



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: December 4, 2008

REPORT NO. PC-08-143

ATTENTION: Planning Commission, Agenda of December 11, 2008

SUBJECT: PARADISE GRILLE - PROJECT NO. 149335
PROCESS 2 APPEAL

OWNER/ Conor Adair, President, Paradise Grille Inc. and Howard Schachat,
Protea Flower Hill Mall, LLC. /

APPLICANT: Conor Adair, President, Paradise Grille Inc.

SUMMARY

Issue(s): Should the Planning Commission approve or deny an appeal of the Staff decision approving the expansion of an existing, approximately 2,500 square foot restaurant from a single level restaurant to a multi-level restaurant, including an outside dining area, located within the Flower Hill Mall at 2690 Via De La Valle?

Staff Recommendation: Deny the appeal and uphold the staff decision to approve Coastal Development Permit No. 526179.

Community Planning Group Recommendation: On May 13, 2008 the Carmel Valley Community Planning Board (the adjacent planning area) voted 13-0-0 to support the project.

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA State Guidelines, Section 15301(e)(2) [Existing Facilities] and 15303(c) and (e) [New Construction or Conversion of Small Structures].

Fiscal Impact Statement: None, all processing costs are paid for by the applicant.

Code Enforcement Impact: There are no open code enforcement actions on this site.

Housing Impact Statement: No residential units are proposed or impacted by the

project.

BACKGROUND

The restaurant expansion, the subject of this appeal, is located at 2690 Via De La Valle in suites D-110 and D-210, of the 15.14 acre commercial/retail development site known as the Flower Hill Mall. The Flower Hill Mall was originally developed "by right" in 1974 at the northeast corner of the intersection of Interstate-5 and Via De La Valle in the previous CA zone. The original phased Flower Hill Mall development included retail and restaurant uses, a movie theater and a nursery. The original project also provided 661 onsite parking spaces. Since the original construction, the site has had many modifications. Today the Flower Hill Mall still contains similar uses as it did when constructed and which are allowed by the current CC-1-3 zone in the City of San Diego's General Plan; North City Local Coastal Program Land Use Plan, and Coastal Overlay (non-appealable) zone. The development currently provides a total of 787 onsite parking spaces. The site is surrounded by residential to the north, commercial development to the east and south, and Interstate 5 to the west.

The Paradise Grille originally applied for a construction permit for tenant improvements to expand the existing, approximately 2,500 square foot restaurant, from a single level restaurant to a multi-level restaurant including an outside dining area in Suites D-110 and D-210 of the shopping center. The building permit was approved in December 8, 2005, and the expansion was completed within the existing building, with the exception of the converted 2,700 square feet of existing court yard area into an outdoor patio dining area. However, the City later determined that the expansion required a Coastal Development Permit for the intensification of use and erred in prematurely issuing the construction permit. Subsequently, on June 20, 2006, the project was issued a Temporary Certificate of Occupancy for the project and allowed the applicant to process a Coastal Development Permit.

DISCUSSION

Project Description

As directed by Neighborhood Code Compliance, the owners of the Paradise Grille restaurant, applied for a Coastal Development Permit which was required for the restaurant expansion. The application was deemed complete on February 2, 2008. The application encompassed the improvements previously approved by the building permit. The improvements included the expansion of the existing 2,500 square foot restaurant to 6,800 square feet by adding 1,600 square feet of adjacent vacant retail space and the conversion of 2,700 square feet of existing interior court yard area to an outdoor patio area.

On September 11, 2008, the City published their Notice of Decision to approve the project's application for a Coastal Development Permit. On September 26, 2008, the decision to approve Coastal Development Permit was appealed by Even Kleber (Attachment).

Project Related Issues

During staff review of the project application, citizens concerned with potential parking issues at the shopping center contacted the City. The City requested that the applicant review the community concerns and provide an update to the project's Parking Study. The revised parking analysis revealed 47 excess parking spaces and again confirmed that the site provided adequate parking for the existing shopping center as well as the Paradise Grille expansion. Considering the expanded Paradise Grille has been in operation during the recent traffic analysis, the evaluations and conclusions confirm the City's position regarding parking and traffic issues related to this project. In addition, the draft permit prepared for the site includes Condition No. 11, requiring that all existing 787 spaces be maintained.

Environmental Analysis

During the course of staff's review both parking and other environmental impacts were analyzed. On February 29, 2008 the project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA State Guidelines, Section 15301(e)(2) [Existing Facilities] and 15303(c) and (e) [New Construction or Conversion of Small Structures]. This determination was made based specifically on the expansion of the existing restaurant and involved coordination with other review disciplines which confirmed the project scope and what, if any impacts would occur.

Community Plan Analysis:

The project site is located within the City of San Diego's General Plan and the North City Local Coastal Program Land Use Plan and is therefore subject to the goals and policies of these plans. This site is not located within any other Community Plan area.

The General Plan shows the project site is within the Commercial Employment, Retail, and Services land use category (page LU-13, Figure LU-2). The project site is also designated for commercial development within the North City Local Coastal Program (page 103).

A policy of the Economic Prosperity Element of the General Plan is to increase the vitality of commercial areas, and provide goods and services easily accessible to residents and promote community identity (page EP-14). The proposed restaurant expansion is consistent with the goals and objectives of both of the governing documents.

Appeal Issues:

On September 26, 2008, the decision to approve Coastal Development Permit 526179 was appealed (attachment). The following is a summary of the appeal reasons and staff's response.

Appeal Reason 1: *The City does not have authority to issue the Coastal Permit because it lacks jurisdiction, the area of development is outside the area for which the city has jurisdiction.*

Staff Response: The project is within the City of San Diego's Adopted General Plan and covered by the North City Local Coastal Program Land Use Plan, May 14, 1985.

Per Section 126.0702(a) of the San Diego Municipal Code, a Coastal Development Permit (CDP) issued by the City is required for all coastal development of a premise within the Coastal Overlay Zone, unless the project site lies completely within the Coastal Commission Permit Jurisdiction or the Deferred Certification Area as described in Section 126.0702(b).

The project site is located entirely within the Coastal Overlay Zone - *Non-Appealable Area 2*, as shown on Map No. C-730. The City of San Diego has historically issued permits for the site (*i.e.*, *Tentative Map Waiver No. 129590/CDP No. 134162*, and *CDP No. 99-1355*) and has Coastal Development jurisdiction of the subject project site.

Appeal Reason 2: *The project improperly increases the area of restaurant uses within the center beyond that which is permitted in the original center approval.*

Staff Response: The Flower Hill Mall was originally developed ministerially and does not contain a master permit which governs development on the site. All uses and development proposed for the site are regulated by the underlying CC-1-3 zone, which permits Eating and Drinking Establishments without the requirement of a development permit.

With a comprehensive site area of 15.14 acres (659,526 square feet), and based on a maximum Floor Area Ratio (FAR) of 0.75, the maximum permitted Gross Floor Area (GFA) on the premises is 494,644 square feet.

The proposed restaurant expansion would be limited to a 4,100 square-foot tenant improvement and the addition of 2,700 square feet of outdoor patio dining. The existing building footprint would not be affected by the proposed project. As such, the existing Gross Floor Area of 108,851 square feet would not be increased. Likewise, the existing FAR of the premises of approximately 0.17 would remain unaffected.

The proposed restaurant expansion is in compliance with the maximum Floor Area Ratio (FAR) of the CC-1-3 zone of 0.75, per SDMC Section 131.0531, Table 131-05E.

A building permit for the restaurant expansion was issued on December 8, 2005. The appellant is confusing the California Building Code and Land Development Code issues. The improvements and expansion of the Paradise Grille were analyzed by all appropriate staff and have been determined to be consistent with all regulatory requirements.

Appeal Reason 3: *The project improperly increases the area of restaurant uses within the center.*

Staff Response: Restaurant "Uses" are not restricted in this zone (CC-1-3) by the Land Development Code; however other circumstances may restrict various uses such as parking availability in the future without additional improvements.

Appeal Reason 4: *The project provides inadequate parking and when combined with other increased uses in the center, also provides inadequate parking.*

Staff Response: City staff have reviewed a detailed parking analysis. The parking study indicates that the Flower Hill Mall site provides adequate parking for the existing facility as well as the Paradise Grille expansion. The advantage of this particular analysis is that improvements to be analyzed are already in operation and therefore provide more accurate data. City staff also conducted field visits to the shopping center to confirm the conclusions of the analysis. City staff agrees with the parking analysis that the site currently provides adequate parking for the existing shopping center and the proposed Paradise grille expansion.

Appeal Reason 5: *The project will result in significant environmental impacts that have not been properly analyzed and the use of a categorical exemption is inappropriate because of the impacts related to air quality, parking and traffic. The exceptions to the exemptions require environmental review.*

Staff Response: The appeal application contends there will be significant environmental impacts, however it provides no factual, substantial evidence of significant and/or unmitigated impacts necessitating that additional review is merited. Staff has determined, through a "real time" parking study that the project does not result in significant traffic/parking impacts. Additionally the project does not meet the significance criteria for air quality impacts.

Appeal Reason 6: *Any prior determination of the appropriateness of the categorical exemption was premature, coming prior to the final plans and prior to the submission of parking studies.*

Staff Response: The parking study was reviewed by staff during the first project review cycle and determined a categorical exemption was the appropriate environmental document to be prepared in accordance with CEQA State Guidelines. No other potential significant impacts were identified during the Initial Study. Per the Parking study prepared by Linscott, Law & Greenspan, Engineers for the Paradise Grille project, dated August 22, 2006 and revised August 13, 2008, the proposed 740 parking spaces provided will adequately support the overall project site, of which the proposed project is a part of. On February 29, 2008 the project was determined to be categorically exempt from CEQA.

Appeal Reason 7: *The project application forms are incomplete.*

Staff Response: The required general application form and associated documents for the project have been deemed complete by the City on February 2, 2008.

Appeal Reason 8: *The original application and plans were misrepresented to the City, therefore no leniency, benefit of the doubt, or forgiveness should be granted in the consideration of the project.*

Staff Response: City staff relies upon the applicant to provide complete and accurate information regarding a proposed project. The City has not discovered any misrepresentation on the information provided.

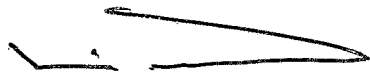
Conclusion:

Development Services staff has reviewed the Coastal Development Permit request and has determined that the expansion of the existing 2,500 square foot restaurant to 6,800 square feet by adding 1,600 square feet of adjacent vacant retail space and the conversion of 2,700 square feet of existing interior court yard area to outdoor patio is warranted. Further, the project has been reviewed by Environmental Staff and has been determined to have no environmental impacts. Therefore, staff recommends the Planning Commission deny the appeal and uphold the decision by Development Services Staff and approve Coastal Development Permit No. 526179.

ALTERNATIVE

1. **Deny** the appeal and approve Coastal Development Permit No. 526179.
2. **Approve** the appeal and deny Coastal Development Permit No. 526179.

