

#### THE CITY OF SAN DIEGO

#### REPORT TO THE HEARING OFFICER

HEARING DATE:

December 5, 2012

REPORT NO. HO 12-097

ATTENTION:

Hearing Officer

SUBJECT:

GREEN VALLEY CHURCH

PROJECT NUMBER: 283105

LOCATION:

12395 World Trade Drive

OWNER:

Emerald Ventures, LLC (Attachment 11)

APPLICANT:

Green Valley Church (Attachment 11)

#### **SUMMARY**

<u>Issue:</u> Should the Hearing Officer approve a religious facility and accessory uses in an existing two-story building located at 12395 World Trade Drive in the Carmel Mountain Ranch Community Plan area?

Staff Recommendation(s) - APPROVE Conditional Use Permit No. 999061.

<u>Community Planning Group Recommendation</u> - The Carmel Mountain Ranch Community Committee voted 10-0-0 to recommend approval of the proposed project on August 8, 2012, with no recommended conditions.

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 October 31, 2012, and the opportunity to appeal that determination ended November 16, 2012.

#### BACKGROUND

The Green Valley Church project site is located at 12395 World Trade Drive in the IL-2-1 zone, the Airport Land Use Compatibility Overlay Zone, the Airport Influence Area (Review Area 2), and the Overflight Notification (Real Estate Disclosure Area), within the Carmel Mountain Ranch Community Plan area (Attachment 3). The 3.14-acre site is improved with an existing structure, originally built for commercial purposes. The site is bordered by residential uses to the

south and across Camino del Norte to the northeast, and commercial across World Trade Drive to the northwest and west. The residential areas are separated by substantial grades, distance and landscaping. The City of Poway borders this site on the southeast and on the opposite side of Camino del Norte to the south.

The site is improved with a commercial structure which has been used for various office uses since the original construction.

A Planned Industrial Development Permit is a type of Planned Development Permit. The project site is governed by Planned Industrial Development (PID) Permit No. 91-0120 (Amendment to PID 87-1122, which was an Amendment to PID 84-0489). PID 91-0120 (Attachment 9) entitled the industrial park a maximum of 922,125 square feet of "office and industrial uses." Although the proposed religious assembly use is not specified in PID 91-0120, Condition No. 20 of the PID states that "after establishment of the project, the property shall no be used for any other purposes unless: the proposed use meets every requirement of the zone existing for the property at the time of conversion." Further, Municipal Code Section 143.0403(c) states that "after construction of a development in accordance with a Planned Development Permit (PDP), proposed uses that require a CUP may be permitted without an amendment to the PDP unless the amendment involves exterior modifications to the premises that are not in substantial conformance with the approved PDP." The proposed CUP application, therefore, will not require an amendment to PID 91-0120.

#### **DISCUSSION**

The proposed project consists of the operation of a religious facility in the existing commercial structure. No tenant improvements are proposed to the exterior of the building. Interior improvements would be made to conform to Building Code requirements for the church use; a Change of Occupancy permit would be required.

The underlying IL-2-1 Zone does not allow religious or church uses by right; however the San Diego Municipal Code does permit the operation of a religious or church use with a valid Conditional Use Permit (CUP), processed in accordance with Process Three (Hearing Officer as decision-maker, appealable to Planning Commission), per Section 126.0303(a). No deviations are requested with this action.

#### Community Plan and Collocation/Conversion:

The project site is designated for Industrial Land Use in the Carmel Mountain Ranch Community Plan (Figure 6, page 20). Since the property is not located within Prime Industrial Lands, the proposed assembly use is not prohibited from being located at the proposed location (page EP-11, General Plan). However, institutional and public assembly uses proposed within industrially designated areas require analysis of the Collocation/Conversion Suitability Factors, as described in Appendix C, page AP-31 of the San Diego General Plan. The surrounding area was evaluated for its characteristics, in particular the significance of encroachment of other non-industrial uses. The analysis provided by the applicant demonstrated that the immediate area is comprised of a

mix of light manufacturing, business and professional office, medical office, institutional, wholesale distribution, and storage facility uses. The proposed religious facility will be located in an area comprised of other non-industrial uses.

The project was evaluated for its impact on Prime Industrial Lands. The project site is not identified as Prime Industrial Land in the San Diego General Plan, and therefore is not subject to the restriction of public assembly uses within Prime Industrial Lands. Further, the project site's close proximity to residential development would likely preclude the future conversion of the subject property to Prime Industrial Land.

The project was evaluated for compatibility with the airport land use. The project site is located within Review Area 2 of the Airport Influence Area for MCAS-Miramar, and is required to comply with the airspace protection compatibility requirements in accordance with SDMC Section 132.1520. Since the project is an interior tenant improvement to an existing building, the project complies with the airspace protection compatibility requirements of the Municipal Code.

The project was evaluated for its effect on public health, including potential incompatibilities resulting from truck traffic, odors, and noise. The proposed use will not be affected by these factors since the hours of operation are predominantly outside of peak hours for daily traffic, noise, and other external effects.

