



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: February 12, 2014 REPORT NO. HO 14-004

ATTENTION: Hearing Officer

SUBJECT: VISION CELULAR INTERNACIONAL
PROJECT NUMBER: 225263

LOCATION: 1444 30th Street (South Bay)

APPLICANT/
PERMITTEE: Vision Celular Internacional, Leonardo Vazquez

OWNER: Kenneth J. Whalen Trust (Attachment 11)

SUMMARY

Issue: Should the Hearing Officer approve a Conditional Use Permit to increase the maximum attendance to 740, modify the parking, and change the hours of operation at an existing religious facility located within an existing light industrial building in the Otay Mesa-Nestor Community Planning area?

Staff Recommendation: APPROVE Conditional Use Permit No. 819805 (Amendment to Conditional Use Permit No. 562061).

Community Planning Group Recommendation: The Otay Mesa-Nestor Community Planning Group voted 11-1 to recommend approval of the proposed project on July 13, 2011, with no recommended conditions (Attachment 10).

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on February 1, 2013, and the opportunity to appeal that determination ended February 20, 2013.

BACKGROUND

The 4.33 acre project site is located at 1444 30th Street, north of Iris Avenue and west of Beyer Boulevard (Attachment 3), and is within the IL-2-1 Zone (Industrial-Light) and Transit Area Overlay Zone (TAOZ). The Otay Mesa-Nestor Community Plan designates the site for

industrial land use (Attachment 2). Development surrounding the site is comprised of a mixture of uses including light industrial office/warehouse use to the north, an MTS Transit Station (including bus station, parking lot, and Iris Avenue Trolley Station) to the east/south, and multi-family development to the west across the trolley lines.

Under the San Diego Municipal Code (Section 126.0303), church uses are considered separately regulated uses within the IL-2-1 base zone and require approval of a Conditional Use Permit through a Decision Process 3 (Hearing Officer).

Original Conditional Use Permit Approval:

Conditional Use Permit (CUP) No. 562061 (Project No. 157800) was approved by the Hearing Officer on April 1, 2009 (Attachment 9). The approval allowed the operation of a religious facility totaling 24,010 square feet within the first floor and mezzanine levels of an existing 61,748 square-foot light industrial building, and included conditions related to maximum attendance and parking.

Amendment:

On February 2, 2010, the Code Enforcement Section (CES) (formerly Neighborhood Code Compliance Division (NCCD)), received a complaint that Vision Celular Internacional, a religious facility located at 1444 30th Street, was operating in violation of Conditional Use Permit (CUP) No. 562061 and had failed to obtain the required change of occupancy.

Inspection revealed that the church was operating in violation of CUP No. 562061 and had failed to obtain the required change of occupancy. Conditions required in the CUP prior to use/occupancy of the facility had not been met.

The case was referred to the City Attorney's Office Code Enforcement Unit (CEU), and a Notice of Violation and Notice of Unsafe Conditions was issued to the property owner and the tenant (Vision Celular) on April 30, 2010. The church ceased using the sanctuary portion of the building and currently conduct their services at another location.

The applicant, Vision Celular Internacional, elected to amend the CUP to allow for additional attendees and a change in the hours of operation. Obtaining and fulfilling the requirements of the amended CUP will correct the outstanding code violations.

DISCUSSION

The Amendment to the CUP would continue to allow the religious facility within a 24,010 square-foot portion of an existing 61,748-square-foot, light industrial building, for a maximum period of 10 years. The remainder of the building would be used for industrial office/warehouse uses. The amount of building square footage devoted to the religious facility is the same as the original permit.

The requested Amendment to the CUP includes the installation of fixed seating, where the original approval did not include such a proposal. In addition, the current request increases the

proposed attendance to a maximum of 740 people per service, increasing from 300 people allowed in the prior CUP. The current proposal also includes the construction of fixed seats, which reduces the amount of parking required. These modifications results in a change in the parking requirements, which are reflected in the draft permit, as well as below:

Parking Requirements:

The proposed religious facility with 740 fixed seats, within the TAOZ, is required to provide a minimum of 210 automobile parking spaces, based on the following calculations:

$$740 \text{ seats} / 3 \text{ spaces/seat} = 246.67 \text{ spaces}$$

$$246.67 \text{ spaces} \times 85\% \text{ (because site is in the TAOZ*)} = 209.67 = 210 \text{ spaces}$$

**TAOZ allows reduction in parking requirement per SDMC Sections 132.1001 and 142.0530.*

At maximum capacity, 169 parking spaces will be located onsite, with the remaining 41 spaces being located offsite, in conjunction with a shared parking agreement.

The facility would operate Sunday through Saturday, with no more than 132 people attending during a given time on weekdays, 150 people attending on Saturdays (other than special events), and 740 people attending per service on Sundays (and at special events), as follows:

- Weekdays: office use and classes, 9:00 am to 5:30 pm;
choir rehearsals, 6:00 pm to 10:00 pm
- Saturdays: morning special occasions, 7:00 am to 11:00 am;
classes and rehearsals, 10:00 am to 4:00 pm
special events, 6:00 pm to 10:00 pm
- Sundays: two services, 10:00 am to 1:00 pm and 4:00 pm to 7:00 pm

No school or daycare facilities is proposed at the site, nor approved with this action.

Community Communication:

The Otay Mesa-Nestor Community Planning Group voted 11-1 to recommend approval of the proposed project on July 13, 2011, with no recommended conditions. No other communications have been received during the project processing.

ALTERNATIVES

1. Approve Conditional Use Permit No. 819805 (Amendment to Conditional Use Permit No. 562061), with modifications.

2. Deny Conditional Use Permit No. 819805 (Amendment to Conditional Use Permit No. 562061), if the findings required to approve the project cannot be affirmed.

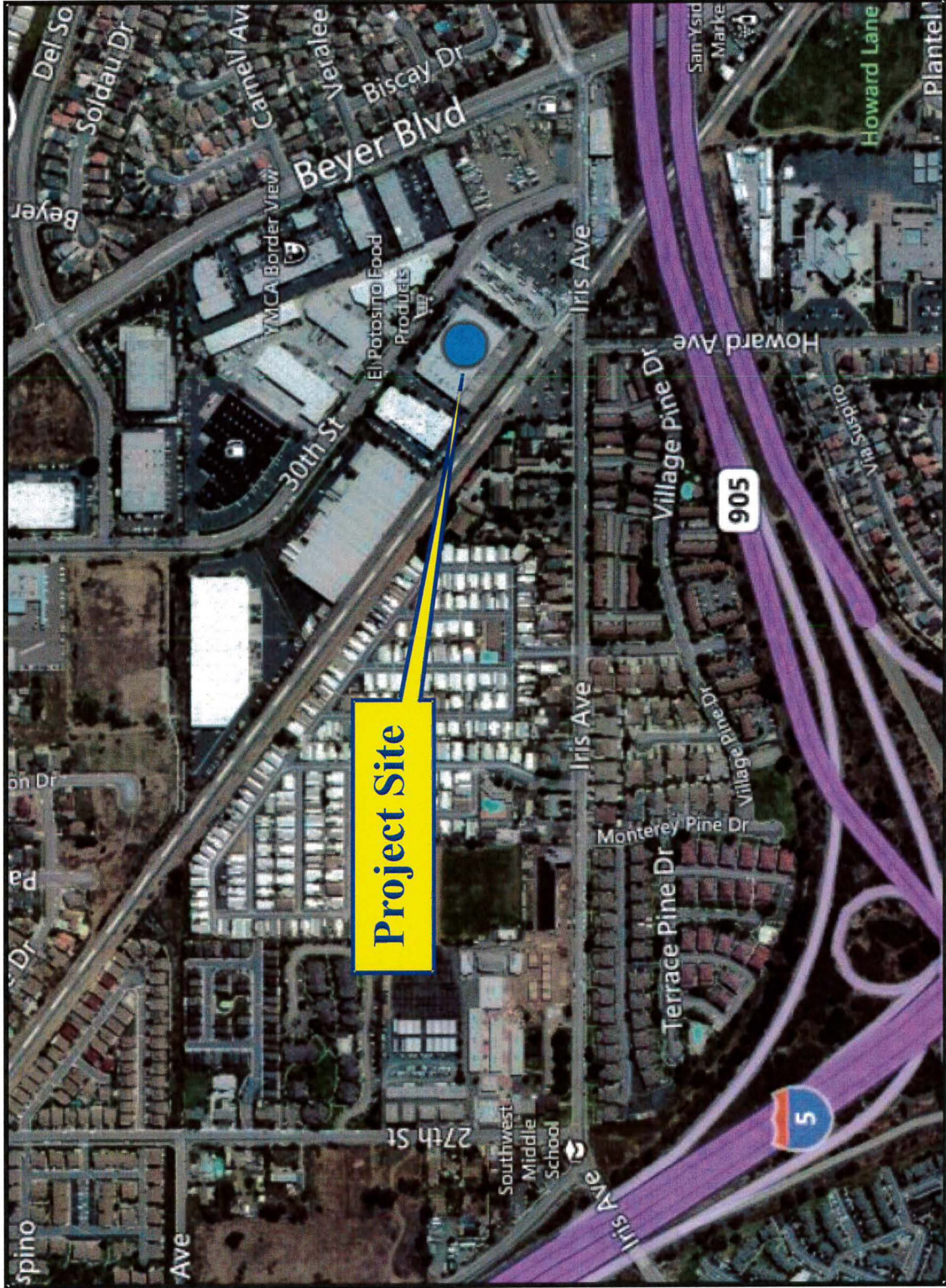
Respectfully submitted,



Michelle Sokolowski, Development Project Manager

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft Permit Resolution with Findings
6. Draft Permit with Conditions
7. Environmental Exemption
8. Project Plans
9. Copy of Recorded Conditional Use Permit No. 562061
10. Community Planning Group Recommendation
11. Ownership Disclosure Statement

