3) Amend Conditional Use Permit No. 2003-10 to allow indoor live entertainment on the first and second floors of Havana 1920 Restaurant located at 548 5th Avenue on the 2,500 square-foot property on the west side of 5th Avenue between Market Street and Island Avenue in the Gaslamp Quarter neighborhood of the Downtown Community Plan area (Council District 3).

You have been designated as the PD-Vice contact to receive copies of discretionary development project applications submitted to DSD for review. Email your comments for this project submittal to [DSDOfflineReviews@sandiego.gov](mailto:DSDOfflineReviews@sandiego.gov) by **Friday, December 2, 2022**. Be sure to include the Project Number (PRJ-1067486) in the email subject line. Follow the instructions on the attached Offline Reviewer Form to ensure your comments are received and considered. I am the Project Manager for this project, so you can direct any questions to me. Thanks.

**James Alexander**

Senior Planner, Urban Division  
Development Services Department  
City of San Diego  
(619) 446-5188

[JamesA@sandiego.gov](mailto:JamesA@sandiego.gov)  
[SanDiego.gov/DowntownDevelopment](http://SanDiego.gov/DowntownDevelopment)

**Need to request a second opinion on an interpretation or contact my supervisor for further assistance?**

Brian Schoenfisch, Deputy Director, Urban Division  
(619) 533-6457, [BSchoenfisch@sandiego.gov](mailto:BSchoenfisch@sandiego.gov)

**What's the latest?** Visit [sandiego.gov/dsd-email](http://sandiego.gov/dsd-email) to sign up to get the latest news and updates.

**Need to know current processing times?** You can now check on [permit processing timelines](#) for intake and issuing a permit.

**CONFIDENTIAL COMMUNICATION**

This electronic mail message and any attachments are intended only for the use of the addressee(s) named above. The email may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not an intended recipient, or the employee or agent responsible for delivering this email to the intended recipient, you are noticed that any dissemination, distribution or copying of this communication is strictly prohibited. If you received this email message in error, please immediately notify the sender by replying to this message or by telephone. Thank you.