#### Use Details/Special Conditions:

The church hours will be from 9:00 am to 5:00 pm, Monday through Friday for office uses. Church services will be permitted weekdays after 6:00 pm, with Sunday services and operations running from 8:00 am to 12:00 noon. Nursery and Sunday school uses will only operate on Sunday during religious services and will not be otherwise offered to the general public. No weekday child or day care is proposed at this site.

Since this proposal is a non-industrial use proposed within an industrially designated area, an expiration date of 10 years for this Conditional Use Permit has been incorporated as a condition of approval (Condition No. 2).

The project site is located within the Overflight Notification Area (Real Estate Disclosure Area) for MCAS-Miramar. As such, the following has been included in the draft permit as a bulleted Informational Item:

 Per SDMC Section 132.1525(b), property in the designated aircraft overflight area may be subject to some of the annoyances or inconveniences associated with proximity to an airport and aircraft operations. Individual sensitivities to those annoyances can vary from person to person.

#### Community Planning Group:

The Carmel Mountain Ranch Community Committee voted 10-0-0 to recommend approval of the proposed project on August 8, 2012, with no recommended conditions.

#### Conclusion:

Staff has reviewed this request and supports the proposed project, as described in the draft permit and resolution, and recommends the Hearing Officer approve the project as conditioned.

#### **ALTERNATIVES**

- 1. Approve Conditional Use Permit No. 999061, with modifications.
- Deny Conditional Use Permit No. 999061, 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
- Project Data Sheet
- 5. Draft Permit Resolution with Findings
- 6. Draft Permit with Conditions
- 7. Environmental Exemption
- 8. Project Plans (Hearing Officer Only)
- 9. PID No. 91-0120 (Resolution and Permit)
- 10. Community Planning Group Recommendation
- 11. Ownership Disclosure Statement



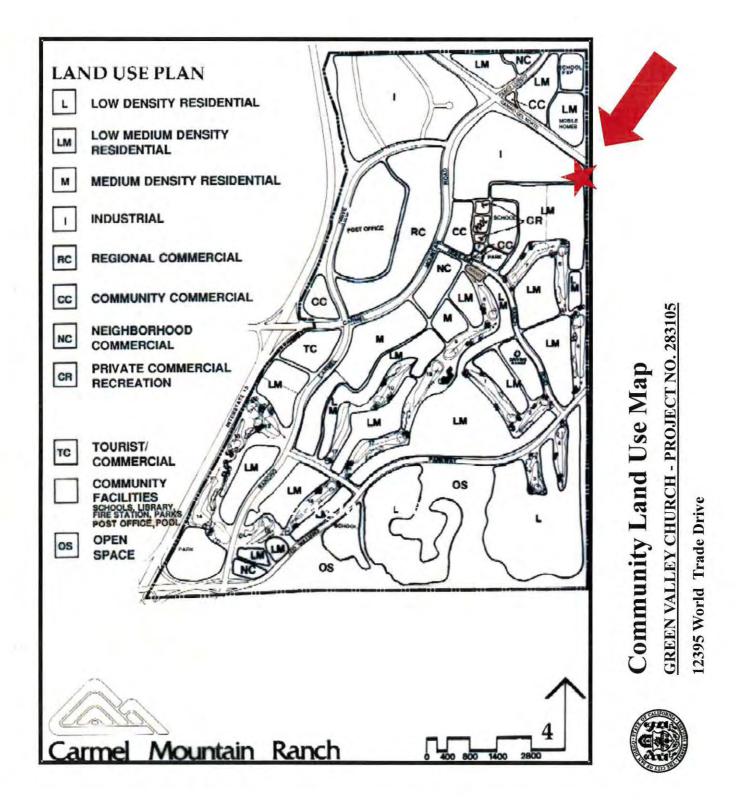


### **Aerial Photo**

**GREEN VALLEY CHURCH - PROJECT NO. 283105** 

12395 World Trade Drive









## **Project Location Map**

**GREEN VALLEY CHURCH - PROJECT NO. 283105** 

12395 World Trade Drive



PROJECT DATA SHEET		
PROJECT NAME:	Green Valley Church	
PROJECT DESCRIPTION:	The operation of a religious facility and accessory uses on the first floor of an existing two-story building	
COMMUNITY PLAN AREA:	Carmel Mountain Ranch	
DISCRETIONARY ACTIONS:	Conditional Use Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	Industrial Land Use	

#### **ZONING INFORMATION:**

ZONE: IL-2-1 zone (a mix of light industrial and office uses with limited

commercial)

HEIGHT LIMIT: No maximum height limit.

LOT SIZE: 15,000 square-foot minimum lot size.

FLOOR AREA RATIO: 2.0 maximum.

FRONT SETBACK: 20 feet.
SIDE SETBACK: 10 feet.
STREETSIDE SETBACK: 20 feet.
REAR SETBACK: 15 feet.

PARKING: 113 parking spaces required; 129 parking spaces provided.

