



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: April 23, 2015 REPORT NO. PC-15-048

ATTENTION: Planning Commission, Agenda of April 30, 2015

SUBJECT: BACI'S & LUCE'S EXPANSION - PROJECT NO. 362564
PROCESS FOUR

OWNER/
APPLICANT: PIETRO D'AMATO, TRUSTEE OF THE PIETRO D'AMATO TRUST:
Pietro D'Amato Sole Officer/ Tony D'Amato - Applicant

SUMMARY

Issue: Should the Planning Commission approve an expansion of an existing restaurant into adjacent tenant space with a deviation to allow the sales of intoxicating beverages other than beer and wine within the expanded area for a site located at 1955 Morena Boulevard in the Clairemont Mesa Community Planning area?

Staff Recommendation(s): APPROVE Planned Development Permit No. 1466581 with conditions.

Community Planning Group Recommendation: The Clairemont Community Planning Group voted on June 9, 2014 to recommend approval of the project by a vote of 9-1-0 with concerns. On July 15, 2014, the group voted 8-3-0 to reconsider the item due to inadequate noticing of the June 2014 meeting. At their July 15, 2014 meeting, the reconsideration of the June 2014 vote was heard. The group voted 10-1-0 to approve the project with no conditions on July 15, 2014 (Attachment 9).

Environmental Review: The project was determined to be exempt from the California Environmental Quality Act (CEQA) Section 15301 (e), (Existing Facilities). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on September 19, 2014, and the opportunity to appeal that determination ended October 3, 2014.

Fiscal Impact Statement: None with this action. All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: None with this action.

BACKGROUND

The project proposes to construct a 912-square-foot expansion into adjacent tenant space for an existing 2,900-square-foot restaurant space resulting in a total of 3,812 square feet. The project requires a deviation to allow the sales of intoxicating beverages (distilled spirits) other than beer and wine within the expanded area where currently, the CN-1-2 zone allows the sales of beer and wine only within an eating and drinking establishment. The existing restaurant use has existed at the site since 1982 with a Type 47 Alcohol Beverage Control license (general license) which permits distilled spirits, beer and wine sales for on-site consumption.

The site is located at 1955 Morena Boulevard at the southeast intersection of Morena Boulevard and Ashton Street and is designated as Neighborhood Commercial within the Clairemont Mesa Community Planning area. The site is developed with one 3,812-square-foot building consisting of two restaurants, "Baci's" and "Luce's", each with its own separate entrance and, a vacant tenant space which contained a recently vacated jewelry store. The two restaurants total 2,900-square feet and share a common kitchen and storage facilities, with interior access between both restaurants for employees only. The 912-square-foot adjoining tenant space proposed for the expansion is adjacent to Luce's restaurant. The subject premise is comprised of Lots 241, 242 and 243 of Bay Park Village Map No. 2209. The site contains five (5) parking spaces for the restaurant use, including an accessible space.

Surrounding developments are zoned CN-1-2, RM or RS and developed with a mix of uses. Sites fronting Morena Boulevard consist of multi-family developments and a salon. Existing development on the south side of Ashton Street include a dance studio, restaurant, and grocery store. Across Ashton Street to the north is a fast food restaurant, office use and fire station. The immediate vicinity to the east is primarily residential (Attachments 1-3).

In December 2005, the City Council approved an amendment to the Clairemont Mesa Community Plan to allow supplemental commercial parking on developed residential lots for existing commercial uses in the immediate vicinity through the issuance of a Planned Development Permit in order to alleviate the parking shortage for small businesses in the area. In May 2007, Planned Development Permit Project No. 94178 was approved by the Planning Commission to allow 27 off-site parking spaces at the rear of residential lots owned by the applicant for the sole use of Baci's and Luce's restaurants (Attachment 6).

In 2012, Development Services staff approved a Process 2 Neighborhood Use Permit (NDP) Project No. 271795, for the subject property (Lots 241, 242 and 243) to allow the expansion of a previously conforming use (Baci's restaurant serving distilled spirits) into adjacent tenant space (existing flower shop) where the CN-1-2 zone does not permit the sale of intoxicating beverages other than beer and wine at an eating and drinking establishment. At that time, staff categorized the request as an NDP for an expansion to a previously conforming use due to the existing sales of distilled spirits. With the current proposal, staff determined that the request to expand the restaurant use is more appropriately categorized as a deviation to a development regulation and not an expansion of a previously conforming use. The Clairemont Mesa Community Planning Group recommended approval of the NDP Project No. 271794 and no appeals were filed. The existing 2,900-square-foot restaurant use containing Baci's and Luci's restaurants is consistent with this previous approval (Attachment 7).

DISCUSSION

Project Description/Analysis:

The proposed expansion would provide an additional 410 square feet of dining area for Luce's patrons (seating approximately 25 additional patrons) and 502 square feet of additional storage areas for both restaurants, and new restroom facilities for Luce's. The existing 912-square-foot tenant space where the expansion would occur is adjacent to Luce's restaurant fronting on Ashton Street. The requested deviation would allow intoxicating beverages other than beer and wine to be served within the new dining area. The project complies with all other applicable regulations of the zone including parking, setbacks, floor area ratio, and coverage. No new construction is proposed other than tenant improvements. As conditioned by the Permit, project implementation requires public right-of-way improvements including upgrades to the alley entrance at the rear to current ADA standards and reconstruction of damaged portions of the alley along the site's alley frontage.

The project site provides five on-site parking spaces that are not to current standards but are previously conforming. The project requires a total of 7 parking spaces pursuant to Land Development Code Section No. 142.0540 for small commercial lots which requires a minimum of one space per ten feet of alley frontage, minus one space, on lots which are 10,000 square feet or less, outside of the beach impact area, and, that existed before January 1, 2000. Pursuant to this code section, the site's parking requirement is based upon these factors not the square footage of the structure. The proposed project does not trigger additional parking. Planned Development Permit Project No. 94178 provides for a total of 27 off-site parking spaces for the subject premises. The development exceeds the parking requirement.

The requested deviation is minor in scope and would allow for the same product type, distilled spirits, to be offered to patrons within the expanded dining area. The project would maintain the existing restaurant use at this site which is an allowable use in the CN-1-2 zone and as recommended in the Clairemont Mesa Community Plan. As the CN-1-2 zone limits the type of alcoholic beverages which may be consumed on the premises to beer and wine only, additional permit conditions are imposed on the expansion to ensure that the restaurant use will maintain its standing as the primary use of the premises (greater than 50 percent of sales devoted to food items).

Community Planning Group Vote

The Clairemont Community Planning Group voted on June 9, 2014 to recommend approval of the project by a vote of 9-1-0 with concerns. The concerns identified were parking standards and the need for a staff traffic evaluation. Staff response is that a parking analysis was conducted for the project during project review which concluded that the expansion did not warrant further traffic analysis. On July 15, 2014, the group voted 8-3-0 to reconsider the item due to inadequate noticing of the June 2014 meeting. At their July 15, 2014 meeting, the reconsideration of the June 2014 vote was heard. The group voted 10-1-0 to approve the project with no conditions on July 15, 2014 (Attachment 9).

Conclusion:

City staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. Staff has determined that the findings can be supported as offered for consideration in Attachment 4. City staff is recommending approval of the project.

ALTERNATIVES:

1. **Approve** Planned Development Permit No. 1466581, **with modifications.**
2. **Deny** Planned Development Permit No. 1466581, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake
Assistant Deputy Director
Development Services Department



Sandra Teasley, Project Manager
Development Services Department

VACCHI/SMT

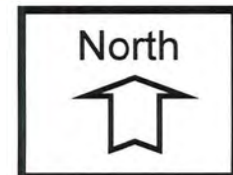
Attachments:

1. Aerial Photograph/Site Photograph
2. Community Plan Land Use Map/Surrounding Uses/Zone Map
3. Project Location Map
4. Draft Permit Resolution with Findings
5. Draft Permit with Conditions
6. Planned Development Permit Project No. 94178 (Recorded Copy) and Exhibit A
7. Neighborhood Development Permit Project No. 271795 (Recorded Copy) and Exhibit A
8. Environmental Exemption
9. Community Planning Group Recommendation
10. Project Plans

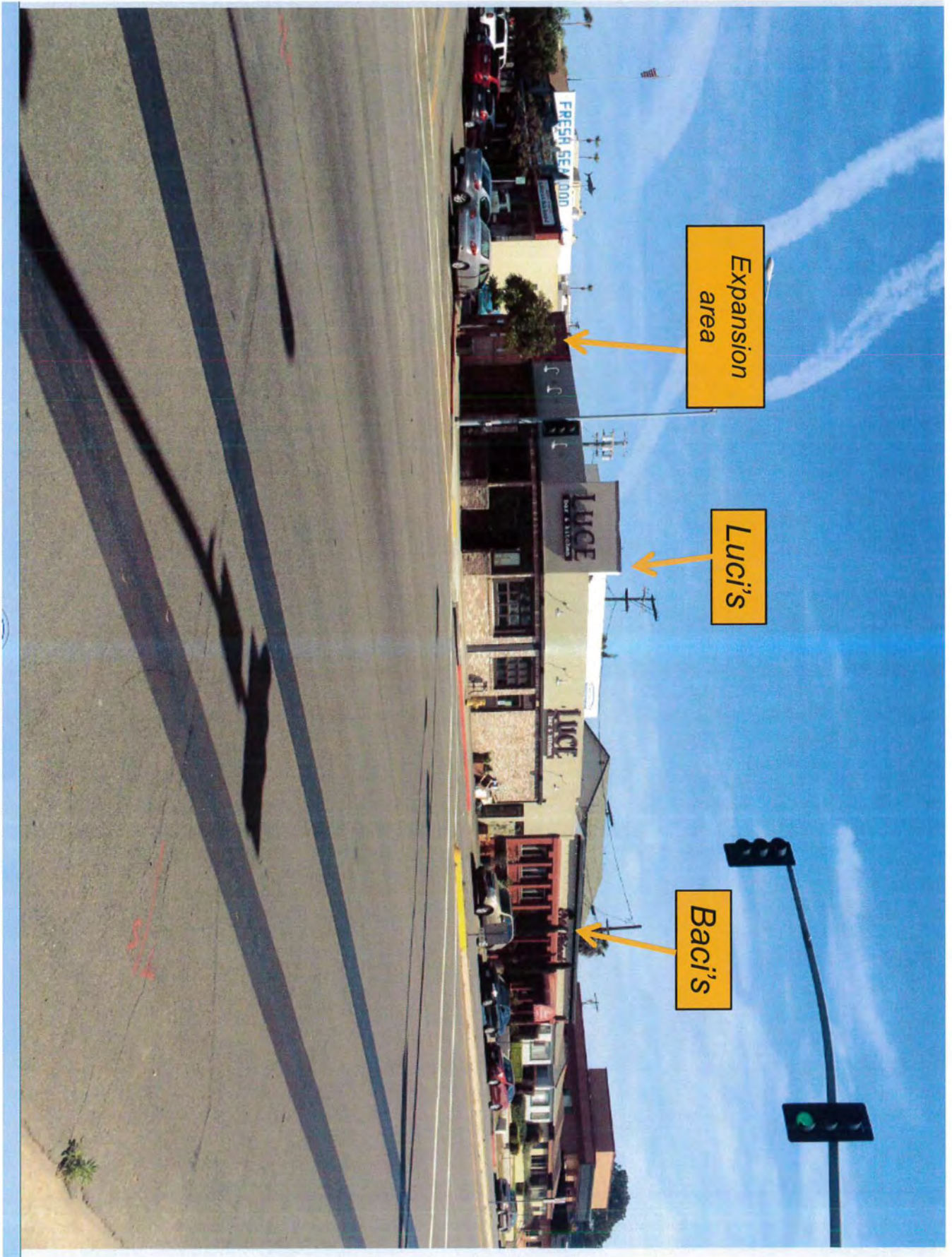


Location Aerial Photo

BACI'S-LUCE'S EXPANSION – 1955 MORENA BLVD
PROJECT NO. 362564



Attachment 1a Site Photograph Street View

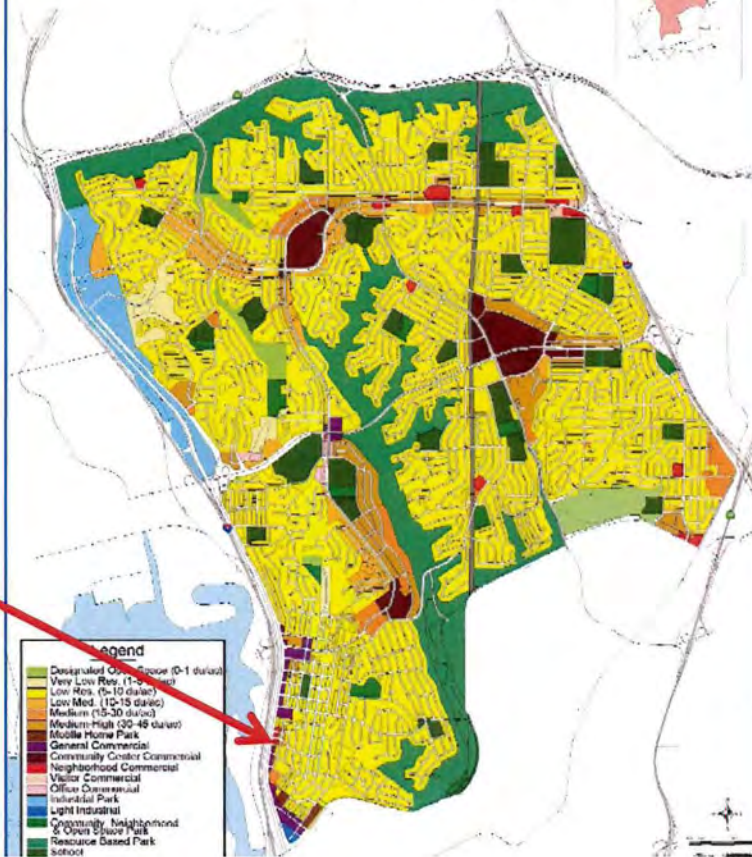


Clairemont Mesa Community Plan Land Use

Vicinity Map



Subject Site



Land Use Map

Baci's/Luce's Expansion - 1955 Morena Blvd

PROJECT NO. 362564

North

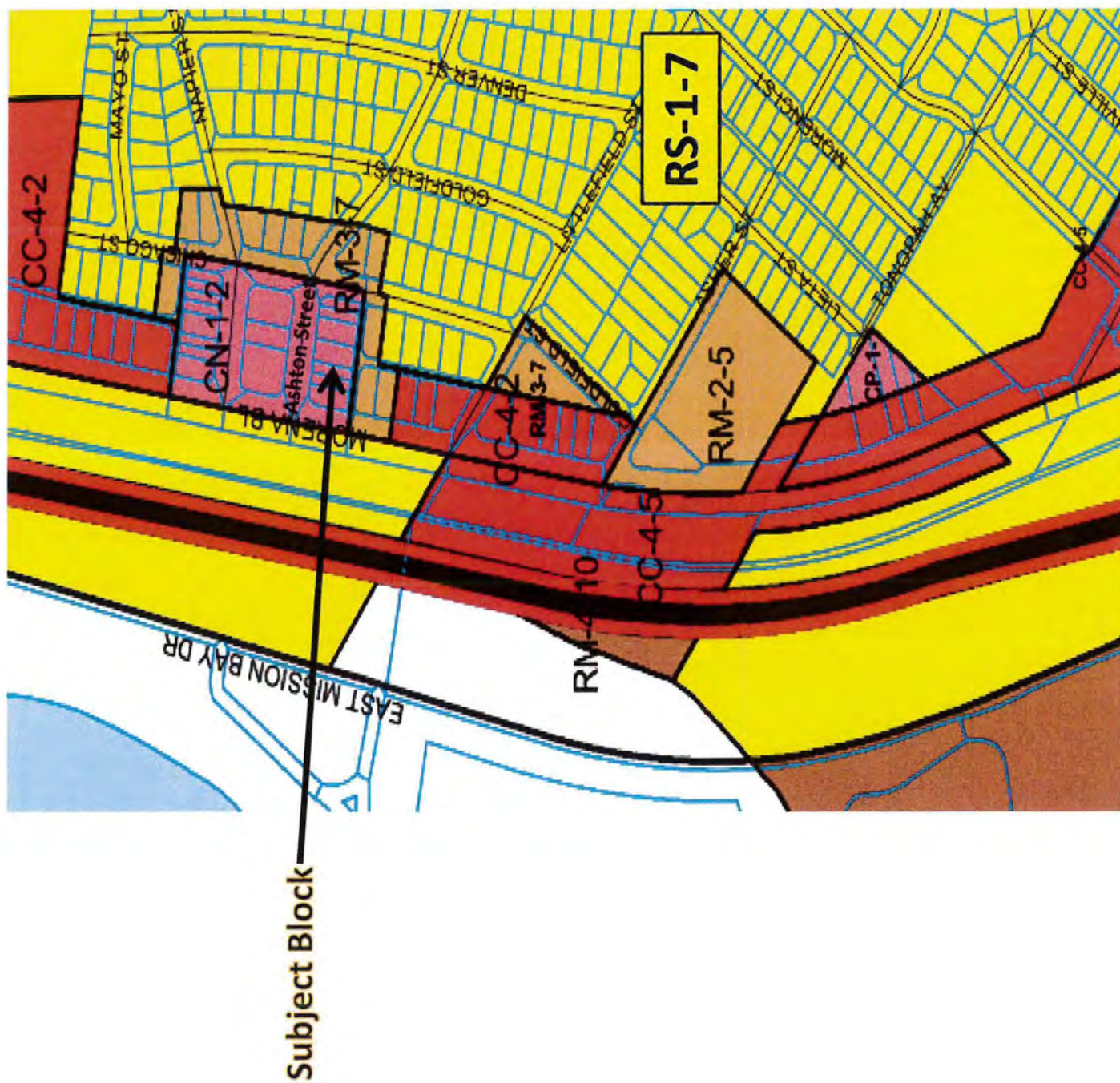


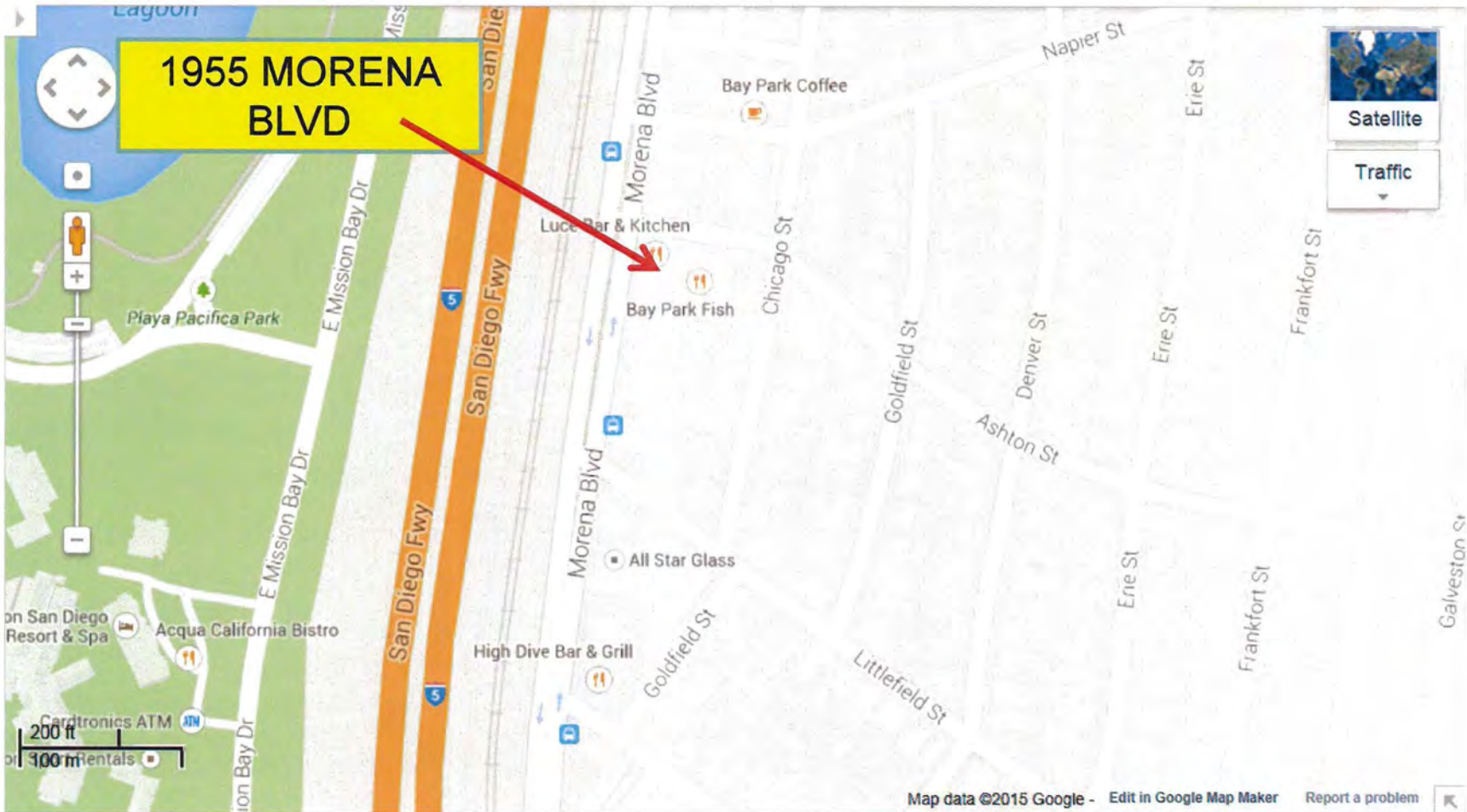
ATTACHMENT 2

Attachment 2a Surrounding Land Uses



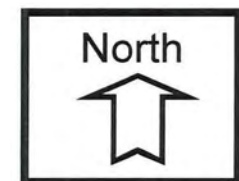
ATTACHMENT 2b
Zone Map





Project Location Map

BACI'S-LUCE'S EXPANSION – 1955 MORENA BLVD
PROJECT NO. 362564



**PLANNING COMMISSION
RESOLUTION NO. _____
PLANNED DEVELOPMENT PERMIT NO. 1466581
BACE'S & LUCE'S EXPANSION - PROJECT NO. 362564**

