

Report to the Hearing Officer

DATE ISSUED: August 13, 2025 REPORT NO. HO-25-031

HEARING DATE: August 20, 2025

SUBJECT: NOLITA HALL LIVE ENTERTAINMENT, Process Three Decision

PROJECT NUMBER: <u>1125013</u>

OWNER/APPLICANT: INDIA AND JUNIPER LLC (Owner)

JUNIPER HOUSE LLC (Applicant)

SUMMARY

<u>Issue</u>: Should the Hearing Officer approve a Conditional Use Permit (CUP) to allow indoor, amplified live entertainment at a restaurant/bar located at <u>2305 India Street</u> ("Project") within the <u>Downtown Community Plan (DCP) area</u> (Council District 3)?

Proposed Action: APPROVE CUP No. PMT-3323482

<u>Fiscal Considerations</u>: No fiscal impact; Project is privately owned and funded.

<u>Code Enforcement Impact</u>: No code enforcement impact. There are no active code enforcement cases on the property.

<u>Housing Impact Statement</u>: No increase or reduction of housing units is proposed. Project proposes indoor live entertainment within a restaurant/bar in an existing commercial space.

<u>Community Planning Group Recommendation:</u> On December 18, 2024, the Downtown Community Planning Council voted 11-1 to recommend approval of the Project with conditions (Attachment 8).

Environmental Impact: The Development Services Department completed a California Environmental Quality Act (CEQA) review for the Project. On June 16, 2025, 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": (1) Final Environmental Impact Report (FEIR) for the San Diego Downtown Community Plan (DCP), Centre City Planned District Ordinance, and 10th Amendment to the Centre City Redevelopment Plan, certified by the former Redevelopment Agency ("Former Agency") and the City Council on March 14, 2006 (Resolutions R-04001 and R-301265, respectively); (2) Subsequent Addenda to the FEIR certified by the Former Agency and City Council on: August 3,

2007 (Resolution R-04193 and R-302932, respectively); April 13, 2010 (Council Resolution R-305759); April 21, 2010 (Former Agency Resolutions R-04509 and R-04510); August 3, 2010 (Former Agency Resolution R-04544 and Council Resolution R-30614); February 12, 2014 (City Council Resolution R-308724); July 14, 2014 (City Council Resolution R-309115); and (3) Final Supplemental Environmental Impact Report for the Downtown San Diego Mobility Plan certified by the City Council on June 21, 2016 (Resolution R-310561).

Development within the DCP area is also covered under the following documents, referred to collectively as the "CAP FEIR": FEIR for the City of San Diego Climate Action Plan (CAP) Project No. 416603/SCH No. 2015021053, certified by the City Council on December 15, 2015 (City Council Resolution R-310176), and the Addendum to the CAP, certified by the City Council on July 12, 2016 (City Council Resolution R- 310595).

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. Therefore, no further environmental documentation or review is required under CEQA. All environmental documents for the DCP area and CAP FEIR, are available on the City website.

BACKGROUND

The Project is located on the 5,804 square foot site at the northeast corner of India Street and West Juniper Street (Attachment 1), within the Mixed Commercial (MC) land use district of the Centre City Planned District (Attachment 2) and the Little Italy neighborhood of the DCP area. The site is surrounded by a mixture of uses including small-scale commercial to the north, multi-family residential adjacent to the site on the east, west, and across the intersection to the southwest, and a surface parking lot serving a multi-tenant commercial building to the south.

The existing building is currently occupied by Nolita Hall, a full-service restaurant seeking approval to allow indoor live entertainment. Pursuant to the Centre City Planned District Ordinance (CCPDO) of the San Diego Municipal Code (SDMC) Section 156.0315(c)(2), establishments offering non-acoustic (amplified) live entertainment within or outside of an



enclosed building shall obtain a CUP. A decision on an application for a CUP shall be made by the City Hearing Officer in accordance with Process Three and is appealable to the Planning Commission in accordance with SDMC Section 112.0506. According to SDMC Section 126.0305, an application for

a CUP may be approved or conditionally approved only if the decision maker makes the following findings:

- 1. The proposed development will not adversely affect the applicable land use plan;
- 2. The proposed development will not be detrimental to the public health, safety, and welfare;
- 3. The proposed development will comply with the regulations of the SDMC Land Development Code; and
- 4. The proposed development is appropriate at the proposed location.

DISCUSSION

Project Description:

The Applicant, Juniper House, LLC, is seeking to allow amplified live entertainment in the restaurant/bar at 2305 India Street. The live entertainment is proposed to be limited to the interior ground level only and comprised of a disc jockey (DJ). The live entertainment will operate inside the building only and there will be no live entertainment in the outdoor areas. All doors and windows will remain closed during the live entertainment (Attachments 10 &13). The Applicant is proposing hours of live entertainment from 10:00 a.m. to 12:30 a.m. each day of the week. Restaurant operations and food service are proposed to continue during all business hours.

The Applicant provided a Noise Impact Analysis ("Analysis") evaluating potential noise impacts from live entertainment occurring at Nolita Hall restaurant (Attachment 10). The Analysis determined that indoor live entertainment operations, including a DJ, would comply with the Noise Ordinance of SDMC Section 59.5.0401 with the implementation of certain noise control measures, which would be installed as part of this Project. These measures include the use of an in-house sound system with automatic sound limiters and installation of a sound level monitoring system.

Permits Required

A CUP per SDMC <u>Section 156.0315(c)(2)</u> for an establishment offering non-acoustic (amplified) live entertainment within an enclosed building.

Neighborhood Context

The Project site is located on India Street within the Little Italy neighborhood of the DCP area. The Little Italy neighborhood is one of Downtown San Diego's most vibrant districts, offering a mix of residential, dining, cultural, and visitor-serving uses. India Street functions as the main commercial spine of Little Italy and is envisioned in the DCP as a lively, walkable corridor that supports dining, neighborhood services, and street-level activity. Its active storefronts and pedestrian-friendly design make it a suitable setting for neighborhood-serving uses like restaurants and small-scale entertainment. Residential uses abut the Project site to the east, west, and southwest, including a three-story, 31-unit mixed-use/residential development (Olea Apartments).

Within the Little Italy neighborhood, there have been two venues that have been granted CUPs for live entertainment, both in 2012, which are listed in the table below and in Attachment 4. No new CUPs for live entertainment have been approved in Little Italy for the past thirteen years.

Address	CUP No.	Live Entertainment Hours (No later than 1 a.m.)
Restaurant/winery	2012-14	Sunday-Thursday 10:00 a.m 12:00 a.m.
2215 Kettner Blvd.	2012-14	Friday-Saturday 10:00 a.m 1:00 a.m.
Kettner Exchange	2012-72	Sunday-Wednesday until 12:00 a.m.
2001 Kettner Blvd.	2012-72	Thursday-Saturday until 1:45 a.m.

Community Plan Analysis:

The Project is located at the northeast corner of India Street and Juniper Street in the Little Italy neighborhood of the DCP area and the Mixed Commercial (MC) district of the Centre City Planned District. The MC district is intended to accommodate a broad range of residential and non-residential uses, including restaurants, artist studios, retail, and light service uses. Live entertainment is permitted in this zone with a CUP, per Table 156-0308-A of the CCPDO.

India Street is a vibrant pedestrian corridor known for its cafes, restaurants, and shops that reflect the area's cultural heritage and waterfront character. The Project, which includes indoor DJ live entertainment at Nolita Hall restaurant, supports this identity by contributing to both daytime and nighttime vibrancy in a fully enclosed and conditioned setting that minimizes noise impacts.

The Project supports the following goals and policies of the DCP:

- 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.
- 6.7-G-1 Facilitate Little Italy's continued evolution as a cohesive, mixed use waterfront neighborhood.
- 6.7-G-2 Reinforce the India Street business district as the heart of the neighborhood. Expand neighborhood-serving retail and services as well access to open spaces to serve the growing population.

The proposed live entertainment use reinforces India Street's role as a cultural and commercial destination and enhances the district's identity without introducing incompatible impacts. It aligns with the DCP vision for Little Italy as a neighborhood that balances residential growth with active ground-floor uses and neighborhood-serving amenities.

Project-Related Issues:

During the review of the Project, no significant issues or major concerns were identified by City staff.

The Project was reviewed by the Downtown Community Planning Council (DCPC) on December 18, 2024, who voted 11-1 to recommend approval of the Project. However, the DCPC expressed concerns about the impact of noise from the proposed live entertainment on nearby residences. Because of this, their recommendation included conditions to limit the hours of operation to no later than 10:00 p.m. Sunday through Thursday and 12:00 a.m. Fridays, Saturdays, and Sundays before holidays (Attachment 8). The Project was also forwarded to the San Diego Police Department (SDPD) for review, who provided correspondence on July 1, 2025, that also recommended limiting the hours of live entertainment to no later than 10:00 p.m. Sunday through Thursday, and 12:00

a.m. Fridays and Saturdays. Additionally, the Little Italy Association provided a letter of opposition to the Project, which is included as Attachment 9.

As reflected in the recommendations of DCPC and SDPD, noise has been a common concern for Little Italy residents over the years. Although the Applicant requested hours of live entertainment until 12:30 a.m. seven days per week, given the close proximity of surrounding residential uses and the neighborhood groups' concerns Staff is recommending limiting the hours of live entertainment from 10:00 a.m. to 10:00 p.m. Sunday through Thursday, and from 10:00 a.m. to 12:00 a.m. on Friday and Saturday, as well as on Sunday when the following Monday is a recognized City holiday. These hours are consistent with the recommendations of DCPC and SDPD. As a condition of approval of the Project, the Owner/Permittee is required to secure and maintain all necessary licenses and regulatory approvals from relevant agencies, including a Police Permit from the SDPD.

