



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: December 7, 2022 REPORT NO. HO-22-055

HEARING DATE: December 14, 2022

SUBJECT: 2321 Siempre Viva Court Map Waiver

PROJECT NUMBER: [632013](#)

OWNER/APPLICANT: Olive Lane Industrial Park 2 LLC and Palm Industrial Park LLC/Son Nguyen, Snipes-Dye Engineering

SUMMARY

Issue: Should the Hearing Officer approve a Tentative Map Waiver for the conversion of a 50,830-square-foot building into three industrial condominiums located at 2321 Siempre Viva Court in the Otay Mesa Community Planning Area?

Staff Recommendation: Approve Tentative Map Waiver No. 2316396 and a waiver of the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: This application previously included a Cannabis Outlet. On April 15, 2020, the Otay Mesa Planning Group voted 0-0-11 to deny the proposed project because the cap on the number of Cannabis Outlets in Council District 8 had been reached. The applicant subsequently removed the Cannabis Outlet from the project but did not return to the Community Planning Group. (Attachment 7).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to 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 18, 2022, and the opportunity to appeal that determination ended November 1, 2022.

BACKGROUND

The 3.44-acre site is located 2321 Siempre Viva Court (Attachment 1), in the IBT-1-1 zone and the Otay Mesa Community Plan, which designates the property International Business and Trade (Attachment 2). The site is currently developed with a 50,830 square foot building built in 2007, which contains light industrial/office uses. Adjacent properties are located within the same zone

and land use designation. To the west is a similar building with similar uses. Other adjacent properties have been mass-graded, but are currently undeveloped.

DISCUSSION

The proposed project proposes a waiver of the requirement to file a tentative map for the creation of three new industrial condominiums per [SDMC section 125.0120\(b\)\(2\)\(C\)](#), and a request to waive the requirement to underground existing overhead utilities pursuant to [SDMC section 144.0242](#). Pursuant to [SDMC section 125.0122](#), the project requires a Process Three Hearing Officer decision, which is appealable to the Planning Commission.

The project complies with all applicable sections of the Municipal Code, and no deviations are requested with this Map Waiver. The project also includes a request to waive the requirement to underground existing utilities which is appropriate pursuant to [SDMC section 144.0242\(c\)\(1\)\(B\)](#) because the conversion involves a short span of overhead facility (less than a full block in length) and would not represent a logical extension to an underground facility.

According to [SDMC section 125.0123](#), Findings for a Tentative Map Waiver, the decision maker may approve a Tentative Map Waiver if the decision maker finds that the proposed subdivision complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed subdivision and determined that this is the case.

CONCLUSION

Staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and the regulations of the Land Development Code. Staff has provided draft findings and conditions (Attachment 4) and recommends the Hearing Officer approve the project as proposed.

ALTERNATIVES

1. Approve Tentative Map Waiver No. 2316396 with modifications.
2. Deny Tentative Map Waiver No. 2316396, if the findings required to approve the project cannot be affirmed.

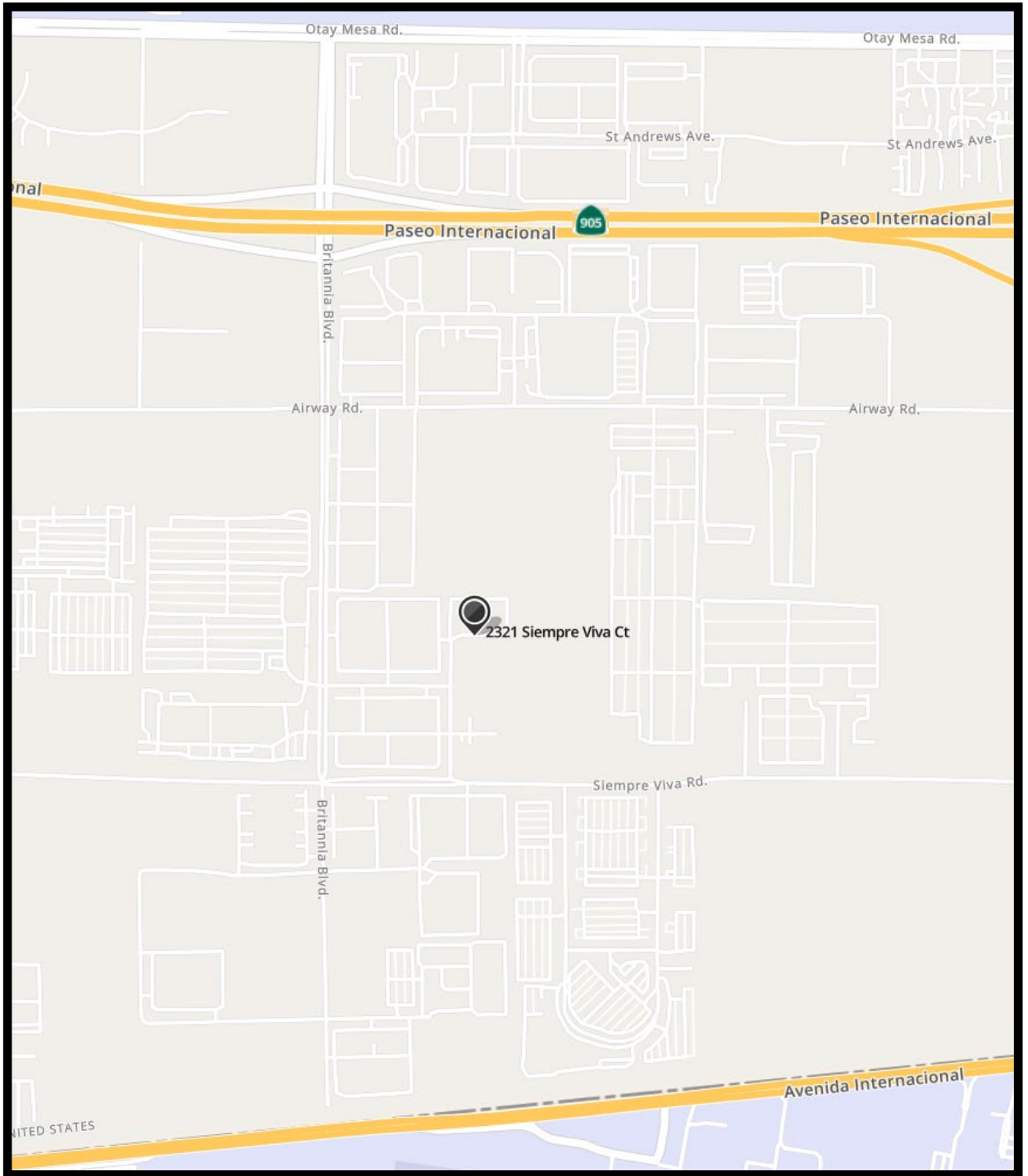
Respectfully submitted,



Travis Cleveland
Development Project Manager

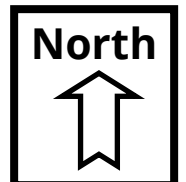
Attachments:

