

THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: July 3, 2019

REPORT NO. HO-19-064

- HEARING DATE: July 10, 2019
- SUBJECT: FLC CUP, Process Three Decision
- PROJECT NUMBER: <u>591479</u>
- OWNER/APPLICANT: Scripps BRB, Scripps CMH, Owner Family Life Pentecostals of Poway, Applicant

SUMMARY

<u>Issue:</u> Should the Hearing Officer approve religious assembly use for a church to conduct operations within an existing light-industrial office building located at 10695 Treena Street within the Scripps Miramar Ranch Community Plan area?

<u>Staff Recommendation</u>: Approve Conditional Use Permit No. 2086605 (Amending Conditional Use Permit No. 285177).

<u>Community Planning Group Recommendation</u>: On March 6, 2018, the Scripps Miramar Ranch Community Planning Group voted 17-0-0 to recommend approval of the proposed project without conditions/recommendations (Attachment 8).

<u>Environmental Review</u>: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA section 15301, which allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing facilities (public or private). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on March 13, 2019, and the opportunity to appeal that determination ended March 27, 2019.

BACKGROUND

The site is located in a developed area currently served by existing public services and utilities. The project site is designated Industrial Park (IP) within the Scripps Miramar Ranch Community Plan (Attachment 2). The project site is in the in the IP-2-1 Zone, Airport FAA Part 77 Noticing Area (MCAS Miramar Airport), and within the Scripps Miramar Ranch Community Plan area. The Industrial Park

designation is intended for manufacturing, research and development, laboratories, offices, industrial services, incubator industry and business uses, and support commercial and retail uses. The IP Zones are intended to permit a range of uses, including nonindustrial uses in some instances. Specifically, the IP-2-1 Zone allows a mix of light industrial, office, and commercial uses. Surrounding properties are also zoned IP-2-1 and designated Industrial Park by the Scripps Miramar Ranch Pines Community Plan and developed with mix of industrial, wholesale, commercial, and light industrial office uses.

The building was constructed in 1985. On August 8, 2017, Conditional Use Permit No. 285177 was approved by the Hearing Officer to allow Family Life Christian (FLC) to operate a church and school within the 11,549 square-foot tenant space, Suite 101(Attachment 7).

DISCUSSION

The project is a request to amend and extend Conditional Use Permit No. 285177 to operate a church with religious assembly use within 11,549 square feet, of an existing 44,293 square-foot, two-story building located on a 0.369-acre site at 10695 Treena Street, Suite 101 (Attachment 1).

The project proposes to continue to operate a church with religious assembly use within office suites totaling 11,549 square feet of interior floor area within an existing 44,293 square-foot, two-story building. This use has occupied this building since 2004, and this project does not propose any further tenant improvements to accommodate the proposed use. No exterior building alterations would occur.

FLC office is open from 9:00 AM to 5:00 PM Monday through Friday. FLCF intends to gather in religious assembly and religious educational classes on Sunday from 8:00 AM to 12:00 PM.

The project site has a total of 169 off-street parking spaces. The proposed Church Facility as an office use Monday thru Friday requires seven (7) parking spaces and the religious assembly and religious classes on Sunday requires a minimum of 73 off-street spaces. Since the peak parking demand occurs on Sundays when the other light industrial uses are closed the required off-street parking demand can be accommodated.

The previous Conditional Use Approval included a school use for grades second through twelfth, which operated between 7:30 AM to 4:00 PM Monday thru Friday, for up to 72 students. This school use is no longer a part of this Conditional Use Permit proposal. Besides the change to eliminate the school use from the Conditional Use Permit, the proposed use, hours of operation, and required off-street parking will remain

The amended and extended Conditional Use Permit will allow the Church to operate an additional ten years. The proposed Church Facility, is an allowed use through an approved Conditional Use Permit. This Conditional Use Permit limits the hours of operation in a manner to make this use function in harmony with neighboring uses, allowing it to function like other business and commercial uses allowed in the IP-2-1 Zone, and is consistent with the Industrial Park land use designation.

Process Approval

The project is a request to amend the previous Conditional Use Permit pursuant to San Diego Municipal Code (SDMC) Section 126.0113, amending Conditional Use Permit No. 285177.

Community Plan Analysis

The Scripps Miramar Ranch Community (SMRC) plan designates this site as Industrial Park use. Existing uses surrounding the site are composed mainly of light industrial or office use, with several other educational or institutional uses dispersed throughout the vicinity. The building is located in a tenant mix of light industrial and professional office uses. The proposed project meets a number of the stated goals of the SMRC plan. This project helps contribute to the community by being part of the quality education and cultural opportunities through greater community interaction with local institutions. Also by utilizing the existing light-industrial office buildings, it contributes to ensure the optimal and most efficient social and economic use of human and physical resources. The proposed project meets the goals and policies outlined in the SMRC plan and therefore, the proposed project will not adversely affect the applicable land use plan.