Moreover, standard operational conditions are included in the draft permit to address any potential adverse impacts of the proposed live entertainment and ensure that the use is not detrimental to the neighborhood, including:

- Live entertainment shall occur no later than 10:00 p.m. Sunday through Thursday and 12:00 a.m. on Friday, Saturday, and Sundays before a holiday.
- All live entertainment shall take place indoors and all doors and windows shall remain closed whenever live entertainment is occurring.
- Owner/Permittee shall implement all noise control measures in the noise impact analysis by RNS Acoustics, dated June 6, 2025, including use of the in-house speaker system with automatic sound limiters and installation of a sound monitoring system.
- During the hours of live entertainment, a minimum of one (1) additional security officer shall be required for the entrance of the premises.
- Maintain a point of contact with the City in case any complaints arise. Complaints shall be responded to by the Owner/Permittee within 24 hours. If the business creates a nuisance to the surrounding neighborhood, the Permit may be revoked at a public hearing.

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. 3323482.

ALTERNATIVES

- 1. Approve CUP No. 3323482, with modifications.
- 2. Deny CUP No. 3323482, if the findings required to approve the Project cannot be affirmed.

Respectfully submitted,

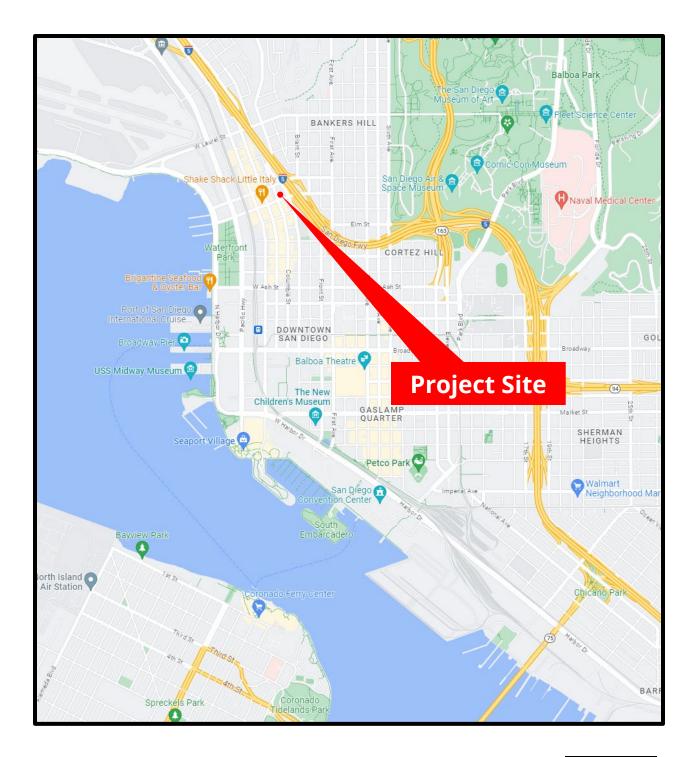
Saba Raisesmaili

Senior Planner, Urban Innovation Division

Development Services Department

Attachments:

- 1. Project Location Map
- 2. Community Plan Land Use Map
- 3. Aerial Photograph
- 4. Live Entertainment Vicinity Map
- 5. Draft Resolution with Findings
- 6. Draft Permit with Conditions
- 7. Ownership Disclosure Statement
- 8. Community Planning Group Recommendation
- 9. Neighborhood Association Opposition Letter
- 10. Noise Impact Analysis
- 11. Environmental CEQA 15162 Memo
- 12. Applicant's Letter of Request
- 13. Project Plans

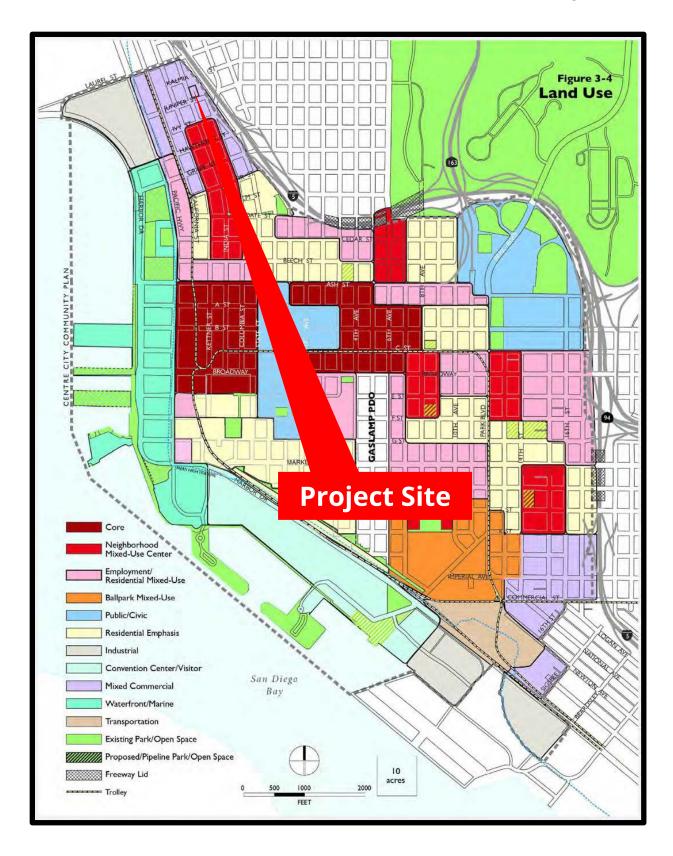




Project Location Map

Nolita Hall Live Entertainment, Project No. 1125013 2305 India St







Land Use Map

Nolita Hall Live Entertainment, Project No. 1125013 2305 India St







Aerial Photo

Nolita Hall Live Entertainment, Project No. 1125013 2305 India St







= Existing Conditional Use Permit for Live Entertainment



Live Entertainment Vicinity Map

Nolita Hall Live Entertainment, Project No. 1125013 2305 India St



HEARING OFFICER RESOLUTION NO. CONDITIONAL USE PERMIT NO. 3323482 NOLITA HALL LIVE ENTERTAINMENT - PROJECT NO. 1125013

WHEREAS, INDIA AND JUNIPER LLC, Owner, and JUNIPER HOUSE LLC, Permittee, filed an application for a Conditional Use Permit (CUP) with the City of San Diego to allow indoor live entertainment for a restaurant/bar ("Project") located within a 5,804 square-foot site, as described in and by reference to the approved Exhibit "A" and corresponding conditions of approval for the associated CUP No. 3323482;

WHEREAS, the Project site is located at 2305 India Street within the Mixed Commercial (MC) land use district of the Centre City Planned District (CCPD) and the Little Italy neighborhood of the Downtown Community Plan (DCP) area ("Downtown");

WHEREAS, the Project site is legally described as Parcel 1 Of Parcel Map 14868, City of San Diego, County Of San Diego, State Of California, filed in the office of the County Recorder of San Diego July 1, 1987 as instrument No. 87-369758 of Official Records;

WHEREAS, on June 16, 2025, the City determined that the Project is consistent with the previously certified Downtown Final Environmental Impact Report (Downtown FEIR) (SCH# 2003041001);

WHEREAS, development within the Downtown Community Planning area is covered under the following documents, referred to collectively as the "Downtown FEIR": (1) Final Environmental Impact Report (FEIR) for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and 10th Amendment to the Centre City Redevelopment Plan, certified by the former Redevelopment Agency ("Former Agency") and the City Council on March 14, 2006 (Resolutions R-04001 and R-301265, respectively); (2) subsequent addenda to the FEIR certified by the Former Agency and City Council on: August 3, 2007 (Resolution R-04193 and R-302932, respectively); April 13, 2010 (Council Resolution R-305759); April 21, 2010 (Former Agency Resolutions R-04509 and R-04510); August 3, 2010 (Former Agency Resolution R-04544 and Council Resolutions R-30614),

February 12, 2014 (City Council Resolution R-308724); July 14, 2014 (City Council Resolution R-309115); and (3) Final Supplemental Environmental Impact Report for the Downtown San Diego Mobility Plan certified by the City Council on June 21, 2016 (Resolution R-310561);

WHEREAS, development within the DCP area is also covered under the following documents, referred to collectively as the "CAP FEIR": FEIR for the City's Climate Action Plan (CAP), certified by the City Council on December 15, 2015 (City Council Resolution R-310176), and the Addendum to the CAP, certified by the City Council on July 12, 2016 (City Council Resolution R- 310595);

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 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 August 20, 2025, the Hearing Officer of the City of San Diego considered CUP No. 3323482 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. 3323482:

A. CONDITIONAL USE PERMIT [SDMC Section 126.0305]

1. Findings For all Conditional Use Permit:

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

The proposed live entertainment, within the existing Nolita Hall restaurant, is comprised of a disc jockey (DJ) with no dedicated dance floor. The Project site is located at 2305 India Street, at the northeast corner of India Street and West Juniper Street, within the Mixed Commercial land use district of the Centre City Planned District and the Little Italy neighborhood of the Downtown Community Plan area.

The Mixed Commercial (MC) land use district accommodates a diverse array of uses, including residential, artist studios, live/workspaces, hotels, offices, research and development, retail, and service uses that are essential for the livelihood of businesses and residents of the Downtown area. A restaurant/bar with accessory live entertainment is permitted in the MC district with the approval of a CUP, pursuant to San Diego Municipal Code (SDMC) Section 156.0315(c)(2). To address any potential noise impacts to other surrounding uses in the district, conditions of approval have been incorporated into the permit to restrict the hours of live entertainment, require increased security, and implement noise control measures as outlined in the Noise Impact Analysis by RNS Acoustics, dated June 6, 2025, including installation of a sound level monitoring system to continuously control sound levels. Together, these requirements ensure the project complies with the SDMC, including the Centre City Planned District Ordinance (CCPDO) and Noise Ordinance, and does not create a nuisance for nearby uses in the MC district.