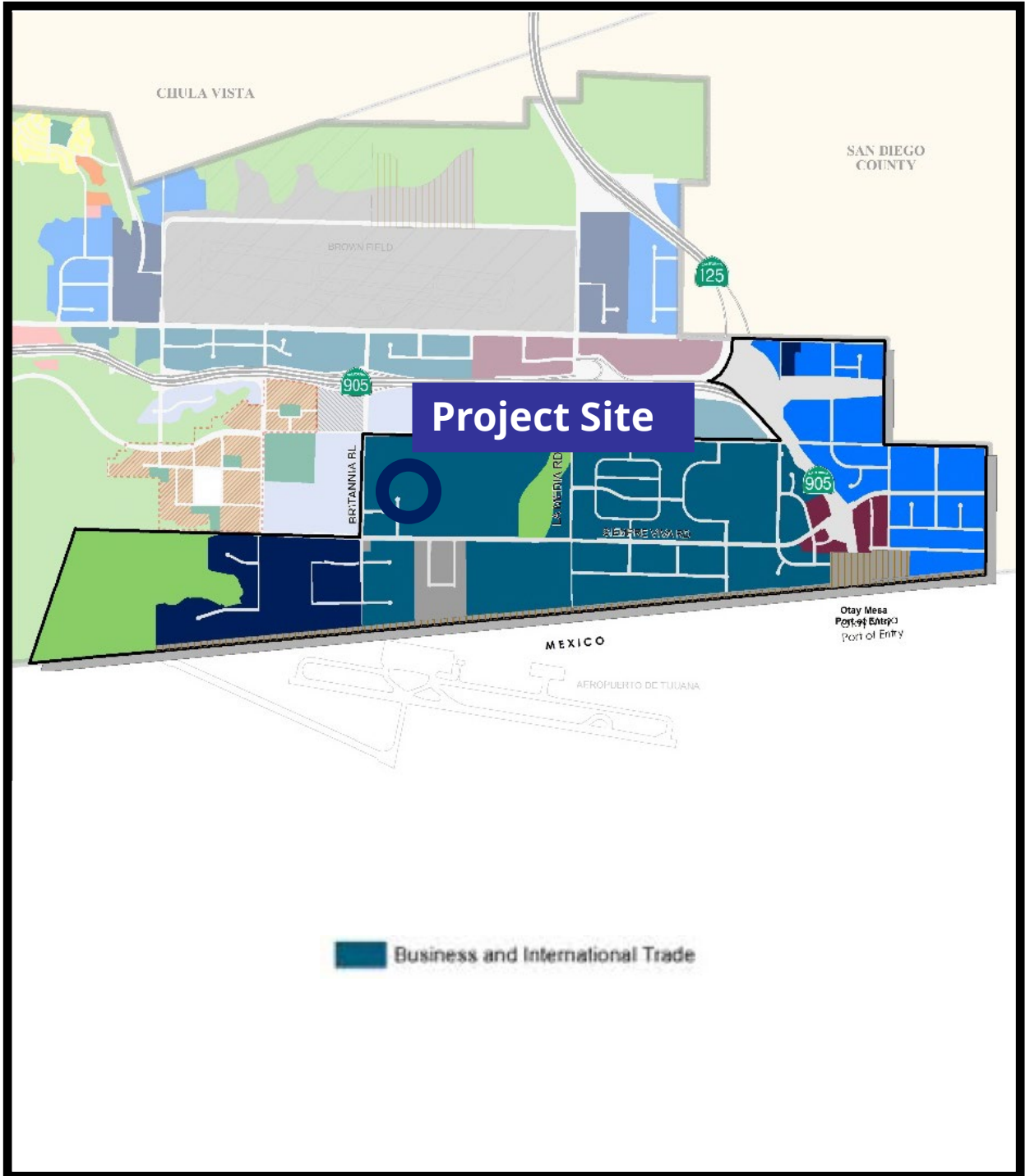
1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Draft Map Resolution with Findings and Conditions
5. Tentative Map Waiver Exhibit
6. Environmental Exemption
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement



Project Location

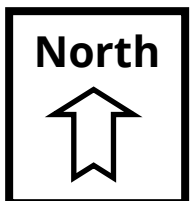
2321 Siempre Viva Court MW, Project No. 632013
2321 Siempre Viva Court





Otay Mesa Land Use Map

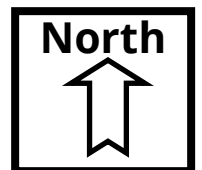
2321 Siempre Viva Court MW, Project No. 632013
2321 Siempre Viva Court





Aerial Photo

2321 Siempre Viva Court MW, Project No. 632013
2321 Siempre Viva Court



HEARING OFFICER RESOLUTION NUMBER HO-_____
TENTATIVE MAP WAIVER 2316396
2321 SIEMPRE VIVA MAP WAIVER – PROJECT NO 632013

WHEREAS, Olive Lane Industrial Park 2 LLC and Palm Industrial Park LLC, Subdividers, and Snipes-Dye Engineering, Engineer, submitted an application to the City of San Diego for Map Waiver 2316396 to waive the requirement for a Tentative Map to create three industrial condominium units, and to waive the requirement to underground existing offsite overhead utilities. The 3.44-acre site is located 2321 Siempre Viva Court, in the IBT-1-1 zone and the Otay Mesa Community Plan, which designates the property International Business and Trade. The property is legally described as: Lot 4 of Britannia Industrial Park, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 15466; and