Conclusion:

City staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted regulations of the Land Development Code. The project complies with all development regulations of the IP-2-1 Zone and no deviations are requested. Staff has provided draft findings (Attachment 4) to support the proposed development and draft conditions of approval (Attachment 5). Staff is recommending the Hearing Officer approve the Project as presented.

ALTERNATIVES

- Approve Conditional Use Permit No. 2086605 (Amending Conditional Use Permit No. 285177), with modifications.
- 2. Deny Conditional Use Permit No. 2086605, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Glenn R. Gargas, Development Project Manager

Attachments:

- 1. Project Location Map
- 2. Community Plan Land Use Map
- 3. Aerial Photograph
- 4. Draft Resolution with Findings
- 5. Draft Permit with Conditions

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6. Environmental Exemption

7. Copy of previously Approved/Recorded CUP No. 285177

8. Community Planning Group Recommendation

9. Ownership Disclosure Statement

10. Project Plans











North

ATTACHMENT 3

HEARING OFFICER RESOLUTION NO. _____ CONDITIONAL USE PERMIT NO. 2086605 FLC CUP - PROJECT NO. 591479 AMENDMENT TO CONDITIONAL USE PERMIT NO. 285177

WHEREAS, Scripps BRB, Scripps CMH, Owner, and Family Life Pentecostals of Poway, Permittee, filed an application with the City of San Diego for a Conditional Use Permit Amendment to allow operation of an Church Facility with religious assembly use within an existing light industrial office building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2086605), on portions of a 3.69-acre property;

WHEREAS, the project site is located at 10695 Treena Street, in the IP-2-1 Zone, Airport FAA Part 77 Noticing Area (MCAS Miramar) and within the Scripps Miramar Ranch Community Plan area;

WHEREAS, the project site is legally described as Lots 5 to 15, inclusive, Scripps Mesa Center Unit No. 3, according to Map No. 7484, City of San Diego, County of San Diego, State of California, Filed in the Office of County Recorder of San Diego County May 30, 1979;

WHEREAS, on March 13, 2019, 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, which allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing facilities (public or private), and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

WHEREAS, on July 10, 2019, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2086605, pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

2.

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following

findings with respect to Conditional Use Permit No. 2086605:

A. <u>CONDITIONAL USE PERMIT SDMC Section 126.0305</u>

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

The proposed project is located in an area where the community plan designates this site and the surrounding areas similarly zoned as Industrial Park use. Existing uses surrounding the site are composed mainly of light industrial or office use, with several other educational or institutional uses dispersed throughout the vicinity. The building containing the proposed use is located in a multi-tenant mix of light industrial and professional office uses.

The project implements the Scripps Miramar Ranch Community Plan, which is the adopted Community Plan for this area. The proposed project meets a number of the goals stated in the Community Plan. This project helps contribute to the community by being part of the quality education and cultural opportunities through greater community interaction with local institutions. Also by utilizing the existing lightindustrial office buildings, it contributes to ensure the optimal and most efficient social and economic use of human and physical resources.

The church's hours of operation of office use are 9:00 AM to 5:00 PM Monday thru Friday. The church's hours of operation of religious assembly use and religious educational classes are 8:00 AM to 12:00 PM Sundays. The project site has a total of 169 off-street parking spaces. The proposed Church Facility as an office use Monday through Friday requires seven (7) parking spaces and the religious assembly and religious classes on Sunday's requires a minimum of 73-off-street spaces. Since the peak parking demand occurs on Sundays when the other neighboring light industrial uses are closed the required off-street parking demand can be accommodated. The church facility with religious assembly use, with the Conditional Use Permit approval as proposed will not adversely affect the Scripps Miramar Ranch Community Plan.

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

The proposed operation of an Church Facility with religious assembly use within an existing light industrial office complex has been designed to comply with all the applicable development regulations, including those of the IP-2-1 Zone. The Environmental Analysis Section conducted an environmental review of this site and determined that, in accordance with the California Environmental Quality Act

Guidelines Section 15301, which allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing facilities (public or private). The environmental analysis did not find any significant impacts to public health and safety. The project will not have any impact on the provision of essential public services. The proposed project will utilize the existing public sidewalks, internal walkways and driveways, which were found adequate for public health and safety. The project will not be detrimental to public health, safety and welfare in that the permit controlling the development contains specific conditions addressing compliance with the City's codes, policies, regulations and other regional, state, and federal regulations to prevent detrimental impacts to the health, safety and general welfare. Conditions of approval require the review and approval of all construction or public improvement plans, if needed now or in the future by staff prior to construction to determine the construction of the project will comply with all regulations. The construction will be inspected by certified building and engineering inspectors to assure construction is in accordance with the approved plans and with all regulations. Therefore, the project will not be detrimental to the public health, safety, and welfare.

