



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: December 9, 2015                      REPORT NO. HO 15-130

ATTENTION:                      Hearing Officer

SUBJECT:                      RALLY'S RESTAURANT - PROJECT NUMBER: 392803  
PROCESS THREE

LOCATION:                      931 South 30<sup>th</sup> Street

APPLICANT:                      Hazal Naploeone

### SUMMARY

**Issue:** Should the Hearing Officer approve the demolition of an existing structure and the construction of a drive-thru restaurant at the corner of South 30<sup>th</sup> Street and National Avenue within the Southeastern San Diego Community Planning Area?

**Staff Recommendation:** Approve Site Development Permit No. 1371519.

**Community Planning Group Recommendation:** On November 9, 2015, the Southeastern San Diego Community Planning Group voted 11-0-0, to recommend approval of the project (Attachment 7) with recommendations as detailed further in this report.

**Environmental Review:** The project was determined to be exempt (Attachment 5) pursuant to California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) Guidelines Section 15303, which addresses construction and locations of a limited number of new, small facilities or structures. The environmental exemption determination for this project was made on October 19, 2015, and the opportunity to appeal that determination ended November 2, 2015. This project is not pending an appeal of the environmental determination.

### BACKGROUND

The 0.48-acre project site is located at 931 South 30<sup>th</sup> Street at the corner of South 30<sup>th</sup> Street and National Avenue (Attachment 1) in the SESDPD-CSR-2 Zone of the Southeastern San Diego Planned District and the Airport Influence Area, within the Southeastern San Diego

Community Planning Area (Attachment 2). The CSR Zone is intended to allow for commercial strip development with parking to the rear or side of the building. The zone is intended to accommodate a wide variety of community shopping and business needs and services.

The site is flat and currently contains an abandoned structure along with existing concrete floor slabs and an existing asphalt paved parking area. The 1,350-square-foot building, constructed in 1908, would be demolished as part of the project. Staff has reviewed this structure and concluded it is not an individually designated resource nor is it eligible for designation and is not located within a designated historic district. The surrounding land uses include multi-family residential and commercial to the north and east, separated by an improved alley. Commercial uses are located south and west of the site. The site has existing utilities for water and sewer as well as concrete sidewalks, curbs and a 60-foot driveway along South 30<sup>th</sup> Street.

## **DISCUSSION**

### **Project Description:**

The project requires a Site Development Permit (SDP), and accompanying Southeastern San Diego Development Permit (SESD), as required by the San Diego Municipal Code (SDMC) Section 1519.0202(a)(3) for projects which include commercial and industrial development. The SDP is a Process 3 decision made by a Hearing Officer and may be appealed to the Planning Commission.

The project proposes to demolish an existing structure and construct a one-story, 940-square-foot drive-through restaurant. The existing driveway off South 30<sup>th</sup> Street will be closed and access to the site will be from the existing improved alley and a 24-foot driveway off National Avenue. The drive-thru will loop around the structure which is placed towards South 30<sup>th</sup> Street with parking to the rear. The building has been placed as far as possible from the residential uses to minimize impacts to nearby residents. The drive-thru speaker and window are orientated away from the residential uses parallel to National Avenue. The outdoor speaker for the drive-thru is equipped with automatic noise reduction features that registers ambient noise and automatically reduces the volume of the speaker at night. Lighting will be shielded away from residences located to the north and southeast.

The trash enclosure will be located near the alley for easy access. The existing sidewalks along both frontages will be improved and street trees provided. Pedestrian ramps and outdoor seating with shade canopies will be provided to promote an active pedestrian experience. The project proposes 10 parking spaces where 5 parking spaces are required.

The project proposes a simple concrete and stainless steel design with ample lighting and a black, white and red tile motif. Offsets are incorporated into the design to break up the building wall on all elevations with various metal and stucco materials. The project complies with the floor area ratio, lot coverage, building height, setbacks, design standards and all other applicable regulations of the San Diego Municipal Code and no deviations are requested. Across the parking lot there is an area which provides additional outdoor seating as well as additional

landscaping. Landscaping would conform to the City's Land Development Code Section and would include low-water-use planting and irrigation design.

The project is located in the Airport Influence Area (AIA) Review Area 2 for the San Diego International Airport (SDIA) but outside the 60 decibel (dB) Community Noise Equivalent Level (CNEL) and not located in a Safety Zone as depicted in the 2014 ALUCP; and is therefore consistent with the ALUCP.

**Community Plan Analysis:**

The project site is located within the Memorial Neighborhood of the Southeastern San Diego Community Plan and the General Plan Commercial land use designation. The commercial objectives of the community plan include the rehabilitation of existing commercial centers; improvement of both vehicular and pedestrian access; street trees and building transparencies. For projects oriented to vehicular access, pedestrian access should be provided through clearly identified walkways. According to the community plan, in areas where pedestrian activity is desired, development regulations, should require that buildings be located along or near the street property line and parking should not be permitted between the building and the street.

The Memorial Neighborhood section recommends commercial uses on both sides of National Avenue be developed with parking in the rear to reflect and continue the existing pattern of development and encourage pedestrian use. The proposed project will rehabilitate the area by providing an active commercial use where an abandoned structure and vacant lot is today. The proposed building is sited along National Avenue at the south western corner and provides generous outdoor seating and walkways to encourage pedestrian activity. Closing the driveway along South 30<sup>th</sup> Street allows for improvements to the sidewalk as well additional street trees and landscape for an overall more vibrant pedestrian experience.

