



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: October 23, 2013

REPORT NO. HO 13-091

ATTENTION: Hearing Officer

SUBJECT: MARKET STREET CHURCH EOT
PROJECT NUMBER: 313335

LOCATION: 5863-5869 Market Street

APPLICANT: Ruben Holguin

SUMMARY

Issue: Should the Hearing Officer approve an Extension of Time for a Conditional Use Permit and Site Development Permit for the Southeastern San Diego Planned District to operate a church on a property improved with two existing structures within the Encanto neighborhood of the Southeastern San Diego Community Plan?

Staff Recommendation: APPROVE Extension of Time No. 1095826.

Community Planning Group Recommendation: The Encanto Neighborhoods Community Planning Group voted 10-0-0 to recommend approval of the proposed project on September 16, 2013, with no recommended conditions.

Environmental Review: This project was determined to be categorically exempt (Section 15301, Existing Facilities) from the California Environmental Quality Act on November 13, 2009, with the original project (Project No. 109031) and the opportunity to appeal that determination ended November 23, 2009. This project is consistent with that original exemption.

BACKGROUND

The proposed project is a request for an Extension of Time to an approved Site Development Permit/Conditional Use Permit for a church to operate at a site containing two existing structures and surface parking. The proposed church would operate in the existing buildings. The site is located at 5863-5869 Market Street, in the SF-6000 Zone of the Southeastern San Diego Planned District, within the Encanto neighborhood of the Southeastern Community Plan area. Surrounding uses include a mixture of residential, commercial and institutional uses. Chollas Creek and the San Diego Trolley are located to the south.

The project was originally approved by the Hearing Officer on February 10, 2010, and would have expired on February 25, 2013. This request for an Extension of Time was deemed

complete on February 22, 2013, prior to the expiration date of the original permit. The applicant is the same, and has requested an Extension of Time for that permit. No changes are proposed to the originally approved project.

Report No. HO-09-131 is attached to this Report (Attachment 1), and contains the full project description. Because none of the circumstances have changed, this original report and attachments will provide the full description for the proposed project, in order to preserve time and resources.

DISCUSSION

Staff has reviewed the proposed Extension of Time and has confirmed that the project proposed is consistent with the original approval and no new conditions are required to ensure compliance with current regulations.

The original project's legal description included Lots 1, 2 and 3, Block "F" of West Hollywood, Map No. 151, as shown on the approved Exhibit A. For some reason, however, the legal description in the Recorded Permit did not include Lots 1 and 2. This Extension of Time corrects this error by including all lots, and Condition No. 2 of the Extension of Time Permit clarifies this situation.

Staff recommends the Hearing Officer approve the requested Extension of Time, as reflected in the Extension of Time Permit.

ALTERNATIVES

1. Approve Extension of Time No. 1095826, with modifications.
2. Deny Extension of Time No. 1095826, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Michelle Sokolowski, Development Project Manager

Attachments:

1. Report No. HO-09-131 for the Original Project Approval (with attachments)
2. Draft Extension of Time Resolution with Findings
3. Draft Extension of Time Permit with Conditions
4. Environmental Exemption (existing Permit)
5. Project Plans (Hearing Officer Only)
6. Copy of Recorded (existing) Permit
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: February 10, 2010 REPORT NO. HO-09-131

ATTENTION: Hearing Officer

SUBJECT: MARKET STREET CHURCH
PTS PROJECT NUMBER: 109031

LOCATION: 5863 Market Street

APPLICANT: Ricardo Perez

SUMMARY

Requested Action - Should the Hearing Officer approve a Conditional Use Permit and Site Development Permit to convert two existing structures into a church with associated sanctuary, classrooms, and storage area on a 0.64 acre lot within the Southeastern San Diego Community Plan?

Staff Recommendations - APPROVE Conditional Use Permit No. 363687 and Site Development Permit No. 363688.

Community Planning Group Recommendation - On April 24, 2008, the Southeastern San Diego Community Planning Group voted 11-0-0 to recommend approval of the project with no conditions.

Environmental Review - The proposed activity is exempt from CEQA pursuant to Section 15301 (existing facility) of the State CEQA Guidelines. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on November 13, 2009, and the opportunity to appeal that determination ended November 23, 2009.

BACKGROUND

The project proposes a Conditional Use Permit and Southeastern San Diego Development Permit processed as a Site Development Permit to convert two existing structures into a 3,456 square-foot church facility. The project is located at 55869 Market Street within the Southeastern San Diego Community Plan area designated Residential and zoned SF-6000 within the Southeastern San Diego Planned District. Surrounding the site to the north and east are

single family dwellings. To the north and west is a mix of single family homes, commercial retail businesses, and a religious facility. To the south is Chollas Creek and San Diego Trolley tracks. The front 30 feet of the site, fronting Market Street, is stepped up approximately nine feet higher than the remaining portion of the site. The site was originally developed with a barber shop in 1949 then converted to a tavern in 1966. In 1955, a 480 square-foot storage structure was constructed approximately ten feet from the primary structure. The primary structure contains a basement which is below grade on two sides. The south face of the basement opens up to a parking lot and to the secondary structure. The secondary structure shares the grade as the basement. The main floor of the primary structure opens up to Merlyn Drive and Market Street. The south 60 feet of the property or approximately 30-percent, contains a segment of Chollas Creek.

A Conditional Use Permit (CUP) is required in accordance with the San Diego Municipal Code section 141.0404 for the development of a church in a single family zone.

A Southeastern San Diego Development Permit (processed as a Site Development Permit) is required in accordance with SDMC section 1519.0202 for development on environmentally sensitive lands (creeks/drainage areas) and for uses requiring a Conditional Use Permit.

DISCUSSION

The project proposes the conversion of two existing structures into a church facility. The facility will include two buildings where building-one will encompass a spiritual hall/assembly area, pastor area and restrooms on the first floor and a storage area in a basement for a total of 2,976 square feet. The second building, totaling 480 square feet, will be used for bible study classes. Church activities, to include services and bible studies, will be conducted on Wednesdays from 6:00 p.m. to 7:00 p.m. and on Sundays from 9:00 a.m. to 3:00 p.m. Improvements to the site includes new landscaping in accordance with the Citywide Landscape Ordinance, replacement of existing chain link fence with wood fence, and a new pedestrian ramp on the southeast corner of Market Street and Merlyn Drive. As a condition of the CUP, the owner must record an open space easement for the portion of the site containing Chollas Creek or approximately 30-percent of the site as identified on Exhibit "A" (Attachment 5). The easement shall be used exclusively for public access to the creek and future improvements by the City of San Diego or third party. Such improvements may include removal and replacement of invasive vegetation with native vegetation and segment construction of the Chollas Creek trail in accordance with the Chollas Creek Enhancement Plan.

Community Plan Analysis:

The project proposes a Conditional Use Permit and Southeastern San Diego Development Permit to convert two existing structures into a 3,456 square-foot church facility. The project is designated residential with a density range of 5-10 dwelling units per acre.

The Southeastern San Diego Community Planning does not specifically address churches and specific design criteria for such facilities. The plan however does discourage the use of chain link fencing. In addition, The Southeastern San Diego Community Plan (Pedestrian/Bicycle Transportation Element) and the General Plan (Mobility Element) stress the importance of the enhanced pedestrian environment, circulation, connectivity, and minimizing obstructions and barriers that inhibit pedestrian circulation. The Community Planning and City Investment Department staff noted it would be desired that future redevelopment of the site include coordination with public utility entities to limit and relocate obstructions within the Public Right-of-Way. The permit for this project includes a condition requiring a five-foot dedication of the property to help facilitate such future improvements (Attachment 6, condition no. 16).

The project implements the aforementioned recommendations by replacing the existing chain link fence with a new wood fence and dedicating five feet of the property's frontage along Market Street and Merlyn Drive to expand the public right-of-way. The dedication will facilitate expansion of the pedestrian circulation in the future and possible relocation of utility boxes outside future pedestrian paths. Additionally, the permit requires the owner grant to the city an open space easement covering Chollas Creek. This open space easement will be reserved for potential future improvements to the creek either by the City or third party in accordance with Chollas Creek Enhancement Plan.

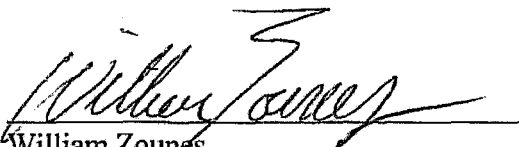
CONCLUSION

Staff has determined that the project complies with the development regulations of all applicable sections of the Land Development Code. Staff has determined that the required findings can be made as the project meets the applicable San Diego Municipal Code regulations and requirements. Staff recommends approval of the project as proposed.