ADJACENT PROPERTIES (in City of San Diego):	LAND USE DESIGNATION & ZONE	EXISTING LAND USE		
NORTH/ NORTHWEST:	Industrial; IL-2-1	Commercial		
SOUTH:	Residential; RS-1-14	Single-family residential		
EAST: (across Camino del Norte)	Residential; RM-1-1	Multi-family residential		
WEST:	Industrial; IL-2-1 Commercial			
DEVIATIONS OR VARIANCES REQUESTED:	None.			
COMMUNITY PLANNING GROUP RECOMMENDATION:	The Carmel Mountain Ranch Community Committee voted 10-0-0 to recommend approval of the proposed project on August 8, 2012, with no recommended conditions.			

# HEARING OFFICER RESOLUTION NO. \_\_\_\_ CONDITIONAL USE PERMIT NO. 999061 GREEN VALLEY CHURCH - PROJECT NO. 283105

#### DRAFT

WHEREAS, EMERALD VENTURES, LLC, Owner, and GREEN VALLEY CHURCH, A CALIFORNIA CORPORATION, Permittee, filed an application with the City of San Diego for a permit operate a religious facility and accessory uses on the first floor of an existing two-story building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 999061), on portions of a 3.14-acre site;

WHEREAS, the project site is located at 12395 World Trade Drive in the IL-2-1 zone, the Airport Land Use Compatibility Overlay Zone, the Airport Influence Area (Review Area 2), and the Overflight Notification (Real Estate Disclosure Area), within the Carmel Mountain Ranch Community Plan area;

WHEREAS, the project site is legally described as Lot 8, Carmel Mountain Ranch Industrial Unit No. 2, Map No. 11568;

WHEREAS, on December 5, 2012, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 999061 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on October 31, 2012, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15301 (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 December 5, 2012.

#### 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 operate an approximately 24,776-square-foot religious facility and accessory uses on the first floor of an existing approximately 35,253-square-foot commercial building located at 12395 World Trade Drive in the IL-2-1 zone of the Carmel Mountain Ranch Community Plan area. The project site has one, two-story multi-tenant building containing light industrial and commercial uses. The site is designated industrial within the Carmel Mountain Ranch Community Plan which allows light industrial developments and related uses. The immediate area is predominantly comprised of mixed uses consisting of offices, commercial services, and warehouses/storage facilities. The Carmel Mountain Ranch Community Plan encourages the development of industries that provide desirable employment opportunities and

protect areas designated for industrial use from encroachment by incompatible land uses. The project site is not identified as Prime Industrial Land in the City of San Diego General Plan. However Policy EP-A.20 from the General Plan requires that the proposed church use be analyzed in accordance with the conversion/collocation suitability factors as identified in Appendix C, EP-2 of the General Plan. The surrounding area was evaluated for its characteristics, in particular the significance of encroachment of other non-industrial uses. The analysis provided by the applicant demonstrated that the immediate area is comprised of a mix of light manufacturing, business and professional office, medical office, institutional, wholesale distribution, and storage facility uses. The proposed religious facility will be located in an area comprised of other non-industrial uses.

The project was evaluated for its impact on Prime Industrial Lands. The project site is not identified as Prime Industrial Land in the San Diego General Plan, and therefore is not subject to the restriction of public assembly uses within Prime Industrial Lands. Further, the project site's close proximity to residential development would likely preclude the future conversion of the subject property to Prime Industrial Land.

The project was evaluated for compatibility with the airport land use. The project site is located within Review Area 2 of the Airport Influence Area for MCAS-Miramar, and is required to comply with the airspace protection compatibility requirements in accordance with SDMC Section 132.1520. Since the project is an interior tenant improvement to an existing building, the project complies with the airspace protection compatibility requirements of the Municipal Code.

The project was evaluated for its effect on public health, including potential incompatibilities resulting from truck traffic, odors, and noise. The proposed use will not be affected by these factors since the hours of operation are predominantly outside of peak hours for daily traffic, noise, and other external effects.

Since the project is an interior tenant improvement, the proposed use will not adversely affect the visual character of the industrial park, which is a policy of the Carmel Mountain Ranch Community Plan.

The Conditional Use Permit will contain a 10-year expiration date on the religious assembly use, which would allow the non-industrial use to operate in the area, but allow for re-visiting the issue of compatibility with the industrially designated area in the future.

Based on the above information, the proposed development will not adversely affect the applicable land use Plan.

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

The project proposes to operate an approximately 24,776-square-foot religious facility and accessory uses on the first floor of an existing approximately 35,253-square-foot commercial building located at 12395 World Trade Drive in the IL-2-1 zone of the Carmel Mountain Ranch Community Plan area. The project was determined to be exempt from the California Environmental Quality Act (CEQA) Section 15301 (Existing Facilities), as it was determined that no land use issues or environmentally sensitive resources would be impacted. The permit

controlling this development contains conditions addressing compliance with the City's regulations to prevent detrimental impacts to the health, safety, and welfare of persons residing in the area. These conditions include the designation of required parking and interior modifications. The permit conditions are required to ensure there will be no conflict with other uses relative to the hours of operations as the primary church service activity will occur in the evenings and on Sunday, with the office uses occurring during the weekdays. All Uniform Building, Fire, Plumbing, Electrical, and Mechanical Codes governing future tenant improvements apply to this site to prevent adverse effects to those persons or other properties in the vicinity. Therefore, the proposed development will not be detrimental to the public health, safety and welfare.