**Community Planning Group Recommendation:**

On November 9, 2015, the Southeastern San Diego Community Planning Group voted unanimously to recommend approval of the project with the following recommendations:

Recommendation: Sign, monument sign to be 4-foot height instead of a 30' pole sign.

Response: *The applicant has indicated that he will comply with the City-wide and the Southeastern San Diego Planned District for signs when the sign permits are applied for. This SDP has been conditioned to ensure compliance to those regulations.*

Recommendation: State of the art water conservation fixtures.

Response: *The applicant will comply with the California Building Code for the required water conservation features at the time of building permits.*

Recommendation: State of the art drive-thru order takers speaker.

Response: *The applicant has indicated that he will comply with the California Building Code for any requirements for the drive-thru and the speakers. The outdoor speakers for the drive-thru is equipped with automatic noise reduction features that registers ambient noise and automatically reduces the volume of the speaker at night.*

Recommendation: Audio noise subject to city's code standards decibels standards at boundaries especially at evening hours, not to effect adjacent residents.

Response: *As described at the beginning of this report, the drive-thru will loop around the structure which is placed towards South 30<sup>th</sup> Street with parking to the rear. The building has been placed as far as possible from the residential uses to minimize impacts to nearby residents. The drive-thru speaker and window are orientated away from the residential uses parallel to National Avenue. The outdoor speaker for the drive-thru is equipped with automatic noise reduction features that registers ambient noise and automatically reduces the volume of the speaker at night.*

Recommendation: Solar energy panels on roof with state of the art LED conservation fixtures.

Response: *The applicant has indicated that he is not providing solar energy panels at this time but he will be using LED conservation features throughout the building.*

Recommendation: Drought resistant landscaping with conservation irrigation fixtures.

Response: *The project has been conditioned to comply with all current drought saving measures including landscaping and irrigation in accordance with the San Diego Municipal Code.*

Recommendation: ADA (American Disability Act) standards are met.

Response: *The applicant will comply with the California Building Code for the required ADA standards at the time of building permit.*

Recommendation: Outdoor Patio seating has overhead shade canopies.

Response: *The project provides overhead shade for all outdoor seating as indicated on the site plan.*

Recommendation: Add extra tables and seating on the far east project area by water detention basin.

Response: *The project provides extra tables and seating on the far east project area by the water detention basin as indicated on the site plan.*

Recommendation: Implement SDPD crime prevention through environmental design (CPTED) report which include state of the art security cameras and interior and exterior lighting and building locks. (9 pages).

Response: *The applicant will be providing security cameras and exterior lighting and building locks.*

Recommendation: Graffiti control as recommended by the report on page 9. Treat exterior walls with anti-graffiti material, odor seats and tables and bathrooms. Establish removal of graffiti within 24 hours.

Response: *The applicant will be providing measures to ensure graffiti is take care of in a timely fashion.*

Recommendation: State of the art cooking odor mitigation exhaust system. Meeting San Diego County Phase 2 Mitigation Standards.

Response: *The applicant will comply with the California Building Code and any other provisions of the City or County of San Diego in regards to the exhaust system.*

Recommendation: Developmental impact fees which are approximately \$6,000.00 dollars or final dollar amount to be assigned to Memorial Recreational Park for updating outdoor bathroom to ADA specifications or to the parks ADA needs.

Response: *The applicant will pay the necessary impact fees at the time of the building permits. Unfortunately, the applicant cannot ensure the fees will be assigned to a specific project.*

Recommendation: All projects tracking systems are to be cleared.

Response: *All project tracking system comments are cleared and staff is supporting the project as proposed.*

Recommendation: East boundary wall shall be masonry block. No wood fence.

Response: *The applicant will comply with the fence and wall standards of the Southeaster San Diego Planned District Section 1519.0401 which allows, "All fences constructed on-site shall be of wrought iron, wood, concrete or other masonry materials."*

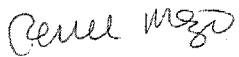
**Conclusion:**

Staff has reviewed the request for a Site Development Permit for the construction of a drive-thru restaurant and has found that the project is in conformance with the applicable sections of the San Diego Municipal Code. Staff has determined that the development is consistent with the Southeastern San Diego Community Plan and believes the required findings can be supported. Therefore, staff recommends the Hearing Officer approve the project as presented, subject to the proposed conditions.

ALTERNATIVES

1. **Approve** Site Development Permit No. 1371519, with modifications.
2. **Deny** Site Development Permit No. 1371519, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



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Renee Mezo  
Development Project Manager

Attachments:

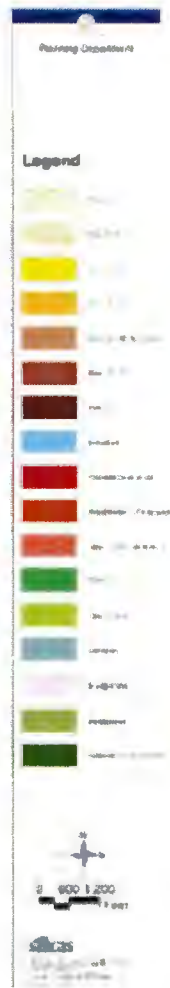
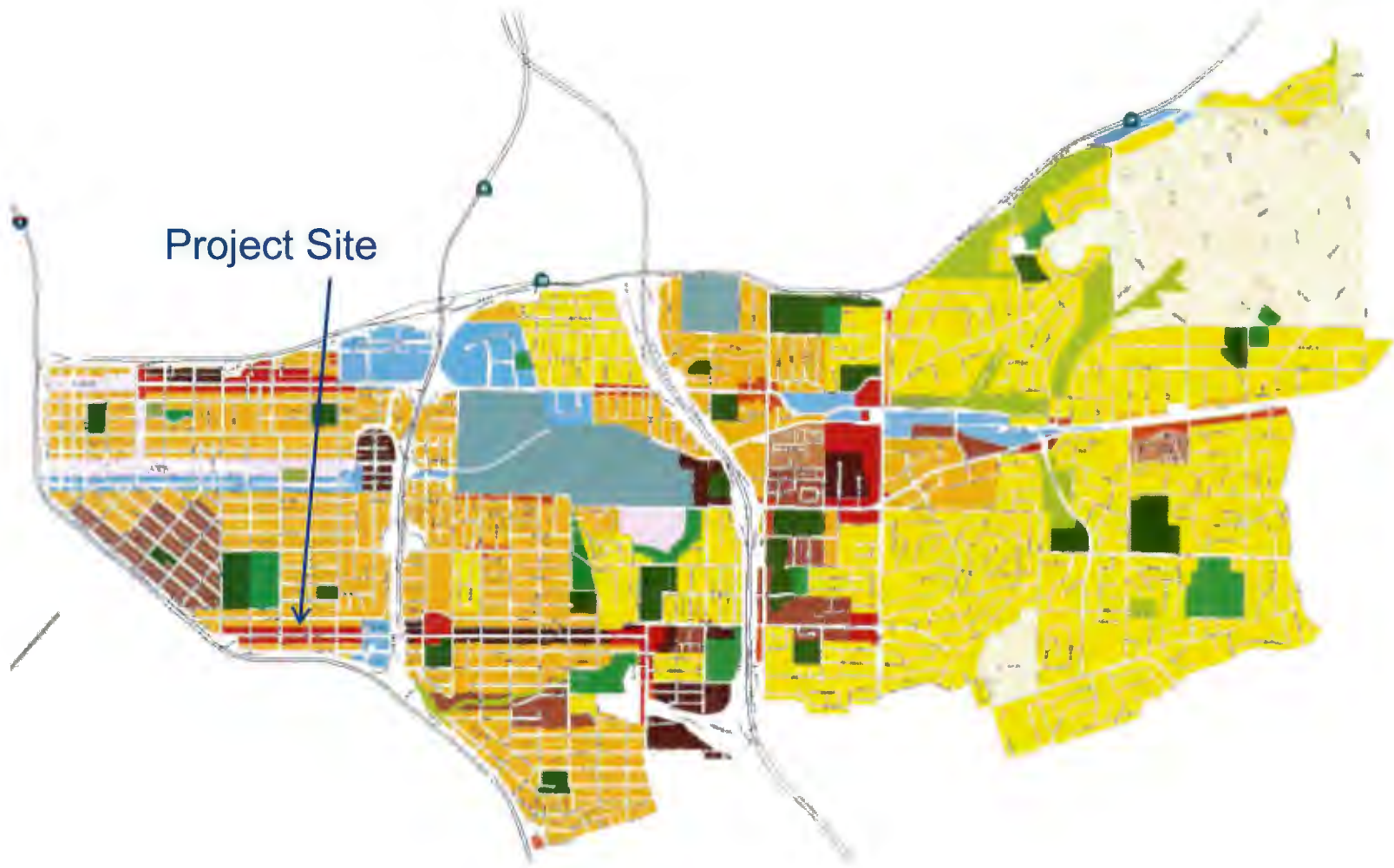
1. Aerial Photograph
2. Community Plan Land Use Map
3. Draft Permit Resolution with Findings
4. Draft Permit with Conditions
5. Environmental Exemption
6. Project Plans
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement



## Project Location Map

**RALLY'S RESTAURANT – 931 SOUTH 30<sup>TH</sup> STREET**  
**PROJECT NO. 392803**





**Land Use Map**  
**RALLY'S RESTAURANT – 931 SOUTH 30<sup>TH</sup> STREET**  
**PROJECT NO. 392803**





HEARING OFFICER RESOLUTION NO.  
SITE DEVELOPMENT PERMIT NO. 1371519  
**RALLY'S RESTAURANT - PROJECT NO. 392803**  
**DRAFT**

WHEREAS, ONG'S COMMERCIAL PROPERTIES INVESTMENT, A CALIFORNIA LIMITED LIABILITY COMPANY, Owner/Permittee, filed an application with the City of San Diego for a permit to construct a drive-thru restaurant (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1371519), on portions of a 0.48-acre site;

WHEREAS, the project site is located at 931 South 30<sup>th</sup> Street at the east corner of South 30<sup>th</sup> Street and National Avenue in the SESDPD-CSR-2 zone of the Southeastern San Diego Planned District and the Airport Influence Area within the Southeastern San Diego Community Planning Area;

WHEREAS, the project site is legally described as Block 42 of Lots 25-30, Map No. 168;

WHEREAS, on December 9, 2015, the Hearing Officer of the City of San Diego considered Site Development Permit No. 1371519 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on October 19, 2015, 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 Guidelines Section 15303, which addresses construction and locations of a limited number of new, small facilities or structures. This project is not pending an appeal of the environmental determination.