ALTERNATIVES

1. Approve Site Development Permit No. 363688 and Conditional Use Permit No. 363687, with modifications or;
2. Deny Site Development Permit No. 363688 and Conditional Use Permit No. 363687 if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

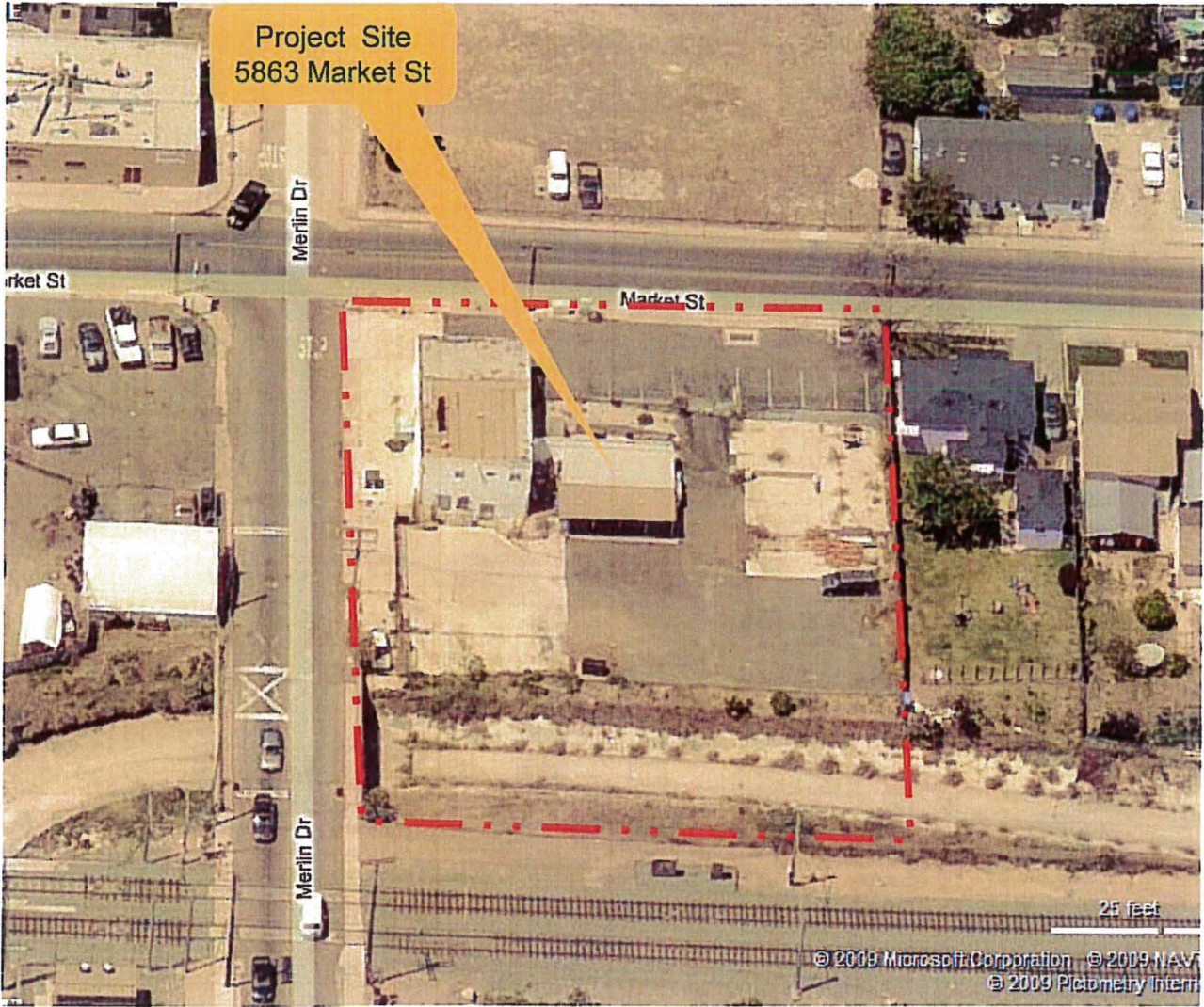

William Zounes,
Development Project Manager

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Plans
6. Draft Permit with Conditions
7. Draft Resolution with Findings
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement
10. Project Chronology
11. Environmental Determination