WHEREAS, PIETRO D'AMATO, TRUSTEE OF THE PIETRO D'AMATO TRUST, Owner and Permittee, filed an application with the City of San Diego for a permit to construct a 912-square-foot expansion into adjacent tenant space to an existing 2,900-square-foot restaurant space for a total of 3,812 square feet, with a deviation to allow the sales of intoxicating beverages (distilled spirits) other than beer and wine within the expanded area where the CN-1-2 zone allows the sales of beer and wine only within an eating and drinking establishment. The proposed expansion would provide an additional 410 square feet of dining area for Luce's patrons (seating approximately 25 additional patrons) and 502 square feet of additional storage areas for both restaurants, and for new restroom facilities for Luce's. The site is located at 1955 Morena Boulevard at the southeast intersection of Morena Boulevard and Ashton Street. The project is described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1466581, on portions of an 8,625-square-foot site;

WHEREAS, the project site is located at 1955 Morena Boulevard, at the southeast intersection of Morena Boulevard and Ashton Street, in the CN-1-2 zone within the Clairemont Mesa Community Plan;

WHEREAS, the project site is legally described as Lots 241, 242 and 243 of Bay Park Village, Map No. 2209;

WHEREAS, on September 19, 2014, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) under CEQA Guideline Section 15301 (e) (Existing Facilities) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

WHEREAS, on April 30, 2015, the Planning Commission of the City of San Diego considered Planned Development Permit No. 1466581 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated April 30, 2015:

PLANNED DEVELOPMENT DEVELOPMENT PERMIT FINDINGS (SDMC Section 126.0504):

1. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT THE APPLICABLE LAND USE PLAN.

The proposed project would add 912 square feet to an existing restaurant use that currently totals 2,900 square feet located at the southeast intersection of Morena Boulevard and Ashton Street. The restaurant use with alcohol sales including distilled spirits has existed at this location since 1982. The subject property is located within a one block section of Ashton Street to Chicago Street to the east which is zoned CN-1-2, Commercial Neighborhood and designated as Neighborhood Commercial within the Clairemont Mesa Community Plan. Aston Street contains other businesses including a restaurant, dance studio, grocery store, office, fast food restaurant and a fire station. Surrounding developments are single family and multifamily residential.

The General Plan's Economic Prosperity Element contain commercial land use policies for Neighborhood Commercial areas which promote economic vital commercial districts that foster small business enterprises and encourage the retention of existing neighborhood commercial activities within walking distance of residential areas. The Clairemont Mesa Community Plan states that the primary goal of the commercial districts is to provide appropriately located commercial services offering a wide variety of goods and services. The Community Goals and Objectives section ("Primary Goal for Commercial Development") states that commercial uses should be maintained in Neighborhood Commercial centers. The Commercial Element of the plan states that Morena Boulevard from Clairemont Drive to Tecolote Road should be revitalized by improving vehicular and pedestrian access along the Boulevard.

The project would implement these goals by maintaining and allowing the expansion of the existing restaurant use that has existed at the site for 33 years, and, through the construction public right-of-way improvements to include reconstructing the alley apron adjacent to Morena Boulevard, upgrading the existing pedestrian ramps on both sides of the alley entrance with truncated domes to current standards, and, repairing damaged portions of the alley. The project would improve vehicular and pedestrian access within the community. The approval of the Planned Development Permit would result in an increase in product type available to patrons at this location. As the project implements these goals and objectives, the project will not adversely affect the applicable land use plans.

2. THE PROPOSED DEVELOPMENT WILL NOT BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, AND WELFARE.

The site contains one 2,900-square-foot building with two restaurants, "Baci's and "Luce's, each with its own separate entrance and sharing a common kitchen and storage facilities, with interior access between both restaurants for employees only. The existing 912-square-foot

tenant space where the expansion would occur is adjacent to Luce's restaurant which fronts on Ashton Street. The proposed expansion would provide an additional 410 square feet of dining area for Luce's patrons (seating approximately 25 additional patrons) and 502 square feet of additional storage areas for both restaurants, and new restroom facilities for Luce's. The restaurant use is previously conforming in that intoxicating beverages other than beer and wine are currently being sold on site pursuant to an alcohol beverage license issued by the State Alcohol Beverage Control. The requested deviation would allow intoxicating beverages other than beer and wine to be served within the new dining area. The project complies with all other applicable regulations of the zone including parking, setbacks, floor area ratio, and coverage.

Implementation of the project requires upgrades to the existing public right-of-way to include new pedestrian ramps on both sides of the alley entrance with truncated domes to current standards, and, repairing damaged portions of the alley. These requirements will improve the pedestrian and vehicular access in the community. The project would maintain the existing restaurant use at this site which is an allowable use in the CN-1-2 zone and as recommended in the Clairemont Mesa Community Plan as described above in Planned Development Permit Finding No. 1.

The project was determined to be exempt from the California Environmental Quality Act as it was determined there would be no potential environmental impacts created by the expansion into the adjacent existing lease space.

The permit controlling this development contains conditions addressing compliance with the City's regulations and other regional, State and Federal regulations to prevent detrimental impacts to the health, safety, and welfare of persons residing in the area. These conditions address requirements relating to storm water runoff, runoff during construction, public improvement repairs, fire protection, and landscaping. All Uniform Building, Fire and Mechanical Codes governing the construction and continued operation of the development will apply to this site to prevent adverse effects to those persons or other properties in the vicinity.

As the CN-1-2 zone limits the type of alcoholic beverages which may be consumed on the premises to beer and wine only, additional permit conditions are imposed on the expansion to ensure that the restaurant use will maintain its standing as the primary use of the premises (greater than 50 percent of sales devoted to food items). These conditions include the following: There shall be limitations on the hours of operation requiring closure by Midnight, there shall be no admission charge to the restaurants, and, that the restaurants are operated as a bona-fide eating and drinking establishment serving individually prepared meals to guests for compensation. The proposed project will not be detrimental to the health, safety and welfare of the public.

III. THE PROPOSED DEVELOPMENT WILL COMPLY WITH THE REGULATIONS OF THE LAND DEVELOPMENT CODE INCLUDING ANY PROPOSED DEVIATIONS PURSUANT TO SECTION 126.0602(B)(1) THAT ARE APPROPRIATE

FOR THIS LOCATION AND WILL RESULT IN A MORE DESIRABLE PROJECT THAN WOULD BE ACHIEVED IF DESIGNED IN STRICT CONFORMANCE WITH THE DEVELOPMENT REGULATIONS OF THE APPLICABLE ZONE, AND ANY ALLOWABLE DEVIATIONS THAT ARE OTHERWISE AUTHORIZED PURSUANT TO THE LAND DEVELOPMENT CODE.

The requested deviation is to the CN-1-2 zone's development regulation allowing the sales of intoxicating beverages other than beer and wine, within the expanded portion of the restaurant located at the southeast intersection of Morena Boulevard and Ashton Street. The subject block is developed with other small commercial businesses and a fire station. The subject property is bounded by Morena Boulevard to the west, Ashton Street to the north and a paved 20-foot wide alley accessed from Morena Boulevard along the south. The subject property is separated from existing residential developments to the south and east by existing commercial developments, public streets and alleys.

The CN-1-2 zone is intended to provide areas for smaller scale, lower intensity developments that are consistent with the character of surrounding residential areas, and intended to provide residential access to a limited number of convenience retail and personal services uses. The CN-1-2 zone does not allow for the sale of intoxicating beverages other than beer and wine at an eating and drinking establishment in order to ensure that developments are consistent with the character of residential areas. However, a bar that only serves beer and wine and that does not serve food, would be an allowable use in this zone. A bar, as opposed to a restaurant, can be inconsistent with surrounding residential areas. The requested deviation includes permit conditions to ensure that the project is consistent with the character of the residential area and that the facility will function as a restaurant and not a bar. The conditions included limit the sale of alcohol versus food, require the kitchen to be open for food service whenever alcohol is served, limits the hours of operations and requires that greater than 50 percent of sales are devoted to food items. The continued use of a restaurant rather than a bar is a more desirable project at this location.

The project would maintain the existing restaurant use at this site which is an allowable use in the CN-1-2 zone and as recommended in the Clairemont Mesa Community Plan as described above in Planned Development Permit Finding No. 1.

The restaurant use is a well established eating and drinking establishment that has existing at this location site for 33 years, and has operated with an active Alcohol Beverage License since 1982 allowing the sales of beer, wine and distilled spirit. The requested deviation would allow the same beverage items that are currently being offered within the existing restaurants to be sold within the expanded dining area. The neighborhood business has existing and potential customers that have an expectation of the beverages and food including intoxicating beverages that are served on the premises. The restaurant as the primary use pursuant to the zone will remain unchanged. The deviation requested is minor in scope to allow an increase in product type for patrons within the expanded tenant space. Therefore, the proposed project is appropriate at this location and results in a more desirable development at this location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Planned Development Permit No. 1466581 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Planned Development Permit No. 1466581, a copy of which is attached hereto and made a part hereof.

Sandra Teasley
Development Project Manager
Development Services

Adopted on: April 30, 2015

Internal Order No. 24004512

cc: Legislative Recorder, Development Services Department

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

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24004512

PLANNED DEVELOPMENT PERMIT NO. 1466581
BACE'S & LUCE'S EXPANSION - PROJECT NO. 362564
PLANNING COMMISSION

This Planned Development Permit is granted by the Planning Commission of the City of San Diego to PIETRO D'AMATO, TRUSTEE OF THE PIETRO D'AMATO TRUST, Owner and Permittee, pursuant to San Diego Municipal Code 126.0601. The 8,625-square-foot site is located at 1955 Morena Boulevard in the CN-1-2 zone of the Clairemont Mesa Community Plan. The project site is legally described as: Lots 241, 242 and 243 of Bay Park Village Map No. 2209.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct an expansion to existing restaurant space that currently sells intoxicating beverages other than beer and wine, into an adjacent tenant space located at 1955 Morena Boulevard at the southeast intersection of Morena Boulevard and Ashton Street on a 8,625-square foot site in the CN-1-2 zone. The project requires a deviation to allow the sale of intoxicating beverages other than beer and wine within the expanded tenant space where the CN-1-2 zone currently allows beer and wine sales only. The project is described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated April 30, 2015, on file in the Development Services Department.

The project shall include:

- a. A 912-square-foot expansion into adjacent tenant space of an existing 2,900-square-foot restaurant for a total of 3,812 square feet, allowing the sales of intoxicating beverages other than beer and wine within the expanded area where the CN-1-2 zone allows the sales of beer and wine only within an eating and drinking establishment;
- b. Off-street parking as shown on Exhibit "A" on site, and pursuant to Planned Development Permit Project No. 94178;

- c. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by May 15, 2018.

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 the Development Services Department; and
- b. The Permit is recorded in the Office of the San Diego County Recorder.

3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.

4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

6. Issuance of this Permit by the City 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 building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

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

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 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.

ENGINEERING REQUIREMENTS:

11. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, to reconstruct the damaged portions of the alley patched with asphalt with current City Standard G-21 concrete alley.

12. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, to reconstruct the alley apron at Morena Boulevard, adjacent to the site, with current City Standard Drawing SDG-120.

13. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the installation of convex blind mirrors for any access allowed along Ashton Street.

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

15. Prior to the issuance of any construction permits, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix G of the City's Storm Water Standards.

16. Owner/Permittee shall maintain a minimum of five (5) off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A" of Planned Development Permit No. 94178. Parking spaces shall comply at all times with the San Diego Municipal Code (SDMC) and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

PLANNING REQUIREMENTS:

17. Uses shall not begin to operate before 6:00 AM or continue operating later than 12:00 Midnight.

18. The use of the premises shall be limited to a bona-fide eating and drinking establishment. Bona-fide eating and drinking establishment means a place that is primarily used for serving individually prepared meals to guests for compensation. A bona-fide eating and drinking establishment does not charge patrons an admission charge for the right or privilege to enter the establishment. The bona-fide eating and drinking establishment must contain suitable kitchen facilities on the premises and provide adequate seating for patrons. Greater than fifty percent of sales must be devoted to food items.

19. A litter control plan shall be implemented to keep the facility and adjacent property free of litter.

20. All storage shall be located on the site so that they are not visible from adjacent development and public rights-of-way.

21. The Owner/Permittee shall take reasonable steps to control the conduct of patrons so as to prevent or minimize disorderly conduct.

22. The Owner/Permittee shall take reasonable steps to prevent loitering on the premises, in parking lots serving the premises, and on public sidewalks adjacent to the premises.

23. Live entertainment shall be prohibited by this permit.

24. The establishment must have at least one manager or lead employee on the premises during operations that have completed a Responsible Beverage Sales and Service Training course. The training program shall be conducted by the California Department of Alcoholic Beverage Control or certified training provider. The Owner/Permittee shall maintain on the premises a file of proof of completion of the training by the licensee, managers, and servers that shall be available for inspection by any peace officer or other enforcement officer during regular business hours.

25. The quarterly annual sales of alcoholic beverages shall not exceed the quarterly annual sales of food.

26. The Owner/Permittee shall maintain records that document the establishment's alcohol sales and food sales. Upon City request, the permit holder shall provide to the City an audit of its operations for the previous calendar year. The audit shall be completed and certified by an independent certified public accountant in accordance with generally accepted auditing and accounting principles.

27. The Owner/Permittee shall provide illumination, at a minimum level of 0.4 foot candles per square foot, on the exterior of the establishment, including adjacent public sidewalks and areas under the control of the owner or operator. The illumination shall be in operation during all hours of darkness while the outlet is open for business so that persons standing on or near the premises at night are identifiable by law enforcement personnel. The required illumination shall be shielded and directed so that it does not shine on adjacent properties.

28. The Owner/Permittee shall maintain the premises, adjacent public sidewalks, and areas under the control of the owner or operator, free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter, and debris. The owner or operator shall eliminate graffiti within 48 hours of application.

29. The sale of alcoholic beverages shall be limited to the hours that the kitchen facilities are open for food ordering.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.

ATTACHMENT 5

- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Planning Commission of the City of San Diego on April 30, 2015.

ATTACHMENT 5

Permit Type/PTS Approval No.: Planned Development Permit No. 1466581
Date of Approval: April 30, 2015

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

SANDRA TEASLEY
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.

PIETRO D'AMATO, TRUSTEE OF THE PIETRO D'AMATO TRUST
Owner/Permittee

By _____
Pietro A. D'Amato
Owner

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

DOC # 2007-0381624



JUN 06, 2007 10:29 AM

OFFICIAL RECORDS
 SAN DIEGO COUNTY RECORDER'S OFFICE
 GREGORY J. SMITH, COUNTY RECORDER
 FEES 53.00
 PAGES 16



2007-0381624

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

4013

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 425922

Planned Development Permit No. 303946 and Neighborhood Development Permit No. 419383

BACI'S PARKING
 Planning Commission

#394178

This Planned Development Permit No. 303946 and Neighborhood Development Permit No. 419383 is granted by the Planning Commission of the City of San Diego to BACI RISTORANTE ITALIANO, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0600 and 126.0400. The 0.54 acre site is located at 1836, 1916 and 1926 Chicago Street in the RS-1-7 and RM-3-7 zones and 1955 Morena Boulevard in the CN-1-2 zone of the Clairemont Mesa Community Plan area. The project site is legally described as Lots 241, 251, 253 and 254 of Bay Park Village, Map No. 2209, filed October 8, 1936 in the Office of the San Diego County Recorder.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to provide supplemental commercial parking spaces at 1836, 1916 and 1926 Chicago Street and 1955 Morena Boulevard for the Baci Ristorante Italiano located at 1955 Morena Boulevard. The project would provide a total of twenty-seven parking spaces; twenty-five supplemental commercial parking spaces; fifteen spaces for customers, two employee spaces & eight employee tandem spaces at 1836, 1916 and 1926 Chicago Street and two commercial spaces of which one shall be a van accessible space at 1955 Morena Boulevard, landscaping, fencing, free standing walls, and lighting, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated May 10, 2007, on file in the Development Services Department.

The project shall include:

- a. The project would provide a total of twenty-seven parking spaces; twenty-five supplemental commercial parking spaces; fifteen spaces for customers, two employee spaces & eight employee tandem spaces at 1836, 1916 and 1926 Chicago Street and two commercial spaces of which one shall be a van accessible space at 1955 Morena Boulevard. These parking spaces are not required by the zoning regulations for the

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restaurant and are to supplement the restaurant's need for parking in the neighborhood. The parking spaces would be provided in small parking lots at the rear of the properties adjacent to and accessed from the alley;

- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Lighting, free standing walls and fences; and
- d. 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 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 affect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
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 and as allowed by the underlying zones, 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

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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 construction permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the 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.

ENGINEERING REQUIREMENTS:

10. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction, 2000 edition.

11. The drainage system proposed for this development, as shown on the Site Plan, is subject to approval by the City Engineer.

12. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the Owner/Permittee to provide the right-of-way free and clear of all encumbrances and prior easements. The Owner/Permittee must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.

13. Prior to the Neighborhood Code Compliance case closure, the Owner/Permittee shall grant to the City of San Diego an Irrevocable Offer of Dedication for a triangular area at the intersection of the two existing alleys at the northwest corner of the property, 20 feet on each side, and shall be included in the right-of-way satisfactory to the City Engineer. The

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Owner/Permittee shall also enter into an agreement with the City waiving the right to oppose special assessment proceedings initiated for alley improvements.

14. Prior to the Neighborhood Code Compliance case closure, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

15. Prior to the Neighborhood Code Compliance case closure, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

16. Prior to the Neighborhood Code Compliance case closure, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

17. Prior to the Neighborhood Code Compliance case closure, the Owner/Permittee shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, consistent with the approved Water Quality Technical Report.

LANDSCAPE REQUIREMENTS:

18. Prior to the Neighborhood Code Compliance case closure, complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A." Construction plans shall provide a forty square foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)5.

19. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is prohibited.

20. If any required landscape, including existing or new plantings, hardscape, landscape features, et cetera, indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within 30 days of damage.

PLANNING/DESIGN REQUIREMENTS:

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

32. Prior to the Neighborhood Code Compliance case closure, complete outdoor lighting information shall be submitted to the Development Services Department for review and approval. Complete lighting information shall include a plan view photometric analysis

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indicating an isofoot candle plot or a point by point plot to include all areas within the private property and to extend a minimum of 20 feet beyond the property line, construction details as necessary to direct installation of the outdoor lighting system, manufacturers name, visors, prisms, lenses and reflectors and a lighting plan locating each fixture in plan view and a legend.