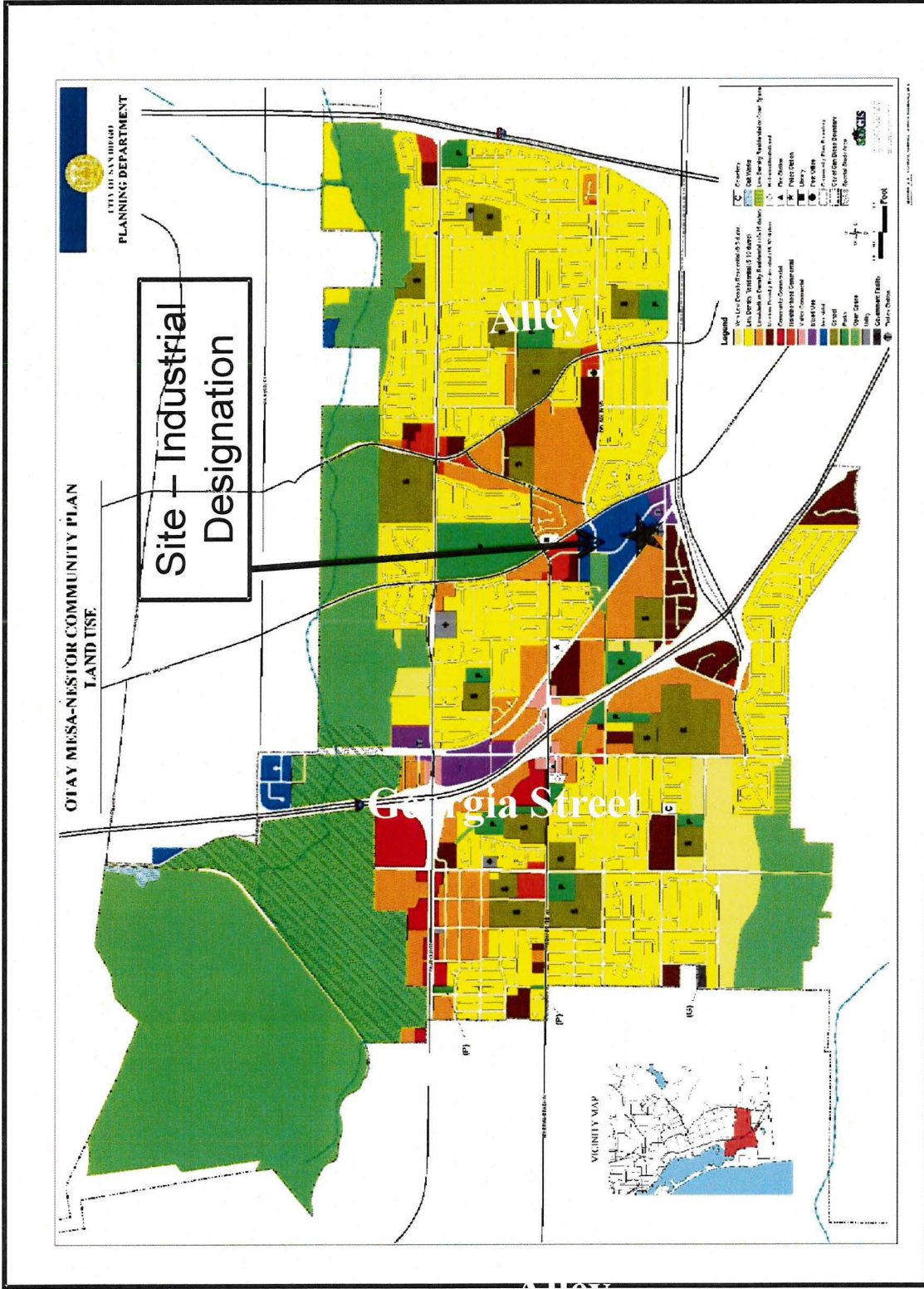


Aerial Photo

VISION CELULAR INTERNACIONAL - PROJECT NO. 225263

1444 30TH STREET (South Bay)





Community Land Use Map

VISION CELULAR INTERNACIONAL - PROJECT NO. 225263

1444 30th Street (South Bay)



Project Location Map
VISION CELULAR INTERNACIONAL
PROJECT NO. 2225263

1444 30TH STREET (South Bay)



PROJECT DATA SHEET

PROJECT NAME:	Vison Celular Internacional – Project No. 225263	
PROJECT DESCRIPTION:	Increase the maximum attendance to 740, modify the parking, and change the hours of operation at an existing religious facility located within an existing light industrial building.	
COMMUNITY PLAN AREA:	Otay Mesa-Nestor Community Plan Area	
DISCRETIONARY ACTIONS:	Conditional Use Permit (Amendment to CUP No. 562061)	
COMMUNITY PLAN LAND USE DESIGNATION:	Industrial	
<u>ZONING INFORMATION:</u>		
ZONE: IL-2-1 Zone		
HEIGHT LIMIT: N/A		
LOT SIZE: 15,000 square-foot minimum lot size, newly-created lots		
FLOOR AREA RATIO: 2.0 maximum		
FRONT SETBACK: 15/20 feet (minimum/standard)		
SIDE SETBACK: 10 feet		
STREETSIDE SETBACK: 15/20 feet (minimum/standard)		
REAR SETBACK: 0/15 feet (minimum/standard)		
PARKING: 66 to 210 spaces (based on day/time/event, per permit)		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTHEAST:	Industrial, IL-2-1	Light industrial/warehouse
SOUTHWEST (immediate):	N/A	Trolley lines
SOUTHWEST (across railroad tracks)	Residential, RS-1-7	Multi-Family Residential (across railroad tracks)
SOUTHEAST:	Industrial, IL-2-1	MTS Transit Station (including bus station, parking lot, and Iris Avenue Trolley Station)
NORTHWEST:	Industrial, IL-2-1	Light industrial/warehouse
DEVIATIONS OR VARIANCES REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	The Otay Mesa-Nestor Community Planning Group voted 11-1 to recommend approval of the proposed project on July 13, 2011, with no recommended 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

INTERNAL ORDER NUMBER: 24001436

CONDITIONAL USE PERMIT NO. 819805
VISION CELULAR INTERNACIONAL - PROJECT NO. 225263
(AMENDMENT TO CONDITIONAL USE PERMIT NO. 562061 - PROJECT NO. 157800)
HEARING OFFICER

DRAFT

This Conditional Use Permit No. 819805 (Amendment to Conditional Use Permit No. 562061) is granted by the Hearing Officer of the City of San Diego to KENNETH J. WHALEN TRUST, Owner, and VISION CELULAR INTERNACIONAL, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0303. The 4.33-acre site is located at 1444 30th Street in the IL-2-1 Zone and the Transit Overlay Zone, within the Otay Mesa-Nestor Community Plan. The project site is legally described as: Lot 12 and a portion of Lot 13, South San Diego Industrial Park Unit 2, Map No. 9557.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to increase the maximum attendance to 740, modify the parking, and change the hours of operation at an existing religious facility located within an existing light industrial building, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated February 12, 2014, on file in the Development Services Department.

The project shall include:

- a. Religious facility totaling 24,010 square feet within the first floor and mezzanine levels of an existing 61,748-square-foot light industrial building;
- b. The facility will operate Sunday through Saturday, with no more than 132 people attending during a given time on weekdays, 150 people attending on Saturdays (other than special events), and 740 people attending per service on Sundays (and at special events), as follows:

- Weekdays: office use and classes, 9:00 am to 5:30 pm;
choir rehearsals, 6:00 pm to 10:00 pm
 - Saturdays: morning special occasions, 7:00 am to 11:00 am;
classes and rehearsals, 10:00 am to 4:00 pm
special events, 6:00 pm to 10:00 pm
 - Sundays: two services, 10:00 am to 1:00 pm and 4:00 pm to 7:00 pm
- c. Off-street parking to include a minimum of 210 spaces for the project as follows:
- i. 169 automobile spaces (including 7 standard accessible spaces and 1 van accessible space) on Saturdays and Sundays, and a minimum of 66 automobile parking spaces (including 7 standard accessible spaces and 1 van accessible space) on all other days, 5 motorcycle spaces, and 5 bicycle spaces with rack(s) shall be provided on the project site.
 - ii. A shared parking agreement with adjoining property at 1405 30th Street will provide an additional 41 off-site parking spaces.
- d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by February 27, 2017.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on February 12, 2024. Upon expiration of this Permit, the facilities and improvements described herein shall be removed from this site and the property shall be restored to its original condition preceding approval of 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. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. All relevant conditions of Conditional Use Permit No. 562061 (Project No. 157800) shall remain in full effect, and are incorporated herein by reference, unless otherwise indicated or replaced within this Permit.
7. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
8. 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.).
9. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
10. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
11. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

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

12. 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.