WHEREAS, the map proposes the subdivision of a 3.44-acre site into one (1) lot for a 3-unit industrial condominium conversion; and

WHEREAS, on October 18, 2022, 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 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; and

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineer pursuant to Subdivision Map Act section 66491(a) and San Diego Municipal Code sections 144.0220(a) and 144.0220(b); and

WHEREAS, the subdivision is a condominium project as defined in California Civil Code section 4125 and filed pursuant to the Subdivision Map Act. The total number of condominium units is three; and

WHEREAS, on December 14, 2022, the Hearing Officer of the City of San Diego considered Map Waiver No. 2316396, including the waiver of the requirement to underground existing offsite overhead utilities, and pursuant to sections 125.0122, 125.0440, and 144.0240 of the San Diego Municipal Code and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Hearing Officer having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Tentative Map Waiver No. 2316396:

A. Findings for a Tentative Map – San Diego Municipal Code (SDMC) Section 125.0440

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.

The 3.44-acre site is located 2321 Siempre Viva Court (Attachment 1), in the IBT-1-1 zone and the Otay Mesa Community Plan, which designates the property International Business and Trade. The map waiver project does not propose any physical development.

By creating ownership opportunities from leasable space, the project is consistent with the Otay Mesa Community Plan goals and policies, including, but not limited to, Policy 5.1-12, Encourage flexible structures that accommodate a range and evolution of permitted industrial and business uses that can quickly respond to changes in the international marketplace, and Policy 5.1-13, Support the development of business parks to allow for office, research and development, and light manufacturing uses.

Therefore, the proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

The project is a subdivision of three industrial units only and does not facilitate any additional development. The industrial buildings were previously approved in compliance with all applicable development regulations.

Future purchasers of the units will be required to observe the zoning requirements in effect at the time of development. The request to waive the requirement to underground existing utilities is appropriate pursuant to San Diego Municipal Code (SDMC) section 144.0242(c)(1)(B) because the conversion involves a short span of overhead facility (less than a full block in length) and would not represent a logical extension to an underground facility, Therefore, the proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code.

3. The site is physically suitable for the type and density of development.

The project is a subdivision only and does not facilitate any additional development. The infill project site is located in a developed area. The project would continue to front on and take access from existing public rights of way. No additional development is proposed with this map waiver. Future operations at the site would be required to comply with Land Development Code Regulations and construction permit requirements. The site is in a developed, urban neighborhood with no watercourses, Environmentally Sensitive Lands (ESL) or Multi-Habitat Planning Area (MHPA) lands located on or adjacent to the site. Therefore, the subdivision to create three condominium units is physically suitable for the type and density of development.

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The project is a subdivision only and does not facilitate any additional development. There are no watercourses, Environmentally Sensitive Lands (ESL) or Multi-Habitat Planning Area (MHPA) lands located on or adjacent to the site, which is surrounded by existing development, previously-graded vacant properties, and/or developed City streets. The project was determined to be exempt from CEQA pursuant to State CEQA Guidelines Section 15301, Existing Facilities. Therefore, the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife on their habitat.

5. The design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare.

This project is in a developed, urban neighborhood and does not propose or facilitate any additional development. The Tentative Map Waiver includes conditions and corresponding exhibits of approval, including installation of public improvements, and payment of applicable taxes to achieve compliance with the regulations of the San Diego Municipal Code.

The developed project site is served by existing utilities and access to the site is provided via existing street. The frontage is developed with existing curb, gutter, and sidewalk that would remain.

Future development would be required to comply with Land Development Code Regulations and Building Permit requirements.

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

The site will continue to be accessed from the existing public street which is developed with existing curb, gutter, and sidewalk and shall close the existing driveway with current city standard sidewalk, curb and gutter, adjacent to the site. Future development would be required to comply with Land Development Code Regulations and Building Permit requirements and there are no existing access easements through the property. Therefore, the design of the subdivision and proposed improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

The proposed condominium subdivision will not impede or inhibit any future passive or natural heating and cooling opportunities. The project proposes no additional development, and future development would be required to comply with Land Development Code Regulations and Building Permit requirements, which include setback and height limitations to ensure adequate natural light and air movement between the future structures. Therefore, the design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources.

The subdivision does not propose additional development; therefore, it is not anticipated to have employment or housing impacts beyond those which have already occurred. Future development on the property would be subject to the underlying zone regulations at the time of the application. The site is served by existing public infrastructure, including developed rights-of-way and utility lines. Impacts to environmental resources would be avoided because the site is in a developed, urban neighborhood and does not contain and is not adjacent to such resources. Therefore, there would be no additional demand for public services or available fiscal and environmental resources associated with the creation of three new condominium units.

That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that based on these Findings adopted by the Hearing Officer, Map Waiver No. 2316396 is hereby granted to Olive Lane Industrial Park 2 LLC and Palm Industrial

ATTACHMENT 4

Park LLC, subject to the attached conditions which are made a part of this resolution by this reference.

By _____
Travis Cleveland
Development Project Manager
Development Services Department

ATTACHMENT: Map Waiver Conditions

Internal Order No. 24008194

HEARING OFFICER
CONDITIONS FOR TENTATIVE MAP WAIVER NO. 2316396
2321 SIEMPRE VIVA COURT MAP WAIVER - PROJECT NO. 632031
ADOPTED BY RESOLUTION NO. HO-_____ ON DECEMBER 14, 2022

GENERAL

1. This Tentative Map Waiver will expire on December 14, 2025.
2. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

ENGINEERING

3. The Subdivider shall ensure that all existing and future onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
4. The Subdivider shall comply with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980. Only those exceptions to the General Conditions which are shown on the Map Waiver and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

5. A Certificate of Compliance (COC) shall be recorded with the County Recorder prior to the expiration date of the Tentative Map Waiver (TMW).
6. Prior to the recordation of the Certificate of Compliance Map, all conditions in the Tentative Map Waiver (TMW) Resolution of Approval must be satisfied.
7. Prior to the recordation of the Certificate of Compliance, taxes must be paid or bonded for this property pursuant to section 66492 of the Subdivision Map Act. A current original tax certificate, recorded in the office of the San Diego County Recorder, must be provided to satisfy this condition.