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

The project proposes to operate an approximately 24,776-square-foot religious facility and accessory uses on the first floor of an existing approximately 35,253-square-foot commercial building located at 12395 World Trade Drive in the IL-2-1 zone of the Carmel Mountain Ranch Community Plan area. All proposed construction will comply with all of the development regulations with respect to interior modifications and floor area ratio requirements. No new development or expansion of the existing building is being proposed with this Development Permit. The parking lot conforms to City standards regarding ingress and egress, driveway widths, surfacing and landscape requirements. No deviations or variances are requested or included with this action. Therefore, the proposed development will comply with the regulations the Land Development Code.

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

The project proposes to operate an approximately 24,776-square-foot religious facility and accessory uses on the first floor of an existing approximately 35,253-square-foot commercial building located at 12395 World Trade Drive in the IL-2-1 zone of the Carmel Mountain Ranch Community Plan area. The project site contains a two-story, multi-tenant building containing light industrial and commercial uses. The immediate area is predominantly comprised of mixed uses consisting of offices, commercial services, and warehouses/storage facilities. The site is designated industrial within the Carmel Mountain Ranch Community Plan. The project site is not identified as Prime Industrial Land in the City of San Diego General Plan. However Policy EP-A.20 from the General Plan requires that the proposed church use be analyzed in accordance with the conversion/collocation suitability factors as identified in Appendix C, EP-2 of the General Plan. The surrounding area was evaluated for its characteristics, in particular the significance of encroachment of other non-industrial uses. The analysis provided by the applicant demonstrated that the immediate area is comprised of a mix of light manufacturing, business and professional office, medical office, institutional, wholesale distribution, and storage facility uses. The proposed religious facility will be located in an area comprised of other non-industrial uses.

The project was evaluated for its impact on Prime Industrial Lands. The project site is not identified as Prime Industrial Land in the San Diego General Plan, and therefore is not subject to the restriction of public assembly uses within Prime Industrial Lands. Further, the project site's close proximity to residential development would likely preclude the future conversion of the subject property to Prime Industrial Land.

The project was evaluated for compatibility with the airport land use. The project site is located within Review Area 2 of the Airport Influence Area for MCAS-Miramar, and is required to comply with the airspace protection compatibility requirements in accordance with SDMC Section 132.1520. Since the project is an interior tenant improvement to an existing building, the project complies with the airspace protection compatibility requirements of the Municipal Code.

The project was evaluated for its effect on public health, including potential incompatibilities resulting from truck traffic, odors, and noise. The proposed use will not be affected by these factors since the hours of operation are predominantly outside of peak hours for daily traffic, noise, and other external effects.

The site complies with the separately regulated uses for churches pursuant to San Diego Municipal Code section 141.0404 as the religious assembly will be located outside the Multiple Habitat Planning Area. Therefore, 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. 999061 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. 999061, a copy of which is attached hereto and made a part hereof.

MICHELLE SOKOLOWSKI Development Project Manager Development Services

Adopted on: December 5, 2012

Internal Order No. 24002740

#### 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: 24002740

#### CONDITIONAL USE PERMIT NO. 999061 GREEN VALLEY CHURCH - PROJECT NO. 283105 HEARING OFFICER

#### DRAFT

This Conditional Use Permit is granted by the Hearing Officer of the City of San Diego to EMERALD VENTURES, LLC, Owner, and GREEN VALLEY CHURCH, A CALIFORNIA CORPORATION, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0303. The 3.14-acre site is located at 12395 World Trade Drive in the IL-2-1 zone, the Airport Land Use Compatibility Overlay Zone, the Airport Influence Area (Review Area 2), and the Overflight Notification (Real Estate Disclosure Area), within the Carmel Mountain Ranch Community Plan area. The project site is legally described as: Lot 8, Carmel Mountain Ranch Industrial Unit No. 2, Map No. 11568.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a religious facility and accessory uses on the first floor of an existing two-story building, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated December 5, 2012, on file in the Development Services Department.

The project shall include:

- An approximately 24,776-square-foot proposed religious facility and accessory uses (including office, Sunday school and nursery, youth group activity) to be located on the first floor of an existing, approximately 35,253-square-foot, two-story building;
- Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking; and

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 19, 2015.
- 2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on December 19, 2022. 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, unless an Amendment or Extension of Time has been granted in accordance with the San Diego Municipal Code.
- 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. Unless otherwise indicated within this permit, the subject property is still subject to the conditions of Planned Industrial Development Permit No. 91-0120 (Amendment to PID 87-1122, which was an Amendment to PID 84-0489).
- 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" conditions(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

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:**

- 13. Prior to the issuance of any construction permits, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix G of the City's Storm Water Standards, satisfactory to the City Engineer.
- 14. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the reconstruction of the existing driveway to the current City Standard Drawings SDG-159 and SDG-164 satisfactory to the City Engineer.