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

The proposed project is a request for a Conditional Use Permit Amendment to continue to operate a Church Facility with religious assembly use within 11,549 square feet (Suite 101) of an existing 44,293 square-foot, two story light industrial building. The 3.69-acre project site is in the IP-2-1 Zone. The project does not propose any further construction or tenant improvements to accommodate operations. Because the light industrial office complex is existing, the complex has existing outdoor amenities for employees or visitors such as landscaped areas with benches and tables, refuse collection, and ample off-street parking. The church's hours of operation of office use are 9:00 AM to 5:00 PM Monday thru Friday. The church's hours of operation of religious assembly use and religious educational classes are 8:00 AM to 12:00 PM Sundays. The project site has a total of 169 off-street parking spaces. The proposed Church Facility as an office use Monday through Friday requires seven (7) parking spaces and the religious assembly and religious classes on Sunday's requires a minimum of 73-off-street spaces. Since the peak parking demand occurs on Sundays when the other light industrial uses are closed the required off-street parking demand can be accommodated and complies with San Diego Municipal Code requirements.

Church use is allowed in the IP-2-1 Zone with an approved Conditional Use Permit. The proposed Church Facility is consistent with all land development regulations relevant for the site and the use and no deviations are requested or required. Therefore, the proposed Educational Facility will comply with the regulations of the Land Development Code.

3.

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

The Church Facility use is proposed within 11,549 square feet (Suite 101) of an existing 44,293 square-foot, two story building located at 10695 Treena Street. The project site is in the IL-2-1 Zone of the Scripps Miramar Ranch Community Plan. The project site is designated Industrial Park per the Scripps Miramar Ranch Community Plan. The Industrial designation is intended for manufacturing, research and development, laboratories, offices, industrial services, incubator industry and business uses, and support commercial and retail uses

The IL Zones are intended to permit a range of uses, including non-industrial uses in some instances. The purpose and intent of the IP-2-1 Zone is to accommodate a range of industrial and manufacturing activities in designated areas to promote balanced land use and provide flexibility in the design of new and redeveloped industrial projects, while assuring high quality development and protecting land for industrial uses and limiting nonindustrial uses. Specifically, the IP-2-1 Zone allows a mix of light industrial, office, and commercial uses.

The proposed Church Facility with religious assembly use, is a compatible use for this location with a Conditional Use Permit as proposed and is consistent with all land development regulations relevant for the site and the use and no deviations are requested or required. The proposed project is consistent with the Industrial Park designation of the Scripps Miramar Ranch Community Plan. Therefore, the proposed Church Facility is an appropriate use at the proposed location.

The above findings are supported by the minutes, maps and exhibits, all of which are

incorporated herein by this reference.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 2086605, 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. 2086605, a copy of which is attached hereto and made a part hereof.

Glenn R. Gargas Development Project Manager Development Services

Adopted on: July 10, 2019

IO#: 24007670

fm 7-17-17

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

INTERNAL ORDER NUMBER: 24007670

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2086605 FLC CUP - PROJECT NO. 591479

AN AMENDMENT TO CONDITIONAL USE PERMIT NO. 285177 HEARING OFFICER

This Conditional Use Permit, an amendment to Conditional Use Permit No. 285177, is granted by the Hearing Officer of the City of San Diego to Scripps BRB, Scripps CMH, Owner, and Family Life Pentecostals of Poway, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0303. The 3.69-acre site is located at 10695 Treena Street, in the IP-2-1 Zone, Airport FAA Part 77 Noticing Area (MCAS Miramar) and within the Scripps Miramar Ranch Community Plan area. The project site is legally described as: Lots 5 to 15, inclusive, Scripps Mesa Center Unit No. 3, according to Map No. 7484, City of San Diego, County of San Diego, State of California, Filed in the Office of County Recorder of San Diego County May 30, 1979.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to allow operation of a Church Facility within an existing light industrial office building described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated July 10, 2019, on file in the Development Services Department.