If a tax bond is required as indicated in the tax certificate, ensure that it is paid or posted at the County Clerk of the Board of Supervisors Office and supply proof prior to the recordation of the Certificate of Compliance.

8. Prior to the issuance of a Certificate of Compliance, City staff will perform a field monument inspection to verify that all property corners are marked with survey monuments. If any of the survey monument are missing, each must be replaced with a new monument, and a Corner Record or Record of Survey (whichever is applicable) shall be filed with the County Recorder pursuant to the Professional Land Surveyors Act. A copy of the filed Corner Record or Record of Survey must be submitted to satisfy this requirement prior to the approval and recordation of the Certificate of Compliance.

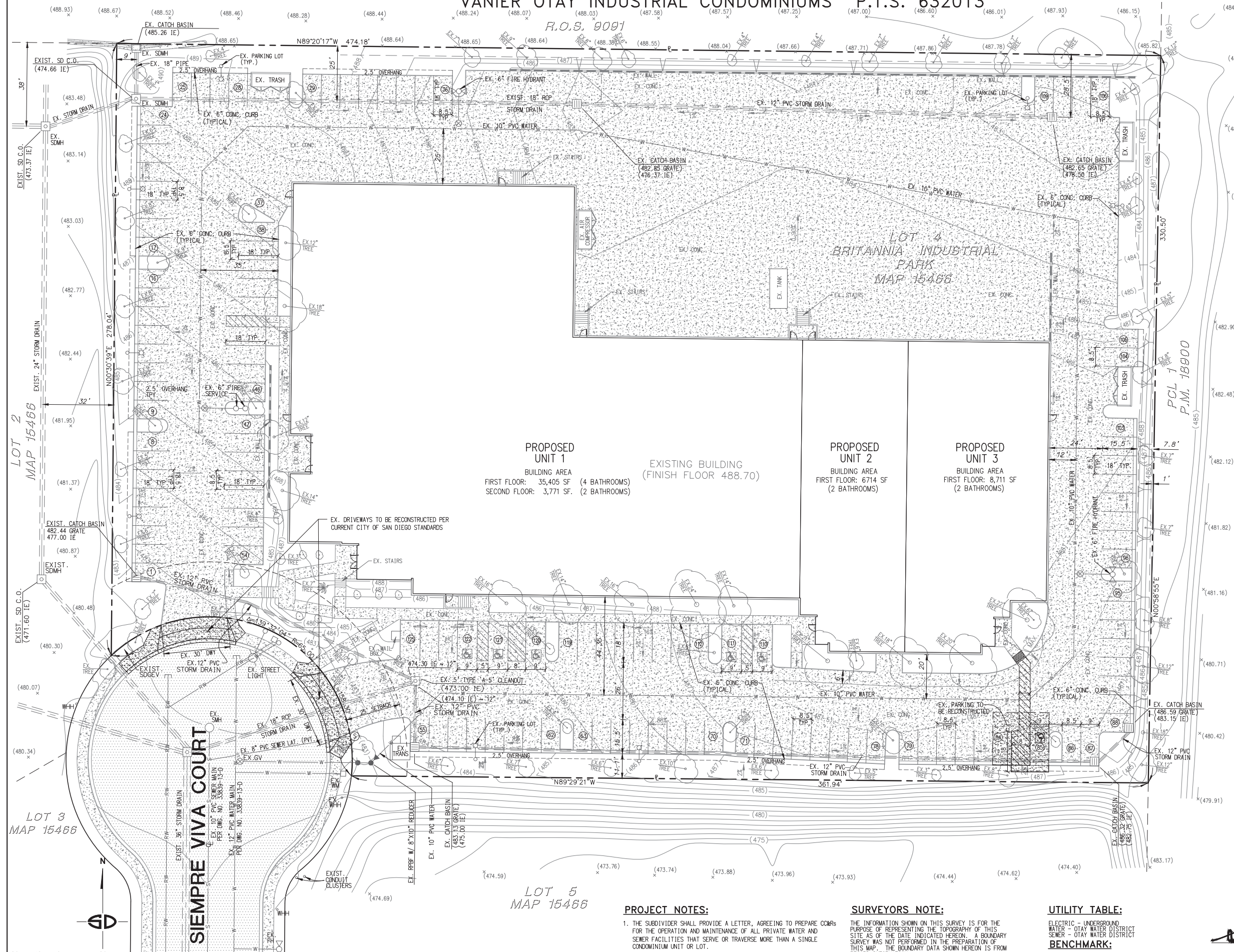
INFORMATION:

- The approval of this Tentative Map Waiver by the Hearing Officer of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Tentative Map Waiver will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map Waiver, may protest the imposition within ninety days of the approval of this Tentative Map Waiver by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Internal Order No. 24008194

TENTATIVE MAP WAIVER NO. 2316396 VANIER OTAY INDUSTRIAL CONDOMINIUMS P.T.S. 632013

R.O.S. 9091



LEGAL DESCRIPTION:
LOT 4 OF BRITANNIA INDUSTRIAL PARK, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 15466, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 2, 2006.

ZONE:
BASE ZONE: IBT-1-1
PLANNED DISTRICT: N/A
COMMUNITY PLAN: OTAY MESA TRANSIT OVERLAY ZONE
AIRPORT INFLUENCE AREA (BROWN FIELD AIRPORT - REVIEW AREA 2)
FAA PART 77 NOTIFICATION AREA (BROWN FIELD AIRPORT)

PROJECT NOTE:
THE PROJECT CONSISTS OF 3 INDUSTRIAL CONDOMINIUM UNITS.

CONDOMINIUM NOTE:
THIS IS A CONDOMINIUM PROJECT AS DEFINED IN SECTION 4125 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT. TOTAL NUMBER OF INDUSTRIAL UNITS IS 3.