Attachment 1 Aerial Photograph of Site



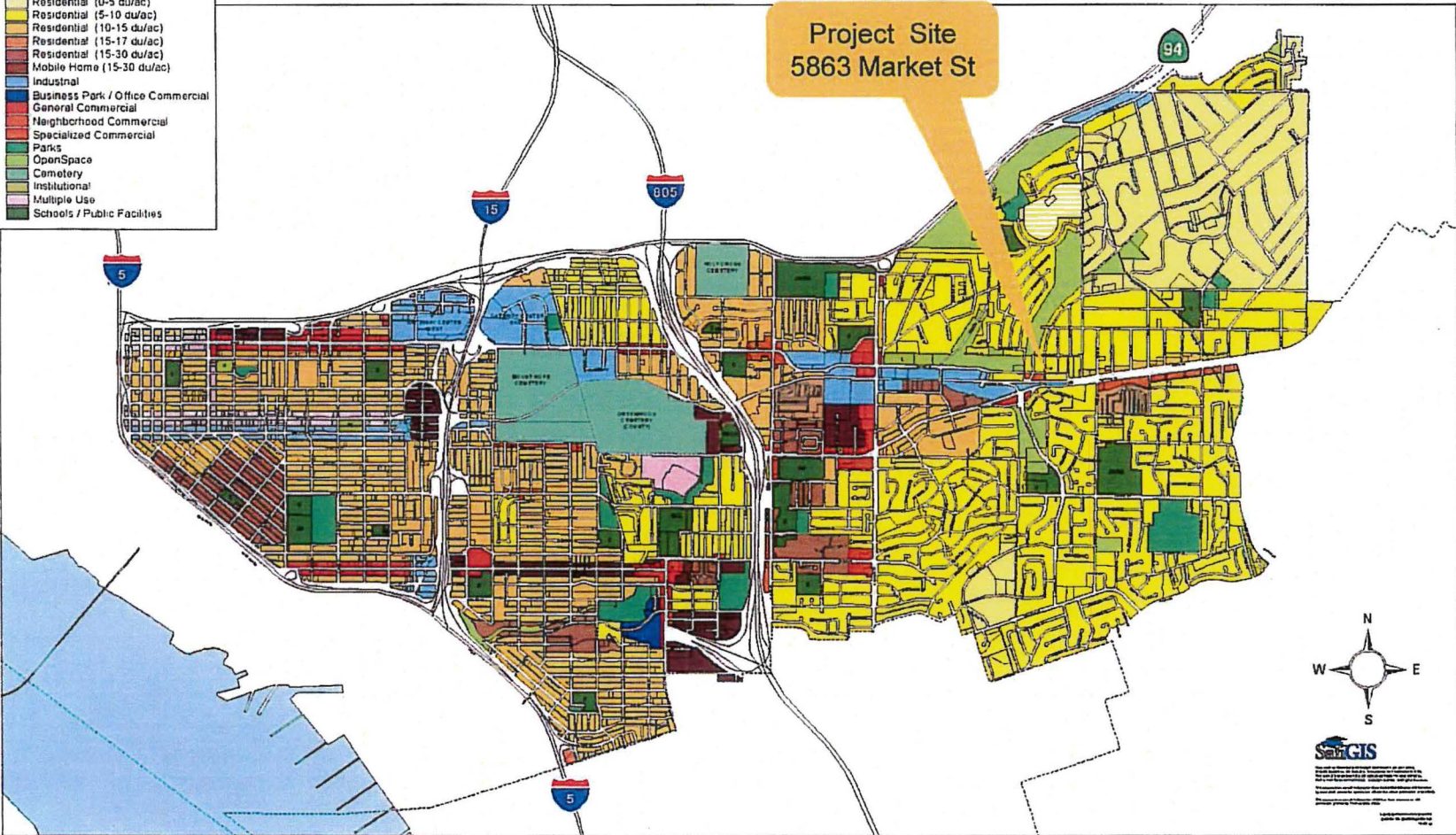


City of San Diego Planning Department

Southeastern San Diego Community Plan Land Use

LEGEND

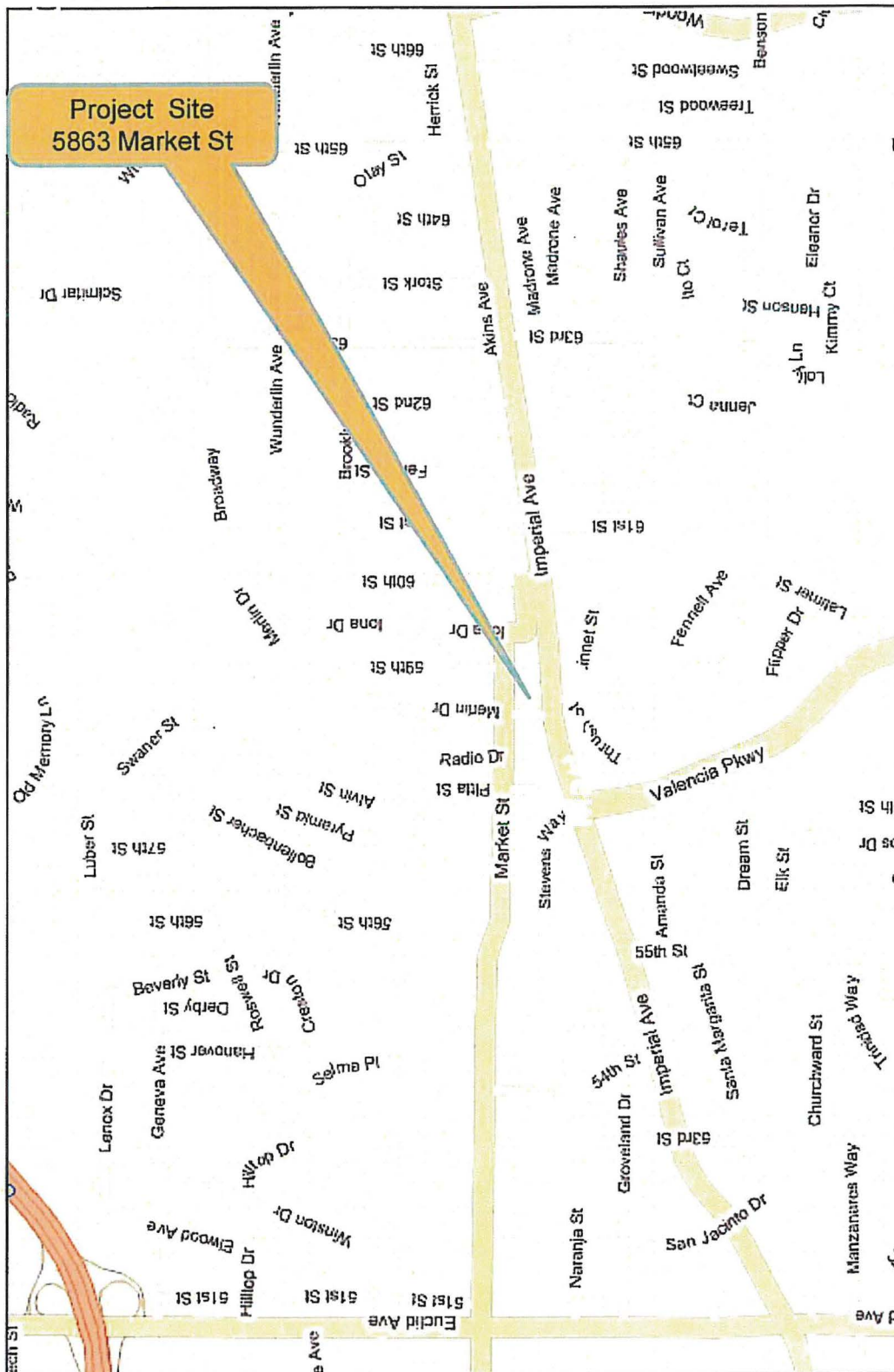
[Light Yellow]	Residential (0-2 du/ac)
[Yellow]	Residential (0-5 du/ac)
[Light Orange]	Residential (5-10 du/ac)
[Orange]	Residential (10-15 du/ac)
[Dark Orange]	Residential (15-17 du/ac)
[Red-Orange]	Residential (15-30 du/ac)
[Dark Red]	Mobile Home (15-30 du/ac)
[Blue]	Industrial
[Dark Blue]	Business Park / Office Commercial
[Red]	General Commercial
[Dark Red]	Neighborhood Commercial
[Light Red]	Specialized Commercial
[Green]	Parks
[Light Green]	OpenSpace
[Dark Green]	Cemetery
[Light Blue]	Institutional
[Pink]	Multiple Use
[Dark Green]	Schools / Public Facilities



Community Plan Land Use Map

Attachment 2

Attachment 3 Project Location



Attachment 4
Project Data Sheet**PROJECT DATA SHEET**

PROJECT NAME:	Market Street Church	
PROJECT DESCRIPTION:	Proposed conversion of two existing structures into a 3,456 square-foot church facility.	
COMMUNITY PLAN AREA:	Southeastern San Diego	
DISCRETIONARY ACTIONS:	Conditional Use Permit/Southeastern San Diego Development Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	Residential	
<u>ZONING INFORMATION:</u>		
ZONE: SF-6000		
HEIGHT LIMIT: 30 feet		
LOT SIZE: 6,000 square-foot minimum lot size.		
FLOOR AREA RATIO: 0.50 maximum.		
FRONT SETBACK: 15 feet.		
SIDE SETBACK: 10 feet.		
STREETSIDE SETBACK: 20 feet.		
REAR SETBACK: 10 feet.		
PARKING: 21 parking spaces required for church use		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Residential; SF-5000	Residential dwellings, Vacant Lot
SOUTH:	Industrial; SF-6000	Chollas Creek/Trolley Tracks
EAST:	Residential; SF-6000	Single Family Dwellings
WEST:	General Commercial; CSF-1	Commercial businesses
DEVIATIONS OR VARIANCES REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On April 24, 2008, the Southeastern San Diego Community Planning Group voted 11-0-0 to recommend approval of the project with no conditions	

**Attachment 6
Draft Permit with Conditions**

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 426738

CONDITIONAL USE PERMIT NO. 363687
SITE DEVELOPMENT PERMIT NO. 363688
MARKET STREET CHURCH PROJECT NO. 109031
HEARING OFFICER

This Conditional Use Permit No. 363687 and Site Development Permit No. 363688 is granted by the Hearing Officer of the City of San Diego to RUDEN HOLSUIN, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0303 and 1519.0202. The 0.64 acre site is located at in the 5863 & 5869 Market Street in the SF-6000 zone of the Southeastern San Diego Planned District of the Southeastern San Diego Community Plan. The project site is legally described as Lot 3 in Block "F" of West Hollywood in the City of San Diego, State of California, according to Map No. 1551;

within

Subject to the terms and conditions set forth in this Permit, permission is granted to RUDEN HOLSUIN Owner/Permittee to convert two existing buildings into a religious facility, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated February 10, 2010, on file in the Development Services Department.

The project shall include:

- a. The conversion of a 2,976 square foot building and a 480 square-foot building into a religious facility to include:
 - 1) Spiritual Hall / *Assembly area*
 - 2) Storage area ↑
 - 3) Classrooms ↓
 - 4) Pastor Area
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;

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- a. The conversion of a 2,976 square foot building and a 480 square-foot building into a religious facility to include:
 - 1) Spiritual Hall
 - 2) Storage area
 - 3) Classrooms
 - 4) Pastor Area
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;

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- d. Public Access Easement to allow for potential future public access to Chollas Creek and improvements by the City of San Diego or third party; and
- e. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No 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. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.
4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site

**Attachment 6
Draft Permit with Conditions**

improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

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

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

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

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

ENGINEERING REQUIREMENTS:

11. Prior to the building occupancy, the applicant shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.

**Attachment 6
Draft Permit with Conditions**

12. Prior to the issuance of any construction permits, the applicant 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.
13. Prior to the issuance of any construction permits, the applicant 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.
14. Prior to the issuance of any construction permits, the applicant shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report.
15. Prior to building occupancy, the applicant shall install a curb ramp at the corner of Market Street and Merlin Drive, satisfactory to the City Engineer.
16. Prior to building occupancy, the applicant shall dedicate 5 feet of public right-of-way along both frontages for Market Street and for Merlin Drive, satisfactory to the City Engineer.
17. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the applicant to provide the right-of-way free and clear of all encumbrances and prior easements. The subdivider must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.
18. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the relocation of the existing fence on Merlin Street to a point inside the post-dedication property line, satisfactory to the City Engineer.
19. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the closure of all non-utilized driveways with full height curb, gutter, and sidewalk, adjacent to the site on Merlyn Drive and Market Street, satisfactory to the City Engineer.
20. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the construction of 2 new City Standard 24' wide driveways, 1 on Merlyn Drive and 1 on Market Street, adjacent to the site, satisfactory to the City Engineer.

LANDSCAPE REQUIREMENTS:

21. Prior to issuance of construction permits for public right-of-way improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall take indicate an area equal to 40 square feet around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

**Attachment 6
Draft Permit with Conditions**

22. Prior to issuance of any construction permits for buildings, including tenant improvements or change of occupancy; the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual, Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department.

23. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

24. The Owner/Permittee shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

25. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

26. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee is responsible to repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to issuance of a Certificate of Occupancy.

PLANNING DESIGN REQUIREMENTS:

27. All signs associated with this development shall be consistent with sign criteria established by the Citywide sign regulations.

28. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

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

COMMUNITY PLANNING and CITY INVESTMENT:

30. Prior to the issuance of any construction permit the owner shall obtain an open space easement covering the southern portion of lot to include all of Chollas Creek within the site's boundary. The easement shall be used exclusively for public access to the creek and future

**Attachment 6
Draft Permit with Conditions**

improvements by the City of San Diego or third party. Such improvements may include removal and replacement of invasive vegetation with native vegetation and segment construction of the Chollas Creek trail.

TRANSPORTATION REQUIREMENTS

31. No fewer than twenty one (21) required parking spaces shall be maintained on the property at all times (26 spaces provided) in the approximate location shown on the approved Exhibit "A" on file in the Office of Development Services Department. Parking spaces shall comply at all times with the San Diego Municipal Code and shall not be converted for any other use unless otherwise authorized by the Development Services Department.

32. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.

INFORMATION ONLY:

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

APPROVED by the Hearing Officer of the City of San Diego on February 10, 2010

Attachment 6
Draft Permit with Conditions

Permit Type/PTS Approval No.: CUP No. 363687/SDP No. 363688
Date of Approval: February 10, 2010

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

William Zounes
TITLE: 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.**

Owner/Permittee

By _____
Ruden Holsuin

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

Rev. 02/04/08 rh

**Attachment 7
Draft Resolution with Findings**

HEARING OFFICER, SERVICES
RESOLUTION NO. xxxxxx
CONDITIONAL USE PERMIT NO. 363687
SITE DEVELOPMENT PERMIT NO. 363688
MARKET STREET CHRUCH PROJECT NO. 109031

WHEREAS, RUDEN HOLSUIN, Owner/Permittee, filed an application with the City of San Diego for a permit to convert two existing buildings into a religious facility (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 363687 and 363688), on portions of a 0.64 acre site;

WHEREAS, the project site is located at 5863 & 5869 Market Street in the SF-6000 zone of the Southeastern San Diego Planned District WITHIN the Southeastern San Diego Community Plan;

WHEREAS, the project site is legally described as Lot 3 in Block "F" of West Hollywood in the City of San Diego, State of California, according to Map No. 1551;

WHEREAS, on February 10, 2010 the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 363687 and Site Development Permit No. 363688 pursuant to the Land Development Code of the City of San Diego;

BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated February 10, 2010.