Little Italy is identified in the Downtown Community Plan (DCP) as a vibrant, walkable neighborhood with a strong identity, rooted in its history as a waterfront community. Over time, it has evolved into a mixed-use area with housing, public spaces, shops, and restaurants that create a unique and lively atmosphere. India Street, where the Project is located, is intended for mixed shops and services catering to the traditional neighborhood; with restaurants, cafes, and boutiques drawing visitors (DCP Policy 5.2-P-1). The proposed indoor live entertainment use supports this role by enhancing both the cultural and social life of the street, adding to its energy and activity.

The Project also aligns with DCP Goal 3.1-G-2, which calls to "provide for an overall balance of uses—employment, residential, cultural, government, and destination," and Policy 3.5-P-2, which emphasizes neighborhood character to "promote diversity and complexity." It also directly supports Goal 6.7-G-1, to "facilitate Little Italy's continued evolution as a cohesive, mixed-use waterfront neighborhood," and Goal 6.7-G-2, which seeks to "reinforce the India Street business district as the heart of the neighborhood." Located just a few blocks from the waterfront, the Project reinforces Little Italy's identity as a lively urban destination that blends neighborhood-serving uses with visitor-oriented experiences. By allowing limited indoor entertainment, the Project contributes to both the daytime and nighttime vitality of the area, helping keep Little Italy active, welcoming, and enjoyable for residents and visitors.

With conditions of approval in place, the Project complies with SDMC requirements and ensures that no nuisance is created for nearby uses. Therefore, the Project will not adversely affect the applicable land use plan. Instead, it will support the lively, mixed-use vision for Little Italy as described in the DCP.

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

The proposed live entertainment 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 include limiting live entertainment to indoor areas only, restricting the of live entertainment hours to between 10:00 a.m. and 10:00 p.m. Sunday through Thursday, and until 12:00 a.m. on Friday, Saturday, and Sundays before City-recognized holidays, and providing adequate security to monitor patron behavior.

A Noise Impact Analysis conducted by RNS Acoustics, dated June 6, 2025, that includes noise control measures that are included as conditions of approval in the permit to mitigate the impact of live entertainment on the surrounding area, including nearby residences. These measures include keeping all doors closed during live entertainment operations, limiting interior music levels to 75 dBA (15-minute average) and overall interior sound levels to 84 BA (15-minute average), requiring use of the in-house sound system with automatic sound limiters, and installing a sound level monitoring system. The Noise Impact Analysis confirmed that with these noise control measures in place, live entertainment operations will comply with the City of San Diego Noise Ordinance (SDMC Section 59.5.0401), ensuring that the proposed use does not exceed the allowable noise limits and not become a nuisance to the surrounding neighborhood. Therefore, the proposed use 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 MC district of the CCPDO with approval of a CUP, pursuant to SDMC Section 156.0315(c)(2). No deviations from the LDC or CCPDO requirements are proposed as part of the Project. The Project was reviewed by multiple City disciplines and determined to be consistent with all City regulations, including the CCPDO and DCP with approval of a CUP. The proposed use will also be required to obtain any other applicable government approvals and comply with the applicable requirements of the California Department of Alcoholic Beverage Control and the San Diego Police Department. By obtaining a CUP and adhering to the conditions of approval, the proposed indoor live entertainment at Nolita Hall will remain in compliance with all applicable regulations of the LDC. Therefore, the proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code

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

The Project site is located at the northeast corner of India Street and West Juniper Streets, within the Little Italy neighborhood of Downtown. The DCP identifies India Street as a key commercial spine envisioned to support lively, pedestrian-oriented activity, including dining and neighborhood-serving uses. The restaurant is situated within the MC district of the CCPDO, which permits live entertainment with approval of a CUP

pursuant to SDMC Section 156.0315(c)(2). The site is surrounded by a mixture of uses including small-scale commercial to the north, multi-family residential adjacent to the site on the east, west, and across the intersection to the southwest, and a surface parking lot serving a multi-tenant commercial building to the south. Due to the proximity of residential uses near the Project site, conditions of approval are included to address any potential adverse impacts to nearby properties. These conditions include restricting the live entertainment to indoors, limiting the hours that the live entertainment can occur, and requiring the installation of noise control measures. Additionally, all doors and windows would remain closed during performances, and noise-monitoring measures would ensure compliance with code limits at the property line. These conditions will implement the recommendations of the Noise Impact Analysis conducted by RNS Acoustics, dated June 6, 2025, ensure that the Project remains in compliance with the City's Noise Ordinance, and thereby be compatible with surrounding uses and appropriate at the proposed location.

The Project supports broader DCP goals for Downtown and the Little Italy neighborhood, including Goal 3.1-G-2, which encourages a balance of employment, residential, cultural, and destination uses, and Goal 3.5-G-2, which promotes a rich mix of uses that reflect each neighborhood's unique character. The addition of low-impact, regulated live entertainment at Nolita Hall contributes to a vibrant, walkable environment consistent with the community's identity and planning vision. Therefore, the proposed use is appropriate at this 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 the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 3323482 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. 3323482, a copy of which is attached hereto and made a part hereof.

Saba Raisesmaili
Senior Planner, Urban Innovation Division
Development Services Department

Adopted on: August 20, 2025

IO#: 24010049

ATTACHMENT: Conditional Use Permit No. 3323482

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: 24010049

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 3323482 NOLITA HALL LIVE ENTERTAINMENT PROJECT NO. 1125013 HEARING OFFICER

This Conditional Use Permit No. 3323482 is granted by the Hearing Officer of the City of San Diego ("City") to INDIA AND JUNIPER LLC, Owner, and JUNIPER HOUSE LLC, Permittee, pursuant to San Diego Municipal Code (SDMC) Section 126.0305 to allow indoor live entertainment for a restaurant/bar ("Project") on the 5,804 square-foot site located at 2305 India Street within the Mixed Commercial (MC) land use district of the Centre City Planned District and within the Little Italy neighborhood of the Downtown Community Plan area. The Project site is legally described as: Parcel 1 Of Parcel Map 14868, City of San Diego, County of San Diego, State of California, filed in the office of the County Recorder of San Diego July 1, 1987 as instrument No. 87-369758 of Official Records.

Subject to the terms and conditions set forth in this Permit, permission is granted to the Owner/Permittee to allow indoor live entertainment within the building as described and identified by size, dimension, quantity, type, and location on the approved exhibits (Exhibit "A") dated August 20, 2025, on file in the Development Services Department.

The Project shall include:

- a. Indoor live entertainment within a restaurant/bar in the building located at 2305 India Street.
- 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 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 September 3, 2028.

- 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 Development Services Department.
 - 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 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" conditions(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.

LIVE ENTERTAINMENT REQUIREMENTS:

- 12. The primary use of the site shall be a restaurant/bar. The live entertainment shall be accessory to the primary use. The intended uses shall be in conformance with permitted uses as outlined in the SDMC Section 156.0315(c)(2) and all other relevant regulations in the SDMC. Any proposed change in use, significant remodel, or tenant improvements shall be reviewed and approved by the City for consistency with the uses as approved in this Permit.
- 13. Live entertainment shall occur between 10:00 a.m. and 10:00 p.m. Sunday through Thursday, and until 12:00 a.m. on Friday, Saturday, and on Sundays when the following Monday is a recognized City holiday.
- 14. All live entertainment shall take place indoors only. There shall be no dance floors dedicated to the live entertainment.
- 15. The Owner/Permittee shall implement all noise abatement measures as outlined in the noise impact analysis by RNS Acoustics, dated June 6, 2025, and described below, to ensure compliance with the City Noise Standards (SDMC Section 59.5.0401) and minimize noise impacts on surrounding properties.
 - a. All doors and windows shall remain fully closed during live entertainment to maintain adequate sound insulation.
 - b. Live entertainment sound levels shall not exceed an interior 15-minute average of 75 dBA for music and 84 dBA overall. Performers shall be required to use the in-house speaker system only and shall not be permitted to bring their own equipment. Sound limiters shall be installed on the house system to ensure sound levels do not exceed the 75 dBA limit.
 - c. A continuous sound level monitoring system shall be installed inside the venue near the western façade. The system shall log real-time sound levels, include configurable alerts, and

provide remote access to notify staff when levels approach or exceed the limits so immediate corrective action can be taken.

- 16. The Owner/Permittee shall secure and maintain compliance with all necessary licenses and regulatory approvals from relevant agencies, including from the San Diego Police Department and the California Department of Alcoholic Beverage Control (ABC).
- 17. 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.
- 18. 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.
- 19. 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.
- 20. 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.
- 21. 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.
- 22. 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.
- 23. 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.
- 24. This Permit may be revoked by the City 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 City, this permit may be revoked after the holding of a public hearing.

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.
- 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 August 20, 2025 and Resolution No. HO-.

Permit Type/PTS Approval No.: PMT-3323482

Date of Approval: August 20, 2025

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Saba Raisesmaili
Senior Planner, Urban Innovation Division

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

Development Services Department

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.