PLANNING/DESIGN REQUIREMENTS:

13. Owner/Permittee shall maintain a minimum of 66 automobile off-street parking spaces (including 1 van accessible and 6 accessible) on the property at all times in the approximate locations shown on the approved Exhibit "A," to the satisfaction of the Development Services Department. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC. Additional parking requirements are specified in Condition No. 18 of this permit. Further, all parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code, and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Director of Development Services Department.

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

15. All signs associated with this development shall be consistent with sign criteria established by the City-wide sign regulations.

16. 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.

TRANSPORTATION REQUIREMENTS

17. Prior to the issuance of the first construction permit, the Owner/Permittee shall assure by permit and bond the installation of a two-way left-turn lane along the project's frontage on 30th

Street, as shown on Sheet TR-1 of Exhibit "A," to the satisfaction of the City Engineer. This work shall be completed and accepted by the City prior to occupancy.

18. Prior to the issuance of the first construction permit, the Owner/Permittee shall record and maintain a shared parking agreement for 144 automobile parking spaces (over the minimum required 66 spaces) for special events on Saturdays between 6:00 pm and 10:00 pm and for services on Sundays (per Condition No. 19), to the satisfaction of the City Engineer.

19. The Owner/Permittee shall assure that attendance shall not exceed those below for all events and times:

Weekdays: 9:00 am to 5:30 pm – 20 maximum attendees
 Weekdays: 6:00 pm to 10:00 pm – 132 maximum attendees
 Saturdays: 7:00 am to 6:00 pm – 150 maximum attendees
 Saturdays: 6:00 pm to 10:00 pm – 740 maximum attendees
 Sundays: 10:00 am to 1:00 pm – 740 maximum attendees
 Sundays: 4:00 pm to 7:00 pm – 740 maximum attendees

All other times not to exceed 132 maximum attendees, to the satisfaction of the Development Services Department.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- Fire Alarm system that is satisfactory to the Fire Marshal is required on all assemblies with an occupant load of 300 or more. Alarm systems are a deferred submittal when obtaining a building permit.
- 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 12, 2014, by Resolution No. [REDACTED].

Conditional Use Permit No. 819805
Date of Approval: February 12, 2014

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 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.**

R

KENNETH J. WHALEN TRUST
Owner

By _____
NAME
TITLE

VISION CELULAR INTERNACIONAL
Permittee

By _____
NAME
TITLE

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

HEARING OFFICER RESOLUTION NO. _____
CONDITIONAL USE PERMIT NO. 819805
VISION CELULAR INTERNACIONAL - PROJECT NO. 225263
(AMENDMENT TO CONDITIONAL USE PERMIT NO. 562061 - PROJECT NO. 157800)

DRAFT

WHEREAS, KENNETH J. WHALEN TRUST, Owner, and VISION CELULAR INTERNACIONAL, Permittee, filed an application with the City of San Diego for a permit to increase the maximum attendance to 740, modify the parking, and change the hours of operation at an existing religious facility located within an existing light industrial building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 819805), on portions of a 4.33-acre site;

WHEREAS, the project site is located at 1444 30th Street in the IL-2-1 Zone and the Transit Overlay Zone, within the Otay Mesa-Nestor Community Plan;

WHEREAS, the project site is legally described as Lot 12 and a portion of Lot 13, South San Diego Industrial Park Unit 2, Map No. 9557;

WHEREAS, on February 12, 2014, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 819805 (Amendment to Conditional Use Permit No. 562061) pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on February 1, 2013, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15301 (Existing Facilities) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520; NOW, THEREFORE,

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 12, 2014.

CONDITIONAL USE PERMIT FINDINGS – SDMC SECTION 126.0305:

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

The project proposes to amend the previously-approved Conditional Use Permit No. 562061 by increasing the maximum attendance to 740, modifying the parking, and changing the hours of operation at an existing religious facility located within an existing light industrial building. The site is designated for industrial land use within the Otay Mesa - Nestor Community Plan. The proposed church is an allowed use within the underlying IL-2-1 zone as a separately regulated use though the approval of a Conditional Use Permit. The new facility will serve the religious needs of the Otay Mesa - Nestor community. The permit timeframe allows the proposed religious use for a maximum period of 10 years which keeps options available to return the facility to full

industrial uses in the future. Therefore, the proposed religious facility 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 to amend the previously-approved Conditional Use Permit No. 562061 by increasing the maximum attendance to 740, modifying the parking, and changing the hours of operation at an existing religious facility located within an existing light industrial building. The permit for this project includes a number of conditions of approval relevant to achieving project compliance with the applicable regulations of the Land Development Code to assure that the project will not adversely affect the health, safety and general welfare of persons residing or working in the area. The proposed use will meet all Building, Fire, Plumbing, Electrical and Mechanical Code regulations. Therefore, the proposed development will not be detrimental to the public health, safety and welfare.

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

The project proposes to amend the previously-approved Conditional Use Permit No. 562061 by increasing the maximum attendance to 740, modifying the parking, and changing the hours of operation at an existing religious facility located within an existing light industrial building. The proposed church is an allowed use within the underlying IL-2-1 zone as a separately regulated use though the approval of a Conditional Use Permit. The use of this site for church uses, associated site improvements and the design of required public improvements comply with the development regulations, design standards, and policies in effect for the project site in accordance with the Land Development Code, and all other City regulations, policies, guidelines and adopted land use plans, and no deviations are required or included with this permit. Therefore, the proposed development will comply with the applicable regulations of the Land Development Code.

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

The project proposes to amend the previously-approved Conditional Use Permit No. 562061 by increasing the maximum attendance to 740, modifying the parking, and changing the hours of operation at an existing religious facility located within an existing light industrial building. The permit for this project includes a number of conditions of approval relevant to assure that the project will not adversely affect the health, safety and general welfare of persons residing or working in the area. These conditions include a limitation on the hours of operation and number of attendees at the facility at a given point in time. Additionally, the permit timeframe is limited to a maximum period of 10 years which keeps options available to return the facility to full industrial uses in the future. Therefore, under the terms of Conditional Use Permit No. 819805, the proposed use is appropriate at the proposed location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 819805 (Amendment to Conditional Use Permit No. 562061) is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 819805, a copy of which is attached hereto and made a part hereof.

MICHELLE SOKOLOWSKI
Development Project Manager
Development Services

Adopted on: February 12, 2014

Internal Order No. 24001436

RRFF

NOTICE OF EXEMPTION

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.: 225263

PROJECT TITLE: Vision Celular International

PROJECT LOCATION-SPECIFIC: 1444 30th Street, Suites D and E, San Diego, California 92154
PROJECT LOCATION-CITY/COUNTY: San Diego/San Diego

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: Conditional Use Permit (CUP) to amend CUP No. 562061 to increase the maximum attendance to 740 for a religious facility in a 61,748 square-foot existing building, and changes to the hours of operation on 4.33 acres.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego
NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Carmen Romo (Agent)
Propuesta Design Group (Firm)
466 Broadway Apt #57
Chula Vista, CA 91910
(619) 425-0763

- EXEMPT STATUS: (CHECK ONE)
() MINISTERIAL (SEC. 21080(b)(1); 15268);
() DECLARED EMERGENCY (SEC. 21080(b)(3); 15269(a));
() EMERGENCY PROJECT (SEC. 21080(b)(4); 15269 (b)(c))
(X) CATEGORICAL EXEMPTION: CEQA Exemption 15301 (Existing Facilities)
() STATUTORY EXEMPTIONS:

REASONS WHY PROJECT IS EXEMPT: The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment. The project meets the criteria set forth in CEQA Section 15301 which allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing facilities (public or private) involving negligible or no expansion of use beyond that existing at the time of the determination. A CUP to allow the increase in maximum attendance to 740 for an existing church, and changes to the hours of operation is a negligible expansion of use. In addition; the exceptions listed in CEQA Section 15300.2 would not apply.