FINDINGS:

Conditional Use Permit - Section 126.0305

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

The project proposes a Conditional Use Permit and Southeastern San Diego Development Permit to convert two existing structures into a 3,456 square-foot church facility. The project is designated residential with a density range of 5-10 dwelling units per acre.

The Southeastern San Diego Community Planning does not specifically address churches and specific design criteria for such facilities. The plan however does discourage the use of chain link fencing. In addition, The Southeastern San Diego Community Plan (Pedestrian/Bicycle Transportation Element) and the General Plan (Mobility Element) stress the importance of the enhanced pedestrian environment, circulation, connectivity, and minimizing obstructions and barriers that inhibit pedestrian circulation. The Community Planning and City Investment Department staff noted it would be desired that future redevelopment of the site include coordination with public utility entities to limit and relocate obstructions within the Public Right-of-Way. The permit for this project includes a condition requiring a

**Attachment 7
Draft Resolution with Findings**

five-foot dedication of the property to help facilitate such future improvements (Attachment 6, condition no. 16).

The project implements the aforementioned recommendations by replacing the existing chain link fence with a new wood fence and dedicating five feet of the property's frontage along Market Street and Merlyn Drive to expand the public right-of-way. The dedication will facilitate expansion of the pedestrian circulation in the future and possible relocation of utility boxes to be located outside future pedestrian paths. Additionally, the permit requires the owner grant to the city an open space easement covering Chollas Creek. This open space easement will be reserved for potential future improvements to the creek either by the City or third party in accordance with Chollas Creek Enhancement Plan.

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

The project proposes a Conditional Use Permit and Southeastern San Diego Development Permit to convert two existing structures into a 3,456 square-foot church facility. 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 include the addition of a new parking lot configuration, interior modifications, and public improvements. All Uniform Building, Fire, Plumbing, Electrical, and Mechanical Codes 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. Therefore, the proposed development will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code.

The project proposes a Conditional Use Permit and Southeastern San Diego Development Permit to convert two existing structures into a 3,456 square-foot church facility. All proposed construction will comply with all of the development regulations with respect to interior modifications, floor area ratio, interior side, and rear setback requirements. The parking lots conform to city standards regarding ingress and egress, driveway widths, surfacing and landscape requirements. Therefore, the proposed development will comply with the maximum extent feasible with the regulations the Land Development Code.

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

The project proposes a Conditional Use Permit and Southeastern San Diego Development Permit to convert two existing structures into a 3,456 square-foot church facility. The owner of the church has indicated that the church has grown significantly in the last several years which has triggered a demand to expand the congregation. With the growth of the church come issues related to traffic and parking requirements. The proposed new location of the church located on a 0.64-acre site will fulfill the needs of an expanding congregation by providing sufficient parking and create a buffer from existing residence. The site complies with the separately regulated uses for churches pursuant to San Diego Municipal Code section 141.0404 as the religious assembly will be located outside the Multiple Habitat Planning Area, the design and improvements will diminish building bulk, the structures are currently placed away from other properties with smaller structures and, off-street parking is located away from adjacent residential

**Attachment 7
Draft Resolution with Findings**

property. In addition the area contains another religious facility directly across Market Street and will be located in a zone which allows churches with the processing of a Conditional Use Permit. Therefore, the proposed use is appropriate at the proposed location.

Site Development Permit - Section 126.0504

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

The project proposes a Conditional Use Permit and Southeastern San Diego Development Permit to convert two existing structures into a 3,456 square-foot church facility. The project is designated residential with a density range of 5-10 dwelling units per acre.

The Southeastern San Diego Community Planning does not specifically address churches and specific design criteria for such facilities. The plan however does discourage the use of chain link fencing. In addition, The Southeastern San Diego Community Plan (Pedestrian/Bicycle Transportation Element) and the General Plan (Mobility Element) stress the importance of the enhanced pedestrian environment, circulation, connectivity, and minimizing obstructions and barriers that inhibit pedestrian circulation. The City's recommendation to implement the recommendation from the Land Use Policy is that the owner work with the utility companies to remove or relocate the above ground utility boxes currently placed in the sidewalk areas along Merlyn Drive and Market Street.

The owner of the project will be implementing the aforementioned Land Use Policy recommendations by replacing the existing chain link fence with a new wood fence and dedicating five feet of the property's frontage along Market Street and Merlyn Drive to expand the current Public Right-of-Way. The Public Right-of-Way dedication will allow for possible expansion of the pedestrian circulation in the future allowing utility boxes to be located outside future pedestrian paths. Additionally, the permit requires the owner grant to the city an open space easement covering Chollas Creek. This open space easement will be reserved for improvements to the creek at a later date either by the City or third party in accordance with Chollas Creek Enhancement Plan. Therefore, the proposed development will not adversely affect the applicable land use plan.

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

The project proposes a Conditional Use Permit and Southeastern San Diego Development Permit to convert two existing structures into a 3,456 square-foot church facility. 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 include the addition of a new parking lot configuration, interior modifications, and public improvements. All Uniform Building, Fire, Plumbing, Electrical, and Mechanical Codes 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. Therefore, the proposed development will not be detrimental to the public health, safety and welfare.

**Attachment 7
Draft Resolution with Findings**

3. The proposed development will comply with the applicable regulations of the Land Development Code.

The project proposes a Conditional Use Permit and Southeastern San Diego Development Permit to convert two existing structures into a 3,456 square-foot church facility. All proposed construction will comply with all of the development regulations with respect to interior modifications, floor area ratio, interior side, and rear setback requirements. The parking lots conform to city standards regarding ingress and egress, driveway widths, surfacing and landscape requirements. Therefore, the proposed development will comply with the maximum extent feasible with the regulations the Land Development Code.

Southeastern San Diego Development Permit Findings – Section 1519.0202

1. The proposed use and project design meet the purpose and intent of this Division, comply with the recommendations of the Southeastern San Diego Community Plan, and will not adversely affect the General Plan or other applicable plans adopted by the City Council;

The project proposes a Conditional Use Permit and Southeastern San Diego Development Permit to convert two existing structures into a 3,456 square-foot church facility. The project is designated residential with a density range of 5-10 dwelling units per acre.

The Southeastern San Diego Community Planning does not specifically address churches and specific design criteria for such facilities. The plan however does discourage the use of chain link fencing. In addition, The Southeastern San Diego Community Plan (Pedestrian/Bicycle Transportation Element) and the General Plan (Mobility Element) stress the importance of the enhanced pedestrian environment, circulation, connectivity, and minimizing obstructions and barriers that inhibit pedestrian circulation. The City's recommendation to implement the recommendation from the Land Use Policy is that the owner work with the utility companies to remove or relocate the above ground utility boxes currently placed in the sidewalk areas along Merlyn Drive and Market Street.

The owner of the project will be implementing the aforementioned Land Use Policy recommendations by replacing the existing chain link fence with a new wood fence and dedicating five feet of the property's frontage along Market Street and Merlyn Drive to expand the current Public Right-of-Way. The Public Right-of-Way dedication will allow for possible expansion of the pedestrian circulation in the future allowing utility boxes to be located outside future pedestrian paths. Additionally, the permit requires the owner grant to the city an open space easement covering Chollas Creek. This open space easement will be reserved for improvements to the creek at a later date either by the City or third party in accordance with Chollas Creek Enhancement Plan. Therefore, the proposed use and project design meet the purpose and intent of the Southeastern San Diego Planned District, comply with the recommendations of the Southeastern San Diego Community Plan, and will not adversely affect the General Plan or other applicable plans adopted by the City Council

2. The proposed development shall be compatible with existing and planned land use on adjoining properties and shall not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community shall be achieved as far as practicable

Attachment 7
Draft Resolution with Findings

The project proposes a Conditional Use Permit and Southeastern San Diego Development Permit to convert two existing structures into a 3,456 square-foot church facility. The project is designated residential with a density range of 5-10 dwelling units per acre.

The facility will include two existing buildings where building-one will encompass a spiritual hall/assembly area with pastor area and restrooms on the first floor and storage area in a basement below for a total of 2,976 square feet. The second building, totaling 480 square feet, will be used for bible study classes. Improvements to the site includes new landscaping in accordance with the Citywide Landscape Ordinance, replacement of existing chain link fence with wood fence, and a new pedestrian ramp on the southeast corner of Market Street and Merlyn Drive. As a condition of the CUP, the owner must record an open space easement for the portion of the site containing Chollas Creek or approximately 30-percent as identified on Exhibit "A." The easement shall be used exclusively for public access to the creek and future improvements by the City of San Diego or third party.

The proposed church will be compatible with existing land use on adjoining properties as another church is located across the street to the north and residential development exist to the east. The project has been reviewed in accordance with the Southeastern San Diego Community Plan, the General Plan, and the San Diego Municipal Code SF-6000 zone to ensure the project is in compliance with the recommendations and requirements of the policies and codes. In addition the church use will not create a disruptive element to the neighborhood but rather improve the site by allowing improvements and maintenance to the property on a regular basis. The installation of new landscaping and the replacement of chain link fencing with wood fencing will create an architectural harmony with the residential neighbors to the north and east of the property as these properties contain such amenities. Therefore, the proposed development shall be compatible with existing and planned land use on adjoining properties and shall not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community shall be achieved as far as practicable.