THE PROJECT CONSISTS OF 126 OFFSTREET PARKING SPACES

NUMBER OF EXISTING LOTS = 1
NUMBER OF PROPOSED LOTS = 1

EXISTING EASEMENTS:
GRANTED TO: SAN DIEGO GAS & ELECTRIC COMPANY.
PURPOSE: (1) UNDERGROUND ELECTRICAL FACILITIES, AND APPURTENANCES FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY AND (2) UNDERGROUND COMMUNICATION FACILITIES, AND APPURTENANCES, TOGETHER WITH THE RIGHT OF INGRESS THERETO AND EGRESS THEREFROM.

RECORDING DATE: APRIL 5, 2007
RECORDING NO.: 2007-0340304 OF OFFICIAL RECORDS.

THE EXACT LOCATION AND EXTENT OF SAID EASEMENT IS NOT DISCLOSED OF RECORD.
2321 SIEMPRE VIVA COURT - YEAR BUILT 2007
PERMIT NO. 135992 DATED 11-05-2007

PARKING TABULATION:

FIRST FLOOR OFFICE	5,404 SQ FT	1 PER 250 SQ FT	= 21.62
SECOND FLOOR OFFICE	3,771 SQ FT	1 PER 250 SQ FT	= 15.08
MANUFACTURING	22,435 SQ FT	1 PER 400 SQ FT	= 56.09
WAREHOUSE	22,991 SQ FT	1 PER 1000 SQ FT	= 22.99
PARKING REQUIRED			115.78
PARKING PROVIDED			126

HANDICAP STANDARD 5 3.97%
121.96 0.3%

SITE INFORMATION:

LOT AREA	149,845 SQ FT	3.44 ACRES
BUILDING COVERAGE	50,830 SQ FT	33.92%
UPPER FLOOR	3,771 SQ FT	2.52%
TOTAL BLDG COVERAGE	54,601 SQ FT	36.44%
TOTAL UPPER FLOORS	3,771 SQ FT	2.52%
TOTAL BUILDING AREA	58,372 SQ FT	39.46%
LANDSCAPE AREA	73,166 SQ FT	48.83%

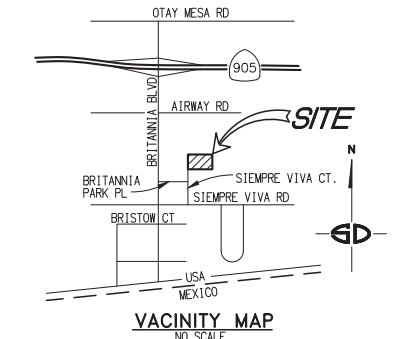
OWNERS:
OLIVE LANE INDUSTRIAL PARK-2 LLC
ATTN: DENIS VANIER
6975 ELAINE WAY
SAN DIEGO, CA 92120
(619) 379-8046
PALM INDUSTRIAL PARK, LLC
ATTN: DENIS VANIER
6975 ELAINE WAY
SAN DIEGO, CA 92120
(619) 379-8046

DENIS VANIER, MEMBER DATE
DENIS VANIER, MANAGER DATE

LEGEND:
--- PROPERTY LINE / TOWN BOUNDARY
--- EXIST. SEWER MAIN
--- EXIST. WATER MAIN
WH - DENOTES WATER HANDHOLE.
WM - DENOTES WATER METER.
SDGEV - DENOTES SAN DIEGO GAS AND ELECTRIC VAULT.
EV - DENOTES ELECTRICAL VAULT.
SDMH - DENOTES STORM DRAIN MANHOLE.
SMH - DENOTES SEWER MANHOLE.
FL - DENOTES FLOW LINE.
IE - DENOTES INVERT ELEVATION.
CB - DENOTES CATCH BASIN.
TG - DENOTES TOP OF GRATE.

TITLE REPORT BY:
LAWYERS TITLE
FILE NO.: 319312957

APN: 646-300-04 P.T.S. 632013



REGISTERED PROFESSIONAL ENGINEER
SON P. NGUYEN
C 86249
Exp. 03-31-23
CIVIL

LICENSED LAND SURVEYOR
WILLIAM A. SNIPES
Exp. 12-31-22
No. 8034
CIVIL

SON P. NGUYEN 4/20/22
WILLIAM A. SNIPES 4/12/22

- PROJECT NOTES:**
- THE SUBDIVIDER SHALL PROVIDE A LETTER, AGREEING TO PREPARE CC&RS FOR THE OPERATION AND MAINTENANCE OF ALL PRIVATE WATER AND SEWER FACILITIES THAT SERVE OR TRAVERSE MORE THAN A SINGLE CONDOMINIUM UNIT OR LOT.
- SURVEYORS NOTE:**
THE INFORMATION SHOWN ON THIS SURVEY IS FOR THE PURPOSE OF REPRESENTING THE TOPOGRAPHY OF THIS SITE AS OF THE DATE INDICATED HEREON. A BOUNDARY SURVEY WAS NOT PERFORMED IN THE PREPARATION OF THIS MAP. THE BOUNDARY DATA SHOWN HEREON IS FROM RECORD INFORMATION.
TOPD BASED ON FIELD SURVEY PERFORMED ON JULY 20, 2007, AND ADDITIONAL FIELD SURVEY PERFORMED ON APRIL 12, 2019.

UTILITY TABLE:

ELECTRIC - UNDERGROUND
WATER - OTAY WATER DISTRICT
SEWER - OTAY WATER DISTRICT

BENCHMARK:
THE NORTHEAST BRASS PLUS LOCATED IN THE TOP OF THE CURB AT THE INTERSECTION OF AIRWAY ROAD AND BRITANNIA BOULEVARD, ELEVATION = 498.428, DATUM NVD 29.