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 December 9, 2015.

FINDINGS:

**Site Development Permit - Section 126.0504**

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

The project proposes a 940-square-foot drive-through restaurant located at 931 South 30<sup>th</sup> Street at the corner of South 30<sup>th</sup> Street and National Avenue in the SESDPD-CSR-2 zone of the Southeastern San Diego Planned District and the Airport Influence Area within the Southeastern San Diego Community Planning Area.

The project is located in the Airport Influence Area (AIA) Review Area 2 for the San Diego International Airport (SDIA) but outside the 60 decibel (dB) Community Noise Equivalent Level (CNEL) and not located in a Safety Zone as depicted in the 2014 ALUCP; and therefore is consistent with the ALUCP.

The project site is located within the Memorial Neighborhood of the Southeastern San Diego Community Plan and the General Plan Commercial land use designation. The commercial objectives of the community plan include the rehabilitation of existing commercial centers; improvement of both vehicular and pedestrian access; street trees and building transparencies. For projects oriented to vehicular access, pedestrian access should be provided through clearly identified walkways. In areas where pedestrian activity is desired, development regulations should require that buildings be located along or near the street property line and parking should not be permitted between the building and the street.

The Memorial Neighborhood section recommends commercial uses on both sides of National Avenue be developed with parking in the rear to reflect and continue the existing pattern of development and encourage pedestrian use. The proposed project will rehabilitate the area by providing an active commercial use where an abandoned building and vacant lot is today. The proposed building is sited along National Avenue at the south western corner and provides generous outdoor seating and walkways to encourage pedestrian activity. Closing the driveway along South 30<sup>th</sup> Street allows for improvements to the sidewalk as well additional street trees and landscape for an overall more vibrant pedestrian experience. Therefore, the proposed project 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 has been reviewed and is in compliance with the Municipal Code and includes conditions and corresponding exhibits of approvals relevant to adequate parking, public improvements, and paying applicable fees in order to achieve compliance with the regulations of the San Diego Municipal Code. The project proposes a 940-square-foot drive-thru restaurant located at 931 South 30<sup>th</sup> Street at the corner of South 30<sup>th</sup> Street and National Avenue in the SESDPD-CSR-2 zone of the Southeastern San Diego Planned District and the Airport Influence Area within the Southeastern San Diego Community Planning Area.

The building has been placed as far as possible from the residential uses to minimize impacts to nearby residents. The drive-thru speaker and window are orientated away from the residential uses parallel to National Avenue. The outdoor speaker for the drive-thru is equipped with automatic noise reduction features that registers ambient noise and automatically reduces the volume of the speaker at night. Lighting will be shielded away from residences located to the north and southeast. The trash enclosure will be located near the alley for easy access. The existing sidewalks along both frontages will be improved and street trees provided. Pedestrian ramps and outdoor seating with shade canopies will be provided to promote an active pedestrian experience.

The proposed project is consistent with the development regulations of the underlying zone of the Land Development Code and all Uniform Building, Fire, Plumbing, Electrical and Mechanical Code regulations and permitting requirements will continue to govern this project. Therefore, the design of the subdivision or the type of improvements will not be detrimental to the public, health, safety and welfare.

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

The 0.48-acre site is located at 931 South 30<sup>th</sup> Street at the corner of South 30<sup>th</sup> Street and National Avenue in the SESDPD-CSR-2 zone of the Southeastern San Diego Planned District and the Airport Influence Area within the Southeastern San Diego Community Planning Area. The project proposes a 940-square-foot drive-thru restaurant and was determined to be consistent with the development regulations of the underlying zone and complies with setbacks, floor area ratio, landscaping and architectural design and no deviations are requested with this action.

The building has been placed as far as possible from the residential uses to minimize impacts to nearby residents. The drive-thru speaker and window are orientated away from the residential uses parallel to National Avenue. The outdoor speaker for the drive-thru is equipped with automatic noise reduction features that registers ambient noise and automatically reduces the volume of the speaker at night. Lighting will be shielded away from residences located to the north and southeast. The trash enclosure will be located near the alley for easy access. The existing sidewalks along both frontages will be improved and street trees provided. Pedestrian ramps and outdoor seating with shade canopies will be provided to promote an active pedestrian experience. Therefore, the site complies with the applicable zoning and development regulations of the Land Development Code.

### **Southeastern San Diego Development Permit - Section 1519.0202**

- 1. The proposed use and project design meet the purpose and intent of the Southeastern San Diego Planned District Ordinance, 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 940-square-foot drive-through restaurant located at 931 South 30<sup>th</sup> Street at the corner of South 30<sup>th</sup> Street and National Avenue in the SESDPD-CSR-2 zone of the Southeastern San Diego Planned District and the Airport Influence Area within the Southeastern San Diego Community Planning Area.

The project is located in the Airport Influence Area (AIA) Review Area 2 for the San Diego International Airport (SDIA) but outside the 60 decibel (dB) Community Noise Equivalent Level (CNEL) and not located in a Safety Zone as depicted in the 2014 ALUCP; and is therefore consistent with the ALUCP.

The project site is located within the Memorial Neighborhood of the Southeastern San Diego Community Plan area and the General Plan Commercial land use designation. The commercial objectives of the community plan include the rehabilitation of existing commercial centers; improvement of both vehicular and pedestrian access; street trees and building transparencies. For projects oriented to vehicular access, pedestrian access should be provided through clearly identified walkways. According to the community plan, in areas where pedestrian activity is desired, development regulations, should require that buildings be located along or near the street property line and parking should not be permitted between the building and the street.