Prior to the Neighborhood Code Compliance case closure, a night inspection shall be required to verify compliance of the outdoor lighting system. No light shall be directed to fall outside the property line. Light levels along the perimeter of the property shall be measured no higher than three footcandles. Light levels throughout the development shall be the least practical level necessary to effectively illuminate the operation. Sky glow or light halo shall be reduced to the greatest extent practical and in no case shall initial light levels be measured exceeding eight footcandles anywhere within the site. The Owner/Permittee, or an authorized representative, shall provide a luminance meter to measure light levels as required to establish conformance with the conditions of this Permit during the night inspection. Night inspections may be required additional fees as determined by the Development Services Department.

33. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

34. No less than one (1) van accessible parking space shall be permanently maintained on the property within the approximate location shown on the Exhibit "A."

35. The Owner/Permittee shall post and maintain signs in the tandem parking area which clearly state the tandem parking spaces are exclusively for the use of employees of Baci's Ristorante only.

36. The Owner/Permittee shall secure the parking lot(s) after the close of business each night after the last patron using the lot(s) has left and/or the last employee has left the restaurant. The lots shall remain secured until one half hour before the opening of the business each day, with the exception of spaces specifically designated for employee parking. Employee parking spaces may be used as necessary, yet in no circumstances may vehicles be left overnight. Overnight parking in any parking lot is not permitted.

37. Should the Owner of the residential property or properties covered by this permit sell any or all of the properties, all pavement and lighting associated with the supplemental parking lots shall be removed and disposed of in a legal manner. Walls, fences, and landscaping within the supplemental parking lot(s) may remain.

38. Off-street parking spaces shall be maintained on the property at all times 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 said use is in conformance with the applicable base zone regulations or otherwise authorized by the City Manager.

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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.

APPROVED by the Planning Commission of the City of San Diego on May 10, 2007 by Resolution 4262-PC.

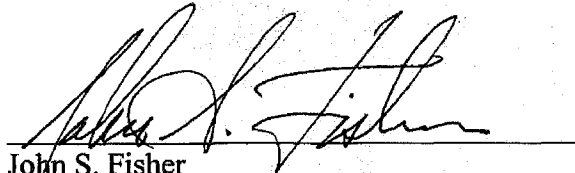
ORIGINAL

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Permit Type/PTS Approval No.: Planned Development
Permit No. 303946 and Neighborhood Development
Permit No. 419383

Date of Approval: May 10, 2007

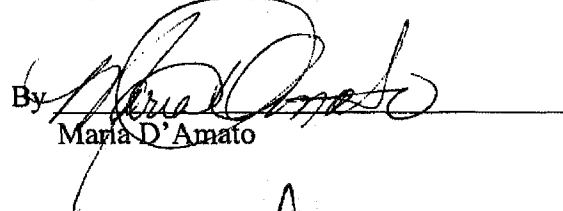
AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT


John S. Fisher
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1180 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.

BACI RISTORANTE ITALIANO
Owner/Permittee

By 
Maria D'Amato

BACI RISTORANTE ITALIANO
Owner/Permittee

By 
Antonio D'Amato

ORIGINAL

4020

BACI RISTORANTE ITALIANO

Owner/Permittee

By

Gaetano D'Amato

BACI RISTORANTE ITALIANO

Owner/Permittee

By

Pietro A. D'Amato

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

Rev. 10/26/06 jsf

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4021

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

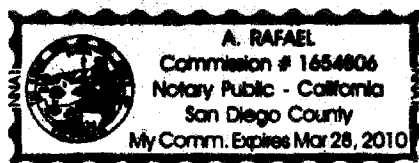
County of SAN DIEGO

} ss.

On May 30, 2007 before me, A. RAFAEL, NOTARY PUBLIC
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
 personally appeared John S. Fisher
Name(s) of Signer(s)

☒ personally known to me
☐ proved to me on the basis of satisfactory evidence

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



WITNESS my hand and official seal.

[Signature]
Signature of Notary Public

OPTIONAL

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

Description of Attached Document

Title or Type of Document: PDP 303946, NDP 419383Document Date: May 10, 2007 Number of Pages: 8

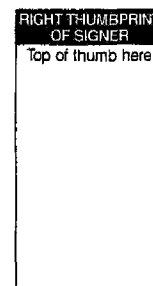
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____



ORIGINAL

4022

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

San Diego

} ss.

On

May 29, 2007

Date

before me,

Annette La Rosa Notary Public

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared

Maria D'Amato

Name(s) of Signer(s)

☐ personally known to me☒ proved to me on the basis of satisfactory evidence

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

WITNESS my hand and official seal.

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document:

Baci's Parking Planning Commission

Document Date:

None

Number of Pages:

11

Signer(s) Other Than Named Above:

Carotano D'Amato, Pietro A. D'Amato

Capacity(ies) Claimed by Signer

Signer's Name:

Maria D'Amato☒ Individual☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Attorney in Fact☐ Trustee☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER

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4023

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

San Diego

} ss.

On May 29, 2007, before me, Annette La Rosa, Notary Public
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
 personally appeared Antonio D'Amato
Name(s) of Signer(s)

☐ personally known to me☒ proved to me on the basis of satisfactory evidence

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



WITNESS my hand and official seal.

Annette La Rosa
 Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document: Baci's Parking Planning CommissionDocument Date: None Number of Pages: 15Signer(s) Other Than Named Above: Maria D'Amato, Roberto D'Amato,Capacity(ies) Claimed by Signer: Pietro A. D'AmatoSigner's Name: Antonio D'Amato☒ Individual☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Attorney in Fact☐ Trustee☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

ORIGINAL

4024

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Diego } ss.On May 29, 2007, before me, Annette La Rosa, Notary Public

Name and Title of Officer (e.g., "Japhet Due, Notary Public")

personally appeared Gaetano D'Amato

Name(s) of Signer(s)

☐ personally known to me☒ proved to me on the basis of satisfactory evidence

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



WITNESS my hand and official seal.

Annette La Rosa
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document: Doc's Planning CommissionDocument Date: None

Number of Pages: _____

Signer(s) Other Than Named Above: Maria D'Amato, Antonio D'Amato& Pietro A. D'Amato

Capacity(ies) Claimed by Signer

Signer's Name: Gaetano D'Amato☒ Individual☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Attorney in Fact☐ Trustee☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
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ORIGINAL

4025

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

San Diego

} ss.

On May 29, 2001

Date

before me,

Annette La Rosa, Notary Public

Name and Title of Officer (e.g., Jane Doe, Notary Public)

personally appeared

Pietro A. D'Amato

Name(s) of Signer(s)

☐ personally known to me☒ proved to me on the basis of satisfactory evidence

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



WITNESS my hand and official seal

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document:

Buel's Parking Planning Commission

Document Date:

None

Number of Pages:

11

Signer(s) Other Than Named Above:

Marcia D'Amato + Gustavo D'Amato

Capacity(ies) Claimed by Signer

Signer's Name:

Pietro A. D'Amato☒ Individual☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Attorney in Fact☐ Trustee☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

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OF SIGNER
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4026

PLANNING COMMISSION RESOLUTION NO. 4262-PC
Planned Development Permit No. 303946 and Neighborhood Development Permit No. 419383
BACI'S PARKING

WHEREAS, ANTONIO and MARIA D'AMATO, GAETANO D'AMATO and PEITRO A. D'AMATO, Owner/Permittee, filed an application with the City of San Diego for a permit to provide 25 supplemental commercial parking spaces for the Baci Ristorante Italiano located at 1955 Morena Boulevard. The project would provide a total of twenty-seven parking spaces. Twenty-five supplemental commercial parking spaces; fifteen spaces for customers, two employee spaces & eight employee tandem spaces and two commercial spaces of which one shall be a van accessible space, landscaping, fencing, free standing walls, and lighting (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 303946 and 419383), on portions of a 0.54 acre site;

WHEREAS, the project site is located at 1836, 1916 and 1926 Chicago Street in the RS-1-7 and RM-3-7 zones and 1955 Morena Boulevard in the CN-1-2 zone of the Clairemont Mesa Community Plan area;

WHEREAS, the project site is legally described as Lots 241, 251, 253 and 254 of Bay Park Village, Map No. 2209, filed October 8, 1936 in the Office of the San Diego County Recorder;

WHEREAS, on May 10, 2007, the Planning Commission of the City of San Diego considered Planned Development Permit No. 303946 and Neighborhood Development Permit No. 419383 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated May 10, 2007.

FINDINGS:

Planned Development Permit - Section 126.0604

A. Findings for all Planned Development Permits

1. **The proposed development will not adversely affect the applicable land use plan.** On April 17, 2003 the Planning Commission considered an initiation for an amendment to the Clairemont Mesa Community Plan and the Progress Guide and General Plan to develop policies which address the provision of supplemental off-site parking areas for commercial establishments on properties between Morena Boulevard and Chicago Street, south of Clairemont Drive and north of Littlefield Street. The amendment to the Clairemont Mesa Community Plan to add policy language to address parking deficiencies in the specific geographic area of Morena Boulevard and Chicago Street, between Ashton Street and Littlefield Street was approved on December 5, 2005 by the Council of the City of San Diego. The proposed project is consistent with the current Clairemont Mesa Community Plan and will not adversely affect the land use plan.

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2. The proposed development will not be detrimental to the public health, safety, and welfare. The permit controlling the development and continued use of the parking lots proposed for these sites contains conditions addressing the project compliance with the City's regulations and other regional, state and federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls intended to assure the continued health, safety and general welfare of persons residing or working in the area. All Building, Fire, Plumbing, Electrical, Mechanical Code and the City regulations governing the construction and continued operation of the development apply to this site to prevent adverse affects to those persons or other properties in the vicinity.

3. The proposed development will comply with the regulations of the Land Development Code. Specific conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and have been written as such into Planned Development Permit No. 303946 and Neighborhood Development Permit No. 419383. Development of the property will meet all requirements of the regulations, except as allowed by the specific deviations approved for the project through the Planned Development Permit No. 303946 and Neighborhood Development Permit No. 419383. Concept plans for the project identify all other development criteria in effect for the site. All relevant regulations shall be complied with at all times for the life of the project. In these ways the proposed development will comply with the applicable and relevant regulations of the Land Development Code.

4. The proposed development, when considered as a whole, will be beneficial to the community. The proposed development when considered within the context of the community and neighborhood will be beneficial to the City. The development will provide parking in a neighborhood composed of several uses; commercial, single family and multi-family residential uses where parking is scarce. The project will provide parking for an existing business located on Morena Boulevard for patrons and employees where only two parking spaces are provided on the commercial site and limited parking is available within the public right-of-way. Further, development of the proposed project within Clairemont Mesa community area will include landscaping, fencing, free standing walls and lighting to assure the facility is safe and attractive. Furthermore, the development will include provisions to address and improve the water quality of precipitation leaving the site after a storm event. Providing parking to this business in the neighborhood is beneficial to the City in that the positive economic ramifications will be realized by many persons beyond the immediate consumers and owners of the business. Considered cumulatively the project and its features and improvements will provide significant benefit to the community of Clairemont Mesa and the City of San Diego.

5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone. The proposed development complies with the Clairemont Mesa Community Plan and the Land Development Code. No deviations are approved or requested with the application. All other requirements, including land use, density and parking requirements, comply with the policies of the Clairemont Mesa Community Plan and the regulations of the Land Development Code.

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Neighborhood Development Permit - Section 126.0404**A. Findings for all Neighborhood Development Permits**

- 1. The proposed development will not adversely affect the applicable land use plan.** The proposed project is therefore consistent with the current Clairemont Mesa Community Plan and will not adversely affect the land use plan. Refer to the Planned Development Permit Finding number 1 above.
- 2. The proposed development will not be detrimental to the public health, safety, and welfare.** All Building, Fire, Plumbing, Electrical, Mechanical Code and the City regulations governing the construction and continued operation of the development apply to this site to prevent adverse affects to those persons or other properties in the vicinity. Refer to the Planned Development Permit Finding number 2 above.
- 3. The proposed development will comply with the applicable regulations of the Land Development Code.** All relevant regulations shall be complied with at all times for the life of the project. In these ways the proposed development will comply with the applicable and relevant regulations of the Land Development Code. Refer to the Planned Development Permit Finding number 3 above.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Planned Development Permit No. 303946 and Neighborhood Development Permit No. 419383 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit Nos. 303946 and 419383, a copy of which is attached hereto and made a part hereof.


John S. Fisher
Development Project Manager
Development Services

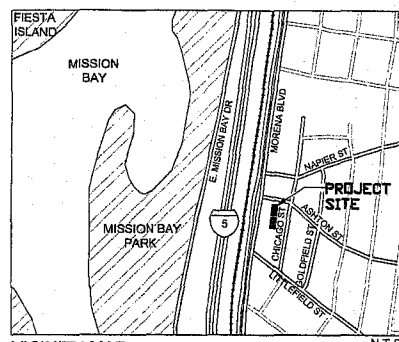
Adopted on: May 10, 2007

Job Order No. 425933

cc: Legislative Recorder, Planning Department

ORIGINAL

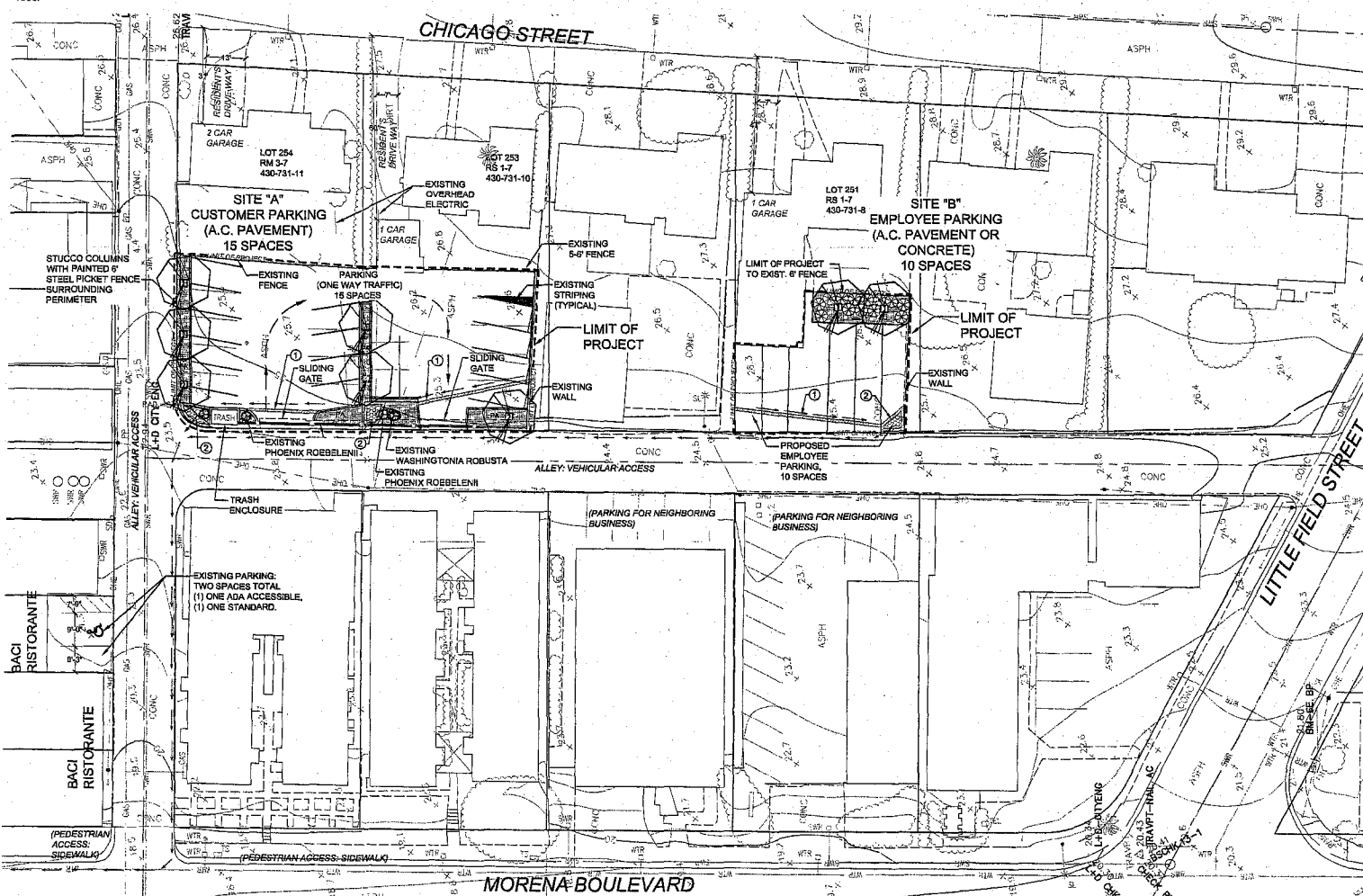
PLANS FOR: BACI RISTORANTE SUPPLEMENTAL PARKING SAN DIEGO, CALIFORNIA



VICINITY MAP
BACI RISTORANTE 1955
MORENA BOULEVARD
SAN DIEGO, CA 92110

LEGAL DESCRIPTION:

LOTS 251, 253, & 254 OF BAY PARK VILLAGE, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 2009, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 8, 1938.



OWNER:

OWNER: TONY D'AMATO
1955 MORENA BOULEVARD
SAN DIEGO, CA 92110

CONSULTANTS:

PLANNER: POTTER & ASSOCIATES
4975 MILTON STREET
SAN DIEGO, CA 92110-1252
PHONE: (619) 275-5120
FAX: (619) 275-6960
CONTACT: DAVE POTTER, AICP

LANDSCAPE ARCHITECT: SCHMIDT DESIGN GROUP, INC.
2655 FOURTH AVENUE
SAN DIEGO, CA 92103
PHONE: (619) 236-1462
FAX: (619) 236-8792
CONTACT: STEVE SHUPPER, GLEN SCHMIDT

ENGINEER: THOMAS WONG, INC.
3534 UNIVERSITY AVENUE
SAN DIEGO, CA 92104
PHONE: (619) 282-2787
FAX: (619) 282-6723
CONTACT: ALEX WONG

SHEET INDEX:

No.	TITLE	SHEET NAME
1	L-1	SITE PLAN & LANDSCAPE PLAN
2	L-2	PARKING LOT LIGHTS, SIGNS, AND DIMENSIONS
3	C-1	DRAINAGE PLAN
4	EC-1	EXISTING CONDITION PHOTO EXHIBIT I
5	EC-2	EXISTING CONDITION PHOTO EXHIBIT II

NARRATIVE:

The proposed project is intended to implement the adopted Clairemont Mesa Community Plan Amendment. A plan development permit is requested to provide the following supplemental parking:
• Twenty-five (25) parking spaces are proposed on the rear portions of 1836, 1916 and 1926 Chicago Street. Access would be from the alley located between Chicago Street and Morena Boulevard.
• Of the twenty-five spaces (25); Eight (8) of the spaces will be tandem spaces within the 'Employee Parking' area.

REFERENCE:

CITY COUNCIL RESOLUTION R-301116 ADOPTED BY CITY COUNCIL ON DEC. 5, 2009

SEE SHEET L-2 FOR PARKING LIGHTS, SIGNS, AND DIMENSIONS

PLANTING LEGEND

STREET TREES		
SYMBOL	SCIENTIFIC NAME/COMMON NAME	SIZE
	Lagerstroemia indica/Crape Myrtle	24" Box
	Cassia leptophylla/Gold Medallion Tree	
ACCENT SHRUBS		
SYMBOL	SCIENTIFIC NAME/COMMON NAME	SIZE
	Cotoneaster	5 Gal.
	Rhamnus californica/Indian Hawthorn	
	Pittosporum tobira/Japanese Mock Orange	
	Carissa grandiflora/Natal Plum	
	Nandina domestica/Gulf Stream/Heavenly Bamboo	
	Ligustrum texanum/Waxleaf Privet	
	Acacia redolens/Prostrate Acacia	
	Buxus microphylla japonica/Japanese Boxwood	
GROUND COVER		
SYMBOL	SCIENTIFIC NAME/COMMON NAME	SIZE
	Baccharis pilularis/Pigeon Point/Dwarf Coyote Bush	1 Gal.
	Arctostaphylos edmundsii/Little Sur Manzanita/NCN	@ 3" O.C.
	Coprosma x kirkii/Creeping Coprosma	
	Lantana montevidensis/Trailing Lantana	

GENERAL LANDSCAPING NOTES:

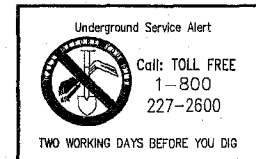
1. LONG TERM MAINTENANCE: ALL REQUIRED LANDSCAPE AREAS SHALL BE MAINTAINED BY BACI RESTAURANT. THE LANDSCAPE AREAS SHALL BE MAINTAINED FREE OF DEBRIS AND LITTER AND ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY GROWING CONDITION.
2. ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE STANDARDS OF THE CITY WIDE LANDSCAPE REGULATIONS AND THE CITY OF SAN DIEGO LAND DEVELOPMENT MANUAL LANDSCAPE STANDARDS AND OTHER LANDSCAPE RELATED CITY AND REGIONAL STANDARDS.
3. ALL EXISTING VEGETATION ON SITE WILL REMAIN; PROTECT IN PLACE.