INDIA AND	JUNIPER LLC	
Owner		

Ву _____

PRINT NAME:

TITLE:

JUNIPER HOUSE LLC

Permittee
By _____

Signature

Signature

PRINT NAME:

TITLE:

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



City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000

Ownership Disclosure Statement

FORM

DS-318

October 2017

Approval Type: Check appropriate ☐ Neighborhood Development Pe ☐ Tentative Map ☐ Vesting Tenta	ermit 🛭 Site D	evelopment Permit 📮 Pla	nned Development Permit	🛚 Conditional Use P	
Project Title: LIVE ENTERTAINMENT			Project No	. For City Use Only	;
Project Address: 2305-2317 INDIA ST,	SAN DIEGO, CA, 92	2101			
Specify Form of Ownership/Leg	al Status (ple	aso chock):			
Specify Form of Ownership/Leg. ☐ Corporation ☐ Limited Liability	·=		Corporate Identification	No 201630910265	
□ Partnership □ Individual	or L derier	a. Mac State:	eorporate raemameation		
By signing the Ownership Discloswith the City of San Diego on the owner(s), applicant(s), and other findividual, firm, co-partnership, jowith a financial interest in the apindividuals owning more than 100 officers. (A separate page may be ANY person serving as an office A signature is required of at leas notifying the Project Manager of ownership are to be given to the accurate and current ownership in	e subject prop financially inte bint venture, a plication. If th % of the share er or director st one of the p any changes Project Manage	perty with the intent to re- perested persons of the abous sociation, social club, fra- ne applicant includes a co- es. If a publicly-owned co- ecessary.) If any person is of the nonprofit organize property owners. Attach- in ownership during the separate least thirty days pri-	ecord an encumbrance againate ove referenced property. A sternal organization, corporation or partnership, introporation, include the name is a nonprofit organization or astrustee or beneadditional pages if needed. It is application is being or to any public hearing on the sternal property.	nst the property. If financially intereste tion, estate, trust, reclude the names, tits, titles, and addres a trust, list the name ficiary of the nong Note: The applicate processed or cons	Please list below the d party includes any receiver or syndicate tles, addresses of all ses of the corporate nes and addresses of profit organization. In the sidered. Changes in
Property Owner					
Name of Individual: INDIA AND JUNIP	ER LLC		🛚 Owner	☐ Tenant/Lessee	☐ Successor Agency
Street Address: 1824 COLUMBIA STREE	т				
City: _SAN DIEGO				State: CA	Zip: _92101
Phone No.:		Fax No.:	Email:		
DocuSigned by:			10/8 Date:	8/2024	
Additional pages Attached:					
Applicant					
Name of Individual: JUNIPER HOUSE L	.LC		□ Owner	■ Tenant/Lessee	☐ Successor Agency
Street Address: 2305-2317 INDIA STREE	ET				
City: SAN DIEGO				State: CA	Zip: 92101
Phone No.: 619-255-8000		Fax No.:	Email: _ ^{dani}	ela@blackswanhospitality.	com
Signature:			Date:		
Additional pages Attached:	☐ Yes	⊠ No			
Other Financially Interested Per	rsons				
Name of Individual:			□ Owner	☐ Tenant/Lessee	☐ Successor Agency
Street Address:					
Sity:				State:	Zip:
Phone No.:					
Signature:					
Additional pages Attached:	☐ Yes				
		· · *			

Page 3

City of San Diego · Information Bulletin 620

August 2018



City of San Diego Development Services 1222 First Ave., MS-302

Community Planning Committee Distribution Form

	San Diego, CA 92101			FOITH		
Project Name: Project Number: PRJ-1125013						
Community: Downtown						
For project scope and contact information (project manager and applicant), log into OpenDSD at https://aca.accela.com/SANDIEGO . Select "Search for Project Status" and input the Project Number to access project information.						
☐ Vote to Approv	/e				Date of Vote:	
 Vote to Approve with Conditions Listed Below □ Vote to Approve with Non-Binding Recommendations Listed Below □ Vote to Deny 				December 18,		
# of Members Yes		# of Members N		# of Me	Members Abstain	
13		1			0	
Conditions or Recommendations: Entertainment shall end at 10pm Sunday - Thursday and on midnight Friday, Saturday, and Sunday before holidays. The Council had grave concerns regarding noise in a residential area.						
□ No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)						
NAME: Manny Rodriguez						
TITLE: Chair, Downtown Community Planning Council		Council	DATE:	January 21, 2025		



July 1, 2025

Saba Raisesmaili Senior Planner City of San Diego Urban Innovation Division Development Services Department

Re: Opposition to Nolita Hall's CUP for Live Entertainment and Extended Hours

Dear Saba,

Thank you for reaching out regarding the upcoming Conditional Use Permit (CUP) hearing for Nolita Hall's request to allow live entertainment and extend hours of operation and alcohol service.

In March 2025, the Little Italy Association Board of Directors reviewed a recommendation from the Neighborhood Advisory Committee—a standing committee of the Board—regarding Nolita Hall's request. After careful consideration and discussion, the Board voted not to support the request for live entertainment and extended hours.

Since 2015, the Board has maintained a neighborhood operating policy designed to preserve the residential character and quality of life in Little Italy. This policy provides clear guidance on operational hours and restrictions on live music for restaurants. It was adopted to balance the interests of local businesses with the needs of residents by minimizing excessive noise and late-night activity.

While the Little Italy Association supports Nolita Hall's ongoing business success, we do not support their request for expanded live entertainment, extended hours, or additional alcohol sales beyond what is currently permitted.

Additionally, I have communicated our opposition to Detective McCurry with SDPD Vice Permits & Licensing regarding the proposed extension of alcohol service hours.

If you have any questions or need further information, please don't hesitate to contact me at (619) 233-3898 or chris@littleitalysd.com. Thank you for your time and consideration.

Sincerely,

Christopher M. Gomez
Chief Executive Administrator
Little Italy Association of San Diego



Phone: 858 224 3959

4858 Mercury St., Suite 106, San Diego, CA 92111

WWW.RNSACOUSTICS.COM . INFO@RNSACOUSTICS.COM

June 6, 2025

Daniela DiGregorio Black Swan Hospitality 2305 India St. San Diego, CA, 92101, USA

RE: Nolita Hall – Exterior Noise and Façade Performance Report

Dear Daniela,

The following report contains the acoustical measurement results, analysis, and conclusions based on our latest site visit and acoustic calculations/modeling for the Nolita Hall project located at 2305 India St in San Diego, CA. This report summarizes the services provided in response to the City of San Diego's request for an updated acoustic study to determine the sound propagation to the neighboring properties caused by indoor live entertainment allowed by the renewal of the submitted Conditional Use Permit.

Regulatory Environment

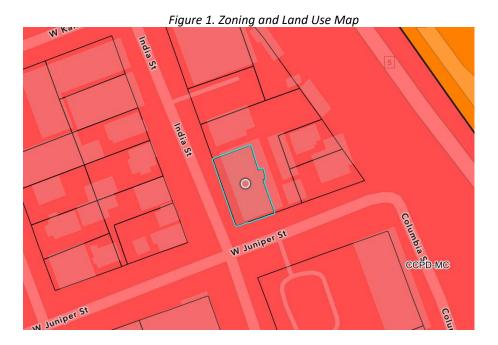
The Conditional Use Permit allows the use of a sound system for DJ performances within Nolita Hall. The permit allows the restaurant to host patrons on site until 12:00 am each night, though our client is seeking to extend these hours to 1:00 am and therefore our assessment includes analysis for music noise projections for both 12:00 am and 1:00 am.

The sound levels generated within Nolita Hall and then projected to the neighboring properties were assessed based on the City of San Diego Municipal Code (SDMC) noise limits per section 59.5.0401. Nolita Hall and the surrounding properties are classified as Mixed Commercial (MC) land use and therefore must comply with maximum hourly average sound levels of 65 dBA during the day and 60 dBA during the evening and nighttime. The following table includes an excerpt from the referenced SDMC section regarding maximum noise limits.

Table 1 – SDMC Section 59.5.0401 Table of Applicable Limits

Land Use	Time of Day	One-Hour Average Sound Level (decibels)
Single Family Residential	7 a.m. to 7 p.m. 7 p.m. to 10 p.m. 10 p.m. to 7 a.m.	50 45 40
2. Multi-Family Residential (Up to a maximum density of 1/2000)	7 a.m. to 7 p.m. 7 p.m. to 10 p.m. 10 p.m. to 7 a.m.	55 50 45
3. All other Residential	7 a.m. to 7 p.m. 7 p.m. to 10 p.m. 10 p.m. to 7 a.m.	60 55 50
4. Commercial	7 a.m. to 7 p.m. 7 p.m. to 10 p.m. 10 p.m. to 7 a.m.	65 60 60
5. Industrial or Agricultural	any time	75

The following figure contains the San Diego zoning map (sourced from the San Diego Zoning and Parcel Information Portal [ZAPP]). The Nolita Hall property line is highlighted in blue and all surrounding properties in red are indicated to be CCPD-MC zoning, or Mixed Commercial use, which aligns with the sound level limits indicated in the Commercial land use in Table 1.



Sound Level Measurements (Background Sound Level - 2024)

RNS Acoustics conducted continuous measurements from approximately 2:45pm on Thursday, November 21st, 2024, to approximately 11:00am on Monday, November 25th, 2024. Measurements were captured simultaneously at the interior of the Nolita Hall space, at the outdoor patio along India Street, and at the roof of the building. At each location, the Sound Level Meters (SLMs) were configured to record various acoustical metrics every one second. The SLMs were also configured to record audio to assist in identifying the noise sources during post-processing and analysis.

The interior sound levels within Nolita Hall were mainly found to be music noise from the house sound system — which consists of five QSC amplifiers, a BSS London sound processor, and eight ceiling-suspended speakers — and patron noise. The following figure below shows the interior SLM location approximately 3-5 feet from the western façade. Refer to the attached appendix for a floor plan markup indicating the approximate DJ and ceiling-suspended speaker locations.