#### PLANNING/DESIGN REQUIREMENTS:

- 15. Owner/Permittee shall maintain a minimum of 113 (129 provided) automobile spaces (including 5 standard accessible spaces and 1 van accessible space) off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.
- 16. The church assembly occupancy (sanctuary area) shall not exceed 3,500 square feet in area and shall not include facilities for child daycare, preschools, or schools.
- 17. Nursery and Sunday school uses will only operate on Sundays during religious services and will not be otherwise offered to the general public.
- 18. Hours of operation of the church services shall not conflict with other uses in building with regard to parking and shall be from 8:00 am to 12:00 pm on Sundays, and after 6:00 pm on weekdays.
- 19. The applicant shall provide a 10' visibility triangle area along the property line on World Trade Drive on both sides of the driveway in accordance with LDC Section 113.0273. No obstacles higher than 36 " shall be located within the visibility area e. landscape, hardscape, walls, shrubs, etc.
- 20. 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.
- 21. All signs associated with this development shall be consistent with sign criteria established by the City-wide sign regulations.
- 22. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

#### INFORMATION ONLY:

- 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.
- Per SDMC Section 132.1525(b), property in the designated aircraft overflight area may be subject to some of the annoyances or inconveniences associated with proximity to an airport and aircraft operations. Individual sensitivities to those annoyances can vary from person to person.

APPROVED by the Hearing	Officer of the City of San Diego on December 5	, 2012, by
Resolution No.		

Conditional Use Permit No. 999061 Date of Approval: December 5, 2012

MICHELLE SOKOLOWSKI Development Project Manager	
NOTE: Notary acknowledgment must be attached per Civil Code section 1189 et seq.	
A THE STREET STREET	
	execution hereof, agrees to each and every condition of and every obligation of Owner/Permittee hereunder.  EMERALD VENTURES, LLC  Owner
	and every obligation of Owner/Permittee hereunder.  EMERALD VENTURES, LLC
	and every obligation of Owner/Permittee hereunder.  EMERALD VENTURES, LLC Owner  By NAME

must be attached per Civil Code section 1189 et seq.

#### 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 RES 1400 TENTH STREET, ROOM 12 SACRAMENTO, CA 95814		
PROJEC	T No.; 2	83105 PR	OJECT TITLE: Green Valley Chu	rch
PROJEC	T LOCA	TION-SPECIFIC: 12395 World Tra	ade Drive, San Diego, CA 92128	3
PROJEC	T LOCA	TION-CITY/COUNTY: San Diego/	San Diego	
foot rel story be interior modifie Compa Area),	igious fa uilding. partitions cations a tibility ( within th	cility and accessory uses to be lo interior tenant improvements pro as and ceilings; modifications to re proposed. The building is loca	pocated on the first floor of an exi- posed include demolition of exi- restrooms, and to existing electrated at 12395 World Trade Drive ace Area (Review Area 2), and the munity Plan area.	RMIT to allow for an approximately 24,776-square- sting, approximately 35,253-square-foot, two- sting interior improvements; construction of new, ical and mechanical systems. No exterior s, in the IL-2-1 zone, the Airport Land Use he Overflight Notification (Real Estate Disclosure
NAME	OF PERSO	ON OR AGENCY CARRYING OUT P	92150; 858-603-9	nit Solutions, P.O. Box 503943, San Diego, CA 9478
EXEMP ( ) ( ) ( ) ( ✓)	MINI DECI EME	s: (CHECK ONE) STERIAL LARED EMERGENCY RGENCY PROJECT EGORICAL EXEMPTION: SECTION	15303: New Construction	
things a None o	allows for as interior	or minor alterations of existing pur or partitions, plumbing, and electrons teptions listed in CEQA Guidelin	ablic or private facilities (includi rical conveyances) provided the	upt from CEQA pursuant to Section 15301. Section ing interior or exterior alterations involving such change involves negligible or no expansion of use fore these exemptions are applicable to the
LEAD A	AGENCY	CONTACT PERSON; M. Blake	T	ELEPHONE: (619) 446-5375
IF FILEI 1. 2.		CH CERTIFIED DOCUMENT OF EXE A NOTICE OF EXEMPTION BEEN FIL		ROVING THE PROJECT?
IT IS HE	REBY CE	ERTIFIED THAT THE CITY OF SAN I	DIEGO HAS DETERMINED THE ABO	OVE ACTIVITY TO BE EXEMPT FROM CEQA
MARTH	IA BLAK	e/Senior Planner	-	OCTOBER 31, 2012 DATE
Снеск	ONE:			
(X) SIC	NED BY	LEAD AGENCY APPLICANT	DATE RECEIVED	FOR FILING WITH COUNTY CLERK OR OPR:

# **PROJECT PLANS**

As attachment to Hearing Officer Package Only

(R-92-1789)