Respectfully submitted,

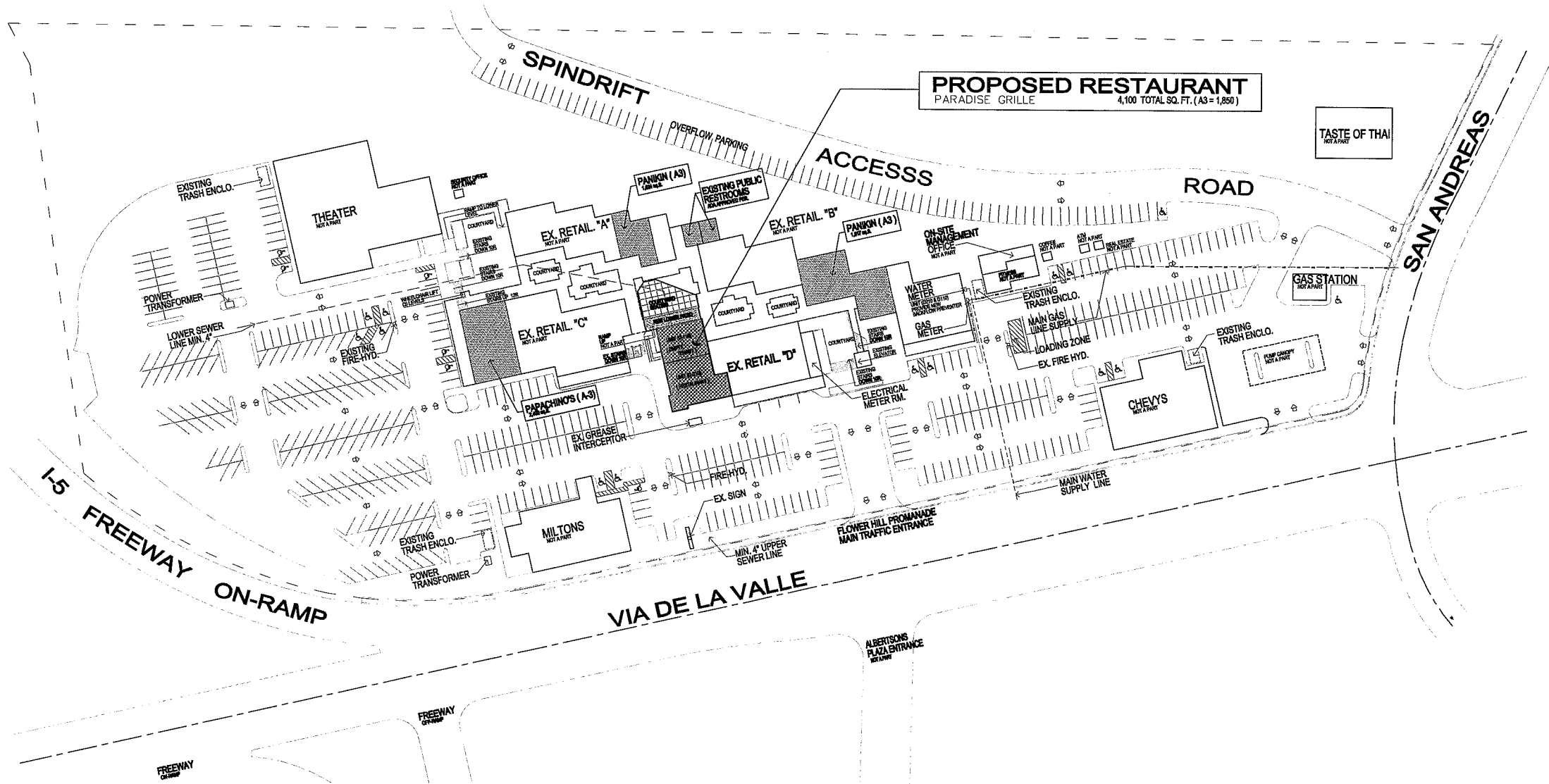


Mike Westlake
Program Manager
Development Services Department

Helene Deisher
Project Manager
Development Services Department

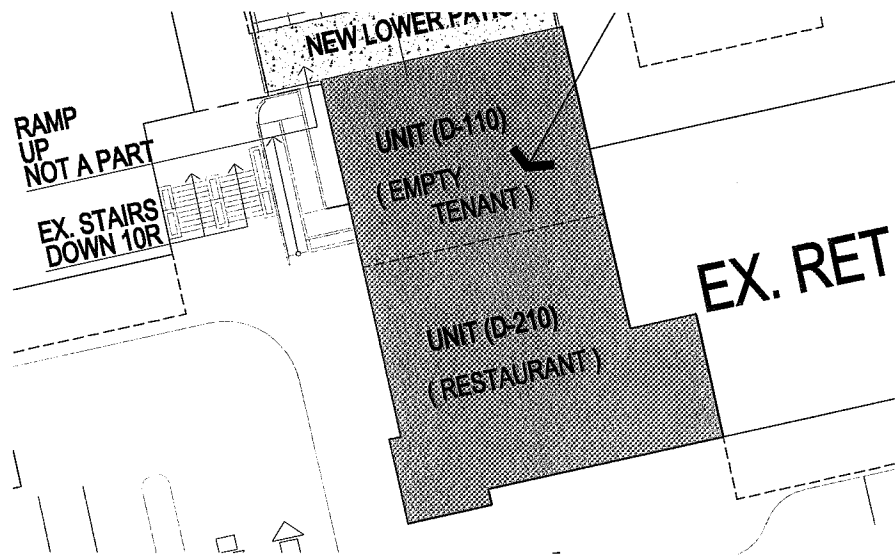
Attachments:

1. Aerial Photograph
2. Local Coastal Program Land Use Plan Map
3. Project Location Map
4. Project Data Sheet
5. General Plan Land Use and Street System
6. General Plan Land Use and Street System Area blow up
7. Project Site Plan (s)
8. Draft Permit with Conditions
9. Draft Resolution with Findings
10. Letter of Appeal
11. Ownership Disclosure Statement
12. Planning Group Recommendation
13. Site Photos
14. Chronology



PARADISE GRILLE SITE PLAN

1/64" = 1'-0"



PARADISE GRILLE ENLARGE AREA

1/16" = 1'-0"

SUMMARY OF REQUEST:

SCOPE OF WORK			CALIFORNIA BUILDING CODE DATA		
WE REQUEST A COASTAL DEVELOPMENT PERMIT TO RECONFIGURE EXISTING TENANT IMPROVEMENTS IN THE EXISTING BUILDING SPACES & ACCOMMODATE A NEW 4100 SQ. FT. SPLIT LEVEL RESTAURANT AND 2100 SQ. FT. OUTDOOR PATIO AREA.			TYPE OF CONSTRUCTION:	VN	SPRINKLERED: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
PROJECT TEAM			EXISTING BUILDING:	4100 SQ. FT.	
OWNER/PROPRIETOR:	CONNER & SHANA ADAIR 8223 STAGSBOACH PLACE SAN DIEGO, CALIFORNIA 92124 PH. 858-550-0808 FAX. 858-550-0804 CONTACT: CONNER	RESTAURANT DESIGNER: DAVID ROBINSON DESIGN 5697 LA JOLLA BLVD. LA JOLLA, CA 92037 PH. 858-494-4106 FAX. 858-494-4106 CONTACT: DAVID	CIVIL/STRUCTURAL ENGINEERS: BJO POKAY ROAD # 310 POWAY, CA 92058 PH. 858-494-0404 FAX. 858-494-0404 CONTACT: ALEX	NUMBER OF STORIES: 2 (SPLIT LEVEL)	
BUILDING DESIGN: CHRIS ROBINSON DESIGN 894 VIVA COURT SOLANA BEACH, CA 92075 PH. 858-422-2018 FAX. 858-254-2001 CONTACT: CHRIS	ELECTRICAL/MECHANICAL/PLUMBING DESIGN: PEDRO MEDINA & ASSOC. 651 VERNON WAY EL CAJON, CA 92020 PH. 619-447-0482 FAX. 619-447-2181 CONTACT: JULIAN	FOOD SERVICE DESIGN: ORNESS DESIGN GROUP 5555 MIRAMESA BLVD SAN DIEGO, CA 92121 PH. 858-451-5565 FAX. 858-451-5560 CONTACT: KEN	BUILDING HEIGHT: 24' MAX.		
CONSULTANT ARCHITECT: SCOTT BERNET ARCHITECTS 2031 SECOND AVENUE SAN DIEGO, CA 92101			GOVERNING CODES: 2001 CBC, CBC, CFC, CMC, CPG, 2001 EBS, CCR TITLE 14		
LEGAL DESCRIPTION			TYPE "A" BUILDING: FLOWER HILL PROMENADE/SHOPPING CENTER		
PARCEL 1 OF PARCEL MAP NO. 1418, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDER, JUNE 9, 1974 (S.A. 260-2750 VIA DE LA VALLE, DEL MAR, CA 92014)			BUILDING TOTAL FLOOR AREA PER CBC 805.2 = 45,050		
A.P.N.: 248-440-17			ALLOWABLE # OF TOTAL AREA (10% x 45,050) = 4,505		
OWNERS INFORMATION			EXISTING AS OCCUPANCIES: 2650 VIA DE LA VALLE (PARACHINOS) 2,400		
OWNER: CONNER & SHANA ADAIR 8223 STAGSBOACH PLACE SAN DIEGO, CALIFORNIA 92124			2610 VIA DE LA VALLE (PANAKIN) 1,624		
PROJECT ADDRESS: 2690 VIA DE LA VALLE (SUITE D-210) SAN DIEGO, DEL MAR, CALIFORNIA 92014			2110 VIA DE LA VALLE (TONY ROMA'S) 1,511		
PARKING REQUIREMENTS			INCLUDING ADDITION (FP# A010601-85) 9,541		
PER LDR - TRANSPORTATION DEV / JIM LONGQUIST.			EXISTING (AS) TOTAL 13,911		
1- PER THE PARKING STUDY PREPARED BY LINSOTT, LAM & GREENSPAN, ENGINEERS FOR THE PARADISE GRILLE PROJECT, DATED AUGUST 22, 2008, THE PROPOSED 740 PARKING SPACES PROVIDED WILL ADEQUATELY SUPPORT THE OVERALL PROJECT SITE OF WHICH THE PROPOSED PROJECT IS A PART OF.			PROPOSED AS OCCUPANCY: 2690 VIA DE LA VALLE (PARADISE GRILLE) 1,850		
2- TRANSPORTATION DEVELOPMENT STAFF HAS REVIEWED THE SUBJECT PROJECT, AND ASSOCIATED PARKING STUDY PREPARED BY LINSOTT, LAM & GREENSPAN, ENGINEERS. STAFF HAS NO FURTHER COMMENTS AT THIS TIME.			NEW TOTAL AS OCCUPANCY (AS) = 12911 + 1810 + 45050 = 45050 OK		
OWNERS INFORMATION			RESTAURANT AREA		
OWNER: CONNER & SHANA ADAIR 8223 STAGSBOACH PLACE SAN DIEGO, CALIFORNIA 92124			PARADISE GRILLE	TOTAL	NET FOR DINING
PROJECT ADDRESS: 2690 VIA DE LA VALLE (SUITE D-210) SAN DIEGO, DEL MAR, CALIFORNIA 92014			SQUARE FOOTAGE OF UPPER LEVEL INTERIOR TENANT SPACE(S): (D 210)	1,400	650
PARKING REQUIREMENTS			TOTAL UPPER LEVEL KITCHEN AREA	1,100	
PER LDR - TRANSPORTATION DEV / JIM LONGQUIST.			SQUARE FOOTAGE OF LOWER LEVEL INTERIOR TENANT SPACE(S): (D 110)	1,500	1,000
1- PER THE PARKING STUDY PREPARED BY LINSOTT, LAM & GREENSPAN, ENGINEERS FOR THE PARADISE GRILLE PROJECT, DATED AUGUST 22, 2008, THE PROPOSED 740 PARKING SPACES PROVIDED WILL ADEQUATELY SUPPORT THE OVERALL PROJECT SITE OF WHICH THE PROPOSED PROJECT IS A PART OF.			TOTAL INTERIOR NET FOR DINING (SPLIT-LEVEL)		1,650
2- TRANSPORTATION DEVELOPMENT STAFF HAS REVIEWED THE SUBJECT PROJECT, AND ASSOCIATED PARKING STUDY PREPARED BY LINSOTT, LAM & GREENSPAN, ENGINEERS. STAFF HAS NO FURTHER COMMENTS AT THIS TIME.			INTERIOR SPACE TOTAL	4,100	
			OUTDOOR PATIO AREA	2,100	
			TOTAL RESTAURANT	6,200	