TENTATIVE MAP WAIVER
VANIER OTAY INDUSTRIAL CONDOMINIUMS
2321 SIEMPRE VIVA COURT, SAN DIEGO, CA 92154
8348 CENTER DRIVE, SUITE G, LA MESA, CA 91942-2910 (619) 697-9234, FAX (619) 460-2033

REVISION	DESCRIPTION	DATE	BY	NO
1	GENERAL TREE ADDITIONS	09/20/2022	SDA	1

1 OF 1 SHEETS

NOTICE OF EXEMPTION

(Check one or both)

TO: Recorder/County Clerk
 P.O. Box 1750, MS A-33
 1600 Pacific Hwy, Room 260
 San Diego, CA 92101-2400

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 Name/Number: Digital-Siempre Viva TMW/ 632013

SCH No.: Not Applicable

Project Location-Specific: 2321 Siempre Viva Court, San Diego, CA 92154

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

Description of nature and purpose of the Project: The project proposes a Map Waiver (MW) for creation of three commercial condominiums in an existing building, on a 3.44-acre site. The project site is located in the IBT-1-1 (International Business and Trade) Zone of the Otay Mesa Community Plan, Community Plan Implementation Overlay Zone (CPIOZ A), Airport Land Use Compatibility Overlay Zone, Airport Influence Area (Brown Field, Review Area 2 and the Federal Aviation Administration (Brownfield) Part 77 Notification Area.

Name of Public Agency Approving Project: City of San Diego

Name of Person or Agency Carrying Out Project: Joe Esposito, Estrada Land Planning, 225 Broadway Suite 1160, San Diego, CA 92101, (619) 236-0143.

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: Categorically exempt from CEQA pursuant to CEQA State Guidelines, Section 15301 (Existing Facilities).

Reasons why project is exempt: The City of San Diego conducted an environmental review that determined the project would not have the potential to cause a significant effect on the environment. The project meets the criteria set forth in CEQA Section 15301 which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing facilities (public or private), involving negligible or no expansion of existing use. Further, CEQA Section 15301 (k) includes the subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt. In addition, the exceptions listed in CEQA Section 15300.2 would not apply.

Lead Agency Contact Person: Rhonda Benally

Telephone: (619) 446-5468

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? Yes No

ATTACHMENT 7

It is hereby certified that the City of San Diego has determined the above activity to be exempt from CEQA

 Senior Planner
Signature/Title

November 2, 2022
Date

Check One:

- Signed By Lead Agency
- Signed by Applicant

Date Received for Filing with County Clerk or OPR:

OTAY MESA PLANNING GROUP

MEETING MINUTES, APRIL 15, 2020

OTAY NESTOR LIBRARY

3003 CORONADO AVENUE, SAN DIEGO, CA 92154

Otay Mesa Planning Group Chair, Rob Hixson, called the meeting to order at 3:05 p.m.

Introductions are made.

Members present:	Members absent:
Rob Hixson, Chair	Jimmy Ayala
Ted Shaw – Vice-Chair	Tom Ricotta
Alejandra Mier y Terán	Ronnie Taylor
Clarissa Falcon	Tony Blas
Chris Holder	James Street
Diane Kirma	
Felipe Nuno	
Rita Mahoney	
Rodolfo Jr. Lopez	
Tom Story	
Mark Freed	

Approval of minutes:

December 2019 & January 2020

- **Vote:** A motion was made by R. Mahoney. Story and seconded by. Motion passed (10-0-2) **Yes:** R. Hixson, T. Story, C. Falcon, F. Nuno, J. Street, M. Freed, & A. Mier y Teran, C. Holder, D. Kirma, R. Lopez. **Abstained:** None. **Vote No:** None.

Public Input/Comments on Matters Not on the Agenda:

None.

Chairman's Report:

- Items Received April 2020:
- Elections on hold until further notice.

Government Liaison Report**A. COUNCILMEMBER MORENO'S OFFICE: Gerardo Ramirez**

- 1) On March 12, 2020, the San Diego City Council declared a State of Emergency for the City of San Diego.
- 2) On March 16, 2020, the City Council issued an executive order further limiting gatherings.
- 3) On March 25, 2020, the City Council enacted an eviction moratorium that provides relief to residential and commercial tenants facing financial hardship related to the COVID-19 pandemic.
- 4) The City Council also approved a multimillion-dollar Small Business Relief Fund to support local businesses.
 - a. More than 9,000 applications have been received so far.
 - b. The City is partnering with Cal Coast Cares Foundation and San Diego Grantmakers to expand the Relief Fund program. People can now make tax deductible donations online.

OTAY MESA PLANNING GROUP

MEETING MINUTES, APRIL 15, 2020

OTAY NESTOR LIBRARY

3003 CORONADO AVENUE, SAN DIEGO, CA 92154

- B. MAYOR'S OFFICE:** No report was provided.
- C. SUPERVISOR COX'S OFFICE:** No report was provided.
- D. ASSEMBLY MEMBER LORENA GONZALEZ OFFICE:** No report was provided.
- E. SENATOR HUESOS' OFFICE:** *Claudia Lopez*
 - 1) 6 indicators to help residents of California Road map to see what "Stay at home" means.
 - 2) Provide weekly resources – Small business round table. Please send me any questions
 - 3) Senior focus teleconference next week.
 - 4) Possible reopen of Senate offices May 4th.
- F. POLICE DEPARTMENT:** No report was provided.
- G. FIRE DEPARTMENT:** No report was provided.
- H. IMMIGRATION & CUSTOMS DEPARTMENT:** No report was provided.
- I. CITY ATTORNEY'S OFFICE:** No report was provided.

Monthly Report:**A. CPC- (Mark Freed, Business Representative):****CPC January 2020 Meeting Agenda:** <https://www.sandiego.gov/sites/default/files/cpcagenda200128.pdf>**CPC January 2020 Meeting Minutes:** <https://www.sandiego.gov/sites/default/files/200128minutescpc.pdf>

Topics –

1. (Information Item #6) PRELIMINARY LEGAL ANALYSIS OF CITY COUNCIL POLICY 600-24 RELATED TO COMMUNITY PLANNING GROUPS. (See CPG PPT attached and RC-2019-9 -Related report from City Attorney's office)
2. (Information Item #7) SDG&E FRANCHISE AGREEMENT RENEWAL. (See attached SDGE Community Planners Committee Presentation)
3. (Information Item #8) SAN DIEGO ENERGY FRANCHISE AGREEMENTS-LET'S GET A BETTER DEAL FOR SAN DIEGO
4. (Information Item #9) PLANNING DEPARTMENT SURVEY ON CPG'S.
5. (Information Item #10) DISCUSSION OF CA SENATE BILL 50