#### RESOLUTION NUMBER R-279614 ADOPTED ON MARCH 24, 1992

WHEREAS, Carmel Mountain Ranch, a California partnership,
Owner/Permittee, filed an application to amend previously
approved Planned Industrial Development (PID) Permit No. 87-1122
which permitted the construction of 922,125 square feet of office
and industrial buildings, located on the north side of World
Trade Drive between Conference Way and Camino Del Norte, in the
Carmel Mountain Ranch Community Plan area, in the M-IB zone; and

WHEREAS, on February 6, 1992, the Planning Commission recommended approval of the PID permit amendment; and

WHEREAS, the matter was set for public hearing on March 24, 1992, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Planned Industrial Development Permit No. 91-0120, amendment to PID 87-1122:

 The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the Community Plan. The request is to amend conditions of previously approved PID No. 84-0489 and subsequently amended PID No. 87-1222 in order to implement a proposed rezoning of lots 10 through 15 from the M-LI Zone to the M-IB Zone. The proposed rezone would place the entire Carmel Mountain Ranch industrial area in the M-IB zone which provides for light industrial uses and certain heavy commercial uses.

- 2. 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 proposed rezone would be consistent with the existing M-IB Zone and existing uses on the south side of Trade Center Drive as well as the existing M-IB zoned property at the north west corner of Rancho Carmel Drive and Carmel Mountain Road. The permit imposes a limitation of the size of emergency hospitals to a maximum of 20,000 square feet.
- 3. The proposed use will comply with the relevant regulations in the Municipal Code. This permit requires increased screening and more intensive landscaping than normally required under the Landscape Technical manual.

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

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Planned Industrial Development Permit No. 91-0120, amendment to PID Permit No. 87-

1122, is hereby granted to Carmel Mountain Ranch, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By

Frederick C. Conrad

Chief Deputy City Attorney

FCC:lc 05/11/92

Or.Dept:Clerk

R-92-1789

Form=r.permit

# PLANNED INDUSTRIAL DEVELOPMENT (PID) PERMIT NO. 91-0120 AMENDMENT TO PID PERMIT NO. 87-1122 CARMEL MOUNTAIN RANCH PLANNED INDUSTRIAL DEVELOPMENT

#### CITY COUNCIL

This planned industrial development permit amendment is granted by the Council of The City of San Diego to CARMEL MOUNTAIN RANCH, a California partnership, Owner/Permittee, pursuant to Section 101.0920 of the Municipal Code of The City of San Diego.

- Permission is hereby granted to Owner/Permittee to amend Planned Industrial Development No. 87-1122 located southwest of Camino del Norte, east of Carmel Mountain Road on World Trade Drive, described as Lots 1 through 16 of Carmel Mountain Ranch Unit No. 2, Map No. 11568, in the M-IB Zone.
- 2. The facility shall consist of the following:
  - a. A maximum of 922,125 square feet of office and industrial uses to be developed on Lots 1 through 3 and Lots 5 through 16 according to the following conditions. Lot 4 currently exists as a mini-storage complex. If this lot redevelops, it would be subject to the development regulations included herein.

LOT #	MUMIXAM	ALLOWABLE	SQUARE	F00'	PAGE
1		39,125			
2		39,125			
		44,375			
4		48,125			
3 4 5		55,625			
6		44,125			
7		43,750			
8		43,750			
9		58,175			
10		66,600			
11		73,800			
12		91,200		+	~
13		93,900			
14		98,400			
15		76,500			
16		53,675			
-		970,250	square	feet	total

- b. Landscaping;
- c. Off-street parking; and
- d. Incidental accessory uses as may be determined incidental and approved by the Planning Director.

- e. Any lots which are combined into a master planned complex may aggregate individual lot square footage allocations and distribute the allocation between and among those lots. Setbacks for said lots shall be applied on the master planned area, rather than individual lots.
- All proposed development in this planned industrial development is subject to the regulations contained herein.
- 4. <u>Building Setback:</u> Lots 1 through 8 shall respect a maximum height limit of two stories or 35 feet. Single-story buildings must be set back a minimum of 25 feet from top of slope, and two-story buildings must be set back a minimum of 50 feet from top of slope. This includes the east boundary of Lot 1 and the south boundary of Lots 2 through 8.
- 5. Landscape Buffer: A minimum 50-foot, landscaped open-space buffer, as shown on Exhibit "A," dated March 24, 1992, along the southern boundary of Lots 2 through 8 and the eastern boundary of Lot 1 shall be respected. No building or parking shall be located within this setback.
- 6. Lots 1, 5, 6 and 7 shall install a five-foot-high wall, set back four feet from the top of the slope, as shown on Exhibit "A," dated March 24, 1992.
- 7. Lots 2, 3 and 8 shall provide a five-foot-high berm at the top of the slope and a five-foot-high wall at the top of the berm, as shown on Exhibit "A'" dated March 24, 1992.
- 8. The landscape plan shall specify that trees will be planted at the base of manufactured slopes exceeding 20 feet in height, as outlined in the comprehensive master landscape plan in the urban design element of the community plan. The plan shall also include a variety of dense plant species in order to modulate the appearance of the slope and screen the industrial/office uses. Complete and detailed landscape and irrigation plans shall be submitted with each building permit request.
- 9. Each lot shall provide parking according to the uses provided on site. Parking spaces shall be consistent with Chapter X, Article 1, Division 8 of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Planning Department standards. Parking areas shall be clearly marked at all times. Landscaping located in any parking area shall be permanently maintained and not converted for any other use.