Scott Bernet Architects

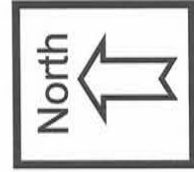
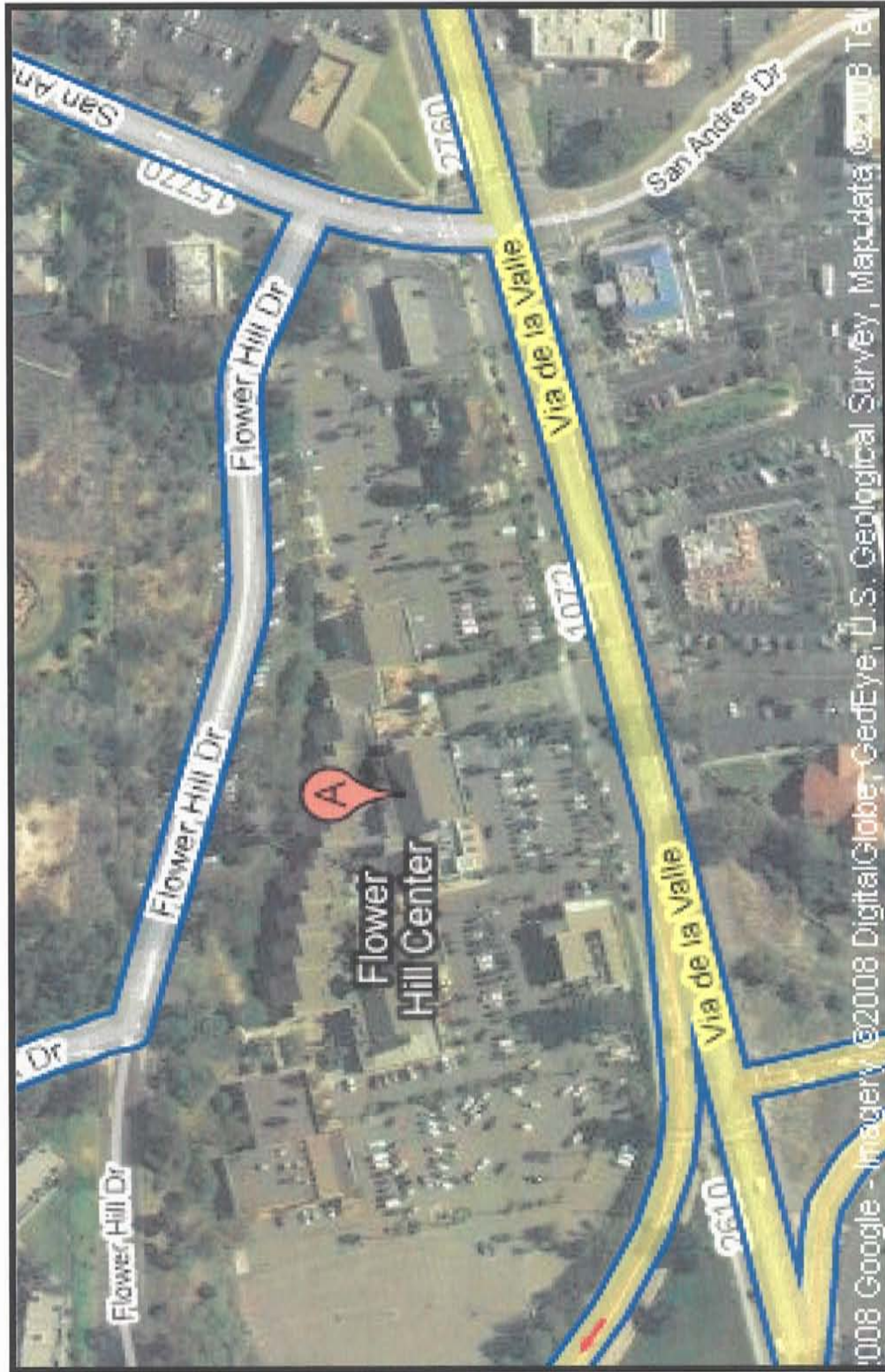
A Professional Corporation
2031 Second Ave., San Diego, CA 92101 619.237.9433 fax 619.237.9489