- 3. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity.**

The project proposes a Conditional Use Permit and Southeastern San Diego Development Permit to convert two existing structures into a 3,456 square-foot church facility. 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 include the addition of a new parking lot configuration, interior modifications, and public improvements. All Uniform Building, Fire, Plumbing, Electrical, and Mechanical Codes 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. The project was reviewed in accordance with California Environmental Quality Act and was determine to be exempt from producing any significant environmental impacts to the surrounding neighborhood. Therefore, the proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity.

- 4. The proposed use will comply with the relevant regulations of the Municipal Code.**

**Attachment 7
Draft Resolution with Findings**

The project proposes a Conditional Use Permit and Southeastern San Diego Development Permit to convert two existing structures into a 3,456 square-foot church facility. All proposed construction will comply with all of the development regulations with respect to interior modifications, floor area ratio, interior side, and rear setback requirements. The parking lots conform to city standards regarding ingress and egress, driveway widths, surfacing and landscape requirements. Therefore, the proposed use will comply with the relevant regulations of the Municipal Code.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 363687 and Site Development Permit No. 363688 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Conditional Use Permit No. 363687 and Site Development Permit No. 363688, a copy of which is attached hereto and made a part hereof.

William Zounes
Development Project Manager
Development Services

Adopted on: February 10, 2010

Job Order No. 426738

cc: Legislative Recorder, Development Services Department

Attachment 8
Community Planning Group Recommendation

ENCANTO NEIGHBORHOODS COMMUNITY PLANNING GROUP
MINUTES OF MEETING
Date: April 21, 2008

- A. Project No. 109031 - Conditional Use Permit and Site Development Permit to allow Church use in existing buildings on a 27,680 sq.ft. site at 5863 Market Street in the SF-6000 Zone; Presenter: Ricardo Perez **Action Required**

Building used to be a dance club/retail. Want to build a church-2 story, basement will be storage. Small room detached will be storage, will have 23 parking spaces.

Q: Current building is cleanest building on the lot. Presenter has owned building 3-4 years. Plan to make it more architecturally appealing, colors that matches neighborhood, have to comply with landscaping, will be widening existing driveway, improve sidewalk. It is part of the plan. Working on issues w/City. What is time frame-1 or 2 months before approval on plan. After CUB approved by city w/additional comments will conform to comments. Not currently under CUB. Have there been any neighbors/business filing any complaints.

Complaints are against neighbors for using their property as a parking lot. Property is gated. After landscaping less random parking will be possible. How many parishioners: approximately 50-60 families. Concern about noise w/ loud speakers. No loud speakers, will have contained services. AF: will landscaping be done prior to occupancy. RDS: Myles-a church is allowable in this zone. Any church needs a CUP. Entry: formal entry? On Market, an exit on Merlyn. Will entry ways be enhanced. Will try to match architectural to neighborhood. MY: child care/school? No. Sometimes may feed the homeless on Sunday. This church started with 3 members. BC- is it located next to the Volkswagen repair shop? Yes. Parking is in the back of the building. JH: Commends owners for cleaning it up.

MM: **Approve conditional use permit-** BW S : KM V: 11-0-0 Francine Maxwell left meeting @ 8:15 pm



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

Attachment 9
 OW Ownership Disclosure Form

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

Project Title _____ Project No. For City Use Only **109031**
Iglesia Apostolica de la Fe en Cristo Jesus De Mexico in the U.S.A.
 Project Address:
5863 & 5869 Market Street San Diego, CA- 92114

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

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

Additional pages attached Yes No

Name of individual (type or print):
Ruben Holguin
 Owner Tenant/Lessee Redevelopment Agency
5191 Olivera Av.
 Street Address:
San Diego CA. 92114
 City/State/Zip:
(619) 263-7594
 Phone No: _____ Fax No:
 Signature: _____ Date: 7-21-06

Name of individual (type or print):

 Owner Tenant/Lessee Redevelopment Agency
 Street Address:

 City/State/Zip:

 Phone No: _____ Fax No:
 Signature : _____ Date: _____

Name of individual (type or print):

 Owner Tenant/Lessee Redevelopment Agency
 Street Address:

 City/State/Zip:

 Phone No: _____ Fax No:
 Signature : _____ Date: _____

Name of individual (type or print):

 Owner Tenant/Lessee Redevelopment Agency
 Street Address:

 City/State/Zip:

 Phone No: _____ Fax No:
 Signature : _____ Date: _____

ATTACHMENT 10
Project ChronologyProject Chronology
Market Street Church
Project No. 109031

Date	Action	Description	City Review Time	Applicant Response
8/29/06	First Submittal	Project Deemed Complete and distributed		
9/22/06	First Submittal Assessment Letter out		24 days	
1/7/08	Second submittal In	Normal Submittal		472 days from First Assessment Letter
1/29/08	Second Submittal Assessment Letter out		22 days	
12/17/08	Third submittal In	Normal Submittal		323 days from Second Assessment Letter
1/12/09	Third Submittal Assessment Letter out		26 Days	
4/22/09	Fourth submittal In	Normal Submittal		100 days from Third Assessment Letter
5/13/09	Fourth Submittal Assessment Letter out		21 Days	
9/21/09	Fifth submittal In	Normal Submittal		131 days from Fourth Assessment Letter
10/14/09	Fifth Submittal Assessment Letter out		23 Days	
10/15/09	Sixth submittal In	Plan-Historic Submittal		1 day from Fifth Assessment Letter
10/30/09	Sixth Submittal Assessment Letter out		15 days	
2/10/10	Hearing Officer Hearing		103 days	
TOTAL STAFF TIME**			7 month 24 days	
TOTAL APPLICANT TIME**				34 months 7 days
TOTAL PROJECT RUNNING TIME**		From Deemed Complete to PC Hearing	41 months 1 day	

**Based on 30 days equals to one month.

NOTICE OF EXEMPTION

(Check one or both)

TO: RECORDER/COUNTY CLERK
P.O. BOX 1750, MS A-33
1600 PACIFIC HWY, ROOM 260
SAN DIEGO, CA 92101-2422

FROM: CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
1222 FIRST AVENUE, MS 501
SAN DIEGO, CA 92101

OFFICE OF PLANNING AND RESEARCH
1400 TENTH STREET, ROOM 121
SACRAMENTO, CA 95814

PROJECT No.: 109031

PROJECT TITLE: MARKET STREET CHURCH

PROJECT LOCATION-SPECIFIC: 5863 and 5869 Market Street, San Diego, California 92114

PROJECT LOCATION-CITY/COUNTY: San Diego/San Diego

DESCRIPTION OF PROJECT: Conditional Use Permit (CUP) and Site Development Permit (SDP) to allow for church use in existing buildings on a 27,680-square-foot site.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Ruben Holguin
5191 Olvera Avenue
San Diego, California 92114
619-263-7594

EXEMPT STATUS: (CHECK ONE)

- MINISTERIAL (SEC. 15268)
- DECLARED EMERGENCY [SEC. 15269 (A)]
- EMERGENCY PROJECT [SEC. 15269 (B) AND (C)]
- CATEGORICAL EXEMPTION: CEQA EXEMPTION 15301 (EXISTING FACILITIES)
- OTHER:

REASONS WHY PROJECT IS EXEMPT: The proposed project would not have the potential for causing a significant effect on the environment.

CONTACT PERSON: Rhonda Benally

TELEPHONE: (619) 446-5468

IF FILED BY APPLICANT:

- 1. ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.
- 2. HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBLIC AGENCY APPROVING THE PROJECT?
 YES NO

Anna M. Morrison, AICP
SIGNATURE/TITLE

(DPM PROJECT APPROVAL DATE)

CHECK ONE:

- SIGNED BY LEAD AGENCY
- SIGNED BY APPLICANT

FILED
David Butler, Recorder/County Clerk

FEB 25 2010
BY L. Kesian
DEPUTY

DATE RECEIVED FOR FILING:

FILED IN THE OFFICE OF THE COUNTY CLERK
San Diego County on FEB 25 2010
Posted FEB 25 2010 Removed MAR 26 2010
Returned to agency on MAR 26 2010
Deputy L. Kesian

HEARING OFFICER RESOLUTION NO. _____
EXTENSION OF TIME NO. 1095826
EXTENSION OF TIME TO SITE DEVELOPMENT PERMIT/SOUTHEASTERN SAN DIEGO
DEVELOPMENT PERMIT NO. 363688 AND
CONDITIONAL USE PERMIT NO. 363687 (PROJECT NO. 109031)
MARKET STREET CHURCH EOT – PROJECT NO. 313335

DRAFT

WHEREAS, RUBEN AND MA ELENA HOLGUIN, INDIVIDUALS, Owner/Permittee, filed an application with the City of San Diego for a three-year Extension of Time to Site Development Permit/Southeastern San Diego Development Permit No. 363688 and Conditional Use Permit No. 363687 (Project No. 109031), for the operation of a religious facility (church) on a site improved with two existing structures. The project site is located on the southeast corner of Market Street and Merlyn Drive, at 5863-5869 Market Street, in the SF-6000 Zone of the Southeastern San Diego Planned District, within the Encanto neighborhood of the Southeastern San Diego Communities Planning area. The property is legally described as Lots 1, 2 and 3, Block “F,” West Hollywood, Map No. 1551; and

WHEREAS, all associated permits shall conform to the previously approved Exhibit “A” and conditions on file with the Development Services Department pursuant to Site Development Permit/Southeastern San Diego Development Permit No. 363688 and Conditional Use Permit No. 363687 (Project No. 109031), with the exception of the expiration date; and

WHEREAS, the activity is covered under the original CEQA Exemption (Section 15031, Existing Facilities). This project was determined to be categorically exempt from the California Environmental Quality Act on November 13, 2009, with the original project (Project No. 109031); NOW, THEREFORE,

BE IT FURTHER RESOLVED, by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to the Extension of Time No. 1095826:

- 1. The project as originally approved and without any new conditions would not place the occupants of the proposed development or the immediate community in a condition dangerous to their health or safety.**

The project proposes no new conditions for to the approved Site Development Permit/Southeastern San Diego Development Permit No. 363688 and Conditional Use Permit No. 363687 (Project No. 109031) for the operation of a religious facility (church) on a site improved with two existing structures. 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. The previously-approved plans and existing permit conditions for the project have been evaluated with respect to the current regulations. It has been determined that no additional conditions are required to ensure preservation of the public health, safety and welfare. Therefore, the project as originally approved and without any new conditions would not place the occupants of the proposed development or the immediate community in a condition dangerous to their health or safety.