Figure 2. Interior SLM Location

The following findings were determined based on our analysis of the interior measurements within Nolita Hall:

- The loudest hours within Nolita Hall were consistently between 3pm to midnight, in which the hourly A-weighted equivalent (LAeq) levels within the restaurant steadily climbed from 65 dBA during the day to 80-84 dBA around 11pm to midnight (observed on November 21, 22, and 23).
- Music was playing from the house sound system during our long-term monitoring and mostly consisted of 90s and early 2000's top 50s tracks. Conversations with the owner indicate that this is the typical style of music played within Nolita Hall.
- The music sound levels were measured to be approximately 70-75 dBA during lulls in patron speech and noise, though the patron noise was clearly controlling the 80-84 dBA sound levels as the restaurant became busier throughout the night (past roughly 6pm).
- On Sunday, 11/24, the interior sound level was measured to be 70-74 dBA hourly LAeq from 10:30am to 10pm. The main contributor of the measured sound was from patron speech, though music was also playing intermittently during this period. During lulls in conversation, the music was measured to be around 73-77 dBA per second with intermittent contribution from speech noise.
- In summary, the music noise alone was measured to be around 70-75 dBA hourly LAeq. Patron speech and noise was noted to increase the levels to 80-84 dBA hourly LAeq during busier times of night.

Refer to Appendix C for the measured hourly LAeq sound pressure levels measured within Nolita Hall between Thursday, November 21st and Monday, November 25th, 2024.

Transmission Loss Measurements (NIC Testing - 2025)

RNS Acoustics performed transmission loss testing in accordance with the ASTM E336 standard on April 22nd, 2025. Pink noise was played through our dodecahedron loudspeaker positioned outside the building at various façade locations. Sound levels from the loudspeaker were simultaneously measured inside Nolita Hall to measure the

transmission loss of the tested building element. Ambient sound level conditions were measured within the restaurant to determine the efficacy of the test and limit background noise contributions.

All accessible façade sections were tested to assess the acoustic performance. The measured transmission loss spectrum data was then used to project the previously measured interior music noise – measured during our 2024 initial survey – to the adjacent properties.

However, testing could not be completed for parts of the northern and eastern walls, as well as the rooftop skylight, due to high ambient noise, lack of direct adjacency, and/or high acoustical transmission loss performance of the constructions that interfered with our ability to capture accurate measurements. We note that the eastern wall is not directly adjacent to the restaurant or DJ area; therefore, music noise is not expected to be audible or disruptive along that side of the building. Additionally, the rooftop contained various pieces of mechanical equipment that controlled the acoustic environment on the roof. Music noise is not expected to be audible or disruptive over the mechanical equipment noise when projected through the roof construction.

The following figures contain a map of the tested façade elements and pictures of the restaurant showing the tested constructions. Each clouded area indicates a separately tested façade element. For each of the clouded area, the dodecahedron loudspeaker was placed ~3-5 feet away from the exterior of the façade and interior sound levels were simultaneously measured ~3-5 feet away from the interior side of the façade in line with the loudspeaker. The interior receiver levels and ambient levels were measured utilizing an area scan method to determine potential flanking paths and average performance.

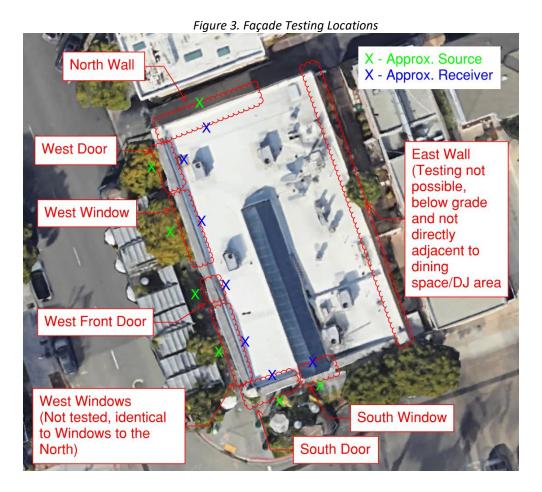




Figure 4. North Wall and West Door Constructions





*We note that the west windows were not fully closed during testing, which is the typical condition for these windows. Small airspaces were present at the gaps between the window frames and the windows at the hinge points. Fully closing the windows are expected to result in improved acoustic performance.

ATTACHMENT 10







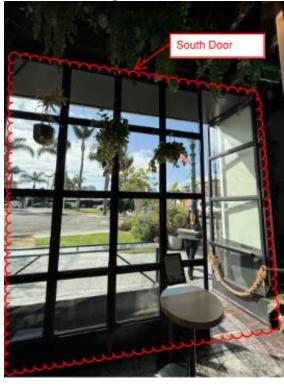


Figure 8. South Door

Measurement Results – Noise Isolation Class Ratings

The following table contains the tested Noise Isolation Class (NIC) rating for each of the tested wall, window, and door constructions.

ruble 2 Wiedsarea Wie Kattings			
Construction Type	Measured NIC Rating		
North Wall	NIC 43*		
West Door	NIC 26		
West Window	NIC 20		
West Front Door	NIC 19		
South Door	NIC 20		
South Window	NIC 25		
Fast Wall	NIC 43-45**		

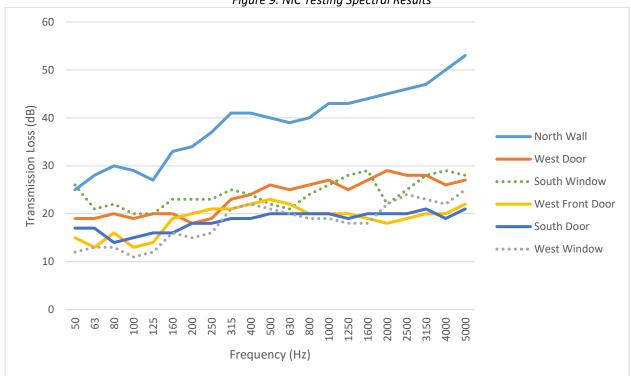
Table 2 – Measured NIC Ratings

Figure 9 indicates the measured transmission loss performance in dB for each of the tested constructions. We note that the windows have notable airgaps, and the windows were partially open during the testing which we understand is the typical condition for these windows. Refer to the appendix for detailed test reports for each of the tested constructions.

^{*}This measurement was controlled by background ambient levels and therefore the performance of the north wall is presented as the minimum performance of the construction.

^{**}The east wall was not tested. The approximate NIC is based on INSUL STC performance modeling of an 8" thick CMU wall. Detailed performance modeling results are included in the appendix.

ATTACHMENT 10

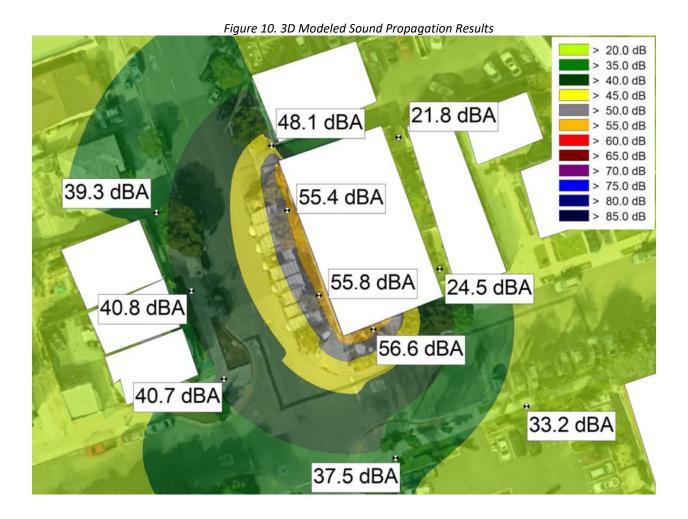


Calculations and Acoustic Modeling

To evaluate sound propagation from the Nolita Hall restaurant to nearby properties, additional analysis was performed using computerized 3D acoustic modeling. A 3D model was developed in CadnaA 2021, a software suite that follows the ISO 9613 standard for outdoor sound prediction. This standard accounts for factors such as building and ground materials, sound absorption, barriers, terrain, and atmospheric conditions.

In the CadnaA model, vertical area sources were placed along the building façade and scaled to match the actual dimensions of the tested constructions. These sources were calibrated using the loudest hourly interior sound level recorded—84 dBA between 10:00 and 11:00 p.m. on November 23, 2024—during a site visit spanning November 21 to 25, 2024. The recorded levels were reduced according to measured transmission loss values for each construction type, as shown in Figure 9, before being applied to the model.

The modeling results are illustrated in the figure below. Vertical area sources (e.g., windows and doors) are shown as black lines along the façade. Receiver locations are marked with white and black circles positioned along the Nolita Hall façade and neighboring property lines on India Street and Columbia Street. Each receiver is labeled with the predicted sound level at that location based on the projected indoor music levels.



Findings and Recommendations

We conclude that DJ sets held inside Nolita Hall are expected to comply with the San Diego Municipal Code's maximum allowable sound levels of 65 dBA during the day and 60 dBA at night at the adjacent property lines based on typical interior sound levels.

We recommend the following to ensure that the expected levels are achieved on the exterior of the Nolita hall façade.