LEAD AGENCY 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

IT IS HEREBY CERTIFIED THAT THE CITY OF SAN DIEGO HAS DETERMINED THE ABOVE ACTIVITY TO BE EXEMPT FROM CEQA

Maria M. M... ACP / Senior
planner
SIGNATURE/TITLE

FEBRUARY 1, 2013
DATE

- CHECK ONE:
(X) SIGNED BY LEAD AGENCY DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:
() SIGNED BY APPLICANT

VISION CELULAR INTERNATIONAL RELIGIOUS FACILITY

DETAILED SCOPE OF WORK

AMENDMENT TO EXISTING CUP #552061

RELIGIOUS FACILITY 24,010 SF FIRST FLOOR & MEZZANINE ON EXISTING 61,748 SF LIGHT INDUSTRIAL BUILDING

INCREASE OCCUPANCY LOAD TO 740 PEOPLE ON FIXED SEATING (seating layout change)
CHANGE ON PARKING REQUIREMENTS
CHANGE ON HOURS OF OPERATION

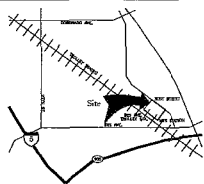
PROJECT DATA

PROJECT NAME: VISION CELULAR INTERNATIONAL RELIGIOUS FACILITY
PROJECT ADDRESS: 1444 30th STREET SUITE D & E SAN DIEGO 92154
OWNER: KENNETH J. WHALEN / TENANT: PASTOR LEONARDO VAZQUEZ
SUBMITTAL DATES: 11/26/2012
ZONE: IL-2-1 (INDUSTRIAL)
TRANSIT OVERLAY ZONE YES NO
COMMUNITY PLAN NAME: TAY MESA-NESTOR
A.P.N.: 630.321.26
LEGAL DESCRIPTION: LOTS 12, 13 OF SOUTH SAN DIEGO INDUSTRIAL PARK UNIT #2 IN THE CITY OF SAN DIEGO, MAP 9557 FEBRUARY 15, 1980
SITE AREA: 4.33 ACRES
BUILDING AREA: TOTAL EXISTING BUILDING AREA 61,748 S.F.
TENANT AREA 24,010 S.F.
HISTORIC: YES NO SPRINKLERED: YES NO
TYPE OF CONSTRUCTION: III-B
OCCUPANCY CLASSIFICATION(S): A3 ASSEMBLY (RELIGIOUS WORKSHIP) & B ADMINISTRATIVE OFFICE, RELIGIOUS EDUCATION
EXISTING USE: BUSINESS PARK
PROPOSED USE: RELIGIOUS ASSEMBLY
BUILDING HEIGHT: 27'6" EXISTING HEIGHT
GOVERNING CODES: 2010 CALIFORNIA RESIDENTIAL CODE, 2010 CALIFORNIA BUILDING CODE, 2010 CALIFORNIA MECHANICAL CODE, 2010 CALIFORNIA PLUMBING CODE, 2010 CALIFORNIA ELECTRICAL CODE, 2010 CALIFORNIA GREEN BUILDING CODE, 2010 CALIFORNIA FIRE CODE, 2010 CALIFORNIA ENERGY CODE
PUBLIC TRANSPORTATION: MTS BUS STATION NEXT TO SITE
IRIS AVE TROLLEY STATION ADJACENT TO SITE

INFORMATION INDEX

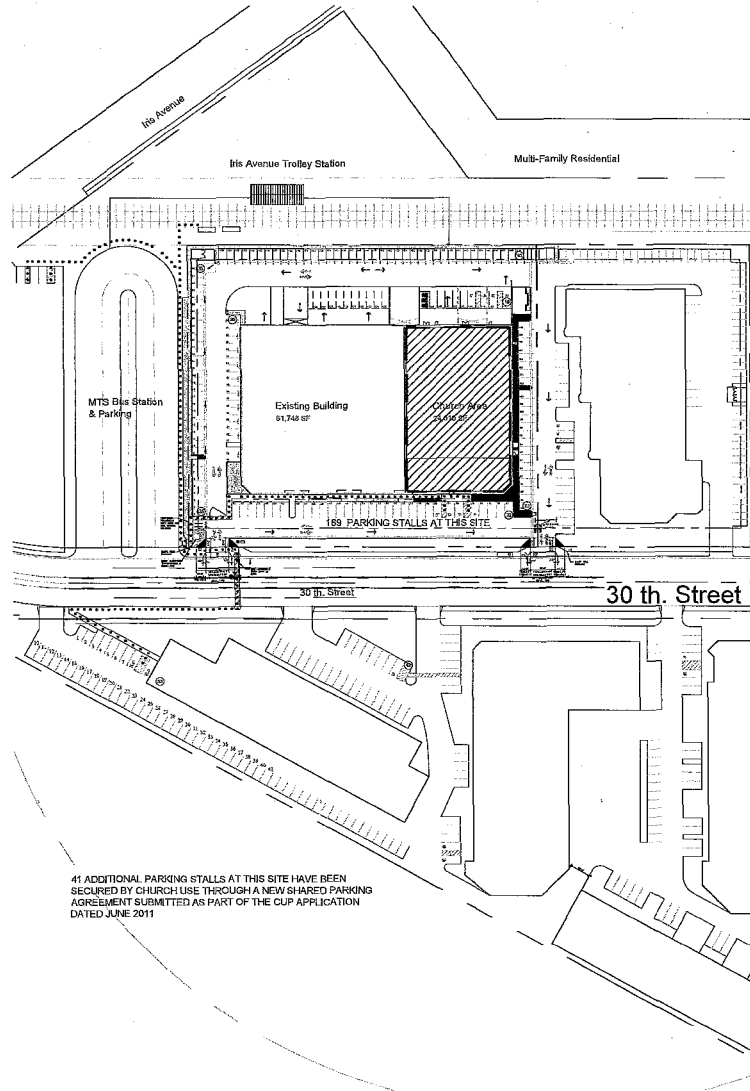
SHEET NO.	ITEM
A1.0	TITLE SHEET / NEIGHBORHOOD SITE PLAN
A1.1	ENLARGED SITE PLAN
A1.2	PHOTO SURVEY
A2.1	FLOOR PLAN (FIXED SEATING LAYOUT)
S1	GENERAL NOTES & TYPICAL DETAILS
S2	FOUNDATION PLAN
S3	ROOF AND MEZZANINE FRAMING PLAN
TR-1	STRIPPING
ENG-1	DRIVEWAYS & TRUCK WELL FILL

VICINITY MAP



PROJECT TEAM

DESIGNER: CARMEN ROMO
619.425.0763
STRUCTURAL ENGINEER: RAR ENGINEERING / RICARDO REYES
619.293.0960
CIVIL ENGINEER: KIMLEY-HORN & ASSOC.
619.234.9493



41 ADDITIONAL PARKING STALLS AT THIS SITE HAVE BEEN SECURED BY CHURCH USE THROUGH A NEW SHARED PARKING AGREEMENT SUBMITTED AS PART OF THE CUP APPLICATION DATED JUNE 2011

A NEIGHBORHOOD SITE PLAN
1"=60'-0"



GENERAL NOTES

- ALL WORK AND MATERIALS SHALL BE IN ACCORDANCE WITH APPLICABLE REQUIREMENTS OF THE LOCAL MARSHALL, THE CITY OF SAN DIEGO BUILDING OFFICIALS AND VULNERABILITY COMPANIES FURNISHING SERVICES. NOTHING IN THIS PLAN SHALL BE CONSIDERED AS PERMITTING WORK THAT IS NOT IN CONFORMANCE WITH APPLICABLE CODES OR REGULATIONS GOVERNING THIS WORK INCLUDES, BUT ARE NOT LIMITED TO THE FOLLOWING:
2010 CALIFORNIA RESIDENTIAL CODE
2010 CALIFORNIA BUILDING CODE
2010 CALIFORNIA MECHANICAL CODE
2010 CALIFORNIA PLUMBING CODE
2010 CALIFORNIA ELECTRICAL CODE
2010 CALIFORNIA GREEN BUILDING CODE
2010 CALIFORNIA FIRE CODE
2010 CALIFORNIA ENERGY CODE
- THESE PLANS AND ALL NEW WORK SHALL COMPLY WITH THE CALIFORNIA BUILDING STANDARDS CODES FOUND IN THE STATE OF CALIFORNIA - TITLE 24 CODE AS AMENDMENTS AND ADOPTED BY THE COUNTY OF SAN DIEGO
- THE GENERAL CONTRACTOR IS RESPONSIBLE FOR CHECKING CONTRACT DOCUMENTS, FIELD CONDITIONS AND DIMENSIONS FOR ACCURACY AND CONFIRMING WORK IS BUILT AS SHOWN BEFORE PROCEEDING WITH CONSTRUCTION
- SCOPE OF SITE WORK WILL BE LIMITED TO:
RESTRIPING AND SIGNAGE FOR 40 PARKING STALLS AT REAR YARD AND FILL-IN FLUSH WITH ADJACENT GRADE (2) TRUCK WELLS AT REAR YARD.
- ALL LANDSCAPE IS EXISTING TO REMAIN. NO ADDITIONAL LANDSCAPING IS PROPOSED AS PART OF THIS CUP APPLICATION.
- PROVIDE BUILDING ADDRESS NUMBERS VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY PER FIRE POLICY 94.05 (B)FC 9014.4.
- EXISTING KNOW UTILITIES ARE SHOWN ON THIS PLAN. NO NEW UNDERGROUND UTILITIES ARE PROPOSED.
- EXISTING SURFACE STORM DRAINAGE WILL NOT BE MODIFIED.
- ALL PROPERTY LINES, EASEMENTS, AND BUILDINGS ARE SHOWN ON THIS PLAN PER PER RECORD DRAWINGS.