2. No new condition is required to comply with State or Federal law.

The project proposes no changes to the approved Site Development Permit/Southeastern San Diego Development Permit No. 363688 and Conditional Use Permit No. 363687 (Project No. 109031) for the operation of a religious facility (church) on a site improved with two existing structures. The permit controlling this development contains conditions addressing compliance with the City's regulations and other regional, State and Federal regulations. The previously-approved plans and existing permit conditions for the project have been evaluated with respect to the current regulations. It has been determined that no additional conditions are required to ensure compliance with State or Federal law.

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

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Extension of Time No. 1095826 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth Extension of Time No. 1095826, a copy of which is attached hereto and made a part hereof.

PASSED AND ADOPTED BY THE HEARING OFFICER OF THE CITY OF SAN DIEGO,
CALIFORNIA, ON OCTOBER 23, 2013

By

MICHELLE SOKOLOWSKI
Development Project Manager
Development Services Department

Internal Order No. 24003577

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

JOB ORDER NUMBER: 24003577

SPACE ABOVE THIS LINE FOR RECORDER'S USE

EXTENSION OF TIME NO. 1095826
EXTENSION OF TIME TO SITE DEVELOPMENT PERMIT/SOUTHEASTERN SAN
DIEGO DEVELOPMENT PERMIT NO. 363688 AND
CONDITIONAL USE PERMIT NO. 363687 (PROJECT NO. 109031)
MARKET STREET CHURCH EOT – PROJECT NO. 313335
HEARING OFFICER

DRAFT

This EXTENSION OF TIME NO. 1095826 is a three-year Extension of Time to previously approved Site Development Permit/Southeastern San Diego Development Permit No. 363688 and Conditional Use Permit No. 363687 (Project No. 109031), and is hereby granted by the Hearing Officer of the City of San Diego to RUBEN AND MA ELENA HOLGUIN, INDIVIDUALS, Owners/Permittees, pursuant to San Diego Municipal Code Section 126.0111. The 0.64-acre site is located at 5863-5869 Market Street, in the SF-6000 Zone of the Southeastern San Diego Planned District, within the Encanto neighborhood of the Southeastern San Diego Communities Planning area. The property is legally described as Lots 1, 2 and 3, Block "F," West Hollywood, Map No. 1551.

Subject to the terms and conditions set forth in this Permit, and previously approved Site Development Permit/Southeastern San Diego Development Permit No. 363688 and Conditional Use Permit No. 363687 (Project No. 109031), permission is granted to RUBEN AND MA ELENA HOLGUIN, Owners/Permittees to operate a religious facility (church) on a site improved with two existing structures, described and identified by size, dimension, quantity, type, and location on the previously approved exhibits [Exhibit "A"] and conditions on file in the Development Services Department. The original project Site Development Permit/Southeastern San Diego Development Permit No. 363688 and Conditional Use Permit No. 363687 (Project No. 109031) approved by the Hearing Officer on October 23, 2013, is hereby extended as indicated within this permit until November 6, 2016.

The project shall include:

- a. A three year extension of time for the previously approved Site Development Permit/Southeastern San Diego Development Permit No. 363688 and Conditional Use Permit No. 363687 (Project No. 109031).

STANDARD REQUIREMENTS:

1. This permit must be utilized prior to February 25, 2016, which does not exceed thirty-six (36) months from the expiration date of the original permit. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit. No further extensions may be granted, per SDMC Section 126.0111.
2. This Permit includes Lots 1, 2 and 3, Block "F" of West Hollywood, Map No. 1551. The original Permit mistakenly only referenced Lot 3. However, the approved Exhibit A plans for the original Permit did include Lots 1, 2 and 3, which was accurate. This error is corrected with this Permit.
3. 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.
4. No further Extension of Time may be granted pursuant to SDMC Section 126.0111(a).
5. Construction plans shall be in substantial conformity to Exhibit "A," per the previously approved Exhibits and conditions on file with Development Services for Site Development Permit/Southeastern San Diego Development Permit No. 363688 and Conditional Use Permit No. 363687 (Project No. 109031), Recorded with the County of San Diego Recorder on March 12, 2012, by Document No. 2010-0123548, with the exception of the expiration dates. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.
6. 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 development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on October 23, 2013, by Resolution No. _____.

DRAFT

Extension of Time No. 1095826
(Extension of Time to Site Development Permit/Southeastern San Diego Development
Permit No. 363688 and Conditional Use Permit No. 363687 - Project No. 109031)
Approved October 23, 2013

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

MICHELLE SOKOLOWSKI
Development Project Manager

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

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

RUBEN HOLGUIN
Owner/Permittee

By _____
Ruben Holguin
Owner

MA ELENA HOLGUIN
Owner/Permittee

By _____
Ma Elena Holguin
Owner

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

NOTICE OF EXEMPTION

(Check one or both)

TO: X RECORDER/COUNTY CLERK
P.O. BOX 1750, MS A-33
1600 PACIFIC HWY, ROOM 260
SAN DIEGO, CA 92101-2422

FROM: CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
1222 FIRST AVENUE, MS 501
SAN DIEGO, CA 92101

OFFICE OF PLANNING AND RESEARCH
1400 TENTH STREET, ROOM 121
SACRAMENTO, CA 95814

PROJECT NO.: 109031

PROJECT TITLE: MARKET STREET CHURCH

PROJECT LOCATION-SPECIFIC: 5863 and 5869 Market Street, San Diego, California 92114

PROJECT LOCATION-CITY/COUNTY: San Diego/San Diego

DESCRIPTION OF PROJECT: Conditional Use Permit (CUP) and Site Development Permit (SDP) to allow for church use in existing buildings on a 27,680-square-foot site.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Ruben Holguin
5191 Olvera Avenue
San Diego, California 92114
619-263-7594

EXEMPT STATUS: (CHECK ONE)

- () MINISTERIAL (SEC. 15268)
() DECLARED EMERGENCY [SEC. 15269 (A)]
() EMERGENCY PROJECT [SEC. 15269 (B) AND (C)]
(X) CATEGORICAL EXEMPTION: CEQA EXEMPTION 15301 (EXISTING FACILITIES)
() OTHER:

REASONS WHY PROJECT IS EXEMPT: The proposed project would not have the potential for causing a significant effect on the environment.

CONTACT PERSON: Rhonda Benally

TELEPHONE: (619) 446-5468

IF FILED BY APPLICANT:

- 1. ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.
2. HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBLIC AGENCY APPROVING THE PROJECT?
() YES () NO

Signature: Omar McPherson, AICP
SIGNATURE/TITLE

(DPM PROJECT APPROVAL DATE)

CHECK ONE:

- (X) SIGNED BY LEAD AGENCY
() SIGNED BY APPLICANT

FILED
David Butler, Recorder/County Clerk

FEB 25 2010

BY L. Kesian
DEPUTY

DATE RECEIVED FOR FILING:

FILED IN THE OFFICE OF THE COUNTY CLERK
San Diego County on FEB 25 2010
Posted FEB 25 2010 Removed MAR 26 2010
Returned to agency on MAR 26 2010
Deputy L. Kesian

PROJECT PLANS

As attachment to Hearing Officer
Package Only

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

THE ORIGINAL OF THIS DOCUMENT
WAS RECORDED ON MAR 12, 2010
DOCUMENT NUMBER 2010-0123548
DAVID L. BUTLER, COUNTY RECORDER
SAN DIEGO COUNTY RECORDER'S OFFICE
TIME: 10:10 AM

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 426738

CONDITIONAL USE PERMIT NO. 363687
SITE DEVELOPMENT PERMIT/SOUTHEASTERN SAN DIEGO DEVELOPMENT
PERMIT NO. 363688
MARKET STREET CHURCH PROJECT NO. 109031
HEARING OFFICER

This Conditional Use Permit No. 363687 and Site Development Permit No. 363688 is granted by the Hearing Officer of the City of San Diego to RUBEN HOLGUIN, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0303 and 1519.0202. The 0.64 acre site is located at in the 5863, 5867, & 5869 Market Street in the SF-6000 zone of the Southeastern San Diego Planned District within the Southeastern San Diego Community Plan. The project site is legally described as Lot 3 in Block "F" of West Hollywood in the City of San Diego, State of California, according to Map No. 1551;

Subject to the terms and conditions set forth in this Permit, permission is granted to RUBEN HOLGUIN Owner/Permittee to convert two existing buildings into a religious facility, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated February 10, 2010, on file in the Development Services Department.