- Keep all doors and windows fully closed during DJ sets. The accordion-style windows on the western
 façade are often left slightly open, which reduces their acoustic performance. While our modeling
 indicates that even typical partially open conditions are expected to meet code limits, keeping the
 windows fully closed will further reduce exterior sound levels.
- Set a maximum interior music level of 75 dBA (15-minute average) and overall interior sound level of 84 dBA (15-minute average) and limit DJ performance hours to 7:00 a.m.—12:00 a.m. (or 1:00 a.m. with the Conditional Use Permit [CUP] extension) to comply with CUP requirements.
 - 15-minute averaging is intended to provide more control over the sound levels to avoid exceeding the limits. A notification of the 15-minute average will allow the DJ and management team to adjust the levels in real time to avoid reaching the overall interior of 84 dBA when measured over the span of an hour, which is expected to result in an exterior code limit violation.
- Require DJs to use the in-house speaker system rather than bringing their own equipment. Install sound limiters on the house system to ensure sound levels do not exceed the 75 dBA limit.
- Implement continuous sound level monitoring using a Class 2 sound level meter or monitoring system (e.g., <u>Soft dB</u>, <u>Rational Acoustics Smaart system</u>, <u>NTi XL3</u>, <u>10Eazy</u>, or similar). The monitoring system should:
 - Be installed in a secure, out-of-reach location approximately 3-5 feet from the western façade inside the restaurant.
 - Continuously log sound levels to track fluctuations over time.
 - Offer remote access via a webpage or app for real-time monitoring.
 - Include configurable alarms and limits which can track the 84 dBA (15-minute average) overall interior sound level limit and utilize email or text message notifications to alert the DJ and/or management team when the sound levels approach or exceed the limit. This allows staff to take corrective action by reducing the sound levels of the house system or notifying the DJ.

Decibels and Loudness

The loudness of sound is most commonly indicated by A-weighted decibels (dBA). Human perception of loudness is a complicated and somewhat subjective phenomenon. However, for a simplified comparison, consider the following table of descriptions:

Table 3. Perceived Change in Decibel Level

Sound Level			
Increase	Subjective Description		
	Not noticeable or barely noticeable to most individuals		
1 dB	"One click on a car radio volume dial"		
	Just noticeable difference		
2 - 3 dB	"Minor increase in loudness"		
	Clearly noticeable		
5 dB	"Moderate increase in loudness"		
	Significant change		
10 dB	Commonly said to be "twice as loud"		
	Very Significant change		
20 dB	"four times louder"		
	Even greater significant change		
30 dB	"Eight times louder"		

Test Equipment

The following table lists the acoustical test equipment used for our measurements. The equipment was calibrated before starting the measurement and checked again at the end of the measurement.

Table 4. Test Equipment Summary

Туре	Manufacturer	Model
Sound Level Meter	NTi	XL3
Calibrator	ACO Pacific	Model #521
Microphone	NTI	M2230
Microphone	SoftdB	Mezzo
Dodecahedron Loudspeaker	NTi	DS3
Power Amplifier	NTI	PA3

Terminology

Decibels (dB) – "A unit of level which denotes the ratio between two quantities that are proportional to the power; the number of decibels is 10 times the logarithm (to the base 10) of this ratio." In acoustics, decibels most commonly refer to Sound Pressure Level (dBSPL), but decibels can also be used to characterize electrical signals, vibration, and other quantities. Decibels are used to simplify the characterization of levels that have a very large range of magnitude. For example, a Sound Pressure Level of 0 dB is typically referenced to 20 micropascals, and 100 dB equals 2,000,000 micropascals.

Sound Pressure Level – Sound pressure levels characterize the magnitude of fluctuations in air pressure, which are perceived as sound.

A-weighting is a method of interpreting the frequency content of sound. A-weighting reduces the influence of low-frequency sound, similar to how the human ear perceives loudness. A-weighting is commonly used in noise ordinances and is indicated by dB(A), dBA, LAx,y (where "x" indicates the metric and "y" (optional) indicates the time period).

Transmission Loss is the measure of how effective a material or construction is at blocking or attenuating sound. The higher the number, the more effectively a material is able to reduce the transfer of sound between spaces.

Sound Transmission Class (STC) is a single number lab-tested rating that indicates how well a building element blocks airborne sound.

Noise Isolation Class (NIC) – "A single number rating calculated in accordance with Classification E413 using measured values of Noise Reduction using ASTM E336 methodology. Noise Reduction (NR) and the Noise Isolation Class (NIC) are measurements of the overall sound isolation between two rooms or spaces as found, including the effects of partition size and sound absorption in the receiving room as well as other potential factors in addition to the flanking and the sound insulation property of the separating partition." NIC values are typically ~5 points less than STC ratings of an identical assembly.

Comments

This report is based on our best understanding of the current design intent and project goals. If any of the project conditions or design goals change significantly, we reserve the right to modify our analysis and recommendations. Feel free to call if you have any questions or comments.

Sincerely, RNS Acoustics

Prepared by: Michael Sterner Acoustical Engineer

Ryan Sema Principal

Enclosed:

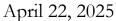
Appendix A – NIC Test Reports

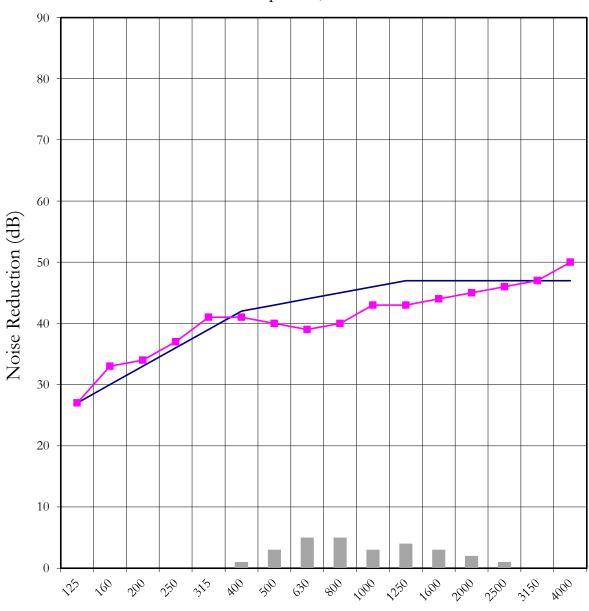
Appendix B - CadnaA Enlarged Modeling Results

Appendix C – Hourly LAeq Interior Sound Pressure Levels

Appendix D – Floor Plan Speaker and DJ Location Markups

Nolita Hall North Wall



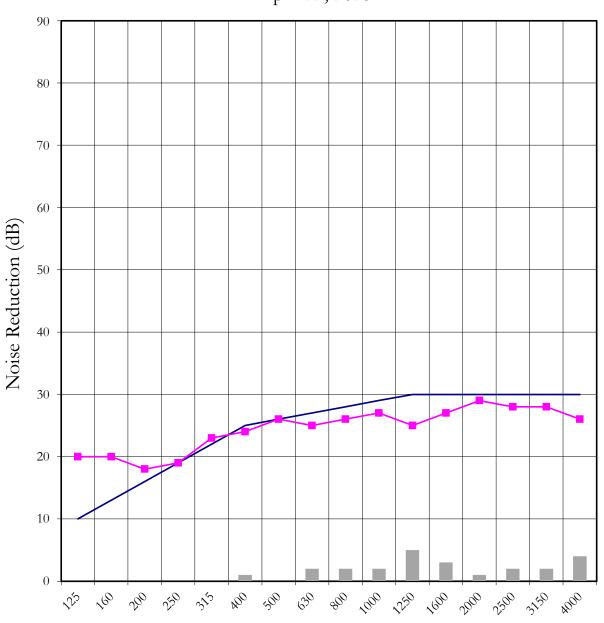


Frequency (Hz)



Nolita Hall West Door

April 22, 2025

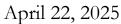


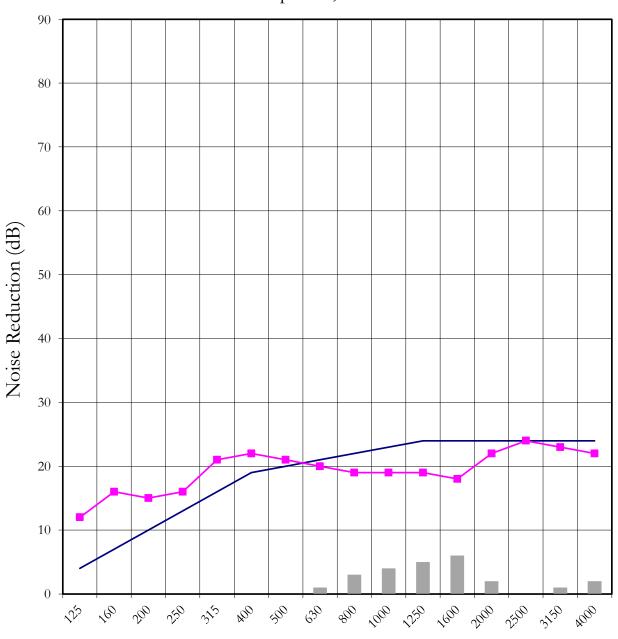
Frequency (Hz)



Nolita Hall

West Window





Frequency (Hz)

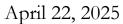


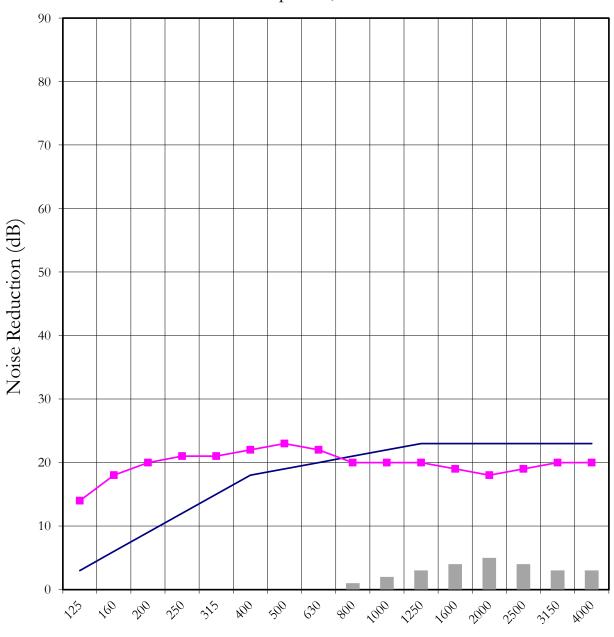
Noise Isolation Class (NIC)