PARADISE GRILLE RESTAURANT

2690 VIA DE LA VALLE (SUITE D-210)
SAN DIEGO, DEL MAR, CA. 92014



PROJECT: PARADISE GRILLE
DATE: 03-17-08
DRAWN BY: LUIS LOPEZ
SHEET NUMBER: A1
TITLE SHEET 1 OF 4

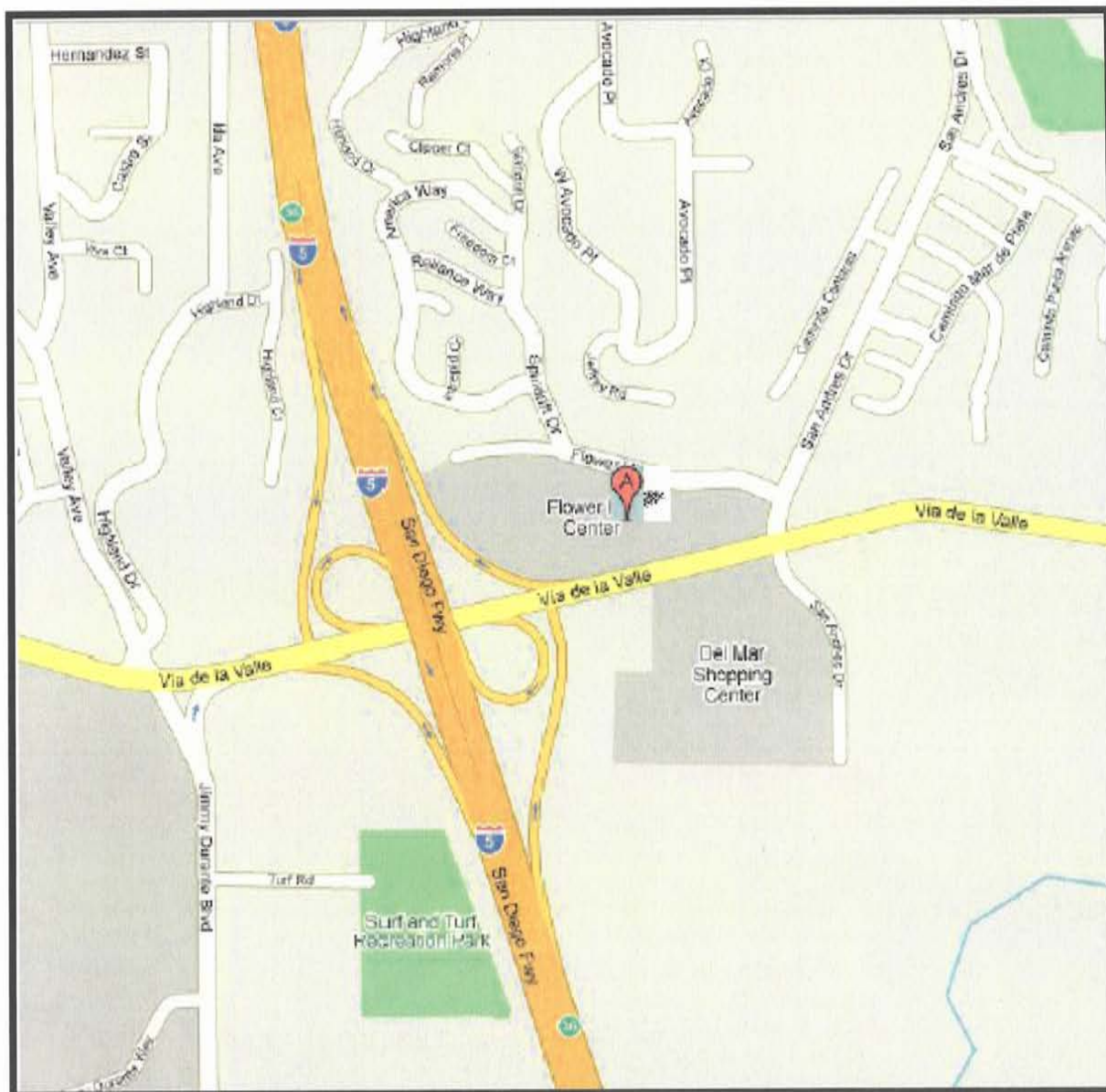


Aerial Photo

APPEAL PARADISE GRILLE- PROJECT NO. 149335

2690 Via De La Valle



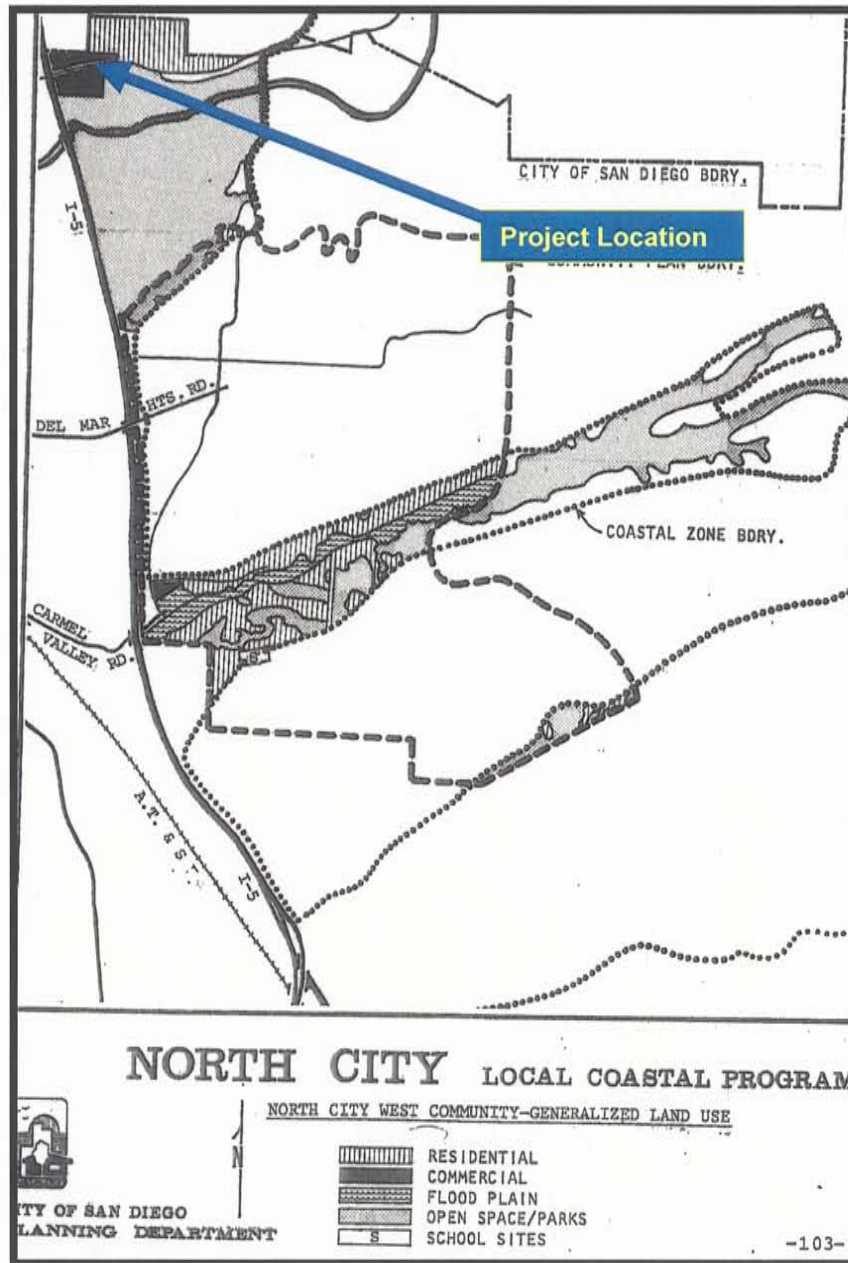


Project Location

APPEAL PARADISE GRILLE- PROJECT NO. 149335

2690 Via De La Valle





Local Coastal Program Land Use Map

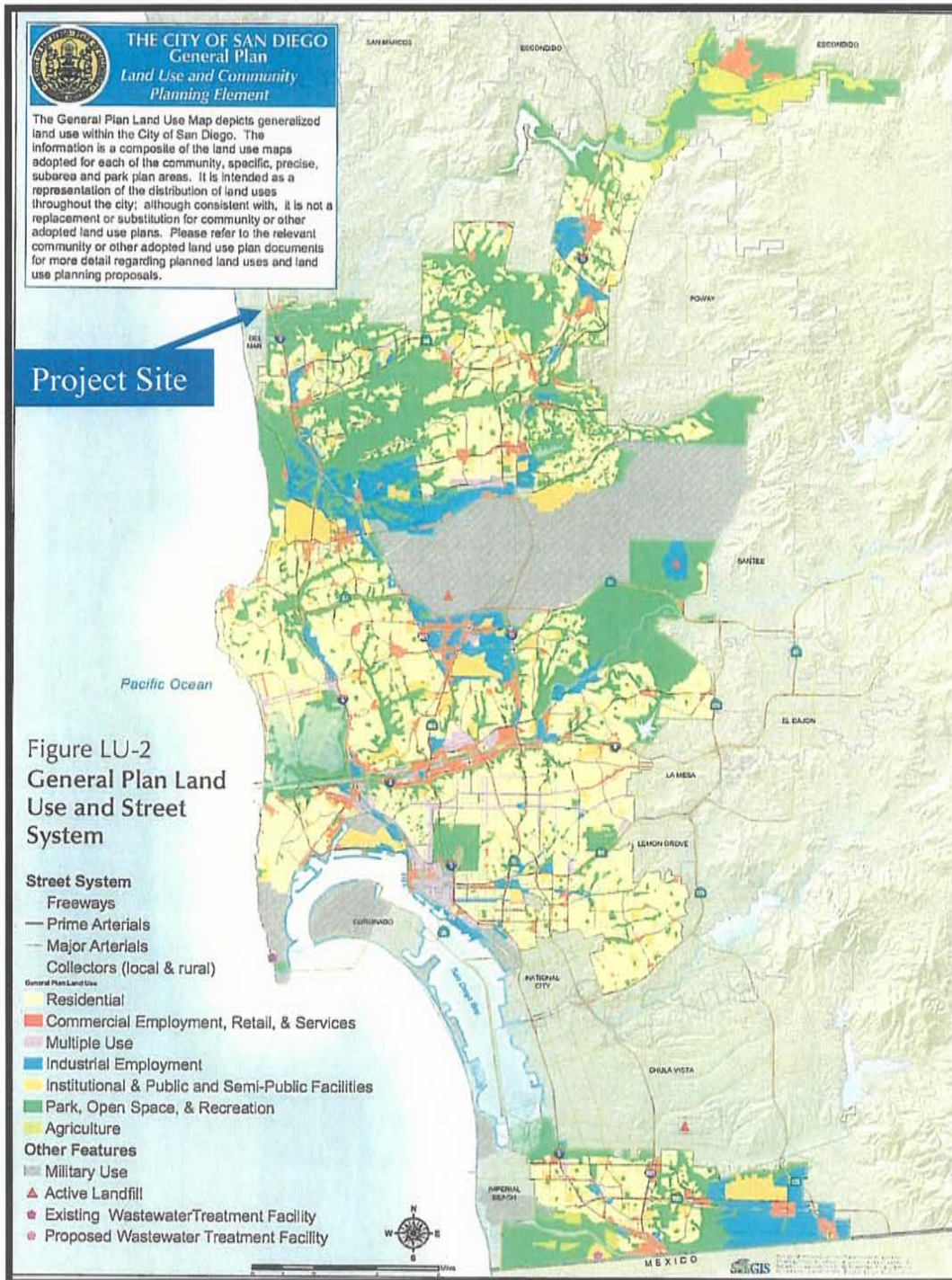
APPEAL PARADISE GRILLE- PROJECT NO. 149335

2690 Via De La Valle

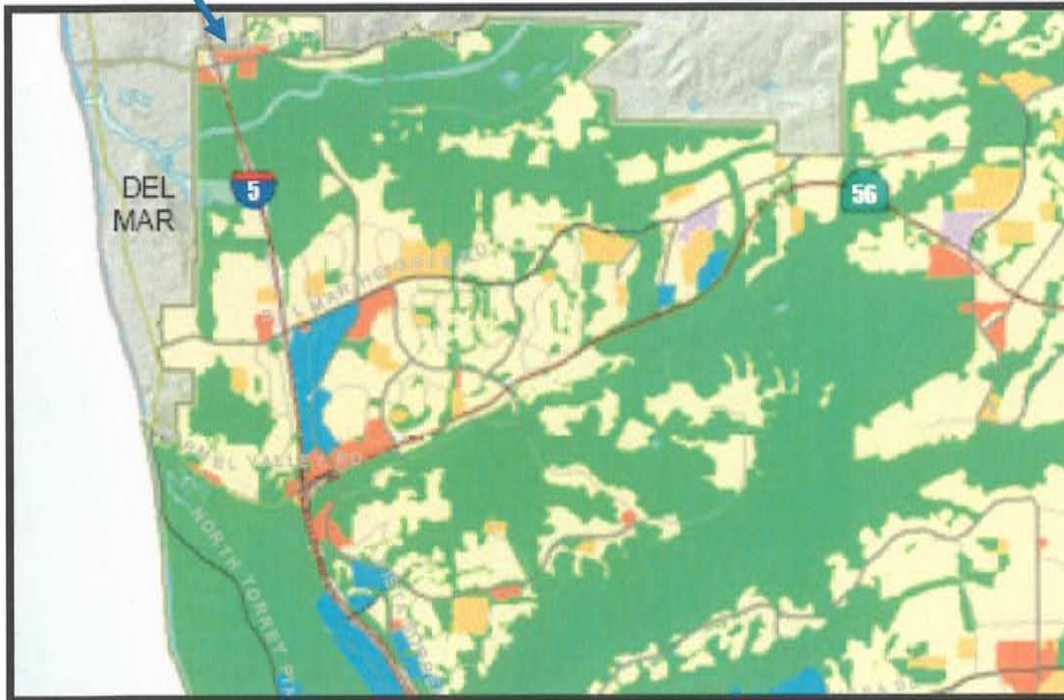


PROJECT DATA SHEET

PROJECT NAME:	Project No. 149335 – Paradise Grille	
PROJECT DESCRIPTION:	Expansion of an existing 2,500 square foot restaurant, to result in 4,100 square foot restaurant with 2,700 square feet patio dining	
COMMUNITY PLAN AREA:	none	
DISCRETIONARY ACTIONS:	Coastal Development Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	Commercial, per North City Local Coastal Program & General Plan	
	<u>REQUIRED:</u>	<u>PROPOSED:</u>
ZONE:	CC-1-3	CC-1-3
DENSITY:	--	--
HEIGHT LIMIT:	45-feet	Existing not affected
LOT SIZE:	15.14 ac (659,526 s.f.)	Existing not affected
FLOOR AREA RATIO:	0.75 (494,644 s.f.)	0.17 (108,851 s.f.)
FRONT SETBACK:	No max/min.	Existing not affected
SIDE SETBACK:	10' min (0' optional)	Existing not affected
STREETSIDE SETBACK:	No max/min.	Existing not affected
REAR SETBACK:	10' min (0' optional)	Existing not affected
PARKING:	661 spaces	787 spaces
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Low-Med Density Residential ; RS-1-13	Single Family Residential
SOUTH:	Commercial; CC-1-3	Commercial
EAST:	Commercial; CC-1-3	Commercial
WEST:	Open Space; AR-1-1	Caltrans Right of Way (I-5)
DEVIATIONS OR VARIANCES REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On May 13, 2008 the Carmel Valley Community Planning Board (the adjacent planning area) voted 13-0-0 to support the project.	