The project shall include:

- a. The conversion of a 2,976 square foot building and a 480 square-foot building into a religious facility to include:
 - 1) Spiritual Hall/assembly area
 - 2) Classroom
 - 3) Storage area
 - 4) Pastor Area
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;

- d. Public Access Easement to allow for potential future public access to Chollas Creek and improvements by the City of San Diego or third party; and
- e. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No 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. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.
4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

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

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

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

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

ENGINEERING REQUIREMENTS:

11. Prior to the building occupancy, the applicant shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.

12. Prior to the issuance of any construction permits, the applicant 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.
13. Prior to the issuance of any construction permits, the applicant 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.
14. Prior to the issuance of any construction permits, the applicant shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report.
15. Prior to building occupancy, the applicant shall install a curb ramp at the corner of Market Street and Merlin Drive, satisfactory to the City Engineer.
16. Prior to building occupancy, the applicant shall dedicate 5 feet of public right-of-way along both frontages for Market Street and for Merlin Drive, satisfactory to the City Engineer.
17. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the applicant to provide the right-of-way free and clear of all encumbrances and prior easements. The subdivider must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.
18. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the relocation of the existing fence on Merlin Street to a point inside the post-dedication property line, satisfactory to the City Engineer.
19. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the closure of all non-utilized driveways with full height curb, gutter, and sidewalk, adjacent to the site on Merlyn Drive and Market Street, satisfactory to the City Engineer.
20. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the construction of 2 new City Standard 24' wide driveways, 1 on Merlyn Drive and 1 on Market Street, adjacent to the site, satisfactory to the City Engineer.

LANDSCAPE REQUIREMENTS:

21. Prior to issuance of construction permits for public right-of-way improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall take indicate an area equal to 40 square feet around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

COPY

22. Prior to issuance of any construction permits for buildings, including tenant improvements or change of occupancy; the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual, Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department.

23. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

24. The Owner/Permittee shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

25. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

26. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee is responsible to repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to issuance of a Certificate of Occupancy.

PLANNING DESIGN REQUIREMENTS:

27. All signs associated with this development shall be consistent with sign criteria established by the Citywide sign regulations.

28. Prior to occupancy of any of the building, the existing chain link fence within the boundary of the site shall be replaced with a five-foot wood fence as identified on Exhibit "A" dated February 10, 2010.

29. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

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

COMMUNITY PLANNING and CITY INVESTMENT:

31. Prior to the issuance of any construction permit the owner shall record an open space easement covering the southern portion of lot to include all of Chollas Creek within the site's boundary. The easement shall be used exclusively for public access to the creek and future improvements by the City of San Diego or third party. Such improvements may include removal and replacement of invasive vegetation with native vegetation and segment construction of the Chollas Creek trail.

TRANSPORTATION REQUIREMENTS

32. No fewer than twenty one (21) required parking spaces shall be maintained on the property at all times (26 spaces provided) in the approximate location shown on the approved Exhibit "A" on file in the Office of Development Services Department. Parking spaces shall comply at all times with the San Diego Municipal Code and shall not be converted for any other use unless otherwise authorized by the Development Services Department.

33. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.


INFORMATION ONLY:

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

APPROVED by the Hearing Officer of the City of San Diego on February 10, 2010

Permit Type/PTS Approval No.: CUP No. 363687/SDP No. 363688
Date of Approval: February 10, 2010

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT



William Zounes
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.

Owner/Permittee

By


Ruben Holguin for
Iglesia Apostolica de la Fe en Cristo

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

Rev. 02/04/08 m

COPY

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Diego

On March 10, 2010 before me, Maribel A. Martinez, Notary Public
Date Here Insert Name and Title of the Officer

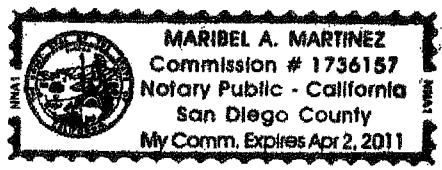
personally appeared William Lounes
Name(s) of Signer(s)

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 Maribel Martinez
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 Market Street Church Project No. 109031

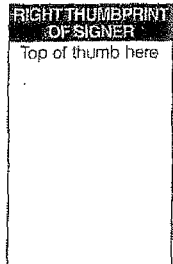
Document Date February 10, 2010 Number of Pages: 7

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

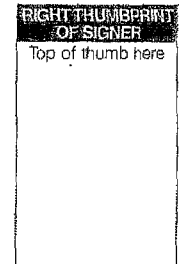
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

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



Signer Is Representing: _____

ORIGINAL

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Diego }

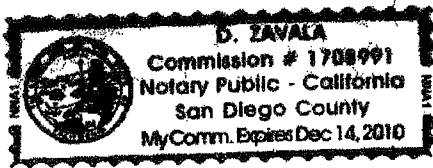
On 8 March 10 before me, D. Zavala, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Ruben Holguin
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.



Place Notary Seal Above

Signature D. Zavala
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: Site Development Permit/Southeastern S.D. Development

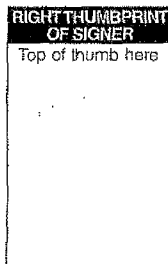
Document Date: 3/8/10 Number of Pages: 1-7 & Ack.

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Ruben Holguin

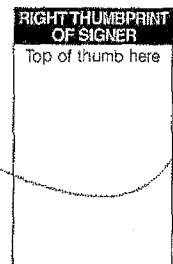
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

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



Signer Is Representing: _____

COPY

HEARING OFFICER, SERVICES
 RESOLUTION NO. HO-6280
 CONDITIONAL USE PERMIT NO. 363687
 SITE DEVELOPMENT PERMIT NO. 363688
MARKET STREET CHURCH PROJECT NO. 109031

WHEREAS, RUDEN HOLSUIN, Owner/Permittee, filed an application with the City of San Diego for a permit to convert two existing buildings into a religious facility (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 363687 and 363688), on portions of a 0.64 acre site;

WHEREAS, the project site is located at 5863 & 5869 Market Street in the SF-6000 zone of the Southeastern San Diego Planned District WITHIN the Southeastern San Diego Community Plan;

WHEREAS, the project site is legally described as Lot 3 in Block "F" of West Hollywood in the City of San Diego, State of California, according to Map No. 1551;

WHEREAS, on February 10, 2010 the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 363687 and Site Development Permit/Southeastern San Diego Development Permit No. 363688 pursuant to the Land Development Code of the City of San Diego;

BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated February 10, 2010.

FINDINGS:

Conditional Use Permit - Section 126.0305

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

The project proposes a Conditional Use Permit and Southeastern San Diego Development Permit to convert two existing structures into a 3,456 square-foot church facility. The project is designated residential with a density range of 5-10 dwelling units per acre.

The Southeastern San Diego Community Planning does not specifically address churches and specific design criteria for such facilities. The plan however does discourage the use of chain link fencing. In addition, The Southeastern San Diego Community Plan (Pedestrian/Bicycle Transportation Element) and the General Plan (Mobility Element) stress the importance of the enhanced pedestrian environment, circulation, connectivity, and minimizing obstructions and barriers that inhibit pedestrian circulation. The Community Planning and City Investment Department staff noted it would be desired that future redevelopment of the site include coordination with public utility entities to limit and relocate obstructions within the Public Right-of-Way. The permit for this project includes a condition requiring a

five-foot dedication of the property to help facilitate such future improvements (Attachment 6, condition no. 16).

The project implements the aforementioned recommendations by replacing the existing chain link fence with a new wood fence and dedicating five feet of the property's frontage along Market Street and Merlyn Drive to expand the public right-of-way. The dedication will facilitate expansion of the pedestrian circulation in the future and possible relocation of utility boxes to be located outside future pedestrian paths. Additionally, the permit requires the owner grant to the city an open space easement covering Chollas Creek. This open space easement will be reserved for potential future improvements to the creek either by the City or third party in accordance with Chollas Creek Enhancement Plan.

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

The project proposes a Conditional Use Permit and Southeastern San Diego Development Permit to convert two existing structures into a 3,456 square-foot church facility. 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 include the addition of a new parking lot configuration, interior modifications, and public improvements. All Uniform Building, Fire, Plumbing, Electrical, and Mechanical Codes 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. Therefore, the proposed development will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code.

The project proposes a Conditional Use Permit and Southeastern San Diego Development Permit to convert two existing structures into a 3,456 square-foot church facility. All proposed construction will comply with all of the development regulations with respect to interior modifications, floor area ratio, interior side, and rear setback requirements. The parking lots conform to city standards regarding ingress and egress, driveway widths, surfacing and landscape requirements. Therefore, the proposed development will comply with the maximum extent feasible with the regulations the Land Development Code.

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

The project proposes a Conditional Use Permit and Southeastern San Diego Development Permit to convert two existing structures into a 3,456 square-foot church facility. The owner of the church has indicated that the church has grown significantly in the last several years which has triggered a demand to expand the congregation. With the growth of the church come issues related to traffic and parking requirements. The proposed new location of the church located on a 0.64-acre site will fulfill the needs of an expanding congregation by providing sufficient parking and create a buffer from existing residence. The site complies with the separately regulated uses for churches pursuant to San Diego Municipal Code section 141.0404 as the religious assembly will be located outside the Multiple Habitat Planning Area, the design and improvements will diminish building bulk, the structures are currently placed away from other properties with smaller structures and, off-street parking is located away from adjacent residential

property. In addition the area contains another religious facility directly across Market Street and will be located in a zone which allows churches with the processing of a Conditional Use Permit. Therefore, the proposed use is appropriate at the proposed location.

Site Development Permit - Section 126.0504

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

The project proposes a Conditional Use Permit and Southeastern San Diego Development Permit to convert two existing structures into a 3,456 square-foot church facility. The project is designated residential with a density range of 5-10 dwelling units per acre.