Nolita Hall

ATTACHMENT 10

West Front Door



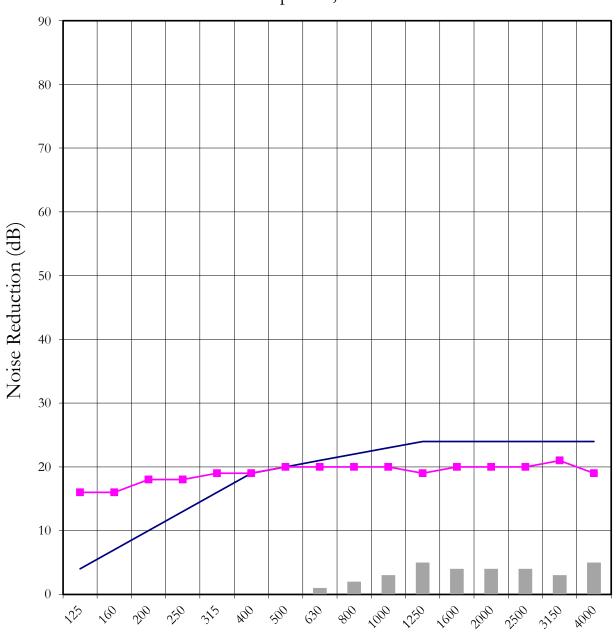


Frequency (Hz)



Nolita Hall South Door

April 22, 2025

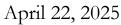


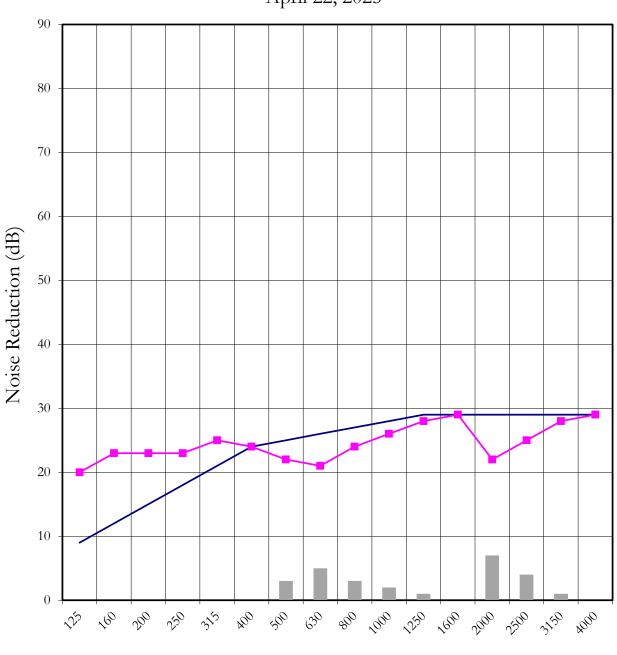
Frequency (Hz)



Noise Isolation Class (NIC)

Nolita Hall South Window





Frequency (Hz)



Sound Insulation Prediction (v9.0.24)

Program copyright Marshall Day Acoustics 2017 Margin of error is generally within STC ±3 dB

- Key No. 4848 Job Name:

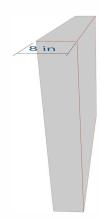
Initials:RNS SERVER

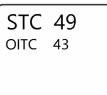
Date:5/8/2025 File Name:insul

Job No.:



Notes: ATTACHMENT 10





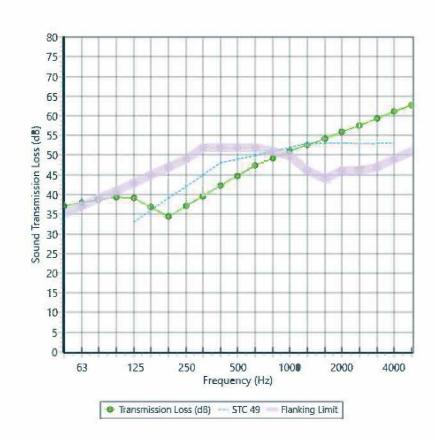
Panel Size = 8.9 ft x 13.1 ft

Partition surface mass = 45.8 lb/ft2

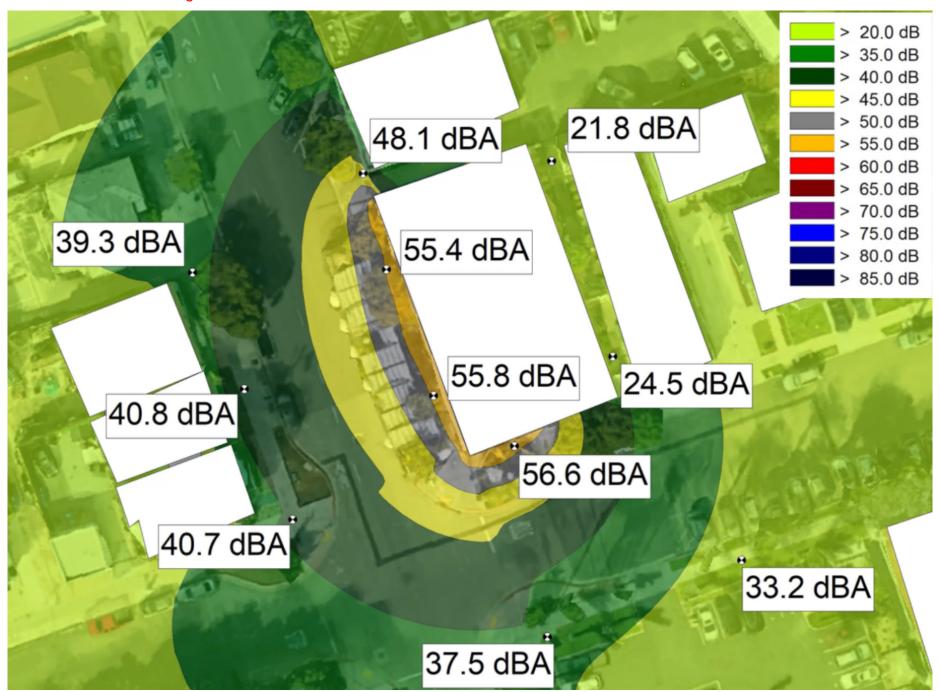
System description

Panel 1 : 1 x 8 in CMU Hollow (135 lb/ft³)

freq.(Hz)	TL(dB)	TL(dB)
50	37	TE(GD)
63	38	38
80	39	
100	39	
125	39	38
160	37	
200	34	
250	37	36
315	40	
400	42	
500	45	44
630	47	
800	49	
1000	51	51
1250	53	
1600	54	
2000	56	56
2500	58	
3150	59	
4000	61	61
5000	63	

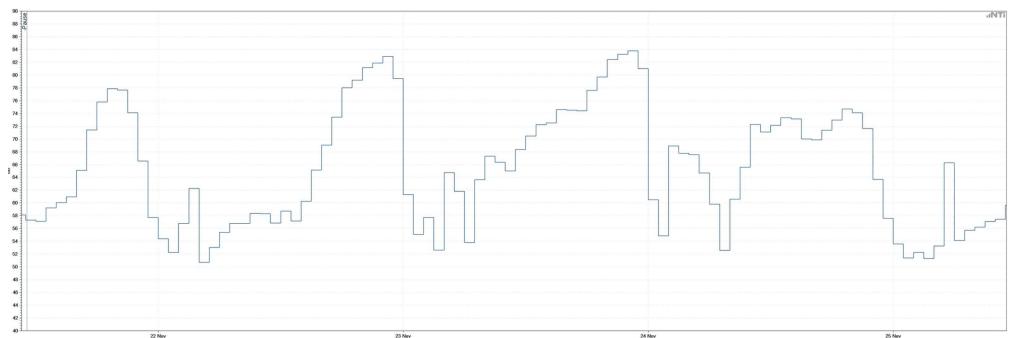


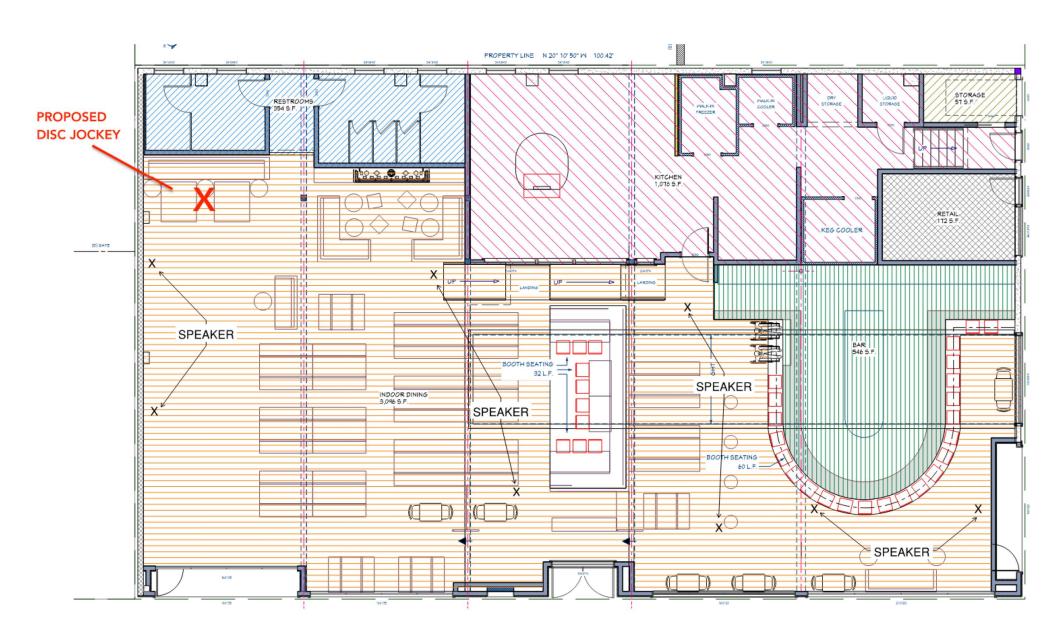
Appendix B - CadnaA Modeling Results



Appendix C - LAeq Sound Pressure Level Meter Data (Hourly)