KEY NOTES:

- ① DIVERTER BERM - SEE DRAINAGE PLAN, SHEET C-1
- ② FILTRATION BED - SEE DRAINAGE PLAN, SHEET C-1

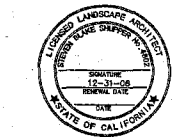
APPROVED EXHIBIT "A"

PROJECT NO. 74178
APPROVAL NO. 000 200716
APPROVED BY: HEARING OFFICER, PLANNING COMMISSION, CITY COUNCIL ON 3/5/2007
SIGNATURE: [Signature]



SCHMIDT DESIGN GROUP, INC.
BALANCING ARTISTIC EXPRESSION IN DESIGN WITH ENVIRONMENTAL SENSITIVITY
2655 Fourth Avenue San Diego, CA 92103
Telephone (619) 236-1462 Facsimile (619) 236-8792
www.schmidtsg.com
Lic. CA 9138, NV 219, AZ 34139

License Stamp



Project Title:
BACI RISTORANTE SUPPLEMENTAL PARKING
SAN DIEGO, CALIFORNIA

Project Owner:
TONY D'AMATO
1955 MORENA BLVD.
SAN DIEGO, CA 92110

Sheet Title:

SITE PLAN
&
LANDSCAPE PLAN

Revisions:

#	DATE	DESCRIPTION
1	03-05-2007	REVISED STRIPING

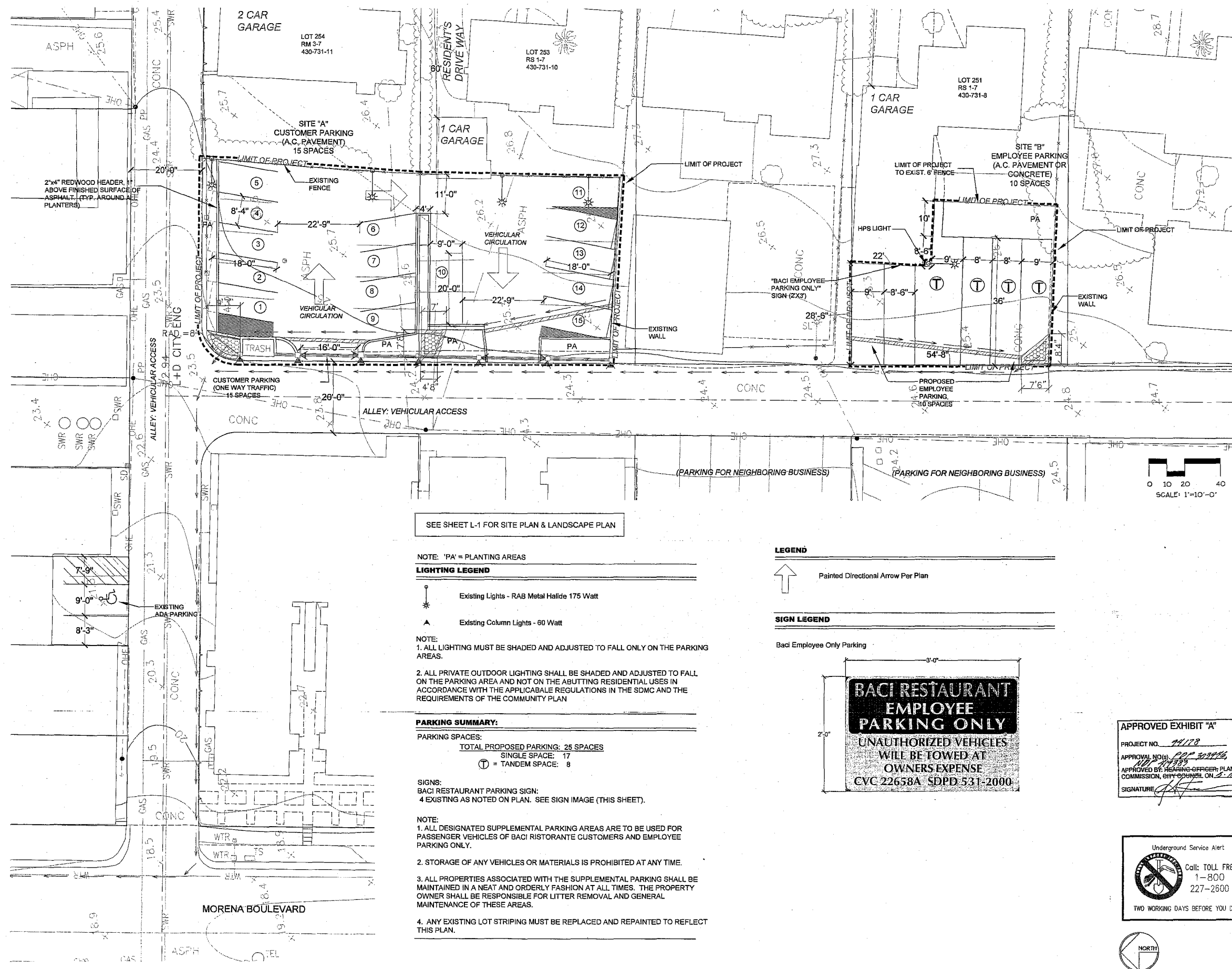
Project Number:
05-508
Drawing Date:
03/05/2007
Print Date:
3/5/2007
Drawn By:
SS, EH, KC
Checked By:
SS

Sheet Number:
L-1
1 of 5

Package Copy

Development Plans
Version 11
(Project Manager)

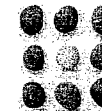
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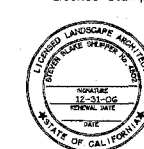
SCHMIDT DESIGN GROUP, INC.
BALANCING ARTISTIC EXPRESSION IN DESIGN
WITH ENVIRONMENTAL SENSITIVITY

2655 Fourth Avenue, San Diego, CA 92103
telephone (619) 236-1462 facsimile (619) 236-8792
www.schmidt-design.com

LIC. CA 2138, NV 219, AZ 34739



License Stamp



Project Title: BABY RISTORANTE SUPPLEMENTAL PARKING SAN DIEGO, CALIFORNIA	Project Owner: TONY D'AMATO 1955 MORENA BLVD. SAN DIEGO, CA 92110
--	---

Sheet Title: PARKING LOT LIGHTS,
SIGNS, AND DIMENSIONS

APPROVED EXHIBIT "A"

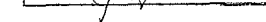
PROJECT NO. 94178

APPROVAL NO(s). PPF 30397

APPROVED BY: HEARING OFFICER: PLANNING

COMMISSION, CITY COUNCIL ON 5-10-02

SIGNATURE



Project Number:
05-508
Drawing Date:
03/05/2007
Print Date:
3/19/2007
Drawn By:
SS,EH,KC
Checked By:
SS

Sheet Number
L-2
2 of 5

THOMAS WONG, INC.
civil engineers
3524 University Avenue
San Diego, CA 92104
Tel: 619.292.2787
Fax: 619.292.4723
http://www.thomasonline.com

License Stamp

Project Title:
BACI RISTORANTE SUPPLEMENTAL PARKING
SAN DIEGO, CALIFORNIA
Project Owner:
TONY D'AMATO
1955 MORENA BLVD.
SAN DIEGO, CA 92110

Sheet Title:
DRAINAGE PLAN

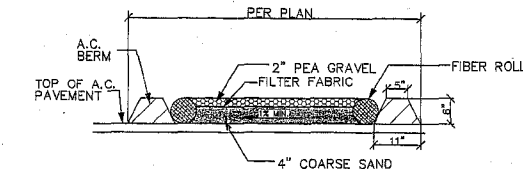
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Drawing Date:
03/05/2007
Print Date:

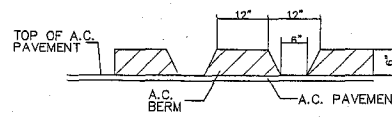
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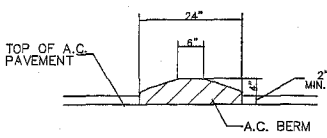
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3 of 5



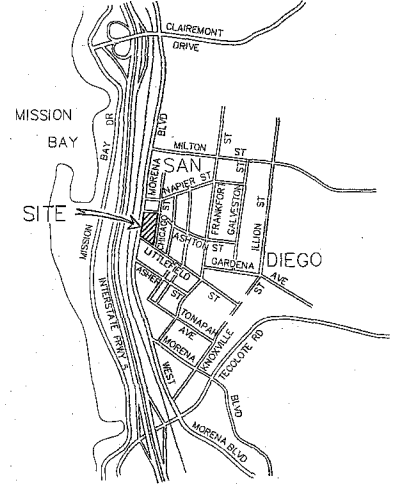
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NOT TO SCALE



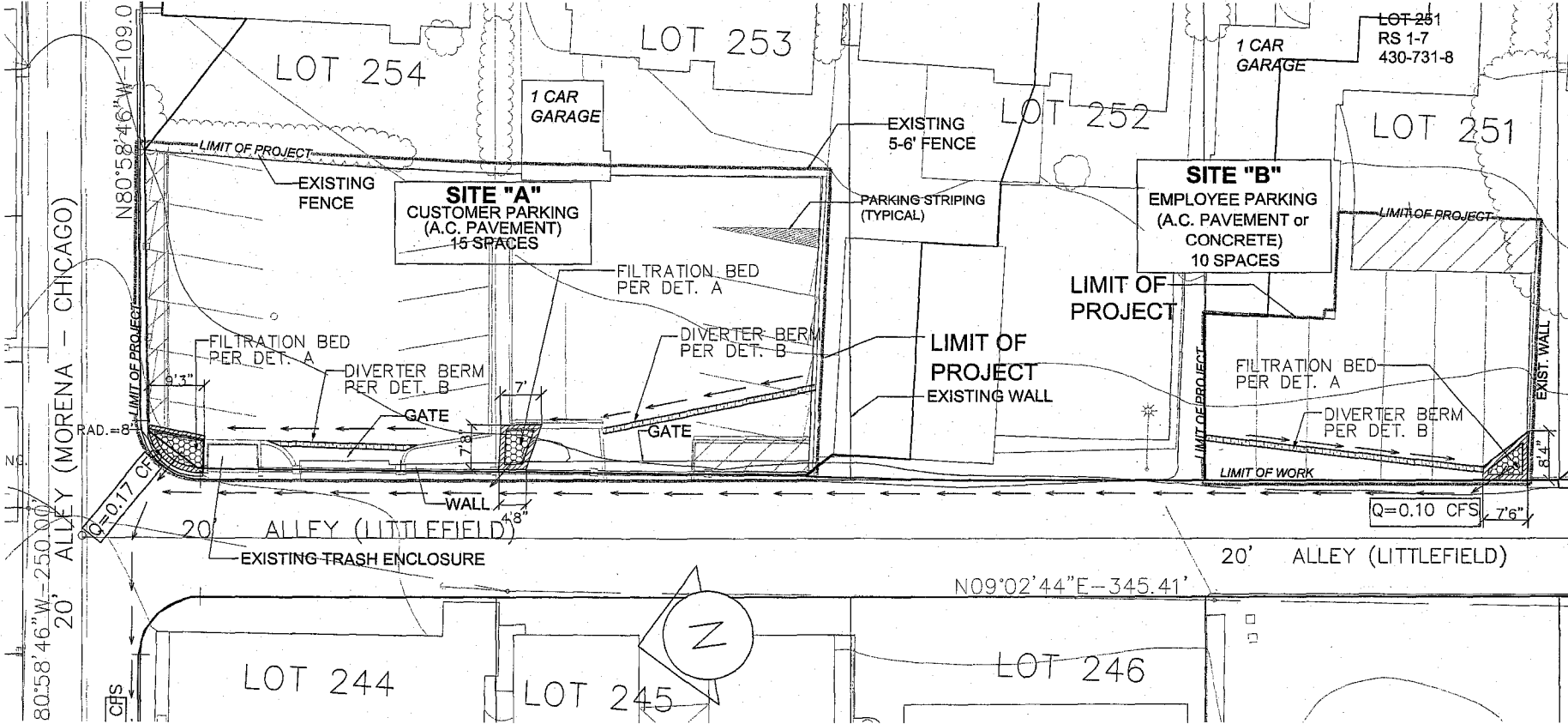
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NOT TO SCALE



(B) DIVERTER BERM
NOT TO SCALE



VICINITY MAP
NO SCALE



BACI'S RISTORANTE PARKING LOT DRAINAGE PLAN

SCALE 1" = 10'

APPROVED EXHIBIT "A"
PROJECT NO. 05-508
APPROVAL NO. 0000000000
APPROVED BY: HEARING OFFICER, PLANNING COMMISSION, CITY OF SAN DIEGO
SIGNATURE: [Signature]

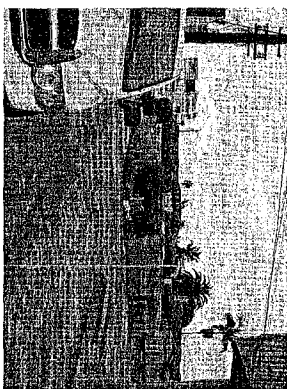
A.P.N.: 430-731-01 THROUGH 011, 430-482-01 THROUGH 07

Underground Service Alert
Call: TOLL FREE 1-800-227-2600
TWO WORKING DAYS BEFORE YOU DIG

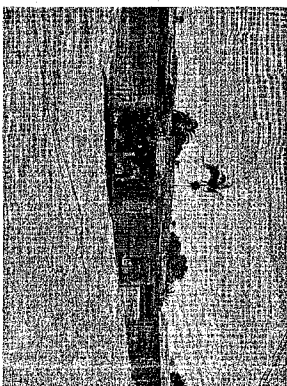
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14 SEPT., 2006	14 SEPT., 2006	For Initial Submittal
Project: 009-1	14 SEPT., 2006	Revisions
Drawn: TW		
Checked: TW		

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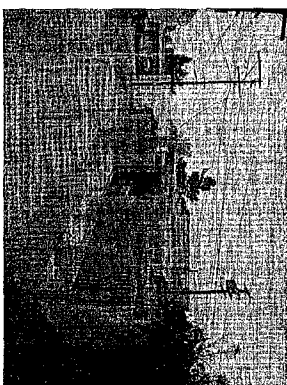
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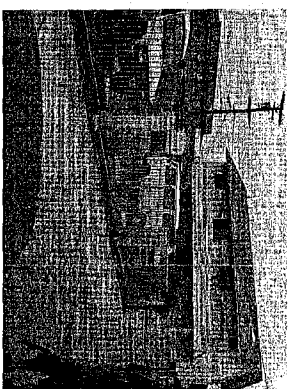
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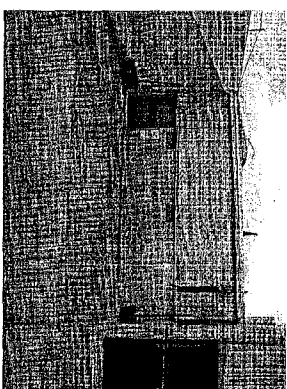
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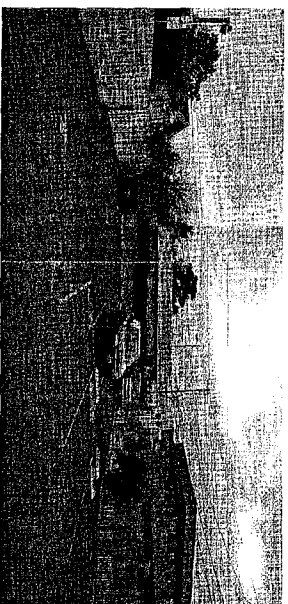
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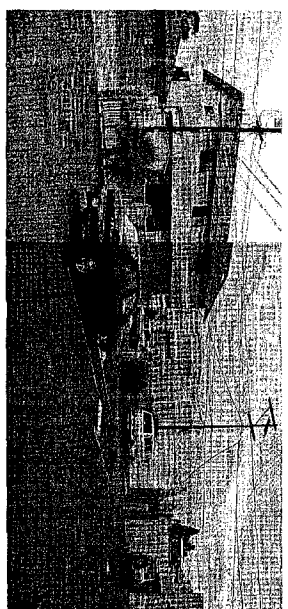
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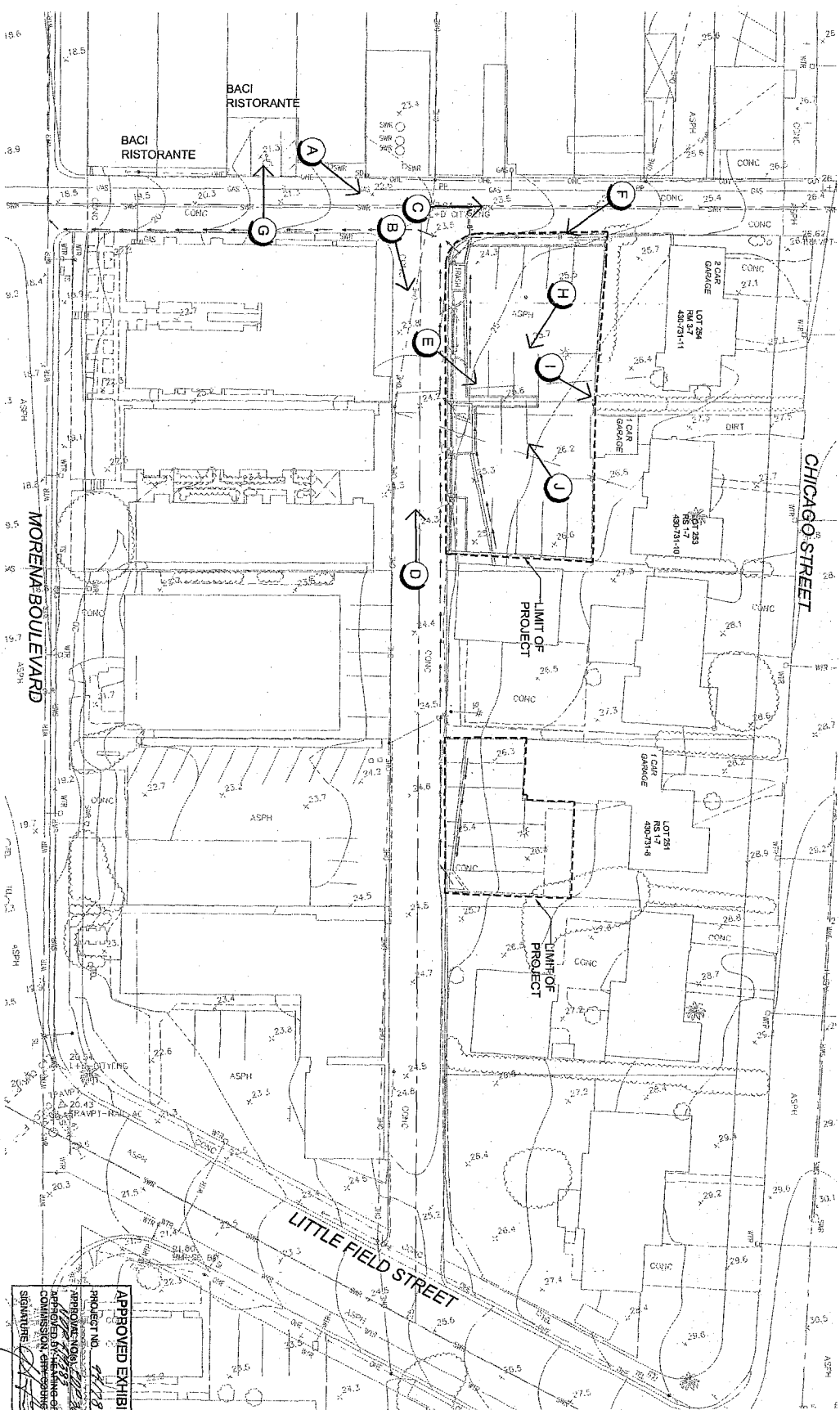
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I