PARKING CALCULATION

Building Area = 61,748 SF
Religious Facility = 24,010 SF
Assembly area = 740 fixed seating
Parking requirements: 1 parking/3 seats (per table 142-05F 50MC)
FACT allows to reduce 35% of requirement
740/3 = 246.66 (85) = 210

ON-SITE PARKING: 112 STANDARD STALLS
57 COMPACT STALLS
169 TOTAL

OFF-SITE PARKING: 25 STANDARD STALLS
ACROSS STREET: 16 COMPACT STALLS
41 TOTAL (PER SHARED PARKING AGREEMENT)

TOTAL PARKING PROVIDED = 210

HOURS OF OPERATION

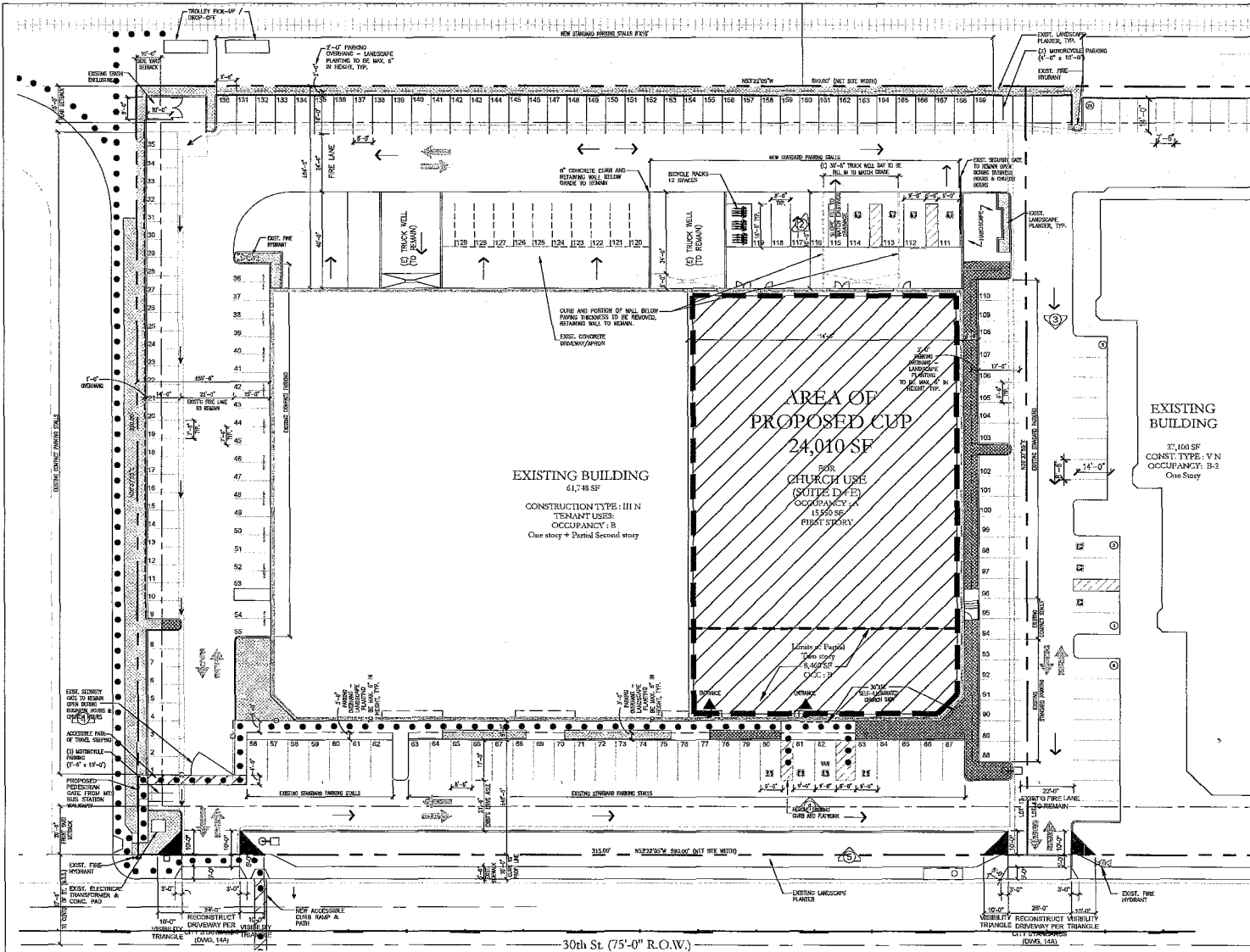
- SUNDAYS
- SERVICE 1: 10:00am - 1:00pm 740 Max. Attendees per service
- SERVICE 2: 4:00pm - 7:00pm 740 Max. Attendees
- SATURDAYS
- EVENTS: 6:00pm - 10:00pm 740 Max. Attendees
- VARIOUS CLASSES/REHEARSALS: 10:00am - 4:00pm 150 Max. Attendees
- MORNING SPECIAL OCCASIONS 7:00am - 11:00am 150 Max. Attendees
- EVENTS INCLUDE:
FUNDRAISERS, WEDDINGS, FUNERALS, CHRISTENINGS/BABY DEDICATION, BAPTISMS, BANQUETS, APPRECIATION SERVICES, MINISTRY MEETINGS, HOT OF THE GRILL SALES, ETC.
- WEEKDAYS:
- BUSINESS OFFICE: 9:00am - 5:30pm 20 Max. Attendees
- VARIOUS CLASSES & CHOIR REHEARSALS: 6:00pm - 10:00pm 150 Max. Attendees
- A. MEETINGS IN THE CONFERENCE ROOMS OR MEETING ROOMS SHALL NOT BE HELD CONCURRENTLY AS SERVICES IN THE NAVE.
- B. THE EXISTING SECURITY GATES BEHIND THE CHURCH & AT THE SOUTHERLY DRIVEWAY ALONG 30TH ST. SHALL REMAIN OPEN DURING CHURCH HOURS.
- C. SHARED PARKING AGREEMENT:
PRIOR TO THE ISSUANCE OF THE PERMIT, THE APPLICANT SHALL PROVIDE A SHARED PARKING AGREEMENT, SATISFACTORY TO THE CITY ENGINEER.
- D. THERE ARE NO SCHOOL OR DAYCARE USES PROPOSED IN THIS PROJECT
- PUBLIC TRANSPORTATION USE:
- 10%-12% CURRENT USE
- 15%-18% (ANTICIPATED IN NEAR FUTURE)

REVISIONS

VISION CELULAR INTERNATIONAL
1444 30th, St. Suites D and E
San Diego, CA 92154

SHEET TITLE:
TITLE / NEIGHBORHOOD SITE PLAN
SCALE:
1"=60'-0"

SHEET NO.
A1.0
JOB NO.



- ▲ - ACCESSIBLE BUILDING ENTRANCE
- - ACCESSIBLE PATH OF TRAVEL
- ▭ - EXISTING LANDSCAPE PLANTER
- ▭ - EXISTING HARDSCAPE/WALKWAY
- ▭ - EXISTING SURFACE DRAINAGE
- ⊕ - KEY TO PHOTO SURVEY
- △ - VISIBILITY TRIANGLE: NO FENCE, SHRUBS OR OTHER OBJECTS GREATER THAN 38" HIGH ARE PERMITTED IN THIS AREA.

B 30th STREET CROSS SECTION
1"=20'-0"

A SITE PLAN
1"=20'-0"
NORTH

ALLOWABLE AREA CALCULATION TABLE									
OCCUPANCY CLASSIFICATION	STORY	TYPE OF CONSTRUCTION	TYPICAL AREA	AREA INCREASE DUE TO FRONTAGE			AREA INCREASE FACTOR DUE TO SPRINKLER PROTECTION	ALLOWABLE AREA $A_a = A_t \times (A_1 \times B_1) + (A_2 \times B_2)$	TOTAL ALLOWABLE AREA PER OCCUPANCY CLASSIFICATION
				A_1	B_1	B_2			
A3 ASSEMBLY (RELIGIOUS WORKSHIP)	FIRST STORY	TYPE IUR	5539	0	0	0.35	3	$A_a = 5500 + (5539 \times 0.25) + (8500 \times 3)$ $A_a = 40,375$ SF	
				0	0	0			
B ADMINISTRATIVE OFFICE, RELIGIOUS EDUCATION	FIRST STORY	TYPE IIB	15300	0	0	0.24	3	$A_a = 15000 + (15300 \times 0.24) + (19000 \times 3)$ $A_a = 83,580$ SF	
				0	0	0			
	SECOND STORY	TYPE IIB	15300	0	0	0.24	3	$A_a = 83,580$ SF	$A_a = 161,120$ SF

Footprinting perimeter that exists on a public way or open access parking 20 feet (open minimum width 6 feet)
Footprint of entire building (foot)
Width of public way or open access (feet) maximum 36 feet
Footprint of 20 feet (6 feet) for buildings with no open access (they share private drive)

VISION CELLULAR INTERNATIONAL
1444 30th, St. Suites D and E
San Diego, CA 92154

SHEET TITLE:
SITE PLAN
SCALE:
1"=20'-0"
JOB NO.