CPC February 2020 Meeting Agenda: (See attached cpcagenda200225)**CPC February 2020 Meeting Minutes:** (Pending Issuance)

Topics –

(Information Item #6)

1. Franchise Fee Workshop Presentation - <https://documentcloud.adobe.com/link/track?uri=urn%3Aaaid%3Asc%3AUS%3A9c5ad643-00fd-4229-8ff2-9a9e4ccc589c&pageNum=1>
2. Understanding Your Electric Bill - <https://documentcloud.adobe.com/link/track?uri=urn%3Aaaid%3Asc%3AUS%3A90f5428b-0995-4c0f-bc4d-c2df89bf07ca&pageNum=1>
3. SDGE requests that if you are so inclined, that you might complete the Survey at this Link after watching the presentations above: <https://www.surveymonkey.com/r/KP6TDQN>

CPC March 2020 Meeting Notice of Adjournment: https://www.sandiego.gov/sites/default/files/cpcadjourned-notice_03-24-20.pdf**Other documents submitted to the CPC for circulation since meetings have been suspended:**

OTAY MESA PLANNING GROUP

MEETING MINUTES, APRIL 15, 2020

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1. Circulate San Diego On CPG Reforms
- https://d3n8a8pro7vhmx.cloudfront.net/circulatesd/pages/1277/attachments/original/1583443780/Memo_on_Options_for_CPG_Reform_-_2020-03-05.pdf?1583443780
2. E_COW link - <https://www.sandiego.gov/planning/community/resources>
3. Land Development Code Update Requests (ad hoc CMT, TAC) link - <https://www.sandiego.gov/planning/programs/land-development-code/lcd-update-request>.
This link provides an opportunity for all interested parties to present potential Land Use Code revisions to be considered for the next Land Development Code Update.

B. Southwest Village Committee - (Felipe Nuno, Resident)

- Subcommittee has been meeting since May 2018 – January 2020
- 20 Subcommittee meetings with three evening workshops. Each meeting focus' on the Specific Plan
- Key topics; process, outdoor public spaces, schools, parks, housing, utilities, etc.
- August 2018 the Planning Commission provided feedback to be incorporated in the plan and process
- January 15th Project Team presented to the quorum and received a recommendation for approval.
- The SWV is in its Environmental review phase.
- Another Planning Commission workshop will be held soon. The city will let us know when they will have the Planning Commission Workshop
- Significant changes to the plan aren't expected. The plan will come back before the subcommittee and see what changes were made. But, we aren't expecting any changes.
- If there aren't changes, it will be heard by the Otay Mesa Planning Group in advance.

C. Border Transportation - (Alejandra Mier y Teran, Property Owner)

- No current wait times at the cargo crossing.
- Otay is up and running.
- Passenger ports, PED West is closed. East is open. Lanes have been reduced in San Ysidro, not Otay Mesa.
- Construction on SR-11 moving along.
- Enrico Fermi is still closed, but trucks can able to pass via their detour. Caltrans is working on adapting the street signal at Otay Mesa Road and Enrico Fermi.
- Traffic issue with the detention facilities at certain peak times
- Mario Orso mentioned that the way the Amazon developers are planning the storm drains could eventually that water would be released to the La Media/Airway intersection.
- This is something we should bring up with the city and the county of San Diego. They may end up approving a project that will later end up flooded.
- I will email Michael de la Rosa.
- Before the start of COVID-19 the City stopped pumping the water at that intersection. The City is now saying that they reviewed the issue again and now they believe it is Caltrans fault. The City disagrees.
- The city has developed a municipal water ways plan. It is going to Planning Commission then City council, if anyone wants to comment on it (Clarissa Falcon).

D. La Media Truck Route- (David Wick, Property Owner)

- Enrico Fermi West to Sanyo Rd. is in very bad condition. Very imperative to get this repaired.
- Open to an interim solution.
- La Media meeting April 2nd meeting canceled. No new meeting set yet.

OTAY MESA PLANNING GROUP

MEETING MINUTES, APRIL 15, 2020

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-
- La Media road handouts provided March 18th were informative on the cost of the project. The project has increased from \$33M to \$42.7M. \$5M for real estate to address right-a-ways.
- E. San Diego Airport Advisory Committee - (Clarissa Falcon, Metropolitan Airpark)**
- COVID-19 has not been friendly to airports. Federal funding will be available to Montgomery and Brownfield.
 - COVID-19 has impacted CBX. Trying to limit all expenditures.
- F. Code Enforcement – Nothing reported.**
- G. Chamber Update- Alejandra Mier y Teran:**
- Trying to keep members up to date with webinars.
 - Having a webinar tomorrow on SBA funding, in Spanish.
 - We are moving Mexport to a virtual trade show. A website will be ready soon and will email the link.
 - Please send me any additional resources that we can post on our website.
- H. East Otay Mesa Property Owner's Association Update – (David Wick, Property Owner)**
- Fence being built over Otay Mountain by government.
- I. La Media West Wetlands - Nothing reported.**

Informational Items:

None.

Action Items:**Motion:** 2321 Siempre Viva Court Outlet CUP/TMW- Project No. 632013**Presented by:** Joe Esposito, Estrada Land Planning

Vote: A motion was made by F. Nuno and seconded by T. Story to postpone this project. The project will need to come back, if something opens up. Motion (0-0-11). **Yes:** None. **Abstained:** None. **No:** R. Hixson, T. Shaw, D. Kirma, T. Story, C. Falcon, F. Nuno, M. Freed, A. Mier y Teran, & C. Holder.

Public Comment: Kelly McCormick – The Otay Mesa Planning Group would be wise to postpone or deny this application for several reasons. The district has already approved four marijuana outlets, which is the limit. The city of San Diego does not maintain a waiting list, and neither should the Planning Group. The project does not have a CEQA review. The negative impacts to other businesses due to the marijuana outlets has been evident. Please include the increase traffic to your facility.

Resolved: No.**Closing remarks:**

Thank you.

Old Business:


No old business.

Meeting adjourned at 3:59 p.m. by Rob Hixson, Planning Group Chair.