The Memorial Neighborhood section recommends commercial uses on both sides of National Avenue be developed with parking in the rear to reflect and continue the existing pattern of development and encourage pedestrian use. The proposed project will rehabilitate the area by

providing an active commercial use where an abandoned building and vacant lot is today. The proposed building is sited along National Avenue at the south western corner and provides generous outdoor seating and walkways to encourage pedestrian activity. Closing the driveway along South 30<sup>th</sup> Street allows for improvements to the sidewalk as well additional street trees and landscape for an overall more vibrant pedestrian experience. Therefore, the proposed project will not adversely affect the applicable land use plan.

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 to demolish an existing structure and construct a 940-square-foot drive-through restaurant. The surrounding land uses includes multi-family residential and commercial to the north and east separated by an improved alley. Commercial uses are located south and west of the site. The existing driveway off South 30<sup>th</sup> Street will be closed and access to the site will be from the existing improved alley and a 24-foot driveway off National Avenue. The drive-thru will loop around the structure which is placed towards South 30<sup>th</sup> Street with parking to the rear. The building has been placed as far as possible from the residential uses to minimize impacts to nearby residents. The drive-thru speaker and window are orientated away from the residential use parallel to National Avenue. The outdoor speaker for the drive-thru is equipped with automatic noise reduction features that registers ambient noise and automatically reduces the volume of the speaker at night. Lighting will be shielded away from the residences from the north and southeast. These features will not constitute a disruptive element to the neighborhood and the community.

The trash enclosure will be located near the alley for easy access. The existing sidewalks along both frontages will be improved and landscaped. Pedestrian ramps and ample outdoor seating with shade canopies will promote an active pedestrian experience. The project proposes 10 parking spaces where 5 parking spaces are required. Across the parking lot there is an area which provides additional outdoor seating as well as additional landscaping. Landscaping would conform to the City's Land Development Code Section and would include low-water-use planting and irrigation design. The project proposes a simple concrete and stainless steel design with ample lighting and a black, white and red tile motif. Offsets are incorporated into the design to break up the building wall on all elevations with various metal and stucco materials. Since the surrounding neighborhood doesn't have a consistent architectural style, this project will foster a vibrant and much needed commercial element to the neighborhood.

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 to demolish an existing structure and construct a 940-square-foot drive-through restaurant. The surrounding land uses includes multi-family residential and commercial to the north separated by an improved alley, and to the east. Commercial uses are located south and west of the site. The existing driveway off South 30<sup>th</sup> Street will be closed and access to the site will be from the existing improved alley and a 24-foot driveway off National Avenue. The drive-thru will loop around the structure which is placed towards South 30<sup>th</sup> Street with parking to the rear. The building has been placed as far as possible from the residential uses to minimize

impacts to nearby residents. The drive-thru speaker and window are orientated away from the residential use parallel to National Avenue. The outdoor speaker for the drive-thru is equipped with automatic noise reduction features that registers ambient noise and automatically reduces the volume of the speaker at night. Lighting will be shielded away from the residences from the north and southeast.

The project is located in the Airport Influence Area (AIA) Review Area 2 for the San Diego International Airport (SDIA) but outside the 60 decibel (dB) Community Noise Equivalent Level (CNEL) and not located in a Safety Zone as depicted in the 2014 ALUCP; and therefore is consistent with the ALUCP.

The project has been reviewed and is in compliance with the Municipal Code and includes conditions and corresponding exhibits of approvals relevant to adequate parking, public improvements, and paying applicable fees in order to achieve compliance with the regulations of the San Diego Municipal Code. The proposed project is consistent with the development regulations of the underlying zone of the Land Development Code and all Uniform Building, Fire, Plumbing, Electrical and Mechanical Code regulations and permitting requirements will continue to govern this project. Therefore, the design of the subdivision or the type of improvements will not be detrimental to the public, health, safety and welfare.

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

The project proposes the construction of a 940-square-foot drive-through restaurant located at 931 South 30<sup>th</sup> Street at the corner of South 30<sup>th</sup> Street and National Avenue in the SESDPD-CSR-2 zone of the Southeastern San Diego Planned District and the Airport Influence Area within the Southeastern San Diego Community Planning Area. The project is not requesting any deviations and the use complies with the underlying zone and all other applicable requirements including density, floor area ratio, parking, landscaping and other regulations.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Site Development Permit No. 1371519 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.1371519, a copy of which is attached hereto and made a part hereof.

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Renee Mezo  
Development Project Manager  
Development Services

Adopted on: December 9, 2015

SAP Number: 24005206

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

**PROJECT MANAGEMENT**  
**PERMIT CLERK**  
**MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24005206

SITE DEVELOPMENT PERMIT NO. 1371519  
RALLY'S RESTAURANT  
**PROJECT NO. 392803**  
HEARING OFFICER  
DRAFT

This Site Development Permit No. 1371519 is granted by the Hearing Officer of the City of San Diego to Ong's Commercial Properties Investment, a California Limited Liability Company, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] Section 1519.0202. The 0.48-acre site is located at 931 South 30<sup>th</sup> Street at the corner of South 30<sup>th</sup> Street and National Avenue in the SESDPD-CSR-2 Zone of the Southeastern San Diego Planned District and the Airport Influence Area within the Southeastern San Diego Community Planning Area. The project site is legally described as: Block 42 of Lots 25-30, Map No. 168.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish an existing structure and construct a drive-through restaurant described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated December 9, 2015, on file in the Development Services Department.