SHEET NO. A1.2

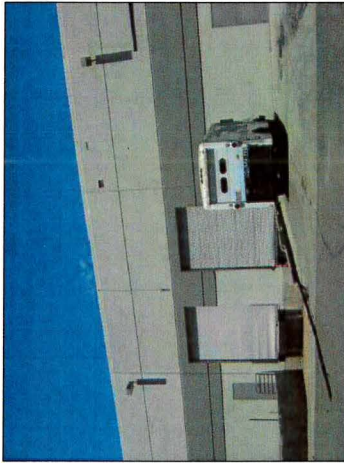
SHEET TITLE: PHOTOS
SCALE: VARIES

VISION CELLULAR INTERNATIONAL
1444 30th, St. Suites D and E
San Diego, CA 92154

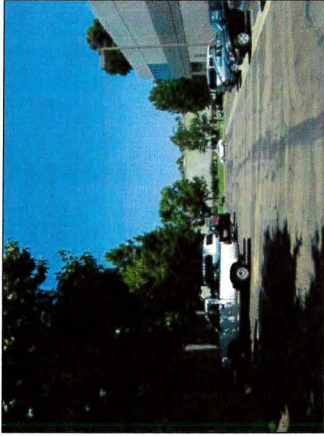
REVISIONS



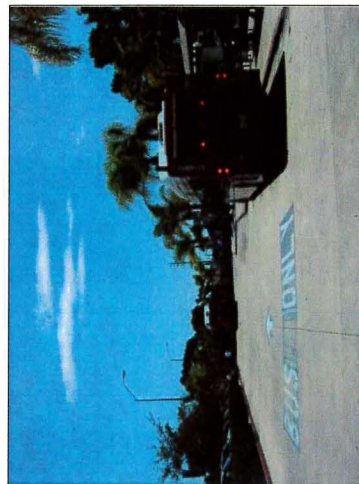
① VISION CELLULAR INTERNATIONAL ENTRANCE



② TRUCK WELL TO BE FILL ON REAR



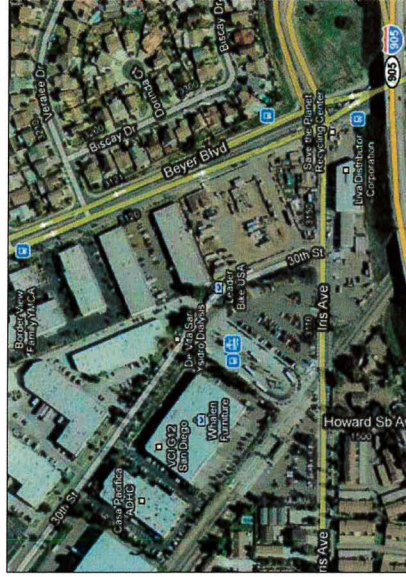
③ WEST PARKING



④ MTS BUS STATION



⑤ ADA PARKING



LOCATION

Ⓐ PHOTOGRAPHIC SURVEY
NTS

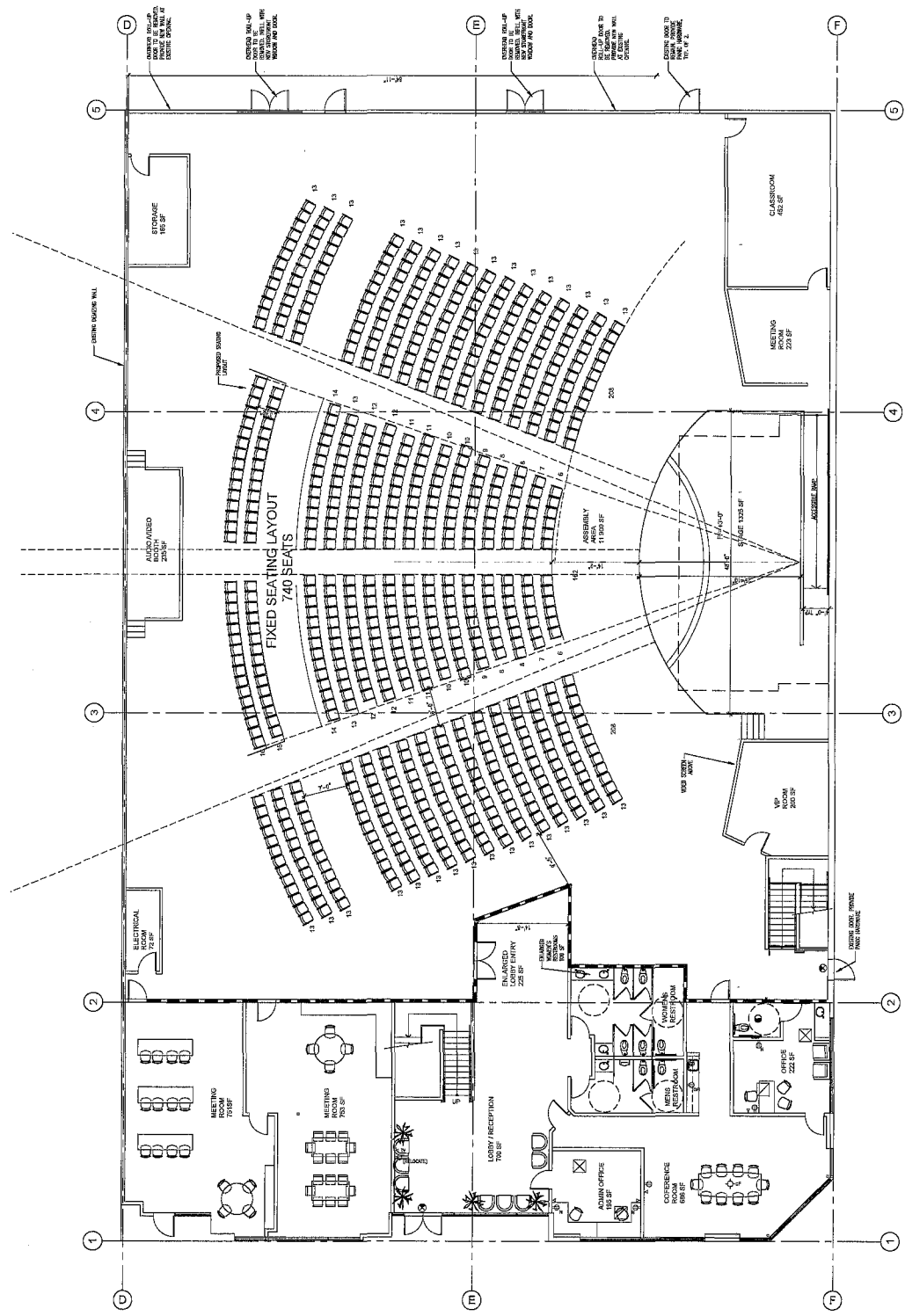
SHEET NO. A2.1
JOB NO.

SHEET TITLE: FLOOR PLAN - FIXED SEATING LAYOUT
SCALE: 1"=20'-0"

VISION CELLULAR INTERNATIONAL
1444 30th, St. Suites D and E
San Diego, CA 92154

REVISIONS

2 - HOUR FIRE RATED WALL
THIS BUILDING IS EQUIPPED THROUGHOUT WITH AN APPROVED AUTOMATIC SPRINKLER SYSTEM.



(A) FLOOR PLAN
1/8"=1'-0"

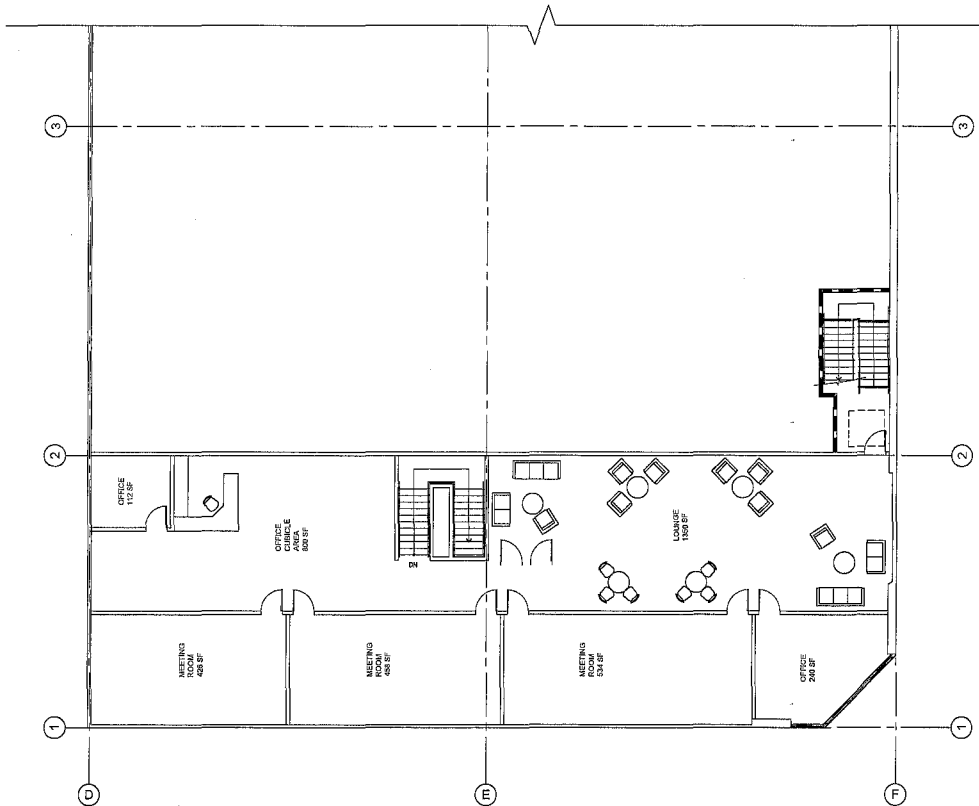
SHEET NO. A2.2
JOB NO.