The Southeastern San Diego Community Planning does not specifically address churches and specific design criteria for such facilities. The plan however does discourage the use of chain link fencing. In addition, The Southeastern San Diego Community Plan (Pedestrian/Bicycle Transportation Element) and the General Plan (Mobility Element) stress the importance of the enhanced pedestrian environment, circulation, connectivity, and minimizing obstructions and barriers that inhibit pedestrian circulation. The City's recommendation to implement the recommendation from the Land Use Policy is that the owner work with the utility companies to remove or relocate the above ground utility boxes currently placed in the sidewalk areas along Merlyn Drive and Market Street.

The owner of the project will be implementing the aforementioned Land Use Policy recommendations by replacing the existing chain link fence with a new wood fence and dedicating five feet of the property's frontage along Market Street and Merlyn Drive to expand the current Public Right-of-Way. The Public Right-of-Way dedication will allow for possible expansion of the pedestrian circulation in the future allowing utility boxes to be located outside future pedestrian paths. Additionally, the permit requires the owner grant to the city an open space easement covering Chollas Creek. This open space easement will be reserved for improvements to the creek at a later date either by the City or third party in accordance with Chollas Creek Enhancement Plan. Therefore, the proposed development will not adversely affect the applicable land use plan.

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

The project proposes a Conditional Use Permit and Southeastern San Diego Development Permit to convert two existing structures into a 3,456 square-foot church facility. 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 include the addition of a new parking lot configuration, interior modifications, and public improvements. All Uniform Building, Fire, Plumbing, Electrical, and Mechanical Codes 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. Therefore, the proposed development 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.

The project proposes a Conditional Use Permit and Southeastern San Diego Development Permit to convert two existing structures into a 3,456 square-foot church facility. All proposed construction will comply with all of the development regulations with respect to interior modifications, floor area ratio, interior side, and rear setback requirements. The parking lots conform to city standards regarding ingress and egress, driveway widths, surfacing and landscape requirements. Therefore, the proposed development will comply with the maximum extent feasible with the regulations the Land Development Code.

Southeastern San Diego Development Permit Findings – Section 1519.0202

1. The proposed use and project design meet the purpose and intent of this Division, comply with the recommendations of the Southeastern San Diego Community Plan, and will not adversely affect the General Plan or other applicable plans adopted by the City Council;

The project proposes a Conditional Use Permit and Southeastern San Diego Development Permit to convert two existing structures into a 3,456 square-foot church facility. The project is designated residential with a density range of 5-10 dwelling units per acre.

The Southeastern San Diego Community Planning does not specifically address churches and specific design criteria for such facilities. The plan however does discourage the use of chain link fencing. In addition, The Southeastern San Diego Community Plan (Pedestrian/Bicycle Transportation Element) and the General Plan (Mobility Element) stress the importance of the enhanced pedestrian environment, circulation, connectivity, and minimizing obstructions and barriers that inhibit pedestrian circulation. The City's recommendation to implement the recommendation from the Land Use Policy is that the owner work with the utility companies to remove or relocate the above ground utility boxes currently placed in the sidewalk areas along Merlyn Drive and Market Street.

The owner of the project will be implementing the aforementioned Land Use Policy recommendations by replacing the existing chain link fence with a new wood fence and dedicating five feet of the property's frontage along Market Street and Merlyn Drive to expand the current Public Right-of-Way. The Public Right-of-Way dedication will allow for possible expansion of the pedestrian circulation in the future allowing utility boxes to be located outside future pedestrian paths. Additionally, the permit requires the owner grant to the city an open space easement covering Chollas Creek. This open space easement will be reserved for improvements to the creek at a later date either by the City or third party in accordance with Chollas Creek Enhancement Plan. Therefore, the proposed use and project design meet the purpose and intent of the Southeastern San Diego Planned District, comply with the recommendations of the Southeastern San Diego Community Plan, and will not adversely affect the General Plan or other applicable plans adopted by the City Council

- 2. The proposed development shall be compatible with existing and planned land use on adjoining properties and shall not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community shall be achieved as far as practicable**

The project proposes a Conditional Use Permit and Southeastern San Diego Development Permit to convert two existing structures into a 3,456 square-foot church facility. The project is designated residential with a density range of 5-10 dwelling units per acre.

The facility will include two existing buildings where building-one will encompass a spiritual hall/assembly area with pastor area and restrooms on the first floor and storage area in a basement below for a total of 2,976 square feet. The second building, totaling 480 square feet, will be used for bible study classes. Improvements to the site includes new landscaping in accordance with the Citywide Landscape Ordinance, replacement of existing chain link fence with wood fence, and a new pedestrian ramp on the southeast corner of Market Street and Merlyn Drive. As a condition of the CUP, the owner must record an open space easement for the portion of the site containing Chollas Creek or approximately 30-percent as identified on Exhibit "A." The easement shall be used exclusively for public access to the creek and future improvements by the City of San Diego or third party.

The proposed church will be compatible with existing land use on adjoining properties as another church is located across the street to the north and residential development exist to the east. The project has been reviewed in accordance with the Southeastern San Diego Community Plan, the General Plan, and the San Diego Municipal Code SF-6000 zone to ensure the project is in compliance with the recommendations and requirements of the policies and codes. In addition the church use will not create a disruptive element to the neighborhood but rather improve the site by allowing improvements and maintenance to the property on a regular basis. The installation of new landscaping and the replacement of chain link fencing with wood fencing will create an architectural harmony with the residential neighbors to the north and east of the property as these properties contain such amenities. Although, no exterior development/modifications to the existing buildings are proposed the owner plans on painting the structures with a color harmonious with the neighborhood. Therefore, the proposed development shall be compatible with existing and planned land use on adjoining properties and shall not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community shall be achieved as far as practicable.

- 3. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity.**

The project proposes a Conditional Use Permit and Southeastern San Diego Development Permit to convert two existing structures into a 3,456 square-foot church facility. 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 include the addition of a new parking lot configuration, interior modifications, and public improvements. All Uniform Building, Fire, Plumbing, Electrical, and Mechanical Codes 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. The project was reviewed in accordance with California Environmental Quality Act and was determined to be exempt

from environmental review on the basis that the project is a conversion of existing facilities. The project will not have any significant environmental effects on the surrounding neighborhood and will implement the following measures to include the recordation of an open space easement covering the full extent of Chollas Creek within the projects site. The easement will reserve the right for future improvements including a pedestrian trail and restoration to the creek that will benefit the health and safety of the community. Therefore, the proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity.

4. The proposed use will comply with the relevant regulations of the Municipal Code.

The project proposes a Conditional Use Permit and Southeastern San Diego Development Permit to convert two existing structures into a 3,456 square-foot church facility. All proposed construction will comply with all of the development regulations with respect to interior modifications, floor area ratio, interior side, and rear setback requirements. The parking lots conform to city standards regarding ingress and egress, driveway widths, surfacing and landscape requirements. Therefore, the proposed use will comply with the relevant regulations of the Municipal Code.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 363687 and Site Development Permit No. 363688 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Conditional Use Permit No. 363687 and Site Development Permit No. 363688, a copy of which is attached hereto and made a part hereof.



William Zoumes
Development Project Manager
Development Services

Adopted on: February 10, 2010

Job Order No. 426738

cc: Legislative Recorder, Development Services Department



City of San Diego
 Development Services
 1222 First Ave., MS-302
 San Diego, CA 92101

**Community Planning
 Committee
 Distribution Form Part 2**

Project Name: Market Street Church EOT		Project Number: 313335	Distribution Date: 9/16/2013
Project Scope/Location:			
Applicant Name: Ruben Holguin		Applicant Phone Number:	
Project Manager: Sokolowski, Michelle	Phone Number:	Fax Number: (619) 321-3200	E-mail Address:
Committee Recommendations (To be completed for Initial Review):			
<input checked="" type="checkbox"/> Vote to Approve	Members Yes 10	Members No 0	Members Abstain 0
<input type="checkbox"/> Vote to Approve With Conditions Listed Below	Members Yes	Members No 0	Members Abstain 0
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below	Members Yes	Members No 0	Members Abstain 0
<input type="checkbox"/> Vote to Deny	Members Yes	Members No 0	Members Abstain 0
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			<input type="checkbox"/> Continued
CONDITIONS:			
NAME: Kenneth Malbrough		TITLE: ENCPG Chair	
SIGNATURE:		DATE: 9/19/2013	
<i>Attach Additional Pages If Necessary.</i>		Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101	
Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services . Upon request, this information is available in alternative formats for persons with disabilities.			



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

Ownership Disclosure Statement

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

Project Title **Project No. For City Use Only**
 Market Street Church 313335

Project Address:
 5863 Market St San Diego CA 92114

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

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

Additional pages attached Yes No

Name of Individual (type or print):
 Ruben Holguin
 Owner Tenant/Lessee Redevelopment Agency
Street Address:
 5191 Olvera Ave
City/State/Zip:
 San Diego CA 92114
Phone No: 619-889-3569 **Fax No:**
Signature : *[Signature]* **Date:** 2-17-13

Name of Individual (type or print):

 Owner Tenant/Lessee Redevelopment Agency
Street Address:

City/State/Zip:

Phone No: **Fax No:**
Signature : **Date:**

Name of Individual (type or print):
 Owner Tenant/Lessee Redevelopment Agency
Street Address:

City/State/Zip:

Phone No: **Fax No:**
Signature : **Date:**

Name of Individual (type or print):
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Signature : **Date:**