J



APPROVED EXHIBIT A
PROJECT NO. 27-18
APPROVED FOR THE CITY OF SAN DIEGO
COMMISSIONER OF PUBLIC WORKS
DATE: 1/18/06
SIGNATURE: [Signature]

Underground Service Alert
Call TOLL FREE
1-800-227-2600
TWO WORKING DAYS BEFORE YOU DIG

North
0 10 20 40
SCALE: 1"=20'-0"

Sheet Title:
EXISTING CONDITION
PHOTO EXHIBIT

Project Title:
BACI RISTORANTE SUPPLEMENTAL PARKING
SAN DIEGO, CALIFORNIA
Project Owner:
TONY D'AMATO
1955 MORENA BLVD.
SAN DIEGO, CA 92110



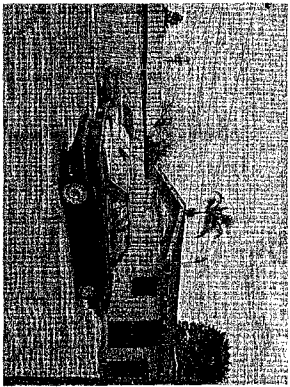
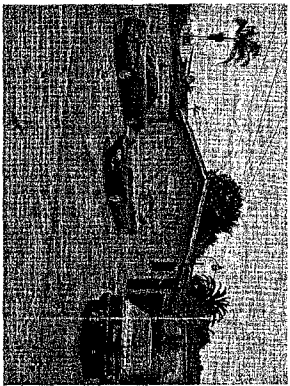
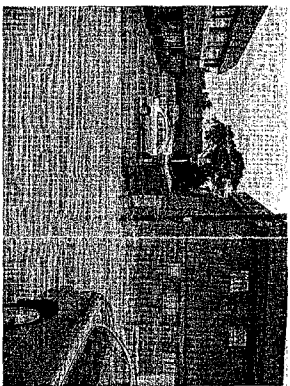
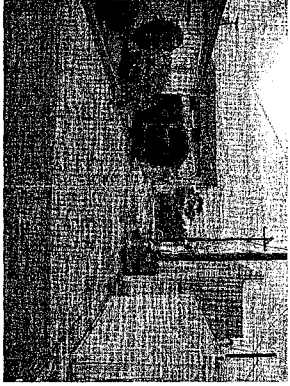
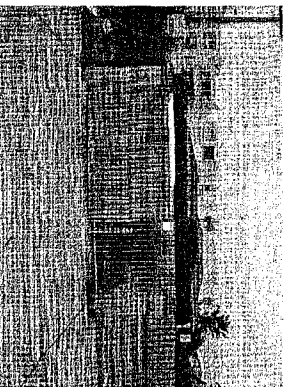
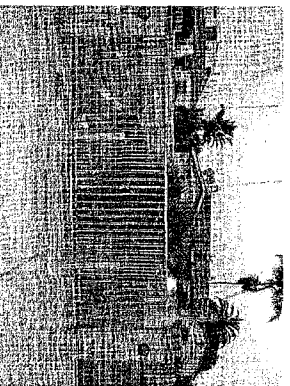
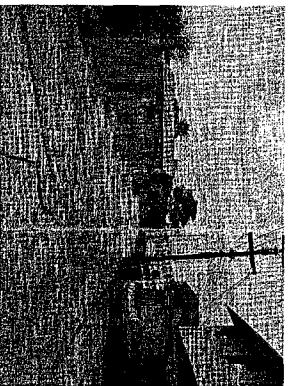
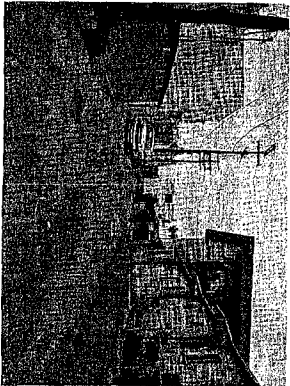
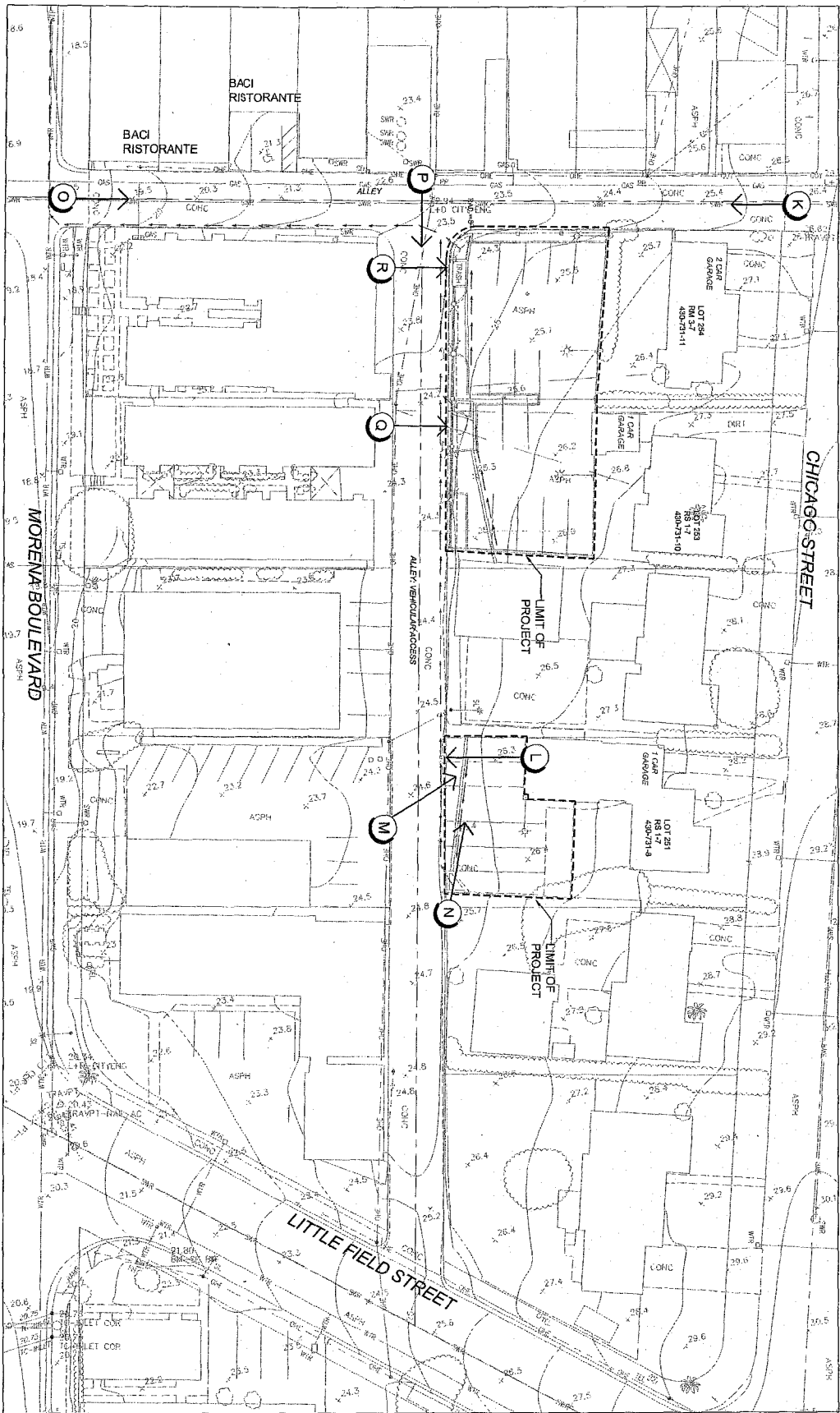
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SCHMIDT DESIGN GROUP, INC.
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2655 Fourth Avenue, San Diego, CA 92103
telephone (619) 236-1462 facsimile (619) 236-8792
www.schmidtsgroup.com
Lic. CA 2138, NV 219, AZ 34139

Project Number:
08-508
Drawing Date:
1/4/2006
Print Date:
5/18/2006
Drawn By:
SS/ELC
Checked By:
CS

Sheet Number:
EC-1
4 of 5

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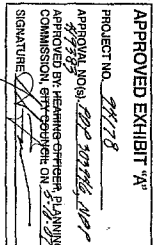
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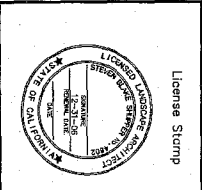


Sheet Number:
EC-2
5 of 5

#	DATE	DESCRIPTION
1	1/4/2006	Project Number: OS-508
2	1/4/2006	Drawing Date: 1/4/2006
3	5/19/2005	Print Date: 5/19/2005
4		Drawn By: SS:ELK
5		Checked By: GS

Sheet Title:
**EXISTING CONDITION
PHOTO EXHIBIT**

Project Title:
BACI RISTORANTE SUPPLEMENTAL PARKING
SAN DIEGO, CALIFORNIA
Project Owner:
TONY D'AMATO
1955 MORENA BLVD.
SAN DIEGO, CA 92110



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www.schmidtsgroup.com
Lic. CA 2138, NV 219, AZ 34139

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

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

THE ORIGINAL OF THIS DOCUMENT
WAS RECORDED ON APR 18, 2012
DOCUMENT NUMBER 2012-0226799
Ernest J. Dronenburg, Jr., COUNTY RECORDER
SAN DIEGO COUNTY RECORDER'S OFFICE
TIME: 9:48 AM

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24002496

NEIGHBORHOOD USE PERMIT NO. 955055
BACI'S - PROJECT NO. 271795
DEVELOPMENT SERVICES DEPARTMENT

This Neighborhood Use Permit No. 955055 is granted by the Development Services Department of the City of San Diego to PIETRO D'AMATO, TRUSTEE OF THE PIETRO D'AMATO TRUST, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0201. The site is located at 1955 Morena Boulevard in the CN-1-1 zone of the Clairemont Mesa Community Planning area. The project site is legally described as: Lots 241, 242 and 243 of Bay Park Village Map No. 2209; and

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to allow for the expansion of the alcohol-related previously conforming use into an adjacent tenant space described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated April 16, 2012, on file in the Development Services Department.

Facility Description:

The project is the expansion of a previously conforming use into an adjacent tenant space: An existing restaurant currently selling intoxicating beverages and beer and wine, where the current zone does not permit the sale of intoxicating beverages other than beer and wine at eating and drinking establishments. The existing restaurant is approximately 1,200 square feet. The proposed expansion is approximately 1,700 square feet.

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 April 12, 2015.

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 the Development Services Department; and
- b. The Permit is recorded in the Office of the San Diego County Recorder.

3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.

4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

6. Issuance of this Permit by the City 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 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. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" 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.

9. 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.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Development Services Department of the City of San Diego on March 28, 2012 and Resolution No. CM- 6240

Permit Type/PTS Approval No.: Neighborhood Use Permit No. 955055
Date of Approval: April 16, 2012

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT


SANDRA TEASLEY
Development Project Manager

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

Name(s) of Slicer(s)



Place Notary Seal Above

OPTIONAL

Signer Is Representing:

ORIGINAL

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

[NAME OF COMPANY]

Owner/Permittee

By 
PIETRO D'AMATO, TRUSTEE OF
THE PIETRO D'AMATO TRUST
OWNER/PERMITTEE

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

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California

County of SAN DIEGOOn 3/20/12
Datebefore me, DARRIN NELSON
Here Insert Name and Title of the Officerpersonally appeared PIETRO D'AMATO
Name(s) of Signer(s)

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

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

WITNESS my hand and official seal.

Signature: [Signature]

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Individual☐ Partner — ☐ Limited ☐ General☐ Attorney in Fact☐ Trustee☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Individual☐ Partner — ☐ Limited ☐ General☐ Attorney in Fact☐ Trustee☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here**ORIGINAL**

DEVELOPMNT SERVICES RESOLUTION NO. CM-6240
 NEIGHBORHOOD USE PERMIT NO. 955055
BACI'S - PROJECT NO. 271795
 DEVELOPMENT SERVICES DEPARTMENT

WHEREAS, PIETRO D'AMATO, TRUSTEE OF THE PIETRO D'AMATO TRUST, Owner and Permittee, filed an application with the City of San Diego for a permit to Permittee to allow for the expansion of the alcohol-related previously conforming use into an adjacent tenant space (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 955055;

WHEREAS, the project site is located at 1955 Morena Boulevard in the CN-1-1 zone of the Clairemont Mesa Community Planning area;

WHEREAS, the project site is legally described as Lots 241, 242 and 243 of Bay Park Village Map No. 2209;

WHEREAS, on April 16, 2012, Development Services Department of the City of San Diego considered Neighborhood Use Permit No. 955055 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on March 12, 2012, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15301 (a) existing facilities, interior or exterior alterations and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

NOW, THEREFORE,

BE IT RESOLVED by the Development Services Department of the City of San Diego as follows:

That the Development Services Department adopts the following written Findings, dated April 16, 2012.

FINDINGS:

Neighborhood Use Permit - Section 126.0205

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

The project is to allow for the expansion of the alcohol-related previously conforming use into an adjacent tenant space. The site is located at 1955 Morena Boulevard, zoned CN-1-2 zone and designated as Neighborhood Commercial within the Clairemont Mesa Community Planning area. This proposal implement the community-plan goals as stated on page 12 by maintaining commercial uses in neighborhood commercial centers and by revitalizing the commercial area along the southern portion of Morena Boulevard from Clairemont Drive to Tecolote Road. The proposed tenant improvement will not adversely affect the applicable land use plan.

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

The project is to allow for the expansion of the alcohol-related previously conforming use into an adjacent tenant space. The site is located at 1955 Morena Boulevard, zoned CN-1-2 zone and designated as Neighborhood Commercial within the Clairemont Mesa Community Planning area. The proposed tenant improvement is consistent with the underlying zone as an existing commercial establishment, and the community plan. No deviations have been requested. As such, the project will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

The project is to allow for the expansion of the alcohol-related previously conforming use into an adjacent tenant space. The site is located at 1955 Morena Boulevard, zoned CN-1-2 zone and designated as Neighborhood Commercial within the Clairemont Mesa Community Planning area. The proposed tenant improvement is consistent with the underlying zone as an existing commercial establishment, and the community plan. No deviations have been requested. As such, the project will comply with the applicable regulations of the Land Development Code.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Development Services Department, Neighborhood Use Permit No. 955055 is hereby GRANTED by the Development Services Department to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 955055, a copy of which is attached hereto and made a part hereof.



SANDRA TEASLEY
Development Project Manager
Development Services

Adopted on: April 16, 2012

Job Order No. 24002496

BACI GRILLE TENANT IMPROVEMENT SAN DIEGO, CALIFORNIA

ksa
kyle stephens & associates, inc.

1350 columbia street, suite 702
san diego, california 92101
tel: (619) 253-2742
fax: (619) 230-1089
email: kyle@ksa-arch.com



CONSULTANT:

CLIENT:

TONY D'AMATO

1955 MORENA BOULEVARD
SAN DIEGO, CA 92110

PROJECT:

BACI GRILL
FIRE RESTORATION

1955 MORENA BOULEVARD
SAN DIEGO, CA 92110

REVISION ITEM DATE

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THIS SET ISSUE DATE

- ☐ SCHEMATIC
- ☐ DESIGN DEV.
- ☒ PLAN CHECK 1 11-18-11
- ☐ BIDDING
- ☐ PLAN CHECK 2
- ☐ CONSTRUCTION

SHEET TITLE / CONTENTS

TITLE SHEET

PROJECT#:

FILE #:
SCALE: NONE
DRAWN BY: RR
DATE DRAWN: 2-1-11
CHECKED BY: KDS

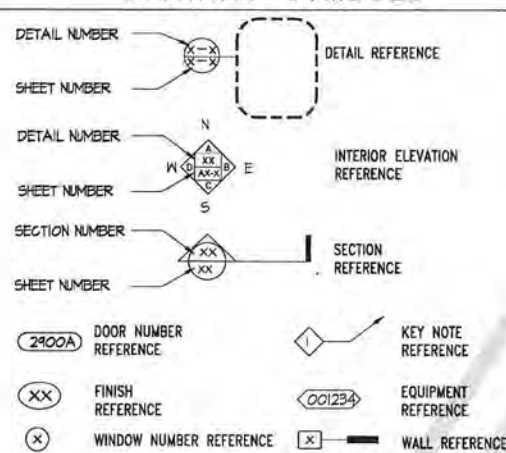
SHEET: OF:

A0-1

ABBREVIATIONS

AND	FLAT HEAD	PLF.	POUNDS PER
ANGLE	FIRE HOSE CABINET	PLYD.	LINEAL FOOT
AT	FINISH	P.L.	PLYWOOD
ANCHOR BOLT	FUTURE	P.O.	POINT
A/C	FLASH	POL.	POLISHED
ACCESS	FLOOR	PR.	PAIR
ACQUIS.	FLUORESCENT	PREP.	PREFINISH
ACOUSTIC	FACE OF BRICK	PROT.	PROTECTION
ACOUSTIC TILE	FACE OF MASONRY	P.P.F.	POUNDS PER
AMERICAN WITH	FACE OF STUD		SQUARE FOOT
DISABILITY ACT	FRAME		PAINT
'AD'	OR AREA DRAIN		
ADD.	ADDITION		
ADJ.	ADJUSTABLE		
ALUM.	ALUMINUM		
ALT.	ALTERNATE		
ANCH.	ANCHOR		
APP.	APPROVED		
APPROX.	APPROXIMATE		
ARCH.	ARCHITECTURAL		
ASPH.	ASPHALT		
ATL.	ATTENUATING		
AUTO.	AUTOMATIC		
B.	BALANCE		
BAL.	BALANCE		
BLDG.	BUILDING		
BLK.	BLACK		
BLKS.	BLOCKING		
BLKT.	BLANKET		
BM.	BEAM		
BOT.	BOTTOM		
BRDS.	BRIDGES		
BRG.	BRICK		
BRKT.	BRACKET		
BRMT.	BAGMENT		
B.T.U.	BRITISH THERMAL UNIT		
CAB.	CABINET		
CAD.	COM. AIDED DRAFTING		
CELL.	CELLING		
CER.	CERAMIC		
C.I.	CAST IRON		
C.B.	CORNER BRACKET		
C.P.	CAST IN PLACE		
C.J.	CONTROL JOINT		
CL.	CLADDING		
CLR.	CLEAR		
CNTR.	COUNTER		
C.O.	CLEAN OUT		
COL.	COLUMN		
COMM.	COMMUNICATIONS		
CONC.	CONCRETE		
CONF.	CONFERENCE		
CONN.	CONNECTION		
CONST.	CONSTRUCTION		
CONT.	CONTINUOUS		
COR.	CORNER		
CPT.	CARPET		
CSDT.	CASEMENT		
CTK.	COUNTER SINK		
CSC.	CENTER TO CENTER		
CTR.	CENTER		
CU.	CUBIC		
C.W.	COLD WATER		
D.B.	DEPTH/DEPT		
D.B.	DRESSING BOOTH		
DBL.	DOUBLE		
DEPR.	DEPRESSION		
DEPT.	DEPARTMENT		
DET.	DETAIL		
DIA.	DIAGONAL		
DIA.	DIAMETER		
DIM.	DIMENSION		
DIP.	DIPPER		
DN.	DOWN		
D.O.	DOOR OPENING		
DOCS.	DOCUMENTS		
DR.	DOOR		
DRESS.	DRESSING		
DRVR.	DRAWER		
DS.	DOWNPOUT		
DSP.	DRY STAFF/PIPE		
DNG.	DRAWINGS		
DU.	EXISTING		
ELF.	EXTERNAL INSULATION & FINISH SYSTEM		
E.I.	EXPANSION JOINT		
ELEV.	ELEVATION		
ELEC.	ELECTRICAL		
ELEVY.	ELEVATOR		
ENR.	ENCLOSURE		
ENCL.	ENCLOSURE		
ENT.	ENTRANCE		
ENV.	ENVIRONMENTAL		
EP.	ELECTRICAL PANEL		
EQ.	EQUAL		
EQUIP.	EQUIPMENT		
EST.	ESTIMATED		
ENG.	ELECTRIC WATER COOLER		
EXAM.	EXAMINATION		
EXCAV.	EXCAVATE		
EXH.	EXHAUST		
EXP.	EXPOSED		
EXT.	EXTERIOR		
FA.	FIRE ALARM		
FAST.	FASTEN		
F.B.	FLAT BAR		
F.D.	FLOOR DRAIN		
FDR.	FOUNDATION		
F.E.G.	FIRE EXTINGUISHER		
FED.	FEDERAL		
F.F.	FINISHED FLOOR		

DRAWING SYMBOLS



PROJECT DIRECTORY

OWNER:	TONY D'AMATO
MAIN OFFICE:	1955 MORENA BLVD. SAN DIEGO, CA 92110
CONTACT/PHONE:	TONY D'AMATO (619) 242-0029
PROJECT ADDRESS:	1955 MORENA BLVD. SAN DIEGO, CA 92110
ARCHITECT:	KYLE STEPHENS & ASSOCIATES, INC.
ADDRESS:	1950 COLUMBIA STREET, SUITE 702 SAN DIEGO, CA 92101
CONTACT/PHONE NUMBER:	KYLE STEPHENS, AIA, NCARB (619) 259-2742
STRUCTURAL ENGINEER:	-
ADDRESS:	-
CONTACT/PHONE NUMBER:	-
ELECTRICAL ENGINEER:	KYLE STEPHENS & ASSOCIATES, INC.
ADDRESS:	1950 COLUMBIA STREET, SUITE 702 SAN DIEGO, CA 92101
CONTACT/PHONE NUMBER:	KYLE STEPHENS, AIA, NCARB (619) 259-2742
MECHANICAL ENGINEER:	KYLE STEPHENS & ASSOCIATES, INC.
ADDRESS:	1950 COLUMBIA STREET, SUITE 702 SAN DIEGO, CA 92101
CONTACT/PHONE NUMBER:	KYLE STEPHENS, AIA, NCARB (619) 259-2742

NOTES

- CONTRACTOR SHALL SUBMIT A WRITTEN STATEMENT OF CONTRACTOR'S RESPONSIBILITY PRIOR TO ISSUANCE OF THE PERMIT.
- A CERTIFICATE OF SATISFACTORY COMPLETION OF WORK REQUIRING SPECIAL INSPECTION MUST BE COMPLETED AND SUBMITTED TO THE INSPECTION SERVICES DIVISION.