SHEET TITLE: MEZZANINE FLOOR PLAN
SCALE: 1/8"=1'-0"

VISION CELLULAR INTERNATIONAL
1444 30th, St. Suites D and E
San Diego, CA 92154

REVISIONS

2-HOUR FIRE RATED WALL
THIS BUILDING IS EQUIPPED THROUGHOUT WITH AN APPROVED AUTOMATIC SPRINKLER SYSTEM.



(A) SECOND FLOOR PLAN (EXISTING TO REMAIN)
1/8"=1'-0"

THE ORIGINAL OF THIS DOCUMENT
WAS RECORDED ON MAY 13, 2009
DOCUMENT NUMBER 2009-0252954
DAVID L. BUTLER, COUNTY RECORDER
SAN DIEGO COUNTY RECORDER'S OFFICE
TIME: 11:09 AM

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 43-1032

VISION CELULAR INTERNACIONAL RELIGIOUS FACILITY
PROJECT NO. 157800
CONDITIONAL USE PERMIT NO. 562061
HEARING OFFICER

This Conditional Use Permit No. 562061 is granted by the Hearing Officer of the City of San Diego to KENNETH J. WHALEN TRUST, Owner, and VISION CELULAR INTERNATIONAL, Permittee, pursuant to San Diego Municipal Code [SDMC] Section 126.0303. The 4.33-acre site is located at 1444 30th Street in the IL-2-1 zone and Transit Overlay zone, within the Otay Mesa-Nestor Community Plan area. The project site is legally described as Lots 12 and 13 of South San Diego Industrial Park Unit No. 2, Map No. 9557.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to establish a religious facility within an existing light industrial building, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated April 1, 2009, on file in the Development Services Department.

The project shall include:

- a. Religious facility totaling 24,010 square feet within the first floor and mezzanine levels of an existing 61,748 square-foot light industrial building;
- b. The facility will operate Sunday through Saturday, with no more than 80 people during a given time on weekdays, 150 people on Saturday and 300 people per service on Sundays, as follows:
 - Weekdays: office use and classes, 9:00 A.M. to 5:30 P.M.;
choir rehearsals, 7:00 P.M. to 9:00 P.M.
 - Saturdays: prayer services, 6:00 A.M. to 10:00 A.M.;
classes and rehearsals, 10:00 A.M. to 4:00 P.M.
 - Sundays: two services, 7:45 A.M.-10:00 A.M. and 10:45 A.M.-1:00 P.M.

ORIGINAL

- c. Off-street parking to include a minimum of 241 spaces for the project as follows:
- 169 automobile spaces (including 7 standard accessible spaces and 1 van accessible space) on Sundays, and a minimum of 159 automobile parking spaces (including 7 standard accessible spaces and 1 van accessible space) on all other days, 5 motorcycle spaces, and 5 bicycle spaces with rack(s) shall be provided on the project site.
 - Shared Parking Agreements with adjoining property at 1405 30th Street will provide an additional 95 off-site parking spaces.
- d. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (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 affect at the time the extension is considered by the appropriate decision maker.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on April 1, 2019. Upon expiration of this Permit, the facilities and improvements described herein shall be removed from this site and the property shall be restored to its original condition preceding approval of 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. 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.
5. 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.

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

PLANNING/DESIGN REQUIREMENTS:

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

12. 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.

ENGINEERING REQUIREMENTS:

13. Prior to the issuance of any building permits, the applicant shall obtain an Uncontrolled Embankment Maintenance Agreement for the truck well fill at the rear of the property, satisfactory to the City Engineer.

14. Prior to the issuance of the building permit, the applicant obtain by permit and bond an engineering permit for the reconstruction of the existing driveways to comply with City Standards Drawings G-14A G-16 and SDG-100.

TRANSPORTATION REQUIREMENTS:

15. Church activities on weekdays (e.g., classes, choir rehearsals, training, meetings, band practice) shall begin no earlier than 7:00 P.M. The business/office operations shall be limited to 9:00 A.M.- 5P.M. weekdays.

16. The business office shall accommodate no more than 30 persons. Further, at given point in time no more than 80 persons shall attend the facility weeknights, no more than 150 persons shall attend the facility Saturdays, and no more than 300 persons shall attend the facility at each service on Sundays.

17. A minimum of 169 automobile spaces (including 7 standard accessible spaces and 1 van accessible space) on Sundays, and a minimum of 159 automobile parking spaces (including 7 standard accessible spaces and 1 van accessible space) on all other days, 5 motorcycle spaces, and 5 bicycle spaces with rack(s) are required as shown on the project's Exhibit "A". All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Director.

18. Prior to the issuance of the first building permit, the applicant shall provide evidence of the recordation of Shared Parking Agreements providing 95 off-site parking spaces (quantity, type, and location on the approved exhibits [Exhibit "A"] dated April 1, 2009, on file in the Development Services Department) satisfactory to the City Engineer.

19. Meetings in the conference rooms or meeting rooms shall not be held concurrently with services in the assembly area.

20. The existing security gates behind the church and at the southerly driveway along 30 Street shall remain open during business hours and church hours.

21. Prior to the issuance of the first building permit, the applicant shall assure by permit and bond the installation of a two-way left turn lane on 30th Street from the southerly transit center driveway 1050 feet north, satisfactory to the City Engineer.

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 April 1, 2009.

Permit Type/PTS Approval No.: CUP No. 562061
Date of Approval: 04/01/09

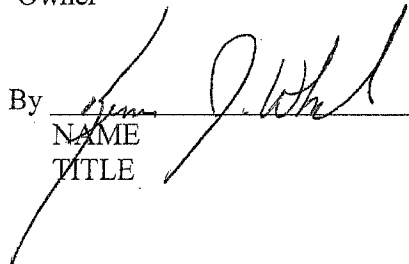
AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT


Patricia J. Fitzgerald
TITLE: Development Project Manager

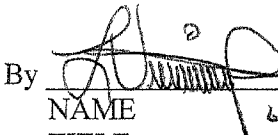
**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

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.

KENNETH J. WHALEN TRUST
Owner

By 
NAME
TITLE

VISION CELULAR INTERNATIONAL
Permittee

By  Pastor
NAME
TITLE

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

ORIGINAL

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

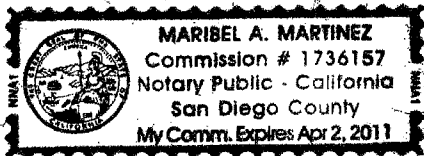
State of California

County of San Diego

On May 11, 2009 before me, Maribel A. Martinez, Notary Public

personally appeared Patricia J. Fitzgerald

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 A. 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: Project No. 157800

Document Date: April 1, 2009 Number of Pages: 6

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: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing: _____

Signer's Name: _____

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

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing: _____

ORIGINAL

State of California)
County of SAN DIEGO)

**CALIFORNIA ALL-PURPOSE
CERTIFICATE OF ACKNOWLEDGMENT**

On MAY 4, 2009 before me, K CARACO **NOTARY PUBLIC**,
(here insert name and title of the officer)

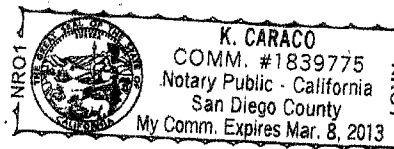
personally appeared KENNETH J. WHALEN

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 K Caraco



(Seal)

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of _____

containing _____ pages, and dated _____.

The signer(s) capacity or authority is/are as:

- Individual(s)
- Attorney-in-Fact
- Corporate Officer(s) _____ Title(s)

- Guardian/Conservator
- Partner - Limited/General
- Trustee(s)
- Other: _____

representing: _____
Name(s) of Person(s) or Entity(ies) Signer Is Representing

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:
 form(s) of identification credible witness(es)

Notarial event is detailed in notary journal on:
Page # _____ Entry # _____

Notary contact: _____

Other

- Additional Signer(s) Signer(s) Thumbprint(s)
- _____

ORIGINAL

State of California)
County of SAN DIEGO)

**CALIFORNIA ALL-PURPOSE
CERTIFICATE OF ACKNOWLEDGMENT**

On MAY 6, 2009 before me, K CARACO **NOTARY PUBLIC**,
(here insert name and title of the officer)

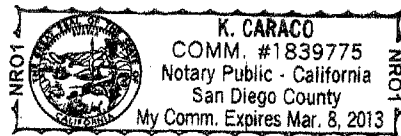
personally appeared LEONARDO VAZQUEZ

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 K Caraco



(Seal)

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of _____ containing _____ pages, and dated _____.