Project Site



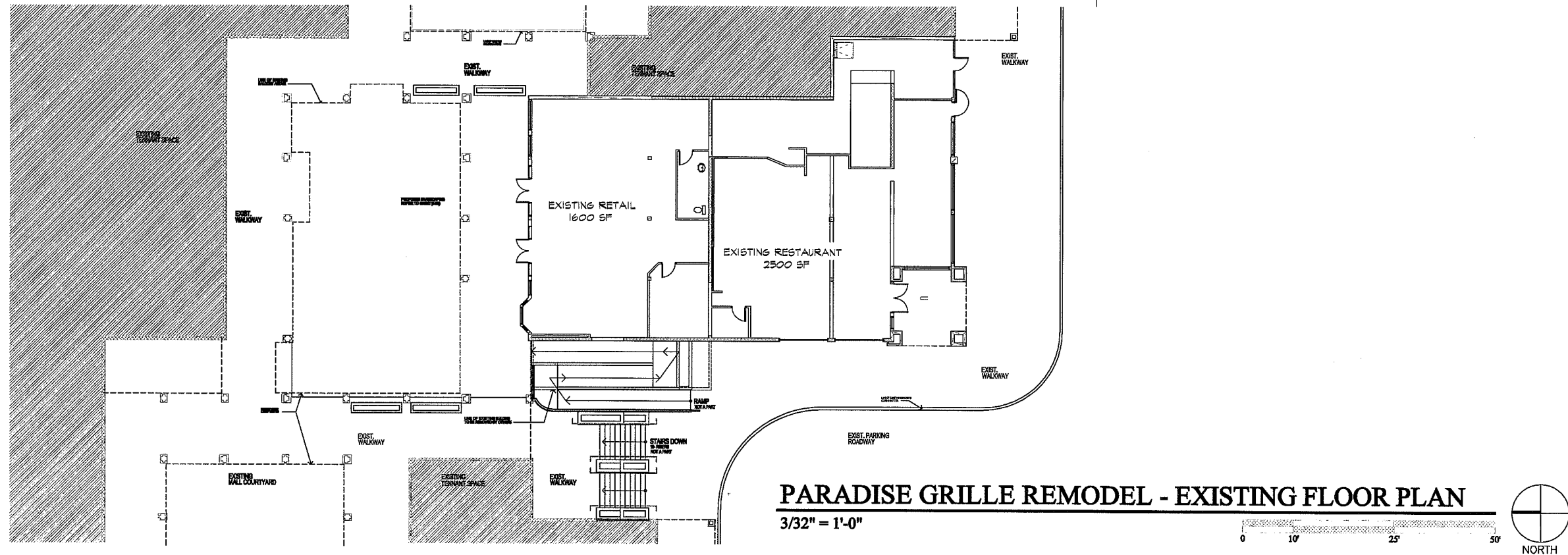
General Plan Land Use and Street System

Area Blow-up Page 13

APPEAL PARADISE GRILLE- PROJECT NO. 149335

2690 Via De La Valle





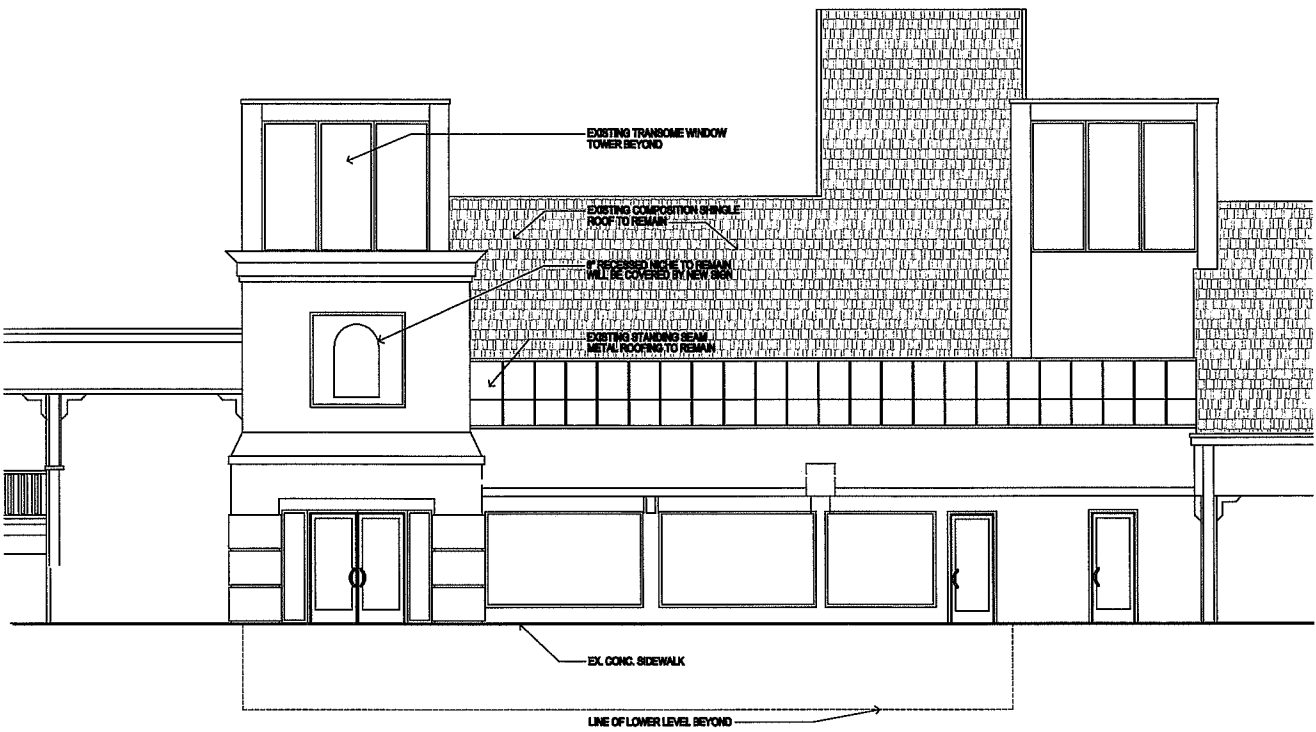
EXTERIOR MODIFICATIONS :
NO CHANGE TO BUILDING
FOOTPRINT OR HEIGHT
WINDOW AND DOOR MODIFICATIONS
IN EXISTING EXTERIOR WALLS
AS SHOWN.



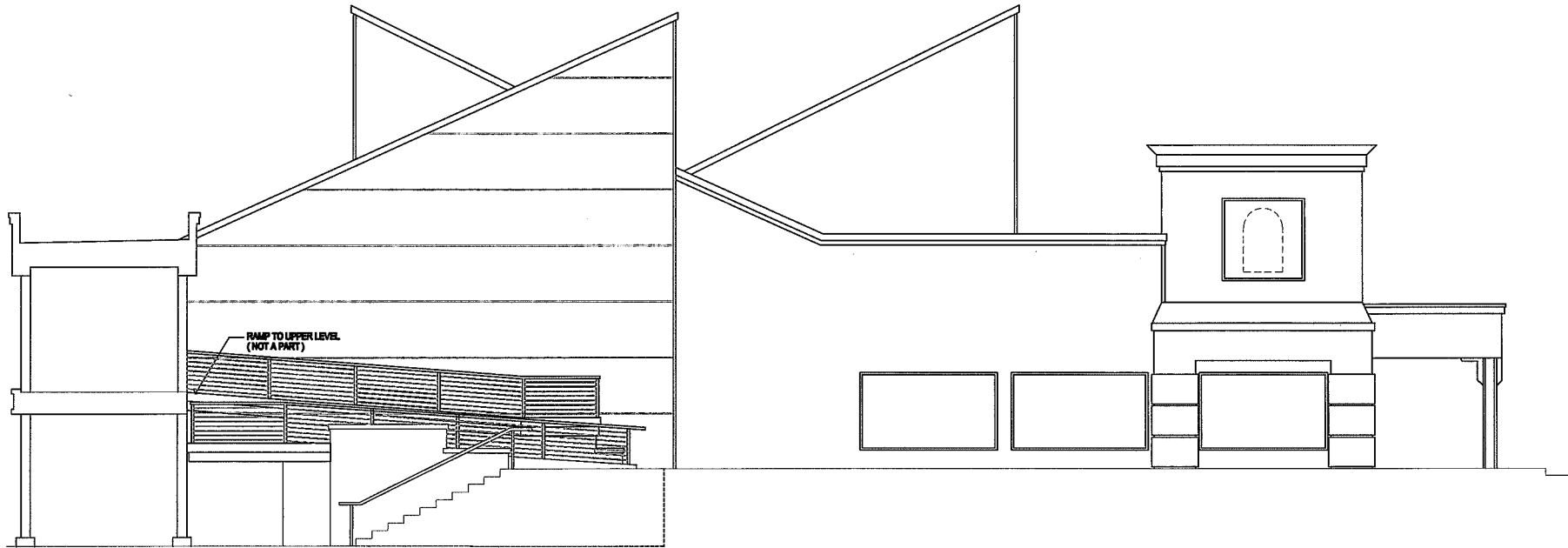
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NORTH



SOUTH



WEST

PARADISE GRILLE REMODEL - EXISTING ELEVATIONS

3/16" = 1'-0"