The project shall include:

- a. The construction of a 940-square-foot drive-thru restaurant;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;
- 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 December 23, 2018.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

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

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

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

#### **ENGINEERING REQUIREMENTS**

11. The project proposes to export no material from the project site. Any excavated material that is exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2009 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

12. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.

13. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the curb outlet and sidewalk under drains in the 30th Street and National Avenue right-of-way.



14. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of a current City Standard SDG-163, 24-foot wide commercial concrete driveway, adjacent to the site on National Avenue, satisfactory to the City Engineer.
15. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to construct current City Standard curb and gutter, adjacent to the site on 30<sup>th</sup> Street and National Avenue, satisfactory to the City Engineer.
16. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to reconstruct the damaged sidewalk with current City Standard sidewalk, maintaining the existing sidewalk scoring pattern and preserving any contractor's stamp, adjacent to the site on 30th Street and National Avenue, satisfactory to the City Engineer.
17. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to reconstruct the alley apron, adjacent to the site, with current City Standard Drawing SDG-120.
18. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices maintenance, satisfactory to the City Engineer.
19. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
20. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.
21. Prior to the issuance of any construction permit the Owner/Permittee shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, consistent with the approved Water Quality Technical Report.

#### **LANDSCAPE REQUIREMENTS**

22. Prior to issuance of any engineering permits for grading, the Owner/Permittee shall submit complete construction documents for the revegetation and hydroseeding of all disturbed land in accordance with the Landscape Standards and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit and Exhibit 'A,' on file in the Office of the Development Services Department.
23. Prior to issuance of any engineering permits for 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 show, label, and dimension a 40-square-foot area 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.

24. In the event that a foundation only permit is requested, the Owner/Permittee shall submit a site plan or staking layout plan identifying all landscape areas consistent with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as 'landscaping area.'

25. Prior to issuance of any construction permits for structures, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the 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 Development Services Department. Construction plans shall show, label, and dimension a 40-square-foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)(5).

26. Prior to issuance of any construction permits for structures, the Owner/Permittee shall submit a water budget in accordance with the Water Conservation Requirements per SDMC 142.0413, Table 142-04I, to be included with the construction documents. An irrigation audit shall be submitted consistent with Section 2.7 of the Landscape Standards of the Land Development Manual at final inspection. The irrigation audit shall certify that all irrigation systems have been installed and operate as approved by the Development Services Department.

27. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

28. 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 shall repair and/or replace it in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage.

#### **PLANNING/DESIGN REQUIREMENTS**

29. No fewer than 5 parking spaces including 1 van accessible space (10 parking spaces provided including 1 van accessible space) shall be maintained on the property at all times in the approximate locations shown on 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 Department.

30. 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 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.

31. The outdoor tables and seating area directly next to the restaurant shall be provided as depicted on the approved Exhibit "A". This area shall be shaded by a canopy as depicted on the plans.

32. A minimum of two handicapped accessible public restrooms shall be provided as noted on the approved Exhibit "A".

33. Artificial lighting used to illuminate the premises shall be directed away from adjacent properties.

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

#### **PUBLIC UTILITIES DEPARTMENT REQUIREMENTS**

35. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way. The Public Utilities Department will not permit the required BFPDs to be located below grade or within the structure.

36. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public water and sewer facilities are to be in accordance with established criteria in the most current City of San Diego Water and Sewer Design Guides.

37. All public water and sewer facilities are to be in accordance with the established criteria in the most current City of San Diego Water and Sewer Design Guides.

38. All proposed private water and sewer facilities located within a single lot are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.

39. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities or five feet of any water facilities.

40. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to cap (abandon) at the property line any existing unused sewer lateral and install new sewer lateral(s) which must be located outside of any driveway or vehicular use area.

41. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to remove (kill) at the main any existing unused water service.

**INFORMATION ONLY:**

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

APPROVED by the Hearing Officer of the City of San Diego on December 9, 2015 and Resolution No. XXXX.

## 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.: **392803**

Project Title: **Rally's Restaurant**

Project Location-Specific: 931 South 30<sup>th</sup> Street and 3010 National Avenue, San Diego, California 92113

Project Location-City/County: San Diego/San Diego

Description of nature and purpose of the Project: **SITE DEVELOPMENT PERMIT (SDP)** to allow the demolition of an existing structure, and the construction of a one-story, 940 square-foot restaurant facility with drive-through service, and site improvements that would be located on a 21,000 square-foot lot. The project proposes site improvements that consist of outdoor tables and seating, sidewalk, curb and gutter, and landscaping.

Name of Public Agency Approving Project: City of San Diego

Name of Person or Agency Carrying Out Project: Hazel Napolene (Agent), Ivanka Design (Firm),  
875 Bowsprit Road, Chula Vista, California 91914,  
(619) 279-1992

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))  
 Categorical Exemption: CEQA Exemption 15303 (New Construction or Conversion of Small Structures)  
 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, a SDP for a restaurant facility with drive through, and site improvements, meets the criteria set forth in CEQA Section 15303 which addresses the construction and location of limited numbers of new, small facilities or structures. Additionally, none of the exceptions described in CEQA Guidelines Section 15300.2 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

*Annal McPherson AICP/Senior Planner*  
Signature/Title

October 19, 2015  
Date

Check One:

- Signed By Lead Agency  
 Signed by Applicant

Date Received for Filing with County Clerk or OPR:

**Mezo, Renee**

---

**From:** Tom Fuller [tomfuller@live.com]  
**Sent:** Tuesday, November 10, 2015 1:20 PM  
**To:** Mezo, Renee  
**Subject:** FW: Project No. 392803 Rally's Restaurant - 931 South 30th St.;  
**Attachments:** Consent Item.docx

Hi Renee,

Here are the recommendations for Rally's (attached). Vote count 11 in favor, 0 opposed, 0 abstain.