STORM WATER QUALITY NOTES

THIS PROJECT SHALL COMPLY WITH ALL REQUIREMENTS OF THE STATE PERMIT; CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN DIEGO REGION, ORDER NO 2001.01 NPDES NO CAS010875 AND THE CITY OF SAN DIEGO LAND DEVELOPMENT CODE.

NOTES 1-6 BELOW REPRESENT KEY MINIMUM REQUIREMENTS FOR CONSTRUCTION BMP'S.

- SUFFICIENT BMP'S MUST BE INSTALLED TO PREVENT SILT, MUD OR OTHER CONSTRUCTION DEBRIS FROM BEING TRACKED INTO THE ADJACENT STREET(S) OR STORM WATER CONVEYANCE SYSTEMS DUE TO CONSTRUCTION VEHICLES OR ANY OTHER CONSTRUCTION ACTIVITY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CLEANING ANY SUCH DEBRIS THAT MAY BE IN THE STREET AT THE END OF EACH WORK DAY OR AFTER A STORM EVENT THAT CAUSED A BREACH IN THE INSTALLED CONSTRUCTION BMP'S.
- ALL STOCK PILES OF UNCOMPACTED SOIL AND/OR BUILDING MATERIALS THAT ARE INTENDED TO BE LEFT UNPROTECTED FOR A PERIOD GREATER THAN SEVEN CALENDAR DAYS ARE TO BE PROVIDED WITH EROSION AND SEDIMENT CONTROLS. SUCH SOIL MUST BE PROTECTED EACH DAY WHEN THE PROBABILITY OF RAIN IS 40% OR GREATER.
- A CONCRETE WASHOUT SHALL BE PROVIDED ON ALL PROJECTS WHICH PROPOSE THE CONSTRUCTION OF AN CONCRETE IMPROVEMENTS THAT ARE TO BE POURED IN PLACE ON THE SITE.
- ALL EROSION/SEDIMENT CONTROL DEVICES SHALL BE MAINTAINED IN WORKING ORDER AT ALL TIMES.
- ALL SLOPES THAT ARE CREATED OR DISTURBED BY CONSTRUCTION ACTIVITY MUST BE PROTECTED AGAINST EROSION AND SEDIMENT TRANSPORT AT ALL TIMES.
- THE STORAGE OF ALL CONSTRUCTION MATERIALS AND EQUIPMENT MUST BE PROTECTED AGAINST ANY POTENTIAL RELEASE OF POLLUTANTS INTO THE ENVIRONMENT.

PROJECT DATA / CODE ANALYSIS

APPLICABLE CODES: ALL WORK AND MATERIALS SHALL COMPLY WITH THE REQUIREMENTS OF THESE CODES AND ALL APPLICABLE LOCAL ORDINANCES.

2010 CALIFORNIA BUILDING CODE
2010 CALIFORNIA MECHANICAL CODE
2010 CALIFORNIA PLUMBING CODE
2010 CALIFORNIA ELECTRICAL CODE
2010 CALIFORNIA FIRE CODE
TITLE 24 (ADA) CALIFORNIA ADMINISTRATIVE CODE

LEGAL DESCRIPTION: 535-952-15

APN: 535-952-15

ZONE: CN-1-2

CONSTRUCTION TYPE: TYPE VB (NON-SPRINKLERED)

OCCUPANCY TYPE: B

PROJECT DESCRIPTION: 1771 SF. TENANT IMPROVEMENT AT EXISTING RESTAURANT INCLUDING MECHANICAL AND ELECTRICAL WORK

USES: EXIST. USE - RESTAURANT
NEW USE - RESTAURANT

271795
NUP955055
9-16-12
Sandra J. Jolley

VICINITY MAP



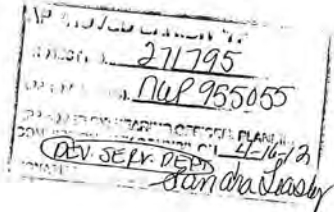
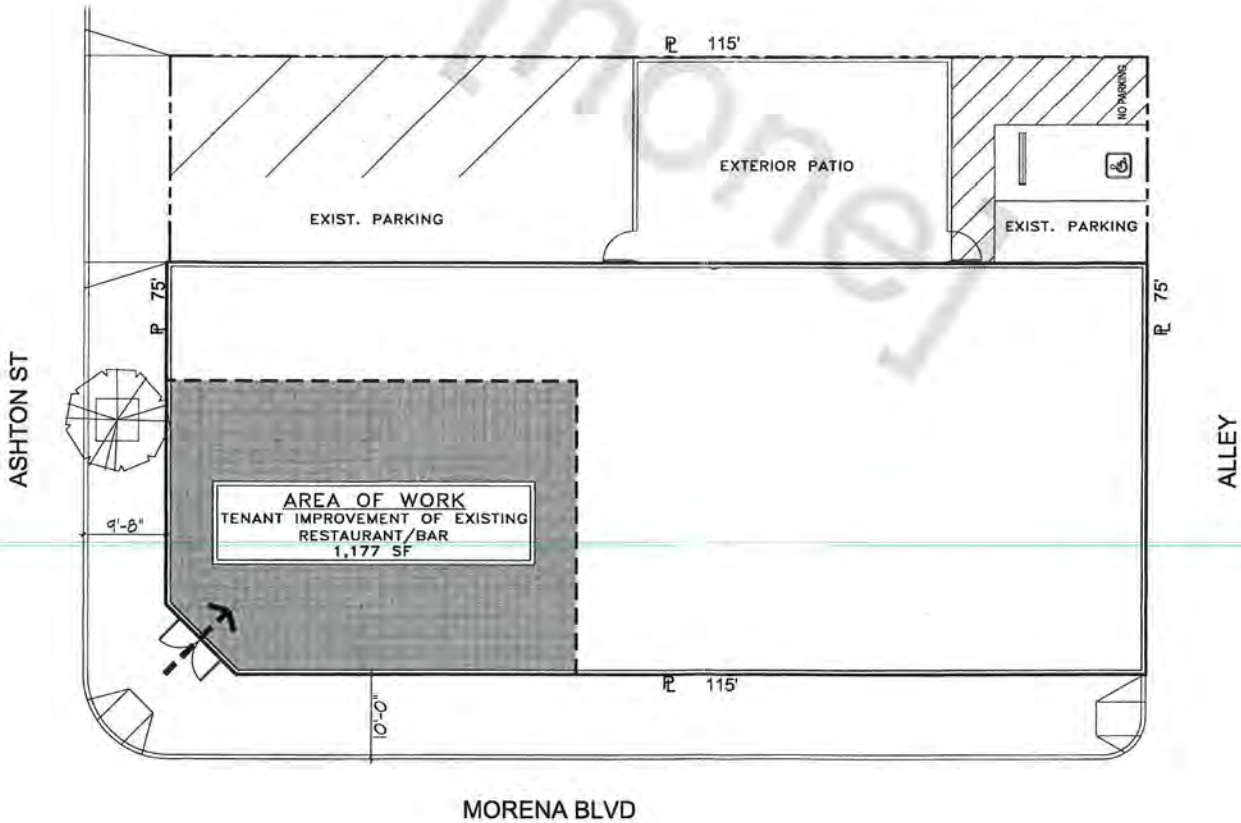
DEFERRED APPROVALS

SUBMITTAL DOCUMENTS FOR DEFERRED SUBMITTAL ITEMS SHALL BE SUBMITTED TO THE ARCHITECT OR ENGINEER OF RECORD, WHO SHALL REVIEW THEM AND FORWARD THEM TO THE BUILDING OFFICIAL WITH A NOTATION INDICATING THAT THE DEFERRED SUBMITTAL DOCUMENTS HAVE BEEN REVIEWED AND THAT THEY HAVE BEEN FOUND TO BE IN GENERAL CONFORMANCE WITH THE DESIGN OF THE BUILDING. THE DEFERRED SUBMITTAL ITEMS SHALL NOT BE INSTALLED UNTIL THEIR DESIGN AND SUBMITTAL DOCUMENTS HAVE BEEN APPROVED BY THE BUILDING OFFICIAL.

All ideas, designs, components, and plans indicated or represented by these drawings are owned by and property of Kyle Stephens & Associates, Inc., and are created, owned, and developed as instruments of service in, and in connection with the specified project. None of these drawings, designs, components, or plans shall be used by or disclosed to any person, firm, or organization for any purpose whatsoever without written permission of Kyle Stephens & Associates, Inc. Written permission on these drawings shall have precedence over any printed or electronic information. Stop, design, drawings, design, dimensions and locations shall be submitted to this office for approval before proceeding with fabrication.

ACCESSIBILITY NOTES	SITE NOTES	LEGEND
<div>1. CBC ACCESS REGULATIONS HAVE BEEN FULLY MET ON THESE DRAWINGS. I WILL PARTICIPATE IN A MANDATORY PRECONSTRUCTION MEETING FOCUSING ON ACCESS COMPLIANCE.</div> <div>ARCHITECT</div> <div>2. THE MANDATORY PRECONSTRUCTION MEETING SHALL BE SCHEDULED WITH A SENIOR STRUCTURAL INSPECTOR BY CALLING FIELD INSPECTION SERVICES AT (858) 442-5010.</div> <div>3. THE FINAL COPY OF THE PLANS REFLECTS RESOLUTION OF ALL PLAN CHECK ISSUES THAT HAVE BEEN PREVIOUSLY EVALUATED AND SIGNED-OFF DURING THE COURSE OF PLAN RECHECK.</div> <div>ARCHITECT</div> <div>4. I AM THE DESIGNER/OWNER IN RESPONSIBLE CHARGE OF THIS TENANT IMPROVEMENT PROJECT. I HAVE INSPECTED THE SITE/PREMISES AND DETERMINED THAT EXISTING CONDITIONS ARE IN FULL COMPLIANCE WITH CURRENT SITE ACCESSIBILITY REQUIREMENTS TO THE EXTENT REQUIRED BY LAW.</div> <div>ARCHITECT DATE</div> <div>5. IF THE BUILDING INSPECTOR DETERMINES NONCOMPLIANCE WITH ANY ACCESSIBILITY PROVISIONS, HE/SHE SHALL REQUIRE COMPLETE, DETAILED PLANS CLEARLY SHOWING ALL EXISTING NON-COMPLYING CONDITIONS AND THE PROPOSED MODIFICATIONS TO MEET CURRENT ACCESSIBILITY PROVISIONS AFFECTED BY THE REMODEL (INCLUDING SITE PLAN, FLOOR PLANS, DETAILS, ETC.). THE PLANS MUST BE STAMPED BY THE FIELD INSPECTOR AND RESUBMITTED TO THE BUILDING DEVELOPMENT REVIEW DIVISION.</div>	<div>1. ALL EXTERIOR SIGN LOCATIONS AND DESIGN SHALL BE SUBMITTED BY A LICENSED SIGN CONTRACTOR TO THE CITY OF SAN DIEGO PRIOR TO SIGN CONSTRUCTION.</div> <div>2. SURFACE WATER SHALL DRAIN AWAY FROM BUILDING.</div> <div>3. THIS PROJECT SHALL COMPLY WITH TITLE 24 AND 2010 C.B.C., U.M.C., U.P.C. & C.E.C.</div> <div>4. NO HAZARDOUS MATERIALS SHALL BE STORED AND/OR USED IN THIS BUILDING.</div> <div>5. ALL ENTRANCES AND ALL EXTERIOR GROUND-FLOOR EXIT DOORS TO BUILDING AND FACILITIES SHALL BE MADE ACCESSIBLE TO PERSONS WITH DISABILITIES.</div> <div>6. THERE SHALL BE A LEVEL AND CLEAR FLOOR OR LANDING ON EACH SIDE OF A DOOR (CBC 103B.2.4). THE LEVEL AREA SHALL HAVE A LENGTH IN THE DIRECTION OF DOOR SWING OF AT LEAST 60" AND THE LENGTH OPPOSITE THE DIRECTION OF DOOR SWING OF 48" AS MEASURED AT RIGHT ANGLE TO THE PLANE OF THE DOOR IN ITS CLOSED POSITION AT THE BUILDING ENTRY WHERE CURB RAMPS ARE LOCATED (CBC 103B.2.4.2, 103B.2.4.3).</div> <div>7. VERIFY LOCATION OF ALL UTILITIES AND STREET IMPROVEMENTS PRIOR TO CONSTRUCTION.</div> <div>8. THERE ARE NO BUS OR PUBLIC TRANSPORTATION STOPS ADJACENT TO THIS SITE.</div>	<div>----- PROPERTY LINE</div> <div>ACCESSIBLE PATH OF TRAVEL - MEETS CURRENT TITLE 24 REQUIREMENTS FOR ACCESS FROM THE PUBLIC WAY.</div>

NOTE:
IF THE BUILDING INSPECTOR DETERMINES NONCOMPLIANCE WITH ANY ACCESSIBILITY PROVISIONS, HE/SHE SHALL REQUIRE COMPLETE DETAILED PLANS CLEARLY SHOWING ALL EXISTING NON-COMPLYING CONDITIONS AND THE PROPOSED MODIFICATIONS TO MEET CURRENT ACCESSIBILITY PROVISIONS AFFECTED BY THE REMODEL (INCLUDING SITE PLAN, FLOOR PLANS, DETAILS, ETC.). THE PLANS MUST BE STAMPED BY THE FIELD INSPECTOR AND RESUBMITTED TO THE BUILDING DEVELOPMENT REVIEW DIVISION.



k sa
kyle stephens & associates, inc.

1350 columbia street, suite 702
san diego, california 92101
tel: (619) 253-2742
fax: (619) 230-1089
email: kyle@ksa-arch.com



CONSULTANT:

CLIENT:

TONY D'AMATO

1955 MORENA BOULEVARD
SAN DIEGO, CA 92110

PROJECT:

BACI GRILL
FIRE RESTORATION

1955 MORENA BOULEVARD
SAN DIEGO, CA 92110

REVISION	ITEM	DATE
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△		
△		
△		

THIS SET	ISSUE DATE
<input type="checkbox"/> SCHEMATIC	
<input type="checkbox"/> DESIGN DEV.	
<input checked="" type="checkbox"/> PLAN CHECK 1	11-18-11
<input type="checkbox"/> BIDDING	
<input type="checkbox"/> PLAN CHECK 2	
<input type="checkbox"/> CONSTRUCTION	

SHEET TITLE / CONTENTS

SITE PLAN

PROJECT#:
FILE #:
SCALE: 1"=10'-0"
DRAWN BY: RR
DATE DRAWN: 2-1-11
CHECKED BY: KDS

SHEET: OF:

A1-1

NORTH

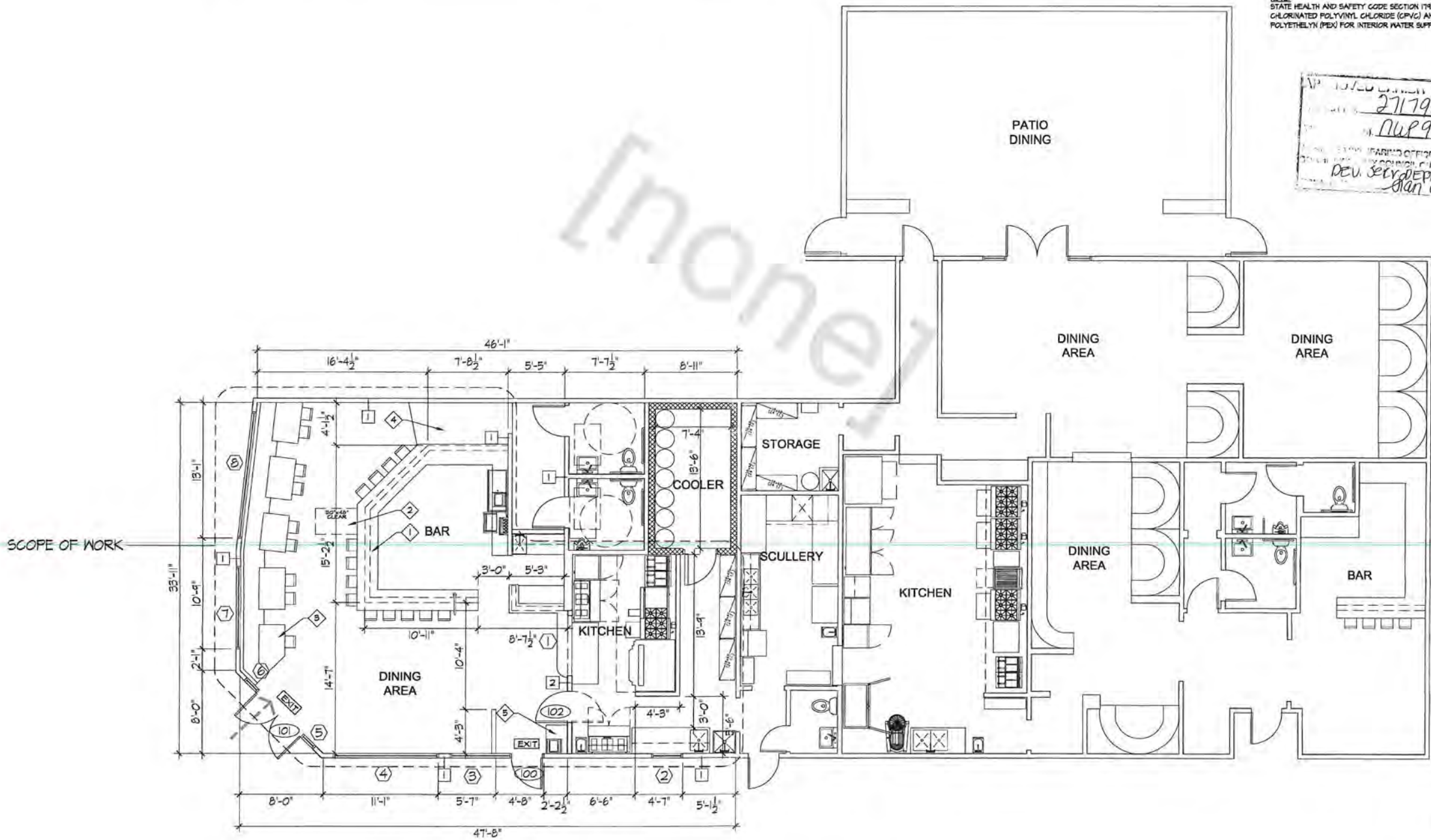
SCALE
1"=10'-0"

SITE PLAN

All items, design, arrangements, and plans indicated or represented by these drawings are owned by and property of Kyle Stephens & Associates, Inc., and are not to be used by or disclosed to any other person without the written consent of Kyle Stephens & Associates, Inc. The drawings are prepared for the project and are not to be used for any other project without the written consent of Kyle Stephens & Associates, Inc. The drawings are prepared for the project and are not to be used for any other project without the written consent of Kyle Stephens & Associates, Inc.