- 10. Prior to obtaining building permits, each application for any building within this planned industrial development must be accompanied by a completed Planned Industrial permit Supplemental Application.
- 11. The following uses shall be strictly prohibited in this development:
  - o All outdoor storage or display.
  - o Central Electric Plants.
  - o Impound Storage Yards.
  - o Lumber Yards.
  - o Field, Seed, Truck Crops, Orchards, Vineyards, Paddocks, Irrigated Range Land, Horticultural Specialties, Landscape Gardening, Forest Nurseries.
  - o Manufacturing, Fabricating, Assembly, Servicing of Guided Missiles and Space Vehicles (\*Although Manufacturing, Fabricating, Assembly, Servicing of Components will be allowed).
  - o Commercial Parking Lots and Garages.
  - o Public Utility Electric Transmission and Distribution Substations, Gas Regulators and Communications Equipment Buildings.
  - o Production of Water Soluble Gums and their Derivatives.
  - Concrete Ready Mix, Lime, Gypsum, Plaster of Paris Manufacturing.
  - o Distillation of Bones.
  - o Explosive, Manufacture or Storage.
  - o Fat Rendering
  - o Fertilizer Manufacture.
  - o Garbage Offal or Dead Animal Reduction.
  - o Glue Manufacture.
  - o Stockyards or Slaughter of Animals.
  - o Acid Manufacture.
  - Petroleum Refining.
  - o Smelting.
  - Gas Manufacture. (Some types subject to the approval of the Planning Director.)
  - o Retail Automotive Uses including:
    - Sales or rental of automobiles and/or trucks.
    - Establishments engaged in the repair or servicing of motor vehicles, parts and accessories.
- 12. Permitted uses shall be restricted as follows:
  - a. Total allowed area for emergency hospitals and/or clinics shall not exceed 20,000 square feet within the PID area and requires a future conditional use permit (CUP).
  - b. Approximately 20 percent of the allowable building square footage on the site (200,000 square feet) shall be reserved for warehousing and/or self-storage. Therefore, a maximum of 770,250 square feet of

industrial and office uses is permitted. This shall be monitored at the site development plan stage; individual lot developers will be required to provide the City with a summary of current users in the industrial park upon submittal of their Planned Industrial Permit Supplemental Application.

- c. Engine and turbine manufacturing is permitted north of World Trade Drive; only component manufacturing is allowed south of World Trade Drive adjacent to residential areas.
- d. There shall be no display or storage located outside of any building. All work shall be conducted completely within an enclosed building.
- e. Storage warehouses shall provide additional screening and more intensive landscaping than normally required under the Landscape Technical Manual.
- 13. Re-grading of lots in order to diminish interior slopes and/or facilitate lot combinations for master-planned complexes shall be permitted without amendments to this PID, so long as such changes do not substantially alter the vertical and/or horizontal buffer between this project and residential units to the south and east.
- 14. All outdoor lighting shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located.
- 15. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The plans shall be in substantial conformity to Exhibit "A," dated March 24, 1992, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended and is to be maintained in a disease, weed and litter free condition at all times.
- 16. Prior to the issuance of occupancy permits for any building on any lot which would bring the total square footage of buildings in the project to 500,000 square feet, the following traffic improvements shall be assured to the satisfaction of the City Engineer.
  - a. A traffic signal at the intersection of Conference Way and World Trade Drive, and
  - b. A traffic signal interconnecting system on Conference Way between World Trade Drive and Carmel Mountain Road.

- 17. No permit for construction of any facility shall be granted nor shall any activity authorized by this permit be conducted on the premises until:
  - The Permittee signs and returns the permit to the Planning Department;
  - b. The planned industrial development permit is recorded in the office of the County Recorder.
- 18. The permit must be utilized within 36 months after the effective date. Failure to utilize the permit within 36 months will automatically void the permit unless an extension of time has been granted by the Planning Commission, as set forth in Section 101.0920(M) of the Municipal Code. Any such extension of time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the Planning Director.
- 19. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
- 20. After establishment of the project, the property shall not be used for any other purposes unless:
  - a. Authorized by the Planning Director
  - b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or
  - c. The permit has been revoked by the City.

The property included within this planned industrial development shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the Planning Director or the permit has been revoked by The City of San Diego.

- 21. This planned industrial development permit may be canceled or revoked if there is a material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by The City of San Diego or Permittee.
- 22. This planned industrial development permit is a covenant running with the subject property and shall be binding upon the 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.