Regards,

Tom Fuller, Chair  
 Southeastern San Diego Planning Group  
 619-888-3242

---

**From:** Mezo, Renee [mailto:RMezo@sandiego.gov]  
**Sent:** Tuesday, November 10, 2015 6:56 AM  
**To:** 'Tom Fuller' <tomfuller@live.com>  
**Subject:** RE: Project No. 392803 Rally's Restaurant - 931 South 30th St.;

Hi Tom,

The applicant for Rally's said they were approved last night. Can you tell me what the vote was and if there were any conditions from your group?

Thanks so much.

Renee Mezo  
 City of San Diego  
 Development Services  
 Development Project Manager  
 1222 First Ave. MS501  
 San Diego, CA 92101-4155  
 619-446-5001  
 FAX 619-446-5499  
[rmezo@SanDiego.gov](mailto:rmezo@SanDiego.gov)  
<http://www.sandiego.gov/development-services/>

 Now: [Pay Invoices](#) and [Deposits](#) Online

Correspondents should assume that all communication to or from this address is recorded and may be reviewed by third parties.

---

**From:** Tom Fuller [mailto:tomfuller@live.com]  
**Sent:** Monday, August 03, 2015 2:55 PM

## **Consent Item**

- A. Rally's Drive-thru Restaurant**, Application for a Southeastern San Diego Site Development Permit (SESDPD) and Site Development Permit (SDP), to demolish and construct a drive-through restaurant at 931 So. 30<sup>th</sup> street, in the Memorial Neighborhood. The 21,000 sf lot is located in the SESPD-CSR-2 zone in the Southeastern San Diego Planned District in the Southeastern San Diego Community Planning Area District 8. Presenters will be:
- George Brambila, from Ivanco Design; Bruce Ong, Franchisee and property owner**

## **Summary of Committee Recommendations/Conditions:**

- 1. Sign, monument sign to be 4-foot height instead of a 30' pole sign.**
- 2. State of the art water conservation fixtures.**
- 3. State of the art drive-thru order takers speaker**
- 4. Audio noise subject to city's code standards decibels standards at boundaries especially at evening hours, not to effect adjacent residents.**
- 5. Solar energy panels on roof with state of the art LED conservation fixtures**
- 6. Drought resistant landscaping with conservation irrigation fixtures**
- 7. ADA (American Disability Act) standards are met**
- 8. Outdoor Patio seating has overhead shade canopies**
- 9. Add extra tables and seating on the far east project area by water detention basin**
- 10. Implement SDPD crime prevention through environmental design (CPTED) report which include state of the art security cameras and interior and exterior lighting and building locks. (9 pages)**
- 11. Graffiti control as recommended by the report on page 9. Treat exterior walls with anti-graffiti material, odor seats and tables and bathrooms. Establish removal of graffiti within 24 hours.**
- 12. State of the art cooking odor mitigation exhaust system. Meeting San Diego County Phase 2 Mitigation Standards.**
- 13. Developmental impact fees which are approximately \$6,000.00 dollars or final dollar amount to be assigned to Memorial Recreational Park for updating outdoor bathroom to ADA specifications or to the parks ADA needs.**
- 14. All projects tracking systems are to be cleared.**
- 15. East boundry wall shall be masonry block. No wood fence.**

## **Back-up Documents**

- 1. One set of plans revised 27 July, 2015**
- 2. Project assessment letter Tracking system report dated 6 August, 2015**
- 3. San Diego Police crime prevention (CTPED) dated 15 October, 2014.**
- 4. Environmental document (NORA) posted 19 October, 2015**



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: Rally's RESTAURANT Project No. For City Use Only: 392803

Project Address: 931 S. 30TH STREET - S.B. CA - 92102

**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): DNG's COMMERCIAL PROPERTIES LLC  
 Owner  Tenant/Lessee  Redevelopment Agency  
 Street Address: 712 Cholla RD.  
 City/State/Zip: Chula VISTA CA 91910  
 Phone No: (619) 754-3004 Fax No: (619) 270-9813  
 Signature: [Signature] Date: 10/10/2014

Name of Individual (type or print): \_\_\_\_\_  
 Owner  Tenant/Lessee  Redevelopment Agency  
 Street Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_  
 Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Individual (type or print): \_\_\_\_\_  
 Owner  Tenant/Lessee  Redevelopment Agency  
 Street Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_  
 Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Individual (type or print): \_\_\_\_\_  
 Owner  Tenant/Lessee  Redevelopment Agency  
 Street Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_  
 Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_



Project Title:

Project No. (For City Use Only)

392803

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

Legal Status (please check):

Corporation  Limited Liability -or-  General) What State? \_\_\_\_\_ Corporate Identification No. \_\_\_\_\_
Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property.. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. Additional pages attached Yes No