MEANS OF EGRESS CALCS.	GENERAL NOTES	KEYNOTES	WALL LEGEND
DINING/BAR - 612 sf/5 = 41 OCC. 41 OCC. x 0.2 IN. = 8.2 IN. REQ. TOTAL EGRESS WIDTH	1. CONTRACTOR SHALL VERIFY ALL ROUGH OPENING REQUIREMENTS PRIOR TO FRAMING. 2. FIRE PROTECTION, INCLUDING FIRE APPARATUS ACCESS ROADS AND WATER SUPPLIES FOR FIRE PROTECTION, SHALL BE INSTALLED AND MADE SERVICEABLE PRIOR TO AND DURING TIME OF CONSTRUCTION. (CFC 901.3, 910.4.2, 910.4.3) 3. BUILDINGS UNDERGOING CONSTRUCTION, ALTERATION OR DEMOLITION SHALL BE IN ACCORDANCE WITH CFC ARTICLE 87. (CFC 8701) 4. DECORATIVE MATERIALS SHALL BE MAINTAINED IN A FLAME-RETARDANT CONDITION. (CODE REGS., TIT. 19, 9.08, 9.31, CFC 2501.5) 5. AT LEAST ONE FIRE EXTINGUISHER WITH A MINIMUM RATING OF 2-A-10B:C SHALL BE PROVIDED WITHIN 75 FEET MAXIMUM TRAVEL DISTANCE FOR EACH 6,000 SQUARE FEET OR PORTION THEREOF ON EACH FLOOR. (CFC 1002, UFG STANDARD 10-1, CAL. CODE REGS., TIT. 19, 9.34) 6. ALL WALL AND CEILING FINISHES TO COMPLY WITH CBC CHAPTER 8, TABLE 803 7. PROVIDE STRUCTURAL WALL SHEATHING AS INDICATED ON STRUCTURAL DWGS. PROVIDE FURRING AS NEEDED TO MAINTAIN A FLUSH FINISH THROUGHOUT 8. ALL INTERIOR WALLS TO RECEIVE TEXTURED GYP. BD. TAPED & SANDED UNLESS OTHERWISE NOTED. 9. EXISTING FIRE ALARM INITIATES A SIGNAL USING AN EMERGENCY VOICE/ALARM COMMUNICATIONS SYSTEM IN ACCORDANCE WITH CBC 907.5.2.2 10. ALL EGRESS/EXIT DOORS SHALL BE OF THE PIVOTED OR SIDE-HINGED SWINGING TYPE PER SECTION 1009.1.2	1 NEW BAR TOP 2 34" HIGH FOLD UP COUNTER TOP 3 NEW BOOTH SEATING 4 EXISTING RAMP - 4.5% SLOPE, 5' RISE 5 NEW WAITRESS STATION	1 EXISTING NON-RATED WALL 2 NEW NON-RATED WALL 3 1/2" x 16" O.C. 1/2" GYP. BD. EA. INT. FACE TO UNDERLIE 5/8" GYP. BD. EA. INT. FACE TO CLASS D PAPER BACKED GALV. HTL. LATH EA. EXT. FACE PROVIDE CONT. 2x BLOCKING & 6" O.C. VERT. AND R-5 BATT INSULATION. ACCESSIBLE PATH OF TRAVEL DOOR NUMBER SYMBOL WINDOW NUMBER SYMBOL WALL TYPE EXIT SIGN - TO BE ILLUMINATED AT ALL TIMES. POWER TO BE SUPPLIED FROM STORAGE BATTERIES, UNIT EQUIPMENT OR AN ON-SITE GENERATOR. THE EMERGENCY SYSTEM MUST ENSURE CONTINUED ILLUMINATION FOR A MIN. OF 90 MINUTES.

NOTE:
STATE HEALTH AND SAFETY CODE SECTION 19421.9 BANS THE USE OF CHLORINATED POLY(VINYL CHLORIDE (CPVC) AND CROSSLINKED POLYETHYLENE (PEX) FOR INTERIOR WATER SUPPLY PIPING.



REMODELED FLOOR PLAN

ksa
kyle stephens & associates, inc.

1350 columbus street, suite 702
san diego, california 92101
tel: (619) 253-2742
fax: (619) 230-1089
email: kyle@ksa-arh.com



CONSULTANT:

CLIENT:

TONY D'AMATO

1955 MORENA BOULEVARD
SAN DIEGO, CA 92110

PROJECT:

BACI GRILL
FIRE RESTORATION

1955 MORENA BOULEVARD
SAN DIEGO, CA 92110

REVISION ITEM DATE

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△		
△		
△		
△		

THIS SET

ISSUE DATE

<input type="checkbox"/> SCHEMATIC	
<input type="checkbox"/> DESIGN DEV.	
<input checked="" type="checkbox"/> PLAN CHECK 1	11-18-11
<input type="checkbox"/> BIDDING	
<input type="checkbox"/> PLAN CHECK 2	
<input type="checkbox"/> CONSTRUCTION	

SHEET TITLE / CONTENTS

REMODELED FLOOR PLAN

PROJECT#:

FILE #:

SCALE:

DRAWN BY:

DATE DRAWN:

CHECKED BY:

SHEET:

OF:

A2-1



THE CITY OF SAN DIEGO

Date of Notice: September 19, 2014

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24004512

PROJECT NAME/NUMBER: Baci/Luci Expansion/PTS 362564

COMMUNITY PLAN AREA: Clairemont Mesa

COUNCIL DISTRICT: 2

LOCATION: The project is located at 1955 Morena Boulevard, San Diego, CA 92110 in the CN-1-2 zone within the Clairemont Mesa Community Planning Area.

PROJECT DESCRIPTION: Planned Development Permit (PDP) to deviate from the maximum 20 % increase in floor area previously conforming regulation and Neighborhood Use Permit (NUP) Amendment to expand 728 square feet (sq ft) into adjacent lease space to expand the existing restaurant.

ENTITY CONSIDERING PROJECT APPROVAL: Planning Commission

ENVIRONMENTAL DETERMINATION: 15301(e) - (Existing Facilities)

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: The City of San Diego has determined the project meets the categorical exemption criteria set forth in the CEQA State Guidelines Sections 15301(e) (Existing Facilities). 15301(e) allows for the additions to existing structures provided that the addition will not result in an increase of more than 50% of the floor area of the structures before the addition, or 2,500 sq ft whichever is less. Since the project would expand the existing restaurant by 728 sq ft into an adjacent lease space on a site lacking sensitive environmental resources the exemption does apply and the exceptions listed in CEQA Section 15300.2 would not apply.

DEVELOPMENT PROJECT MANAGER: Sandra Teasley
MAILING ADDRESS: 1222 1st Avenue, MS 501, San Diego, CA
92101
PHONE NUMBER: (619) 446-5271

On September 19, 2014 the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the Planning Commission. If you have any questions about this determination, contact the City Development Project Manager listed above.

Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk within 10 business days from the date of the posting of this Notice. That appeal deadline date is October 3, 2014. The appeal application can be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101.

This information will be made available in alternative formats upon request.

POSTED IN THE OFFICE OF DSD	
Posted	SEP 17 2014 <i>ml</i>
Removed	OCT 06 2014
Posted by	<i>Myrales</i>

Two potential news members. Troy Terpening withdraws application at this time as he has not attended required number of meetings. Joseph Smith defers application until he can produce residency proof.

303. Move to Cadman Elementary School, 4370 Kamloop Ave. (Jeff Barfield, Chair) Several members Have requested the CCPC consider moving the current CCPG meeting location to Cadman Elementary, in the auditorium. The Chair and Secretary have communicated with the City and the school and obtained the go ahead.

Move to Cadman Elementary. Chair reports that insurance and city approval are in place. Principal of Cadman had indicated availability on our regular meeting day. Discussion by committee to include periodic parking issues at present location. Concerns by public about parking and lighting at Cadman.

Motion made by Susan Mournian to hold July monthly meeting at Cadman 7pm after Sandag presentation, second Fiona Theseira.

Vote: 10-0-0 Approved

Motion made by Steve Innis to make permanent move to Cadman, second by Margie Schmidt.

Vote: 4-6-0 Not Approved No – Jack Carpenter, Fiona Theseira, Jeff Barfield, Debra Howell, Michael Puente, Susan Mournian

304. Notice of Application by Baci's Restaurant (Jeff Barfield, Chair)

Jeff explained that Notice of Application is a Process 2 which can be an administrative decision unless there is an appeal. He read email by Lauren Rice who lives on Chicago Street. She is concerned about traffic and parking. Chair went on to explain that he felt there may have been noticing issues with this item.

Motion made by Susan Mournian to recommend approval of Project # 362564 with committee's concerns to be addressed about applicant meeting city parking standards, need for staff traffic evaluation for potential crosswalks and red curbing of street corners, and strong committee concerns for both safety and congestion in the immediate neighborhood, second by Fiona Theseira.

Vote: 9-1-0 Approved No – Debra Howell

Item 9. Reports to Group
Airports (Keith Hartz) - None

BACAC (Billy Paul) - None

Chair (Jeff Barfield)

Need for members to attend with regularity. Requirement is that no member misses 3 meetings in a row or 4 meeting within a term.

Meeting on July 15 @ Cadman will be preceded by a MidCoast Trolley workshop from 5-7m conducted by Sandag. It would be helpful to study pertinent documents.

Gas Station at Clairemont Drive and Balboa has closed its project application for the site. No address given for site but should be in previous minutes.

CPC Report (Jeff Barfield) - None

Debra Howell asked what kind of equipment would be going on top of the patio? A: A generator. They did a noise study and no significant noise was added by their equipment.

Fiona Theseira wanted to know if it would add additional heat to the building since they don't have an air conditioning unit? A: There are fans there to cool and it is an open sky. The amount of heat would not be noticeable. It will not have an impact on the building.

Public Comments:

Q. Have you done a structural analysis and are you earthquake proof. – A. No, not completed until we get all the planning permits.

All the kids eat lunch on that patio. Q. What kind of studies have you done about adding additional antennas that are in close proximity to kids all days. A. - It does not emit from the patio – only the towers. It has to meet FCC standards.

Motion by Margie Schmidt to approve, with request to add additional drought landscape in parkway, second by Fiona Theseira.

Vote: 12-0-0 Approved

302: Request for Community Plan Amendment Initiation for Change in Land Use Designation and Applicant Presentation of the Proposed Project, Morena Blvd. at Frankfort Street (Camille Passon, Project Design Consultants on behalf of KB Home). Applicant requests CCPG recommendation for a community plan amendment initiation to allow for proposed mixed residential project consisting of 10 townhomes and 51 single family detached homes. **WITHDRAWN**

303: Consideration of CCPC Member Application by Joseph Smith (Jeff Barfield, Chair) Joseph Smith has submitted an application and candidate statement for membership on the CCPG.

Motion by Susan Mournian to accept Joseph Smith for membership to the CCPC since requirements were met, second by Debra Howell.

Vote: 12-0-0 Approved

304: Reconsideration of June Vote, Neighborhood Use Permit for Expansion of Baci's Restaurant, Project #362564, Morena Blvd. at Ashton St. (Jeff Barfield, CCPC Chair) Due to prior inadequate noticing of the project before the CCPC at its June meeting, the Chair's request to approve a vote to reconsider June's action to recommend approval and schedule a new vote following review of the input on the application by City Staff.

Chair explained that city had elevated this application to a Process 4 decision. He also stated that due to faulty noticing it might be best to revote.

Delana Hardacre recused herself.

Motion to revote on Item 304 made by Scott Wentworth mentioning inadequate notice to the public, second by Michael Puente.

Vote: 8-3-0 Approved

Presentation by Jorge Guevara representing applicant. Explained that 300 feet would be dining and 400 feet for kitchen with no additional square footage. The applicant is taking over space occupied by another business. Additional off street parking will be provided per code. These parking places were formerly associated with the

1. APPLICANT SHALL RECONSTRUCT THE DAMAGED PORTIONS PORTIONS OF THE ALLEY w/ASPHALT w/CURRENT CITY STANDARD DRAWING No. G-21 for CONCRETE ALLEY.
2. APPLICANT SHALL RECONSTRUCT THE ALLEY APRON AT MORENA BLVD, ADJACENT TO THE SITE, w/CURRENT CITY STANDARD DRAWING No. SDG-120.
3. APPLICANT SHALL RECONSTRUCT THE EXISTING RAMPS ON BOTH SIDES OF THE ALLEY ENTRANCE, ADJACENT TO THE SITE, w/CURRENT STANDARD DRAWING No. SDG-136 WITH TRUNCATED DOMES.
4. ENGINEERING REVIEW HAS DETERMINED THAT THE CURB RAMP AT MORENA BLVD. & ASHTON STREET & THE EXIST. DRIVEWAY ON ASHTON STREET ARE ADA COMPLAINT.
5. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT THE OWNER / PERMITTEE SHALL INCORPORATE ANY CONSTRUCTION BEST MANAGEMENT PRACTICES NECESSARY TO COMPLY WITH CHAPTER 14, ARTICLE 2, DIVISION 1, (GRADING REGULATIONS) OF THE SAN DIEGO MUNICIPAL CODE, INTO THE CONSTRUCTION PLANS or SPECIFICATIONS.
6. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT THE OWNER / PERMITTEE SHALL SUBMIT A WATER POLLUTION CONTROL PLAN (WPCP). THE WPCP SHALL BE PREPARED IN ACCORDANCE WITH THE GUIDELINES IN APPENDIX "E" OF OF THE CITY'S STORM WATER STANDARDS.

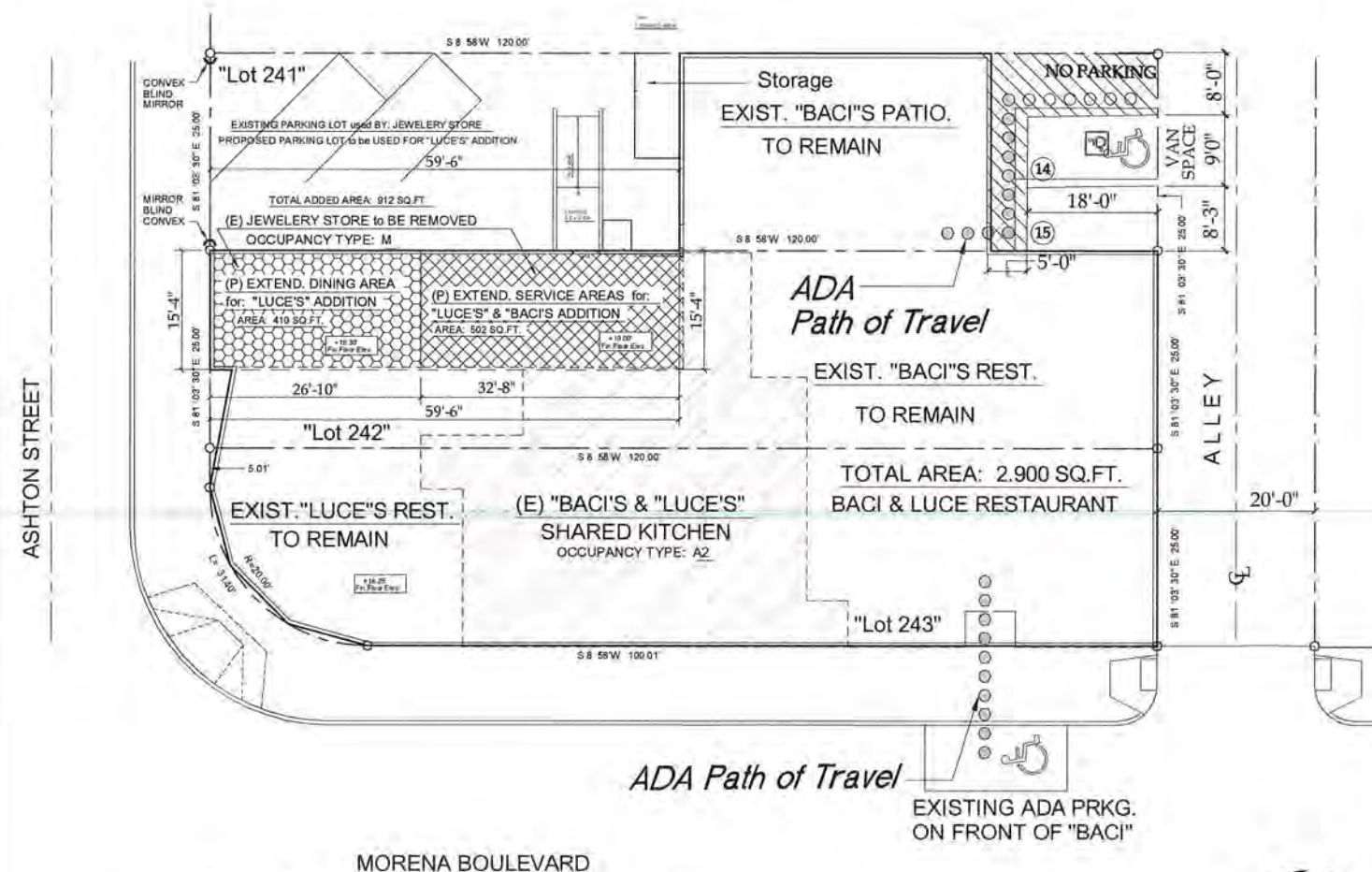
The vicinity map shows the project location at the intersection of Morena Blvd. and Chicago St. Key features include:

- Interstate 5** running vertically on the left side.
- Tecolote Road** running horizontally across the middle.
- Railroad** tracks running vertically in the center.
- Morena Blvd.** running vertically on the right side.
- Chicago St.** running horizontally at the top right.
- ASHTON ST.** running horizontally at the top left.
- BACI[®] EXPANSION 728 Sq.Ft.** located at the intersection of Morena Blvd. and Chicago St.
- Fire Hydrant** located near the intersection of Morena Blvd. and Chicago St.
- 1972 CHICAGO FIRE STATION** located near the intersection of Morena Blvd. and Chicago St.