Interior:







THE CITY OF SAN DIEGO

MEMORANDUM

DATE: June 16, 2025

TO: Environmental/Project File

Development Services Department

FROM: Courtney Holowach, Senior Planner, Development Services Department

SUBJECT: 2305 India (Project No. 1125013) – (AKA Nolita Hall Live Entertainment)

California Environmental Quality Act – Section 15162 Evaluation

The Development Services Department (DSD) has completed a California Environmental Quality Act (CEQA) Section 15162 – Subsequent Environmental Impact Reports and Negative Declarations consistency evaluation for the proposed 2305 India (AKA Nolita Hall Live Entertainment) (project). See 14 C.C.R. §15162.

This evaluation was performed to determine if conditions specified in CEQA Guidelines Sections 15162 would require preparation of additional CEQA review for the proposed 2305 India Project (Project). As outlined in the evaluation, DSD has determined that the proposed project would be consistent with the Final Environmental Impact Report (FEIR) for the Downtown Community Plan, Centre City Planned District Ordinance (CCPDO), 10th Amendment to the Centre City Redevelopment Plan (State Clearinghouse (SCH) No. 2003041001) and subsequent addenda to the FEIR, and the Final Supplemental Environmental Impact Report (SEIR) for the Downtown San Diego Mobility Plan; and would not result in new impacts or increase in severity of previously identified significant effects.

BACKGROUND

The Final Environmental Impact Report (FEIR) for the Downtown Community Plan, Centre City Planned District Ordinance (CCPDO), and 10th Amendment to the Centre City Redevelopment Plan (State Clearinghouse (SCH) No. 2003041001) was certified by the former Redevelopment Agency (Former Agency) and the Council of the City of San Diego (City Council) on March 14, 2006 (Resolutions R-04001 and R-301265, respectively); and subsequent addenda to the FEIR certified by the Former Agency on August 3, 2007 (Former Agency Resolution R- 04193), April 21, 2010 (Former Agency Resolutions R-04508 and R-04510), August 3, 2010 (Former Agency Resolution R-04544) and certified by City Council on February 12, 2014 (Resolution R-308724) and July 14, 2014 (Resolution R309115), 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).

PROJECT DESCRIPTION

Conditional Use Permit (CUP) to allow indoor live entertainment at Nolita Hall, located at 2305 India Street on the 5,804-square-foot property at the northeast corner of India Street and West Juniper Street, within the Mixed Commercial (MC) land use district of the Centre City Planning District, the Transit Priority Area Overlay, Council District 3, and the Little Italy neighborhood of the Downtown Community Plan area.

CEQA 15162 CONSISTENCY EVALUATION

DSD reviewed the project and conducted a review pursuant to CEQA Guidelines Section 15162 to determine consistency with the previously certified original Final Environmental Impact Report (FEIR) for the Downtown Community Plan, Centre City Planned District Ordinance (CCPDO), 10th Amendment to the Centre City Redevelopment Plan (State Clearinghouse (SCH) No. 2003041001) and subsequent addenda to the FEIR, and the Final Supplemental Environmental Impact Report (SEIR) for the Downtown San Diego Mobility Plan; and would not result in new impacts or increase in severity of previously identified significant effects. The project does not propose any development at this time and future development anticipated would be consistent with the underlying zoning and land use requirements. As such, the project was considered in the scope of the FEIR, and would result in no change in environmental impacts relative to those assessed in the FEIR and subsequent addenda. In addition, the project does not constitute a change in circumstances that would result in changes in environmental impacts as the overrule would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In addition, there is no new information of substantial importance that was not known at the time of the FEIR approval. As previously noted, there is no change in impact or impact severity relative to that identified in the FEIR and subsequent addenda, and no new or different mitigation that would substantially reduce one or more significant effects that the applicant has declined to adopt.

CONCLUSION

Overall, implementation of the proposed would not result in any significant direct, indirect or cumulative impacts over and above those disclosed in the previously certified EIR.

Section 15162 of the CEQA Guidelines states:

When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant

- environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Based upon a review of the current project, none of the situations described in Sections 15162 of the State CEQA Guidelines apply. No changes in circumstances have occurred, and no new information of substantial importance has manifested, which would result in new significant or substantially increased adverse impacts because of the project. This evaluation, therefore, supports the use of the previously certified EIR, under CEQA Guidelines Section 15162, in that both environmental documents adequately covers the proposed project.

Courtney Holowach Senior Planner

CH/ch

cc: Saba Raisesmaili, Development Project Manager, Development Services Department

Attachments: Figure 1 – Project Vicinity

Figure 2 - Project Site



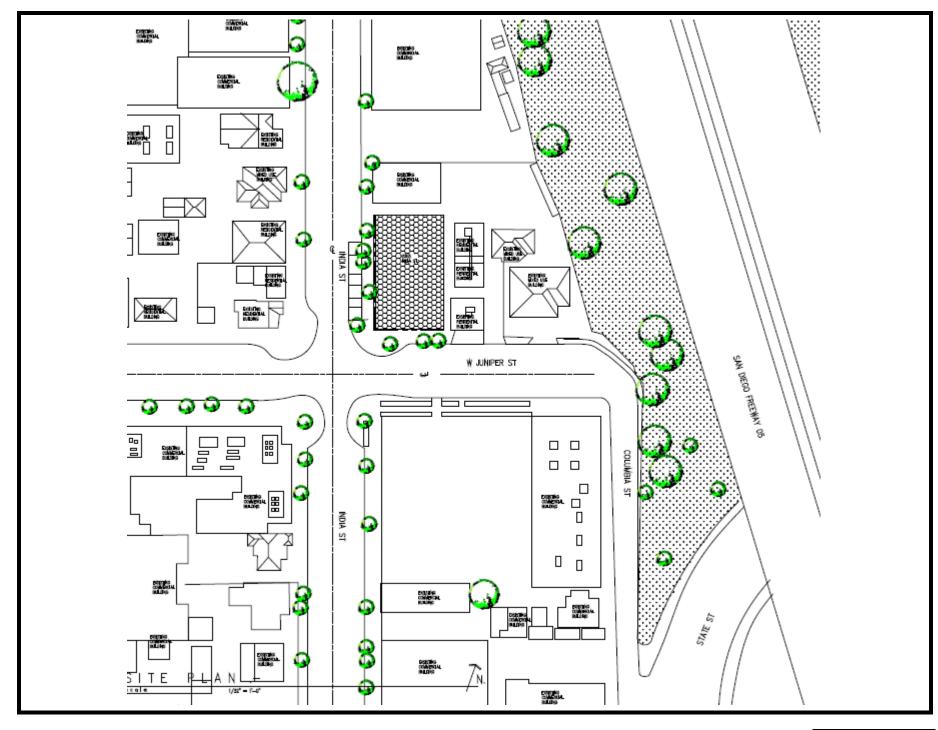


Vicinity Map

2305 India (AKA Nolita Hall Live Entertainment) / Project No. 1125013

Development Services Department

FIGURE No. 1





Project Site

2305 India (AKA Nolita Hall Live Entertainment) / Project No. 1125013
Development Services Department

FIGURE No. 2



January 30, 2025

Raba Raisesmaili Development Project Management 2, Urban Division Development Services Department 1222 First Avenue San Diego, CA 92101

RE: LETTER OF REQUEST - PRJ-1125013 / 2305-2317 INDIA ST , SAN DIEGO, CA, 92101;

Ms. Raisesmaili -

On behalf of the applicant, I am respectfully submitting the "Letter of Request" for your consideration.

THE APPLICANT IS AN EXISTING RESTAURANT THAT IS REQUESTING A CONDITIONAL USE PERMIT FOR LIVE ENTERTAINMENT FOR DISC JOCKEY ONLY. THERE WILL BE NO DEDICATED INTERIOR DANCE FLOOR AND NO LIVE ENTERTAINMENT IN THE PATIO AREAS.

THE PROPOSED HOURS OF LIVE ENTERTAINMENT ARE FROM 10:00AM TO 12:30AM DAILY. THE EXISTING SPEAKER SYSTEM WILL BE FACING DOWN INTO THE INTERIOR DINING AREA OF THE PREMISES AND NOT OUTWARD ONTO THE PATIO AREA. ALL DOORS AND WINDOWS WILL BE CLOSED WHEN THERE IS LIVE ENTERTAINMENT.

LASTLY, THE BUSINESS WILL REMAIN A RESTAURANT WHILE OPEN AND NOT TRANSITION INTO A NIGHTCLUB.

Thank you for your consideration. Please feel free to contact me directly if I can be of further assistance at 619-852-4690.

Kind regards,

Marco Polo Cortés

Marco Polo Cortés President