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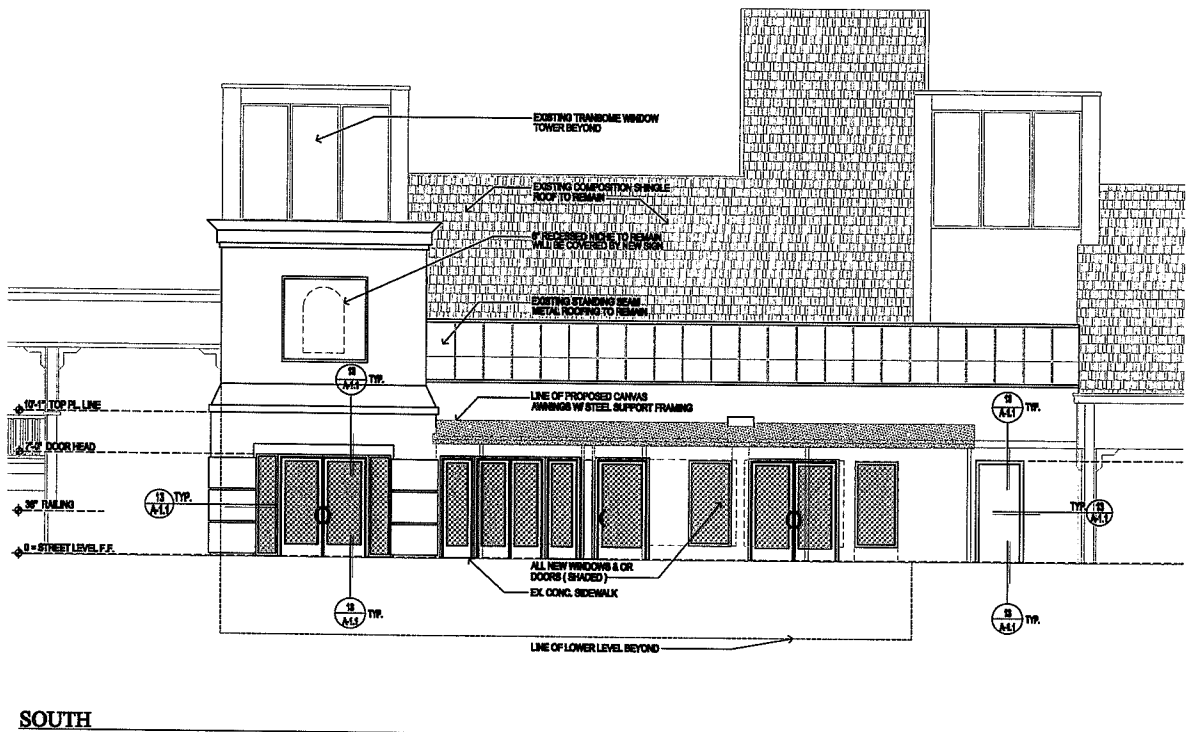
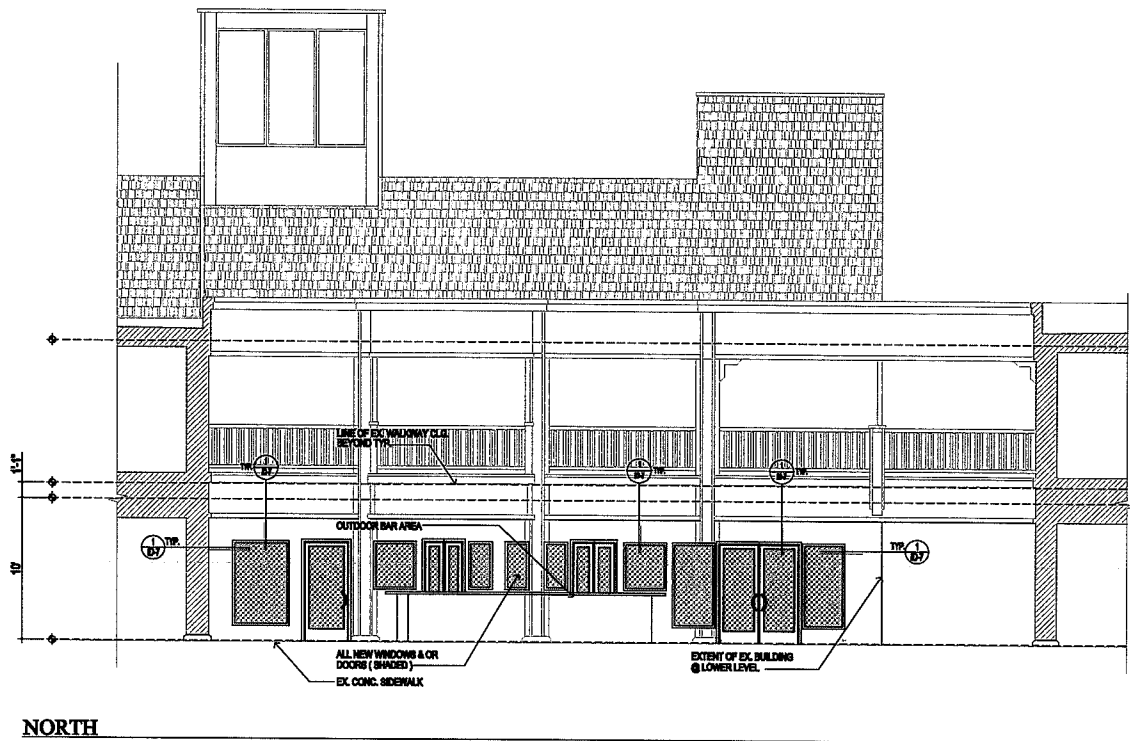
PARADISE GRILLE
RESTAURANT
2690 VIA DE LA VALLE (SUITE D-210)
SAN DIEGO, DEL MAR, CA. 92014

REVISIONS:



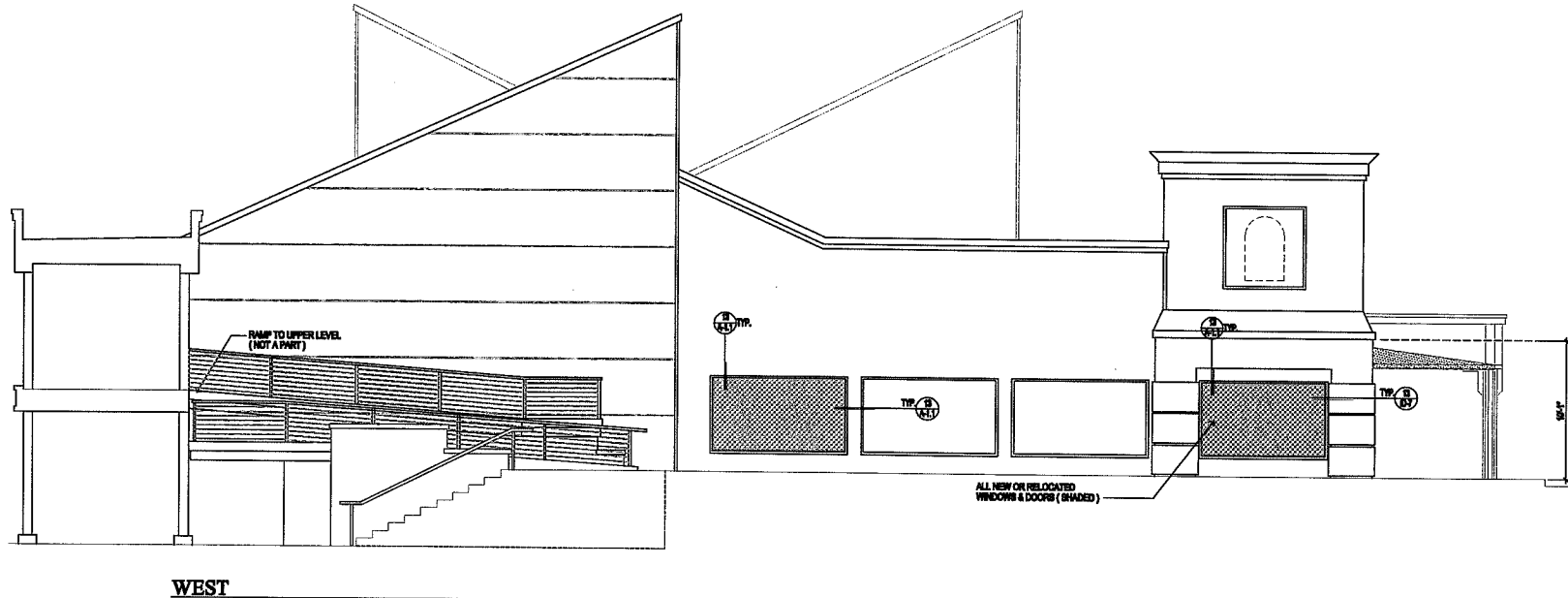
PROJECT: PARADISE GRILLE
DATE: 03-17-08
PROJECT
MANAGER: LUIS HOEZ
SHEET NUMBER:
A3
EXISTING ELEVATION
3 OF 4

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EXTERIOR MODIFICATIONS :

NO CHANGE TO BUILDING
FOOTPRINT OR HEIGHT
WINDOW AND DOOR MODIFICATIONS
IN EXISTING EXTERIOR WALLS
AS SHOWN.



PARADISE GRILLE REMODEL - NEW ELEVATIONS

3/16" = 1'-0"



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2031 Second Ave., San Diego, CA 92101 619/237-9433 fax 619/237-9499

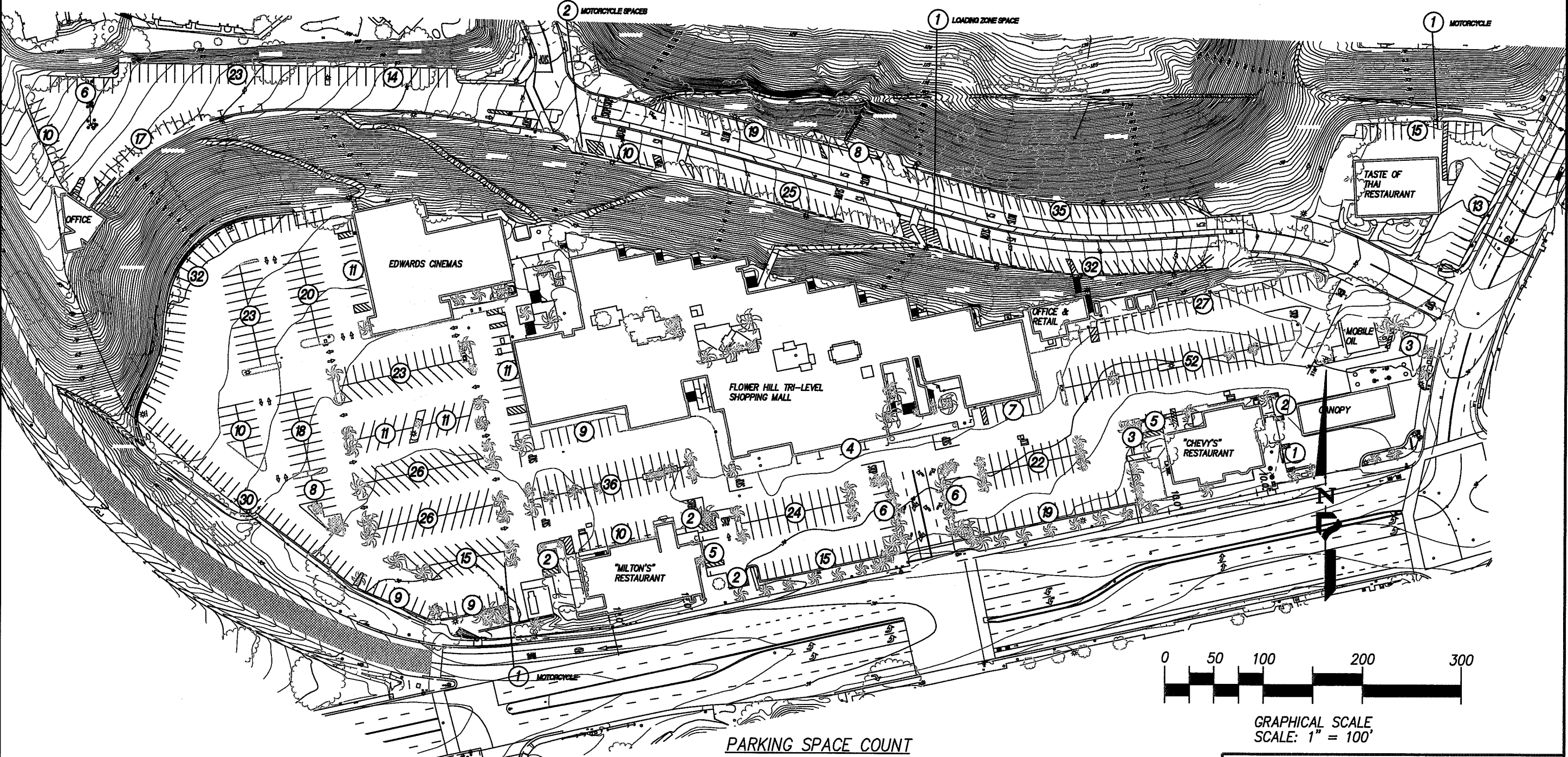
PARADISE GRILLE
RESTAURANT

2690 VIA DE LA VALLE (SUITE D-210)
SAN DIEGO, DEL MAR, CA 92014

REVISIONS:



PROJECT: PARADISE GRILLE
DATE: 03-17-08
PROJECT
MANAGER: LUIS Hdez
SHEET NUMBER:
A4
NEW ELEVATIONS
4 OF 4



LEGEND

ⓧ NUMBER OF SPACES IN BAY

PARKING SPACE COUNT

781	SPACES—GENERAL PARKING	21
6	SPACES—MOBIL GAS STATION	1
787	TOTAL	22 HANDICAPPED (INCLUDED IN TOTAL PARKING COUNT)

GRAPHICAL SCALE
SCALE: 1" = 100'

**FLOWER HILL MALL
PARKING SPACE COUNT**
2008-02-5



PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Environmental | Engineering | Survey

701 B Street, Suite 900
San Diego, CA 92101
619.238.9071 Tel
619.234.0349 Fax

VERIFIED 02/08/2008

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 43-0270

COASTAL DEVELOPMENT PERMIT NO. 526179
PARADISE GRILLE PROJECT NO. 149335
PLANNING COMMISSION

This Coastal Development Permit No.526179 is granted by the Development Services Department of the City of San Diego to PROTEA FLOWER HILL MALL, L.L.C., A CALIFORNIA LIMITED LIABILITY COMPANY, Owner, and PARADISE GRILLE INC., Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0701. The 15.14 acre site is located at 2690 Via De La Valle, Suites D-110 and D-210, CC-1-3 zone(s) in the City's General Plan. The project site is legally described as Parcel 1 of Parcel Map No. 7413.

Subject to the terms and conditions set forth in this Permit, permission is granted to PROTEA FLOWER HILL MALL, L.L.C., A CALIFORNIA LIMITED LIABILITY COMPANY, Owner, and PARADISE GRILLE INC., Permittee to expand an existing, approximately 2,500 square foot restaurant from a single level restaurant to a multi-level restaurant, including an outside dining area described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated August 29, 2008, on file in the Development Services Department.

The project shall include:

- a. Expansion of an approximately 2,500 square foot restaurant from a single level restaurant with an outside patio dining area. Conversion of an existing vacant retail space (approximately 1,600 square feet) from retail use to restaurant use and the addition of a patio dining area (approximately 2,700 square feet) to be located on the lower level adjacent to the converted retail space. The total area of Paradise Grille Suites D-110 and D-210 shall be 6,800 square feet.
- b. Off-street parking within the existing shopping center area; and

- c. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit 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.
2. No certificate of final occupancy described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.
4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the 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 modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

8. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. 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 applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant 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, applicant 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 applicant 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 applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

PLANNING/DESIGN REQUIREMENTS:

11. No fewer than 787 off-street parking spaces shall be permanently maintained on the property by the Owner including disabled/accessible spaces, motorcycle and loading space in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the Development Services Department.

12. Including the Paradise Grille, the existing shopping center shall not exceed 42,379 square feet of restaurant uses unless an amendment to this permit allowing the additional restaurant use is obtained by the Owner.

13. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

14. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

15. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.
- This development may be subject to impact fees at the time of construction permit issuance.
- This project was approved by Development Services on September 11, 2008 with Resolution No. CM-5995 and appealed to the Planning Commission
-

APPROVED by the Planning Commission of the City of San Diego on December 11, 2008, Resolution No. XXXX.

Coastal Development Permit No. 526179
Date of Approval: September 11, 2008

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

Helene Deisher
Development Project Manager

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

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

[PROTEA FLOWER HILL MALL, LLC]
OWNER

By _____
NAME
TITLE

[PARADISE GRILLE INC.]
Permittee

By _____
NAME
TITLE

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

PLANNING COMMISSION RESOLUTION NO.XXX
COASTAL DEVELOPMENT PERMIT NO. 526179
PARADISE GRILLE PROJECT NO. 149335

WHEREAS, PROTEA FLOWER HILL MALL, L.L.C., A CALIFORNIA LIMITED LIABILITY COMPANY, Owner, and PARADISE GRILLE INC., Permittee, filed an application with the City of San Diego for a permit to expand an existing, approximately 2,500 square foot restaurant, from a single level restaurant to a multi-level restaurant including an outside dining area (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 526179), on portions of a 15.14 acre site;

WHEREAS, the project site is located at 2690 Via De La Valle, Suites D-110 and D-210 in the CC-1-3 zone, within the City's General Plan;

WHEREAS, the project site is legally described as Parcel 1 of Parcel Map No. 7413;

WHEREAS, on August 29, 2008, the Development Services Department of the City of San Diego considered Coastal Development Permit No. 526179 pursuant to the Land Development Code of the City of San Diego and approved the permit;

WHEREAS Evan V. Kleber, on September 26, 2008, appealed staff's decision to the Planning Commission;

WHEREAS, the matter was for public hearing on December 11, 2008, testimony having been heard, evidence having been submitted, and the Planning Commission of the City of San Diego having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission that it adopts the following written Findings, with respect to Coastal Development Permit No. 526179.

FINDINGS: Coastal Development Permit - Section 126.0708

1. The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.

The proposed development is for a Coastal Development Permit to expand an existing, approximately 2,500 square foot restaurant, from a single level restaurant to a multi-level restaurant including an outside dining area is located at 2690 Via De La Valle, Suites D-110 and D-210 in the CC-1-3 zone, within the City's General Plan. The existing restaurant is in an existing shopping center which has been in operation for over 20 years. The development proposes to expand an existing 2,500 square foot restaurant by adding to the restaurant 1,600 square feet of adjacent vacant retail space. The expansion will be done completely within the existing building. The proposed development will also convert 2,700 square feet of existing interior court yard area to outdoor patio dining. The proposed development is located approximately 1-1/4 miles east of the Pacific Ocean coastline 1/2 mile north of the San Diegoito

River and will not encroach upon any existing or proposed physical access to the coast and will not have any affect on any public views to or along the ocean or the river.

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

The proposed development is for a Coastal Development Permit to expand an existing, approximately 2,500 square foot restaurant, from a single level restaurant to a multi-level restaurant including an outside dining area is located at 2690 Via De La Valle, Suites D-110 and D-210 in the CC-1-3 zone, within the City's General Plan. In as much as the proposed development is the conversion of existing retail and interior court yard space, it does not have the potential to cause a significant impact on the environment or adversely affect environmentally sensitive lands. As there are no environmentally sensitive lands present on the site. Furthermore, the proposed development is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA State Guidelines, Section 15301(e)(2) [Existing Facilities] and 15303(c) and (e) [New Construction or Conversion of Small Structures]. Therefore, the proposed coastal development will not adversely affect environmentally sensitive lands.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

The proposed development is for a Coastal Development Permit to expand an existing, approximately 2,500 square foot restaurant, from a single level restaurant to a multi-level restaurant including an outside dining area is located at 2690 Via De La Valle, Suites D-110 and D-210 in the CC-1-3 zone, within the City's General Plan. In accordance with the Local Coastal Program Policies listed in the Via De La Valle Specific Plan, the proposed development preserves the current character of the community and does not affect any public view or access to the ocean since it involves the conversion of existing retail and interior court yard space. The proposed development does not impact the surrounding natural landforms or native vegetation since the development does not propose the construction of any new buildings. There are no adverse impacts on coastal access as evidenced by the proposed development's parking study which found adequate on-site parking for the existing uses at the shopping center, including the proposed development. Therefore, the proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone, the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The proposed development is for a Coastal Development Permit to expand an existing, approximately 2,500 square foot restaurant, from a single level restaurant to a multi-level restaurant including an outside dining area is located at 2690 Via De La Valle, Suites D-110 and D-210 in the CC-1-3 zone, within the City's General Plan. The proposed development is within an existing shopping center that has been in operation for over 20 years and is located within a well established urbanized area. The proposed development is located approximately 1-1/4 miles east of the Pacific Ocean coastline 1/2 mile north of the San Dieguito River area and does not involve any development between the first public road and the sea shoreline or river frontage. There are no identified public access and public recreation areas on the project site nor will these resources be impaired by the proposed restaurant expansion. The proposed

ATTACHMENT 9

project will have no affect upon the access or recreational policies of the Coastal Act. Therefore, the proposed project is in conformance with the policies of the California Coastal Act.


BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Development Services Department, Coastal Development Permit No. 526179 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 526179 a copy of which is attached hereto and made a part hereof.

Helene Deisher
Development Project Manager
Development Services

Adopted on: December 11, 2008

Job Order No. 43-0270

cc: Legislative Recorder, Development Services Department

 THE CITY OF SAN DIEGO	City of San Diego Development Services 1222 First Ave. 3rd Floor San Diego, CA 92101 (619) 446-5210	Development Permit/ Environmental Determination Appeal Application <div style="font-size: 2em; opacity: 0.5; transform: rotate(-15deg); position: absolute; top: 10px; left: 10px;">RECEIVED</div>	FORM DS-3031 MARCH 2007
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See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

- ☒ Process Two Decision - Appeal to Planning Commission
☐ Process Three Decision - Appeal to Planning Commission
☐ Process Four Decision - Appeal to City Council
- SEP 26 2008
- ☐ Environmental Determination - Appeal to City Council
☐ Appeal of a Hearing Officer Decision to revoke a permit

DEVELOPMENT SERVICES

2. Appellant Please check one ☐ Applicant ☐ Officially recognized Planning Committee ☐ "Interested Person" (Per M.C. Sec. 113.0103)

Name
Evan V. Kleber

Address 3023 Caminito Sagunto	City Del Mar	State CA	Zip Code 92014	Telephone 858-720-8020
----------------------------------	-----------------	-------------	-------------------	---------------------------

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

Paradise Grille, Inc. Project # 149335

4. Project Information

Permit/Environmental Determination & Permit/Document No.: Project 149335/ Job Order # 43-0270/ CDP# 526179	Date of Decision/Determination: September 11, 2008	City Project Manager: Helene Deisher
---	---	---

Decision (describe the permit/approval decision):
Approval of application for Coastal Development Permit No 526179, Job Order No. 43-0270, including the environmental determination and all associated approvals.

5. Grounds for Appeal (Please check all that apply)

- | | |
|--|--|
| <input type="checkbox"/> Factual Error (Process Three and Four decisions only) | <input type="checkbox"/> New Information (Process Three and Four decisions only) |
| <input type="checkbox"/> Conflict with other matters (Process Three and Four decisions only) | <input type="checkbox"/> City-wide Significance (Process Four decisions only) |
| <input type="checkbox"/> Findings Not Supported (Process Three and Four decisions only) | |

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

1. The City does not have the authority to issue the Coastal Permit because it lacks jurisdiction, the area of the development is outside the area for which the City has jurisdiction.
2. The project improperly increases the amount of commercial area in the center beyond that which was permitted in the original center approval.
3. The project improperly increases the area of restaurant uses within the center.
4. The project provides inadequate parking and when combined with other increased uses in the center, also provides inadequate parking.
5. The project will result in significant environmental impacts that have not been properly analyzed and the use of a categorical exemption is inappropriate because of the impacts related to air quality, parking and traffic. The exceptions to the exemptions require environmental review.
6. Any prior determination of the appropriateness of a categorical exemption was premature, coming prior to the submission of the final plans and prior to the submission of parking studies.
7. The project application forms are incomplete.
8. The original application and plans were intentionally misrepresented to the City, therefore no leniency, benefit of the doubt, or forgiveness should be granted in the consideration of this project.