VICINITY MAP

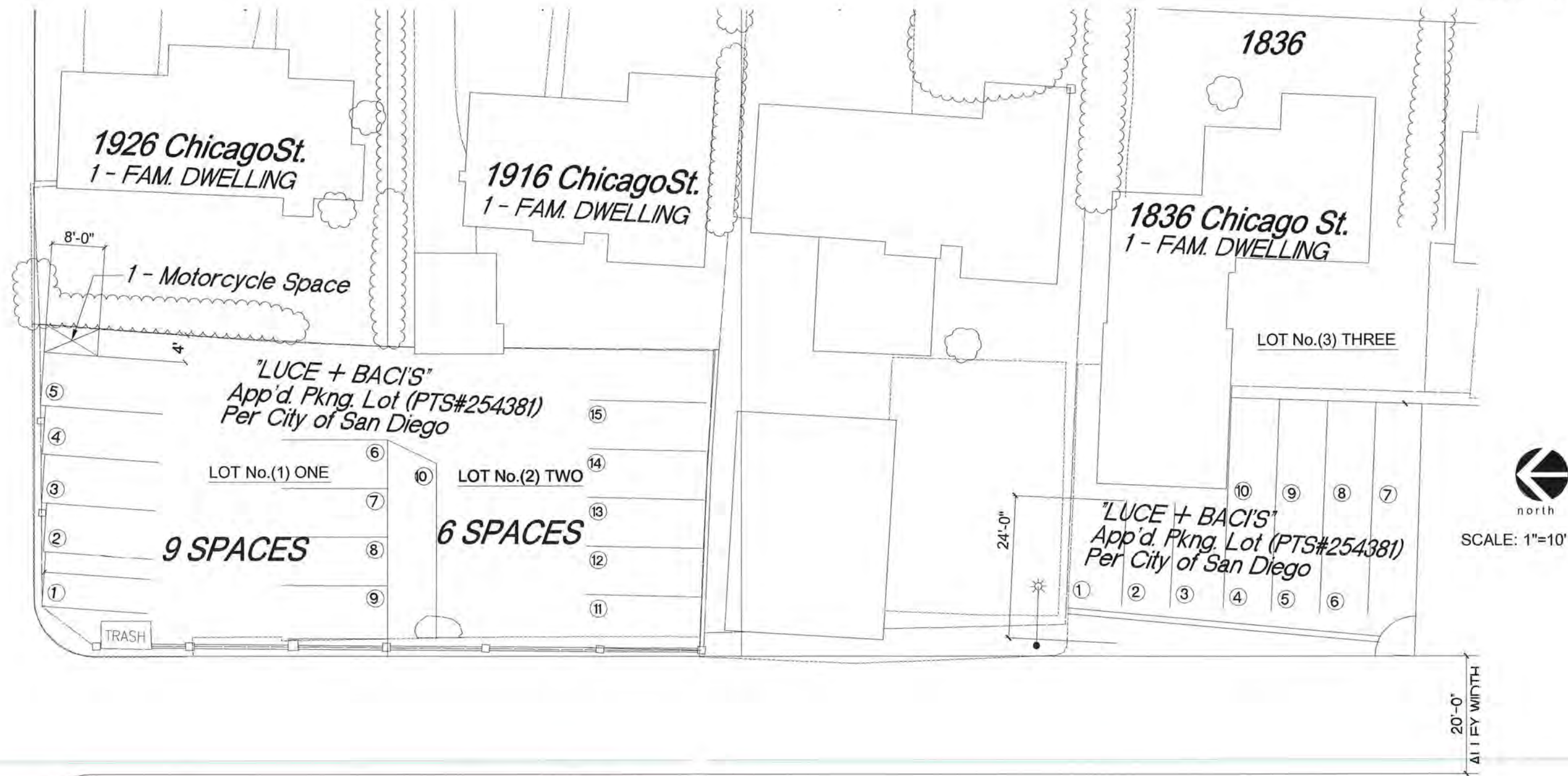
north
NOT TO SCALE

DEF



PROPOSED ARCHITECTURAL SITE PLAN

SCALE: 1"=10'



PARKING ANALYSIS PLAN

TOTAL NEW PARKING CALCULATIONS:

APPROVED PARKING PER PTS # 94178 FOR: BACI & LUCE VALET PARKING IS PROVIDED ON FRIDAY & SATURDAY	
Lot No.(1 & 2) One +Two CUSTOMER PARKING	Lot No.(3) Three CUSTOMER/EMPLOYEE PARKING
SITE ADDRESS: 1916 & 1926 CHICAGO ST. SAN DIEGO, CA. 92110	1936 CHICAGO ST. SAN DIEGO, CA. 92110
APN: 430-731-10 430-731-11	430-731-08
LEGAL: LOTS 253 & 254 at BAY PK. VILLAGE, MAP 2209	LOTS 251 at BAY PK. VILLAGE, MAP 2209
LOT AREA: 13,933 SQ.FT.	6,534 SQ.FT.
PARKING STALLS: 15 STD. SPACES	4 STD. SPACES 3 TANDEM SPACES = 6 SPACES
EXISTING PARKING STALLS: 25 PARKING SPACES	
BASE ZONE: RS-1-7 & RM-3-7	RS-1-7 & RM-3-7

Lot No.(4) Four ADA PARKING

SITE ADDRESS: 1955 MORENA BLVD.
SAN DIEGO, CA. 92110

APN: 430-482-03-00

LEGAL: LOTS 241 at BAY PARK
VILLAGE, MAP 2209

LOT AREA: PART OF LOT 241, BEHIND PATIO

PARKING STALLS: 2 SPACES

EXISTING PARKING STALLS:

BASE ZONE: CN-1-2

Prepared By:
Deshapes
216 Averil Road
San Ysidro, CA 92173
Phone: 619-779-0445
email: jguevararch@gmail.com

Project Address:
BACI'S & LUCE'S RESTAURANT
c/o TONY D'AMATO
1955 Morena Boulevard
San Diego, California 92110

Project Name:
Baci's & Luce's Restaurant
Planned Development Permit
No. 362564, IOW#24004512

Sheet Title:
PARKING ANALYSIS PLAN

Revision 14:	
Revision 13:	
Revision 11:	
Revision 10:	
Revision 9:	
Revision 8:	
Revision 7:	
Revision 6:	
Revision 5:	APRIL 30, 2015
Revision 4:	DECEMBER 19, 2014
Revision 3:	AUGUST 29, 2014
Revision 2:	AUGUST 6, 2014
Revision 1:	MAY 27, 2014
Original Date:	MARCH 4, 2014

SITE SURVEY

LEGAL DESCRIPTION

A PORTION OF LOTS 241 THROUGH 243, BAY PARK VILLAGE, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 2209, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 8, 1936.

NOTES

1. THIS SITE SURVEY HAS BEEN PREPARED FOR ENGINEERING STUDIES ONLY. THE LOT LINES AND STREET RIGHT-OF-WAY LINES ARE SHOWN FOR REFERENCE ONLY AND ARE FROM RECORD INFORMATION ONLY (MAP 2209). NO PROPERTY SURVEY OR DETERMINATIONS HAVE BEEN MADE TO VERIFY PROPERTY BOUNDARIES, NO PROPERTY OWNERSHIP OR TITLE INFORMATION HAS BEEN SUPPLIED OR RESEARCHED AND IS NOT SHOWN HEREON.
2. EXISTING LAND USE: COMMERCIAL.
3. FIELD SURVEY OF THIS SITE WAS PERFORMED ON APRIL 28, 2014 BY STEVEN M. HOWELL, LAND SURVEYOR.
4. ASSESSOR PARCEL NOS: 430-482-01, 02.
5. THE LOCATION OF EXISTING UNDERGROUND UTILITIES IS APPROXIMATE AND IS BASED ON RECORD INFORMATION AND FIELD LOCATION OF SURFACE FACILITIES INDICATED ON THIS SURVEY.
6. LEGAL DESCRIPTION SHOWN UNDER THE CAPTION (LEGAL DESCRIPTION) IS BASED ON RECORD INFORMATION ONLY AND MAY NOT REFLECT ADJUSTMENTS MADE BY BOUNDARY SURVEY AND FUTURE MAPPING EFFORTS.

BENCHMARK

THE BENCHMARK FOR THIS SURVEY IS CITY OF SAN DIEGO BENCHMARK 2250 17061, A BRASS PLUG IN THE TOP OF CURB IN THE SOUTHEASTERLY CURB RETURN AT THE INTERSECTION OF MORENA BOULEVARD AND ASHTON STREET. ELEVATION = 18.00 FEET M.S.L.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY: (a) THAT THE SURVEY REPRESENTED HEREIN IS AN ACCURATE SURVEY OF A PORTION OF THE REAL PROPERTY LEGALLY DESCRIBED HEREIN; (b) THAT THE WITHIN SURVEY, PROPERLY AND ACCURATELY INDICATES AND LOCATES ALL VISIBLE IMPROVEMENTS ON THE PORTION OF THE REAL PROPERTY AS OF THE DATE OF THE SURVEY, APRIL 28, 2014; (c) THAT THE WITHIN SURVEY WAS PREPARED UNDER THE DIRECT SUPERVISION AND CONTROL OF THE UNDERSIGNED FROM AN ACTUAL SURVEY MADE OF A PORTION OF THE REAL PROPERTY LEGALLY DESCRIBED HEREIN; (d) INGRESS AND EGRESS TO THE SUBJECT PROPERTY IS PROVIDED BY MORENA BOULEVARD AND ASHTON STREET, UPON WHICH THE PROPERTY ADJUTS, THE SAME BEING PAVED AND DEDICATED RIGHT-OF-WAYS MAINTAINED BY THE CITY OF SAN DIEGO.

NOTE: SECTION 8770.6 OF THE PROFESSIONAL LAND SURVEYORS ACT IN THE BUSINESS AND PROFESSIONS CODE OF THE STATE OF CALIFORNIA STATES THAT THE USE OF THE WORD "CERTIFY" OR "CERTIFICATION" HEREON ONLY CONSTITUTES AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THOSE FACTS OR FINDINGS WHICH ARE THE SUBJECT OF THE CERTIFICATION, AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESSED OR IMPLIED.

04/30/2014
STEVEN M. HOWELL, L.S. 5758 DATE
MY REGISTRATION EXPIRES 6/30/2014

STEVEN M. HOWELL,
LAND SURVEYOR
9760 MESA SPRINGS WAY #33
SAN DIEGO, CA. 92126
(358) 621-6050
2014-15 04/30/2014

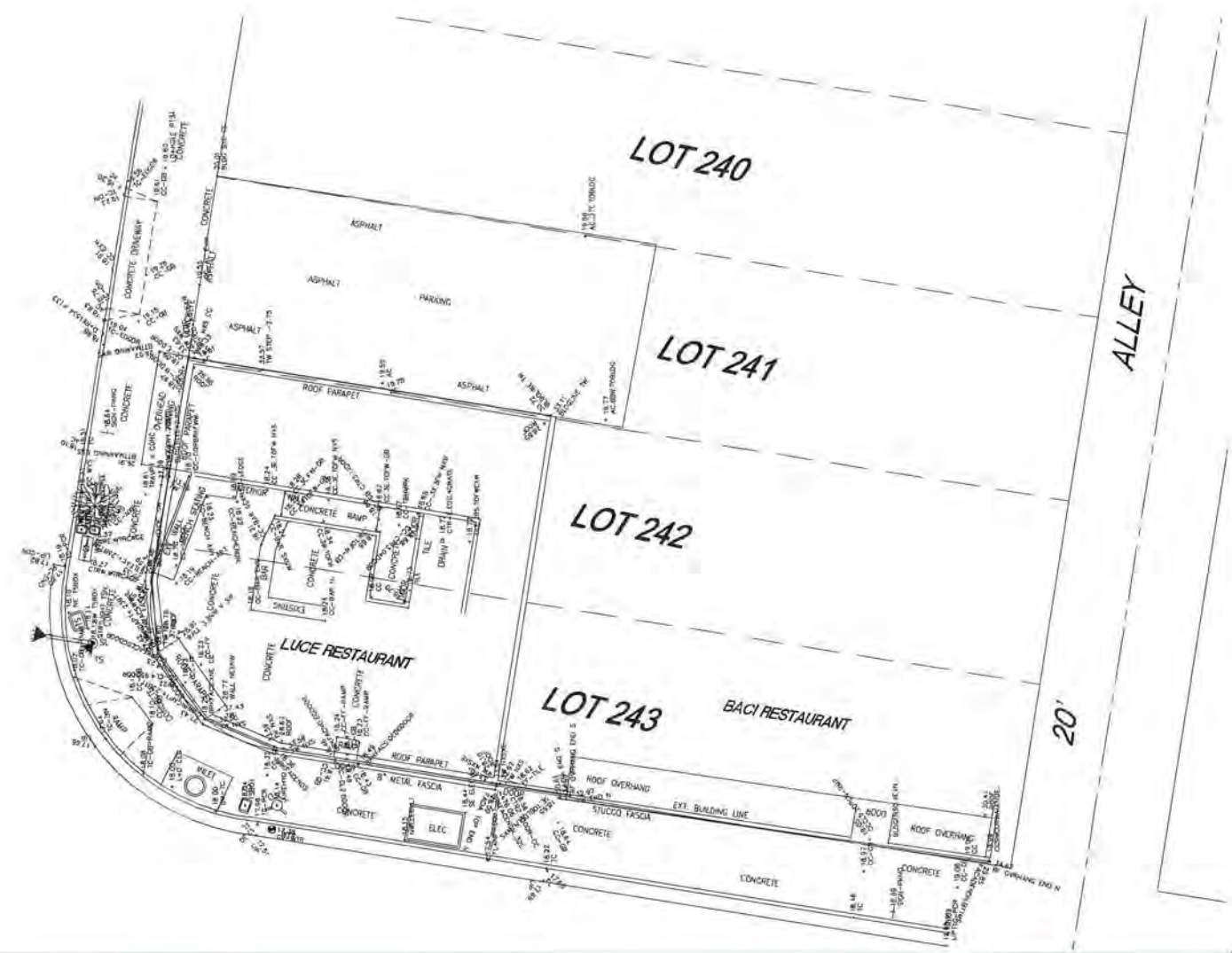
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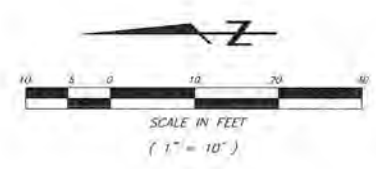
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LEGEND

- SWR ○ SD EXISTING MANHOLE (SWR=SEWER) (SD=STORM DRAIN)
- WTR ⊕ EXISTING WATER GATE VALVE
- WTR MTR □ EXISTING WATER METER
- TS □ EXISTING TRAFFIC SIGNAL VAULT
- XX EXISTING FIRE HYDRANT
- ⊗ EXISTING TREE
- INDICATES EXISTING CONCRETE CURB AND CUTTER
- SL INDICATES STREET LIGHT
- TS INDICATES TRAFFIC SIGNAL
- WTR INDICATES WATER
- TW TOP WALL
- AC INDICATES ASPHALT
- CONC INDICATES CONCRETE
- TC TOP CURB





PROPOSED "BACI + LUCE" FLOOR PLAN

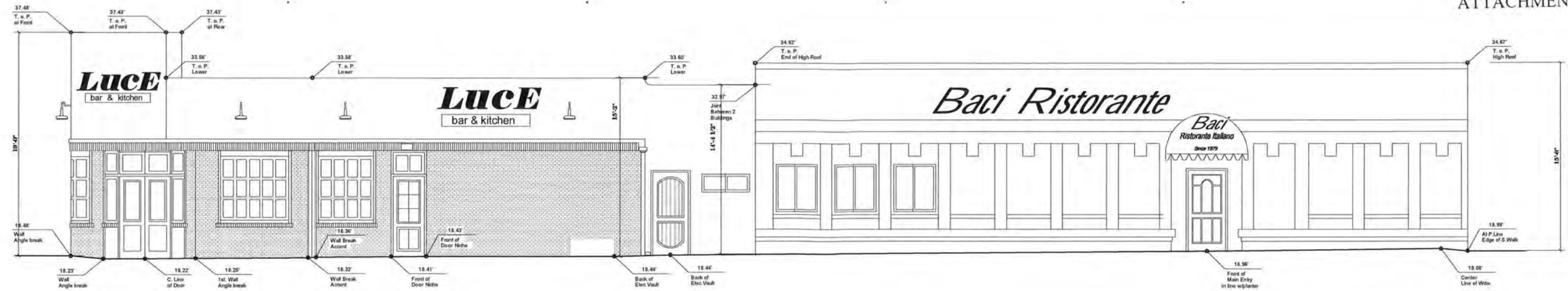
1. ALCOHOLIC SALES DOES NOT EXCEED FOOD SALES, ALCOHOLIC IS LESS THAN 50% PERCENT FROM EATING SALES.
2. "BACI" & "LUCÉ" SHALL BE A BONA-FIDE EATING & DRINKING ESTABLISHMENT .
 - (a) "BACI" & "LUCÉ" SHALL BE A PLACE PRIMARILY USED FOR SERVING INDIVIDUALLY PREPARED MEALS TO GUESTS FOR COMPENSATION.
 - (b) "BACI" & "LUCÉ" IS AN ESTABLISHMENT THAT WILL NOT CHARGE PATRONS AN ADMISSION CHARGE FOR THE RIGHT or PRIVILEGE TO ENTER THE ESTABLISHMENT.
 - (c) "BACI" & "LUCÉ" SERVES ALCOHOLIC BEVERAGES AS A BONA-FIDE EATING & DRINKING ESTABLISHMENT MUST CONTAIN SUITABLE KITCHEN FACILITIES ON THE PREMISES & PROVIDE ADEQUATE SEATING FOR PATRONS.



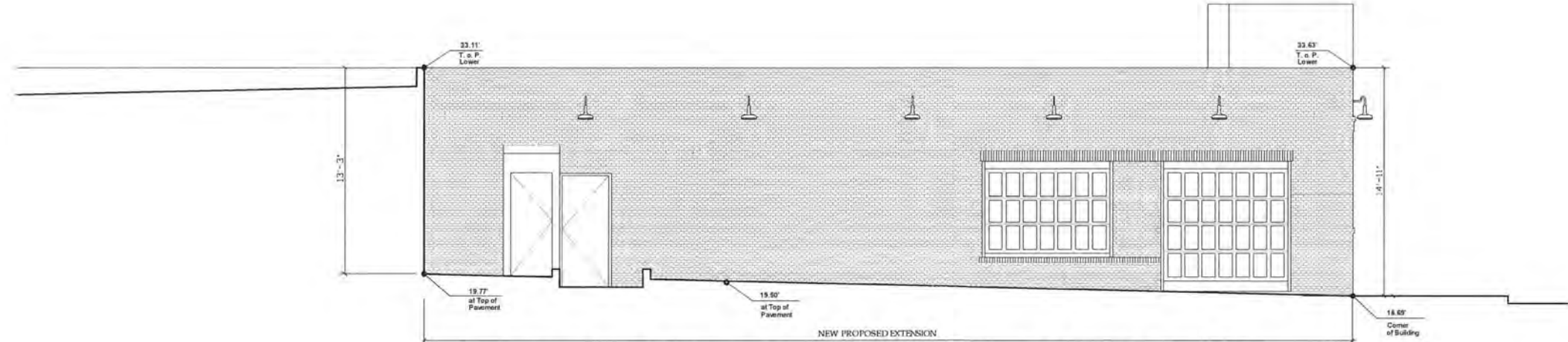
SCALE: 3/16"=1'-0"

ARCHITECTURAL FLOOR PLAN

4 Sheet of 5



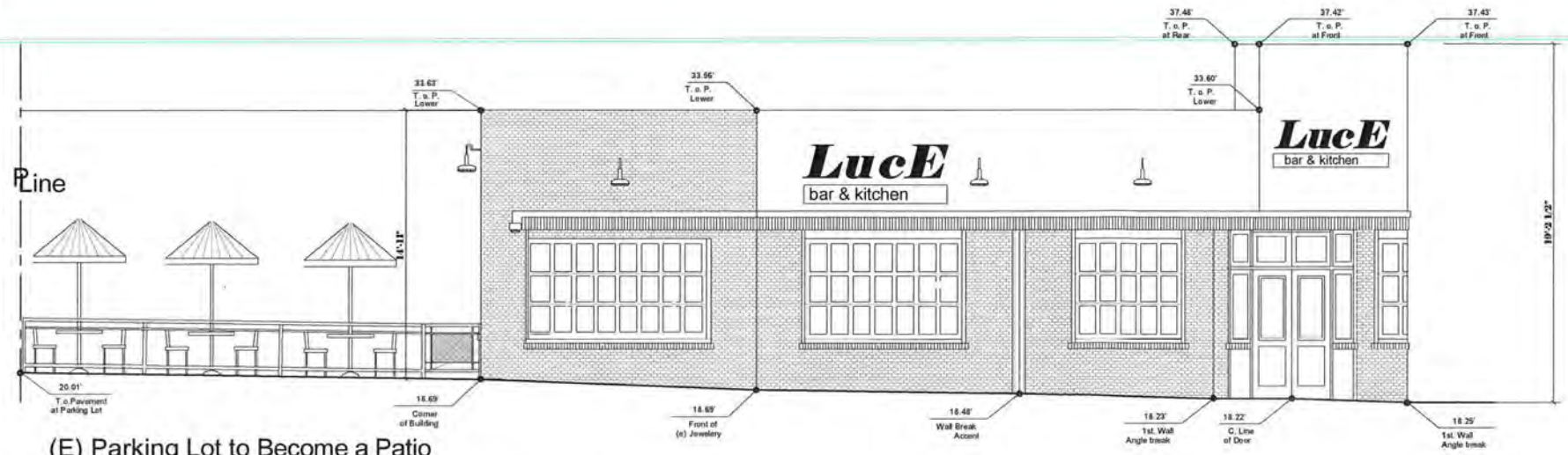
NORTH (ASHTON STREET) ELEVATION



EAST (EXIST. PARKING LOT to BECOME AN EXTERIOR PATIO) ELEVATION



LOCATION of JEWELRY
FOR REFERENCE ONLY



(E) Parking Lot to Become a Patio

NORTH (ASHTON STREET) ELEVATION

EXTERIOR ELEVATIONS

SCALE: 1/4"=1'-0"

Prepared By:
Deshapes
216 Averil Road
San Ysidro, CA 92173
Phone: 619-779-0445
email: jguevararch@gmail.com

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