In the office of the Secretary of State of the State of California

OCT 15, 2018

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 Secretary of State Statement of Information (Limited Liability Company)	LLC-12
	<p>IMPORTANT — Read instructions before completing this form.</p> <p>Filing Fee – \$20.00</p> <p>Copy Fees – First page \$1.00; each attachment page \$0.50; Certification Fee - \$5.00 plus copy fees</p>
1. Limited Liability Company Name (Enter the exact name of the LLC. If you registered in California using an alternate name, see instructions.) OLIVE LANE INDUSTRIAL PARK - 2, LLC	
2. 12-Digit Secretary of State File Number 201635110094	3. State, Foreign Country or Place of Organization (only if formed outside of California) CALIFORNIA

4. Business Addresses

a. Street Address of Principal Office - Do not list a P.O. Box 6975 elaine way	City (no abbreviations) san diego	State CA	Zip Code 92120
b. Mailing Address of LLC, if different than item 4a 6975 elaine way	City (no abbreviations) san diego	State CA	Zip Code 92120
c. Street Address of California Office, if Item 4a is not in California - Do not list a P.O. Box 6975 elaine way	City (no abbreviations) san diego	State CA	Zip Code 92120

5. Manager(s) or Member(s) If no **managers** have been appointed or elected, provide the name and address of each **member**. At least one name **and** address must be listed. If the manager/member is an individual, complete Items 5a and 5c (leave Item 5b blank). If the manager/member is an entity, complete Items 5b and 5c (leave Item 5a blank). Note: The LLC cannot serve as its own manager or member. If the LLC has additional managers/members, enter the name(s) and addresses on Form LLC-12A (see instructions).

a. First Name, if an individual - Do not complete Item 5b Andre	Middle Name	Last Name Vanier	Suffix Mr
b. Entity Name - Do not complete Item 5a			
c. Address PO Box 636	City (no abbreviations) La Mesa	State CA	Zip Code 91944

6. Service of Process (Must provide either Individual OR Corporation.)
INDIVIDUAL – Complete Items 6a and 6b only. Must include agent’s full name and California street address.

a. California Agent's First Name (if agent is not a corporation) Andre	Middle Name Denis	Last Name Vanier	Suffix Mr
b. Street Address (if agent is not a corporation) - Do not enter a P.O. Box 6975 Elaine Way	City (no abbreviations) San Diego	State CA	Zip Code 92120

CORPORATION – Complete Item 6c only. Only include the name of the registered agent Corporation.

c. California Registered Corporate Agent’s Name (if agent is a corporation) – Do not complete Item 6a or 6b

7. Type of Business

a. Describe the type of business or services of the Limited Liability Company
Real Estate

8. Chief Executive Officer, if elected or appointed

a. First Name	Middle Name	Last Name	Suffix
b. Address	City (no abbreviations)		State Zip Code

9. The Information contained herein, including any attachments, is true and correct.

10/15/2018	denis kieran vanier Mr	Director	
Date	Type or Print Name of Person Completing the Form	Title	Signature

Return Address (Optional) (For communication from the Secretary of State related to this document, or if purchasing a copy of the filed document enter the name of a person or company and the mailing address. This information will become public when filed. [SEE INSTRUCTIONS](#) BEFORE COMPLETING.)

Name: []

Company:

Address:

City/State/Zip: []

22-A69090

FILEDIn the office of the Secretary of State
of the State of California

JAN 31, 2022

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**Secretary of State**
Statement of Information
(Limited Liability Company)

LLC-12

IMPORTANT — This form can be filed online at
bizfile.sos.ca.gov.[Read instructions](#) before completing this form.**Filing Fee - \$20.00****Copy Fees** - First page \$1.00; each attachment page \$0.50;
Certification Fee - \$5.00 plus copy fees**1. Limited Liability Company Name** (Enter the **exact** name of the LLC. If you registered in California using an alternate name, [see instructions](#).)

PALM INDUSTRIAL PARK, LLC

2. 12-Digit Secretary of State Entity Number

201135710087

3. State, Foreign Country or Place of Organization (only if formed outside of California)

CALIFORNIA

4. Business Addresses

a. Street Address of Principal Office - Do not list a P.O. Box	City (no abbreviations)	State	Zip Code
6975 elaine way	San Diego	CA	91920
b. Mailing Address of LLC, if different than item 4a	City (no abbreviations)	State	Zip Code
P.O. Box 3124	La Mesa	CA	91944
c. Street Address of California Office, if Item 4a is not in California Do not list a P.O. Box	City (no abbreviations)	State	Zip Code
6975 elaine way	San Diego	CA	91920

5. Manager(s) or Member(s)

If no managers have been appointed or elected, provide the name and address of each member. At least one name and address must be listed. If the manager/member is an individual, complete Items 5a and 5c (leave Item 5b blank). If the manager/member is an additional managers/members, enter the names(s) and address(es) on [Form LLC-12A](#).

a. First Name, if an individual - Do not complete Item 5b	Middle Name	Last Name	Suffix
Andre		Vanier	
b. Entity Name - Do not complete Item 5a			
c. Address	City (no abbreviations)	State	Zip Code
6975 Elaine Way	San Diego	CA	92120

6. Service of Process (Must provide either Individual **OR** Corporation.)

INDIVIDUAL – Complete Items 6a and 6b only. Must include agent’s full name and California street address.

a. California Agent's First Name (if agent is not a corporation) Andre	Middle Name	Last Name Vanier	Suffix
b. Street Address (if agent is not a corporation) - Do not enter a P.O. Box 6975 Elaine Way	City (no abbreviations) San Diego	State CA	Zip Code 92120

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7. Type of Business

Describe the type of business or services of the Limited Liability Company Real Estate

8. Chief Executive Officer, if elected or appointed

a. First Name	Middle Name	Last Name	Suffix
b. Address	City (no abbreviations)	State	Zip Code

9. Labor Judgment

Does a Manager or Member have an outstanding final judgment issued by the Division of Labor Standards Enforcement or a court of law, for which no appeal therefrom is pending, for the violation of any wage order or provision of the Labor Code?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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10. By signing, I affirm under penalty of perjury that the information herein is true and correct and that I am authorized by California law to sign.

01/31/2022 dinoo Vanier Secretary

 Date Type or Print Name Title Signature