The signer(s) capacity or authority is/are as:

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

representing: _____ Name(s) of Person(s) or Entity(ies) Signer is Representing

Additional Information	
Method of Signer Identification	
Proved to me on the basis of satisfactory evidence: <input type="checkbox"/> form(s) of identification <input type="checkbox"/> credible witness(es)	
Notarial event is detailed in notary journal on: Page # _____ Entry # _____	
Notary contact: _____	
Other	
<input type="checkbox"/> Additional Signer(s)	<input type="checkbox"/> Signer(s) Thumbprint(s)
<input type="checkbox"/> _____	

ORIGINAL

HEARING OFFICER
RESOLUTION NO. HO-6170
CONDITIONAL USE PERMIT NO. 562061
**VISION CELULAR INTERNATIONAL RELIGIOUS FACILITY
PROJECT NO. 157800**

WHEREAS, KENNETH J. WHALEN TRUST, Owner, and VISION CELULAR INTERNATIONAL, Permittee, filed an application with the City of San Diego for a permit to establish a religious facility within an existing light industrial building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 562061), on portions of a 4.33 acre site; and

WHEREAS, the project site is located at 1444 30th Street in the IL-2-1 zone and Transit Overlay zone, within the Otay Mesa-Nestor Community Plan area; and

WHEREAS, the project site is legally described as Lots 12 and 13 of South San Diego Industrial Park Unit No. 2, Map No. 9557; and

WHEREAS, on April 1, 2009, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 562061 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 April 1, 2009.

FINDINGS:

Conditional Use Permit - Section 126.0305

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

The project proposes to establish a religious facility within a 24,010 square-foot portion (19,960 on first floor + 4,050 on partial 2nd floor) of an existing 61,748 square foot light industrial building. The site is designated for industrial land use within the Otay Mesa - Nestor Community Plan. The proposed church is an allowed use within the underlying IL-2-1 zone as a separately regulated use though the approval of a Conditional Use Permit. The new facility will serve the religious needs of the Otay Mesa - Nestor community. The permit timeframe allows the proposed religious use for a maximum period of 10 years which keeps options available to return the facility to full industrial uses in the future. The proposed religious facility will not adversely affect the applicable land use plan.

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

The project proposes to establish a religious facility within a 24,010 square-foot portion (19,960 on first floor + 4,050 on partial 2nd floor) of an existing 61,748 square foot light industrial building. Improvements to the public right-of-way will include reconstruction of the existing two (2) driveways fronting 30th Street to current City engineering standards. The permit for this project includes a number of conditions of approval relevant to achieving project compliance with the applicable regulations of the Land Development Code to assure that the project will not adversely affect the health, safety and general welfare of persons residing or working in the area. The proposed use will meet all Building, Fire, Plumbing, Electrical and Mechanical Code regulations. 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 to establish a religious facility within a 24,010 square-foot portion (19,960 on first floor + 4,050 on partial 2nd floor) of an existing 61,748 square foot light industrial building. The proposed church is an allowed use within the underlying IL-2-1 zone as a separately regulated use though the approval of a Conditional Use Permit. The use of this site for church uses, associated site improvements and the design of required public improvements, comply with the development regulations, design standards, and policies in effect for the project site in accordance with the Land Development Code, and all other City regulations, policies, guidelines and adopted land use plans, and no deviations are required. The proposed development will comply with the applicable regulations of the Land Development Code.

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

The project proposes to establish a religious facility within a 24,010 square-foot portion (19,960 on first floor + 4,050 on partial 2nd floor) of an existing 61,748 square foot light industrial building. The permit for this project includes a number of conditions of approval relevant to assure that the project will not adversely affect the health, safety and general welfare of persons residing or working in the area. These conditions include the reconstruction of the two (2) existing driveways fronting 30th Street to current City engineering standards, and a limitation on the hours of operation and number of attendees at the facility at a given point in time. Additionally, the permit timeframe is limited to a maximum period of 10 years which keeps options available to return the facility to full industrial uses in the future. Under the terms of CUP No. 562061 the proposed use is appropriate at the proposed location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 562061 is hereby GRANTED by the Hearing Officer to the

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referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 562061, a copy of which is attached hereto and made a part hereof.



Patricia J. Fitzgerald
Development Project Manager
Development Services

Adopted on: April 1, 2009

Job Order No. 43-1032

cc: Legislative Recorder, Planning Department

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OTAY MESA-NESTOR COMMUNITY PLANNING GROUP
MEETING MINUTES
13 July 2011

Members Present:

Dist. 1 John Swanson
 Dist. 2 Sam Mendoza
 Dist. 5 Vacant
 Dist. 6 Maria Mendoza
 Dist. 7 Ira Briggs
 Dist. 8 Myrna Briggs
 Dist. 9 Vacant
 Dist. 10 Bob Mikloski
 Dist. 11 Albert Velasquez
 Dist. 12 Carlos Sanchez

Dist. 13 Daniel Wagner
 Dist. 14 Wayne Dickey
 Dist. 15 Walt Zumstein
 Dist. 16 Steve Schroeder

Members Absent:

Dist. 3 Ed Abraham
 Dist. 4 Diane Porter

Guests Present:

*Many guests were present.
 See the attached sheets.*

1. **Call to Order/Introduction of Members:** The meeting was called to order at 6:30 p.m. by Vice Chair Steve Schroeder, at the Otay Mesa Branch Library. He welcomed all Board members and members of the community to the meeting of the Otay Mesa-Nestor Community Planning Group (OMNCPG).
2. **Approval of minutes** – Motion made by Ira Briggs to approve the minutes of the June 8, 2011, OMNCPG meeting, and the motion was passed unanimously.
3. **Non-Agenda Public Comments:** None.
4. **SDPD Community Relations:** None. Officer LaCarra's phone number is 619-424-0440, and his email address is: clacarra@pd.sandiego.gov
5. **Council District 8 Report:** Vivian Moreno, vmoreno@sandiego.gov (619) 533-6394, was in attendance, and handed out a newsletter and the Dist. 8 monthly report.
 - a. She said the City of San Diego is asking the public to inform them of potholes in the city streets.
 - a. Call 619-527-7500 to report a pothole.
 - b. She announced that Councilmember Alvarez will be holding a meeting called "Take Back the Streets of District 8" with the Alpha Project at Montgomery Waller Park and Recreation, 3020 Coronado Avenue, on Wednesday, July 27 from 6:00 – 8:00 p.m. He will discuss graffiti, vacant homes, weeds, and illegal dumping.
 - c. She also announced SDG&E has rate assistance applications for the CARE and FERA programs. Contact Vivian Moreno at the District 8 office.
 - d. She informed the OMNCPG that there will not be office hours for District 8 during the month of August.

6. **Action Item:** Adrian Vazquez, of Vision Celular Internacional, Project #225263, application for an amended CUP. Address: 1444 30th St Suite D & E, San Diego, CA 92154. The project is an existing warehouse is proposed to be upgraded as an assembly area for a church.

Daniel Wagner moved to approve the application, Ira Briggs seconded.

Voting results: 11 approved, 1 opposed. Motion carries.

7. **Sub-Committee Reports:** Chair Maria Mendoza said that the committee reviewed an application by the San Diego County Swiss Club for improvements for their parking lot. She said that:
 - a. The Club is working with the San Diego County Parks and Recreation to improve the site.
 - b. The project does not affect the nearby area for the Multiple Species Conservation Program.
 - c. The project is scheduled to be presented to the OMNCPG as an action item soon.
8. **Chair's Report:** None.
9. **Election of Officers.** An election of a new chair and a vice chair of the Otay Mesa-Nestor Community Planning Group was held in accordance with Article IV Vacancies, of the OMNCPG By-Laws, amended 10 October 2007.
 - a. The OMNCPG elected Steve Schroeder as the new chair, and Albert Velasquez as the vice chair.
10. **Long Range City Planner's Report:** No report.
11. **Adjournment:** 7:25 p.m.

Respectively submitted by John C. Swanson, Secretary

The next meeting is August 10, 2011, at 6:30 p.m., at the Otay Mesa/Nestor Branch Library, 3003 Coronado Avenue, San Diego, CA 92154.



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

Ownership Disclosure Statement

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

Project Title **Project No. For City Use Only**
 Amendment to existing CUP / Vision Cellular International 225263

Project Address:
 1444 30th. Street Suite D & E

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):
 Kenneth J. Whalen
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 1578 Air Wing Road.
 City/State/Zip:
 San Diego, CA
 Phone No: _____ Fax No: _____
 Signature: Date: _____

Name of Individual (type or print):
 Leonardo Vazquez
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 1444 30th. St. Suite D
 City/State/Zip:
 San Diego, CA 92154
 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: _____