Corporate/Partnership Name (type or print): ONE'S COMMERCIAL PROPERTIES, INVESTMENT LLC
Owner Tenant/Lessee
Street Address: 712 Cholla Rd.
City/State/Zip: Chula Vista CA 91910
Phone No: 619-754-3004 Fax No: 619-270-9813
Name of Corporate Officer/Partner (type or print): Owner
Title (type or print):
Signature: Date: 10-10-14

Corporate/Partnership Name (type or print):
Owner Tenant/Lessee
Street Address:
City/State/Zip:
Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature: Date:

Corporate/Partnership Name (type or print):
Owner Tenant/Lessee
Street Address:
City/State/Zip:
Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature: Date:

Corporate/Partnership Name (type or print):
Owner Tenant/Lessee
Street Address:
City/State/Zip:
Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature: Date:

Corporate/Partnership Name (type or print):
Owner Tenant/Lessee
Street Address:
City/State/Zip:
Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature: Date:

Corporate/Partnership Name (type or print):
Owner Tenant/Lessee
Street Address:
City/State/Zip:
Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature: Date:

LLC-1

Articles of Organization of a Limited Liability Company (LLC)

201401510146

LR

To form a limited liability company in California, you can fill out this form, and submit for filing along with:

- A \$70 filing fee.
- A separate, non-refundable \$15 service fee also must be included, if you drop off the completed form.

Important! LLCs in California may have to pay a minimum \$800 yearly tax to the California Franchise Tax Board. For more information, go to https://www.ftb.ca.gov.

LLCs may not provide "professional services," as defined by California Corporations Code sections 13401(a) and 13401.3.

Note: Before submitting the completed form, you should consult with a private attorney for advice about your specific business needs.

FILED Secretary of State State of California

JAN 13 2014

1 PC

This Space For Office Use Only

For questions about this form, go to www.sos.ca.gov/business/be/filing-tips.htm.

LLC Name (List the proposed LLC name exactly as it is to appear on the records of the California Secretary of State.)

1 Ong's Commercial Properties Investment, LLC

Proposed LLC Name

The name must include: LLC, L.L.C., Limited Liability Company, Limited Liability Co., Ltd. Liability Co. or Ltd. Liability Company; and may not include: bank, trust, trustee, incorporated, inc., corporation, or corp., insurer, or insurance company. For general entity name requirements and restrictions, go to www.sos.ca.gov/business/be/name-availability.htm.

Purpose

2 The purpose of the limited liability company is to engage in any lawful act or activity for which a limited liability company may be organized under the California Revised Uniform Limited Liability Company Act.

LLC Addresses

3 a. 712 Cholla Rd. Chula Vista CA 91910
Initial Street Address of Designated Office in CA - Do not list a P.O. Box City (no abbreviations) State Zip

b. Initial Mailing Address of LLC, if different from 3a City (no abbreviations) State Zip

Service of Process (List a California resident or a California registered corporate agent that agrees to be your initial agent to accept service of process in case your LLC is sued. You may list any adult who lives in California. You may not list an LLC as the agent. Do not list an address if the agent is a California registered corporate agent as the address for service of process is already on file.)

4 a. Quy B. Ong

Agent's Name

b. 412 Cholla Rd. Chula Vista CA 91910
Agent's Street Address (if agent is not a corporation) - Do not list a P.O. Box City (no abbreviations) State Zip

Management (Check only one.)

5 The LLC will be managed by:

- [x] One Manager [ ] More Than One Manager [ ] All Limited Liability Company Member(s)

This form must be signed by each organizer. If you need more space, attach extra pages that are 1-sided and on standard letter-sized paper (8 1/2" x 11"). All attachments are made part of these articles of organization.

Organizer - Sign here

Quy B. Ong

Print your name here

Make check/money order payable to: Secretary of State
Upon filing, we will return one (1) uncertified copy of your filed document for free, and will certify the copy upon request and payment of a \$5 certification fee.

By Mail Secretary of State Business Entities, P.O. Box 944228 Sacramento, CA 94244-2280

Drop-Off Secretary of State 1500 11th Street., 3rd Floor Sacramento, CA 95814

**CERTIFICATE OF INCUMBENCY FOR LIMITED LIABILITY COMPANY**

I, Quy B Ong Managing Member of Ong's Commercial Properties Investment, LLC (*Limited Liability Company*) do hereby certify as follows:

1. That I am the duly elected, qualified and acting Managing Member of Ong's Commercial Properties Investment, LLC, (the "Limited Liability Company"), a Limited Liability Company, created and existing under the laws of the State of California, and that, as such \_\_\_\_\_, I have access, custody and/or control of the records of the Limited Liability Company.
2. That set forth below are the names and signatures of the duly elected, qualified and acting officers and/or members of the Limited Liability Company, holding the offices set forth opposite their names:

<u>NAME</u>	<u>POSITION</u>	<u>SIGNATURE</u>
<u>Quy B. Ong</u>	Manager	_____
<u>Quy B. Ong</u>	Managing Member	_____
_____	Member	_____
_____	Member	_____

3. That set forth below are the names of all shareholders of the Limited Liability Company and the amount of shares owned by the Members:

<u>MEMBERS</u>	<u>SHARES %</u>
<u>Quy B. Ong</u>	<u>100%</u>
_____	_____
_____	_____
_____	_____

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Limited Liability Company on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

  
 \_\_\_\_\_  
 , Manager or Managing Member

(CORPORATE SEAL)