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

Signature: _____

Date: _____

9/26/08

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.



THE CITY OF SAN DIEGO

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

Ownership Disclosure Statement

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

Project Title

Paradise Grille

Project No. For City Use Only

149335

Project Address:

2690 Villa De La Valle, Suite D-110, D-210, Del Mar, CA 92014

Part I - To be completed when property is held by Individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached ☐ Yes ☒ No

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

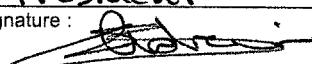
Project Title: Paradise Grille	Project No. (For City Use Only)
--	--

Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

☒ Corporation
 ☐ Limited Liability -or-
 ☐ General) What State? CA
 Corporate Identification No. C2738099
☐ Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property.. Please list below the names, titles and addresses of **all** persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. 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. **Additional pages attached** ☒ Yes ☐ No

Corporate/Partnership Name (type or print): Paradise Grille, Inc. <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Tenant/Lessee Street Address: 2690 Villa De La Valle, D-110, D-210 City/State/Zip: Del Mar, CA 92014 Phone No: (858) 350-0808 Fax No: (858) 350-0809 Name of Corporate Officer/Partner (type or print): <u>Conor Adair</u> Title (type or print): <u>President</u> Signature :  Date: <u>12/17/2007</u>	Corporate/Partnership Name (type or print): <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: City/State/Zip: Phone No: Fax No: Name of Corporate Officer/Partner (type or print): Title (type or print): Signature : Date:
Corporate/Partnership Name (type or print): <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: City/State/Zip: Phone No: Fax No: Name of Corporate Officer/Partner (type or print): Title (type or print): Signature : Date:	Corporate/Partnership Name (type or print): <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: City/State/Zip: Phone No: Fax No: Name of Corporate Officer/Partner (type or print): Title (type or print): Signature : Date:
Corporate/Partnership Name (type or print): <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: City/State/Zip: Phone No: Fax No: Name of Corporate Officer/Partner (type or print): Title (type or print): Signature : Date:	Corporate/Partnership Name (type or print): <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: City/State/Zip: Phone No: Fax No: Name of Corporate Officer/Partner (type or print): Title (type or print): Signature : Date:



THE CITY OF SAN DIEGO

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

Ownership Disclosure Statement

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

Project Title

PARADISE GRILLE RESTAURANT

Project No. For City Use Only

Project Address:

2690 VIA DE LA VALLE STE #D110 & D210
DEL MAR, CA 92014

Part I - To be completed when property is held by individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached ☐ Yes ☐ No

Name of individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

Name of individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

Name of individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

Name of individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

This information is available in alternative formats for persons with disabilities.
Be sure to see us on the World Wide Web at www.sandiego.gov/development-services
DS-318 (5-05)

Project Title: PARADISE GRILLE RESTAURANT		Project No. (For City Use Only):	
Part II - To be completed when property is held by a corporation or partnership			
Legal Status (please check): <input checked="" type="checkbox"/> Corporation <input checked="" type="checkbox"/> Limited Liability or <input type="checkbox"/> General) What State? CA Corporate Identification No. 820561695 <input type="checkbox"/> Partnership			
<p>By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, including all partners in a partnership who own the property. A signature is required of at least one of the corporate officers or partners who own the property. 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. Additional pages attached <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>			
Corporate/Partnership Name (type or print): PROTEA FLOWER HILL HALL, LLC		Corporate/Partnership Name (type or print):	
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee		<input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee	
Street Address: 3252 HOLIDAY COURT SUITE 224		Street Address:	
City/State/Zip: LA JOLLA, CA 92037		City/State/Zip:	
Phone No: 858.457.5593		Phone No:	
Fax No: 858.457.5689		Fax No:	
Name of Corporate Officer/Partner (type or print): HOWARD SCHACHAT		Name of Corporate Officer/Partner (type or print):	
Title (type or print): VICE PRESIDENT & SECRETARY		Title (type or print):	
Signature: Schachat		Signature:	
Date: 5/9/06		Date:	
Corporate/Partnership Name (type or print):		Corporate/Partnership Name (type or print):	
<input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee		<input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee	
Street Address:		Street Address:	
City/State/Zip:		City/State/Zip:	
Phone No:		Phone No:	
Fax No:		Fax No:	
Name of Corporate Officer/Partner (type or print):		Name of Corporate Officer/Partner (type or print):	
Title (type or print):		Title (type or print):	
Signature:		Signature:	
Date:		Date:	
Corporate/Partnership Name (type or print):		Corporate/Partnership Name (type or print):	
<input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee		<input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee	
Street Address:		Street Address:	
City/State/Zip:		City/State/Zip:	
Phone No:		Phone No:	
Fax No:		Fax No:	
Name of Corporate Officer/Partner (type or print):		Name of Corporate Officer/Partner (type or print):	
Title (type or print):		Title (type or print):	
Signature:		Signature:	
Date:		Date:	

CARMEL VALLEY COMMUNITY PLANNING BOARD
c/o MNA CONSULTING
427 C St., Ste. 308
San Diego, CA 92101
619-239-9877 x11 / Fax: 619-239-9878

May 18, 2008

Tim Daly, Project Manager
City of San Diego
Development Services Department
1222 First Avenue, MS 301
San Diego, CA 92101

SUBJECT: Paradise Grille
Project No. 149335

Dear Tim:

The Carmel Valley Community Planning Board considered the aforementioned project on May 13, 2008 and supported the project with a vote of 13-0-0 with two (2) board members recused.

Sincerely,
Carmel Valley Community Planning Board,

Frisco White, AIA, Chair

cc: Bernie Turgeon
Conor Adair

PARADISE GRILLE

2690 Via De La Valle Ste. D210
Del Mar, CA 92014





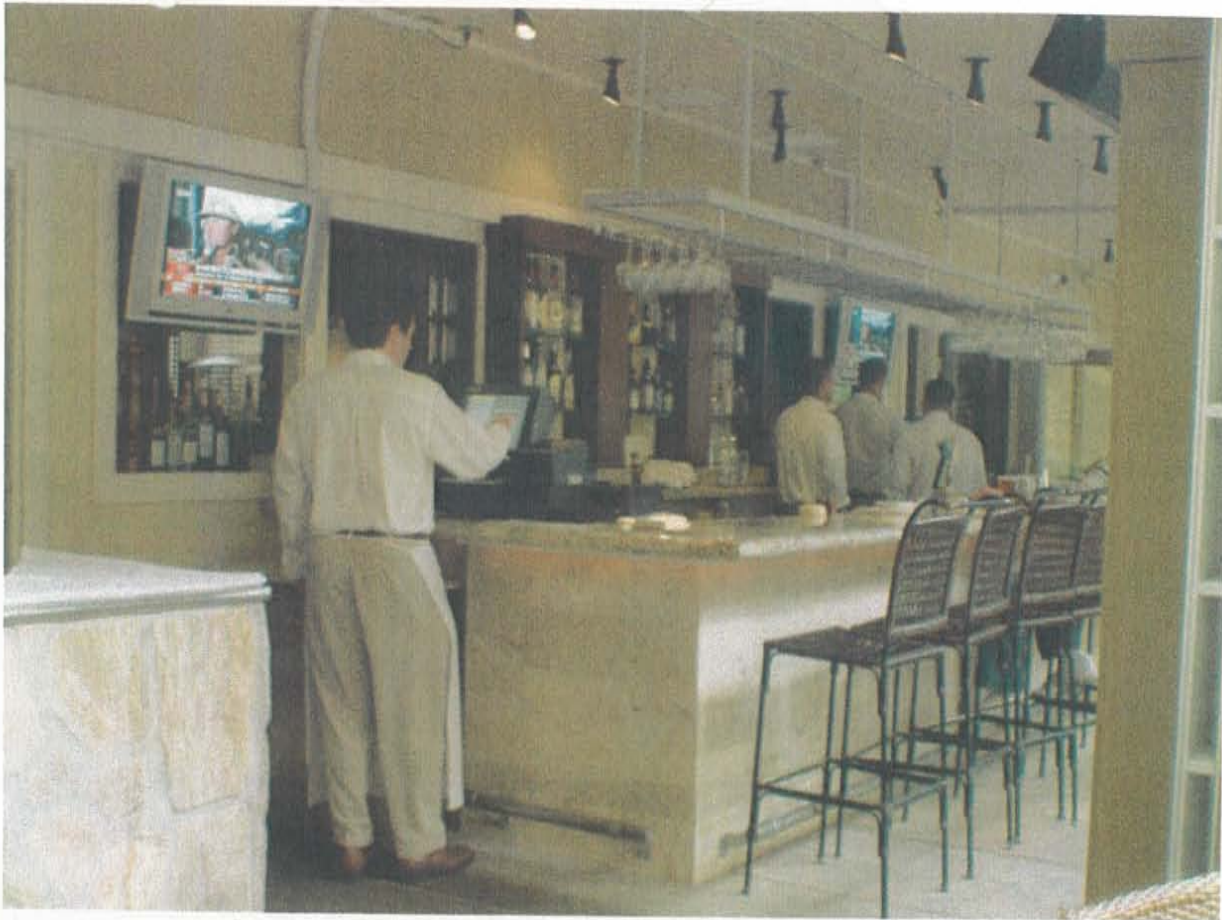




OUTDOOR FULL SERVICE PATIO BAR

PROTECTED AT NIGHT BY FULLY ENCLOSING SECURITY SCREEN





OUTDOOR FIREPIT & TABLE



DEVELOPMENT SERVICES DEPARTMENT
PROJECT CHRONOLOGY
Paradise Grille Project No. 149335

Date	Action	Description	City Review Time (Working Days)	Applicant Response
2-4-08	First Submittal	Project Deemed Complete	-	-
2/4/08	First Review and Assessment Letter 3/4/08		29	
4/14/08	Second Submittal	No letter comments sent via e-mail 5/5/08	21	41
7/22/08	Third Submittal	Transportation extend review	24	78
9/11/08	Review Issues Resolved	Staff approval of project	27	
9/26/08	Project appealed	Scheduled Hearing	76	
TOTAL STAFF TIME		(Does not include weekends, City Holidays or City Furlough)	227	
TOTAL APPLICANT TIME		(Does not include weekends, City Holidays or City Furlough)		119
TOTAL PROJECT RUNNING TIME		From Deemed Complete to Planning Commission Hearing	346	