- 23. The use of texture or enhanced paving shall be permitted only with the approval of the City Engineer and Planning Director, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.
- 24. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.
- 25. Accessory commercial or food facilities shall be approved by the Planning Director and shall be subject to the following limitations:
  - a. That the combined gross floor area of all such accessory uses shall not exceed 10 percent of the gross floor area of all structures on the wider premises;
  - b. The accessory uses and their identification signs shall be oriented toward the interior of the premises and not toward adjacent public streets;
  - c. The hours of operation for the activities shall generally be the same as that for the primary activities on the same premises.
- 26. The planned industrial development shall meet the paleontological resources requirements, contained in the tentative map.
- 27. Trash enclosures shall be architecturally compatible with proposed buildings with solid walls six feet in height and solid gates.
- ., 28. Prior to applying for a building permit, each application must be stamped with the approval of Carmel Mountain Ranch and signed by an authorized agent.
  - 29. Prior to a contractor's plans or storage yard locating within this PID, the Permittee shall submit a Substantial Conformance Review application to the Development and Environmental Planning Division of the Planning Department. The Permittee will be subject to the Substantial Conformance Review deposit in effect at that time.

APPROVED by the Council of The City of San Diego on March 24, 1992, by Resolution No. R-279614.

AUTHENTI	CATED	BY:
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MAUREEN O'CONNOR, Mayor The City of San Diego  STATE OF CALIFORNIA )  COUNTY OF SAN DIEGO )	CHARLES G. ABDELNOUR, City Clerk The City of San Diego
COUNTY OF SAN DIEGO )	
residing therein, duly commiss appeared CHARLES G. ABDELNOUF of The City of San Diego, the the within instrument, and kname is subscribed to the with thereto, who being by me duly present and saw MAUREEN O'CON The City of San Diego, and knexecuted the within instrument corporation therein named, and municipal corporation executed subscribed his name to the wi	R, known to me to be the City Clerk municipal corporation that executed nown to me to be the person whose thin instrument, as a witness y sworn, deposes and says that he was NNOR, known to him to be the Mayor of nown to him to be the person who not on behalf of the municipal acknowledged to me that such ed the same, and that said affiant ithin instrument as a witness.  Ave hereunto set my hand and official ego, State of California, the day and
*	Notary Public in and for the County of San Diego, State of California
The undersigned Permitte each and every condition of teach and every obligation of	ee, by execution hereof, agrees to this permit and promises to perform Permittee hereunder.
	CARMEL MOUNTAIN RANCH Owner/Permittee
	Ву

NOTE: Notary acknowledgments must be attached per Civil Code Section 1180, et seq. Form=p.ack

Office of the City Clerk, San Diego, California

City Clerk of The City of San Diego, California.

Resolution 279614

MAR 2 4 1992

(Seal)

FROM: >000000000000000

FAX NO.: 8586737397

### ATTACHMENT 10



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

# Community Planning Committee Distribution Form Part 2

oject Name: Pro		Proje	ect Number:	Distribution Date:		
Green Valley Church			283105	6/14/12		
Project Scope/Location:	-					
CARMEL MOUNTAIN RANCH (PROCESS 3) Condition building at 12395 World Trade Dr in the IL-2-1 Zone with Compatibility Overlay, Airport Influence Area. Council E	thin the Carme	Mounta	in Ranch Commun			
Applicant Name:	to the state of		Applicant P	hone Number:		
Brian Longmore			(858) 603-9	(858) 603-9478		
Project Manager:	Phone Num		Fax Number: 5499	E-mail Address:		
Michelle Sokolowski	(619) 446-5	278	(619) 446 <del>-5249</del> *	MSokolowski@sandiego.gg		
Committee Recommendations (To be completed for		v); ers Yes	Members No	Members-Abstain		
Vote to Apprové	10	)	Ô	O		
☐ Vote to Approve With Conditions Listed Below		ers Yes	Members No	Members Abstain		
☐ Vote to Approve With Non-Binding Recommendations Listed Bel		ers Yes	Members No	Members Abstain		
☐ Vote to Deny		ers Yes	Members No	Members Abstain		
No Action (Please specify, e.g., Need further information, Spl quorum, etc.)		t vote, I	Lack of	Continued		
CONDITIONS:						
NAME: John Giltner	-		TITLE:CA	Pad 8,2012		
SIGNATURE: John Wiltness	-		DATE:	90 d 8, 2012		
Attach Additional Pages If Necessary.  Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101			nent Division vices Department e, MS 302	V		
Printed on recycled paper. Visit o Upon request, this information is as	our web site at w	ww.sandi ative forn	ego gov/developmer nats for persons with	nt-services. disabilities.		

# OWNERSHIP DISCLOSURE STATEMENT

#### **GREEN VALLEY CHURCH**

Project No. 283105

Property Owner: Emerald Ventures, LLC, a California Limited Liability

Company.

The Faulkner Family Trust is the only member of

Emerald Ventures, LLC.

Permittee/Applicant Green Valley Church, a California Corporation

Officers: Chief Executive Officer - Doug Kyle

Secretary - Greg Kenton

Chief Financial Officer - Blake Gallion