The project shall include:

- a. Allow the operation of a 11,549-square-foot church facility with religious assembly use within an existing 44,293-square foot, two-story building. The church office hours of operation are 9:00 AM to 5:00 PM Monday thru Friday. The hours of operation for church religious assembly services and religious educational classes is 8:00 AM to 12:00 PM on Sundays;
- b. Existing Off-street parking;
- c. Existing walkways and exterior lighting; 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 July 24, 2022.

2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:

a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and

b. The Permit is recorded in the Office of the San Diego County Recorder.

3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.

4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

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

6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

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

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" 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, 10. 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.

CLIMATE ACTION PLAN REQUIREMENTS:

11. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

PLANNING/DESIGN REQUIREMENTS:

12. This Conditional Use Permit and corresponding use of this site shall expire in ten years from this permit's effective date. Prior to expiration, the Owner/Permittee may submit an application for an Amendment to this Conditional Use Permit for consideration of the continued use at this location.

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

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

TRANSPORTATION REQUIREMENTS

15. The automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing authorized by the appropriate City decision maker in accordance with the SDMC.

16. The church religious assembly use shall be restricted to the following hours of operation: 8:00AM-12:00PM on Sundays.

INFORMATION ONLY:

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

APPROVED by the Hearing Officer of the City of San Diego on July 10, 2019, by Resolution No.

Permit Type/PTS Approval No.: CUP No. 2086605 Date of Approval: July 10, 2019

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Glenn R. Gargas Development Project Manager

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

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

Scripps BRB, Scripps CMH Owner

By _____ Ryan Denk

Family Life Pentecostals of Poway Permittee

Ву ___

Robert Nygro

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

NOTICE OF EXEMPTION

FROM:

ATTACHMENT 6

(Check one or both)

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TO:

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

Office of Planning and Research 1400 Tenth Street, Room 121 Sacramento, CA 95814

SCH No.: N/A

1222 First Avenue, MS 501

San Diego, CA 92101

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Development Services Department

City of San Diego

Project Name/Number: FLC CUP / 591479

Project Location-Specific: 10695 Treena Street, Unit 101, San Diego, CA 92131

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

Description of nature and purpose of the Project: The project requests a Conditional Use Permit (CUP) to extend CUP No. 89240 to allow an existing church to continue operating within Suite 101, comprising of an operational area of 11,549-square-feet. This would be contained within an existing two-story 44,293-square-foot building located at 10695 Treena Street. The 3.69-acre site is designated industrial Park per the Scripps Miramar Ranch Community Plan and is subject to the IP-2-1 zoning requirements. The project is also subject to Airport Influence Area – MCAS Miramar (Review Area 2), Airport FAA Part 77 Noticing Area (MCAS Miramar), Transit Priority Area, and Council District 5.

Name of Public Agency Approving Project: City of San Diego

Name of Person or Agency Carrying Out Project: Robert Nigro

9899 Hibert St, Ste C San Diego, CA 92131 (858) 663-4170

Exempt Status: (CHECK ONE)

- () Ministerial (Sec. 21080(b)(1); 15268);
- () Declared Emergency (Sec. 21080(b)(3); 15269(a));
- () Emergency Project (Sec. 21080(b)(4); 15269 (b)(c))
- (X) Categorical Exemption: CEQA State Guidelines Section 15301, Existing Facilities

Reasons why project is exempt: The City conducted an environmental review which determined that the proposed project is exempt from CEQA pursuant to CEQA Guidelines Section 15301, which allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing facilities (public or private), involving negligible or no expansion of existing or former use. The proposed project, as included in the Project Description of this notice, is not an expansion of use for the church is currently existing. No environmental impacts were identified for the proposed project. Additionally, none of the exceptions described in CEQA Guidelines Section 15300.2 apply.

Lead Agency Contact Person: Rachael Lindquist

Telephone: (619) 446-5129

Revised May 2018

If filed by applicant:

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

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

Sr. Planner Signature/Title

June 24, 2019

Date Received for Filing with County Clerk or OPR:

Date

Check One: (X) Signed By Lead Agency () Signed by Applicant

Revised May 2018

THE ORIGINAL OF THIS DOCUMENT WAS RECORDED ON AUG 24, 2007 DOCUMENT NUMBER 2007-0564191 GREGORY J. SMITH, COUNTY RECORDER SAN DIEGO COUNTY RECORDER'S OFFICE TIME: 12:06 PM

ORIGINAL

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

WHEN RECORDED MAIL TO PROJECT MANAGEMENT PERMIT CLERK MAIL STATION 501

JOB ORDER NUMBER: 42-5597

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 285177 SIERRA ACADEMY – PROJECT NO. 89240 HEARING OFFICER

This Conditional Use Permit No. 285177 is granted by the Hearing Officer of the City of San Diego to CAL-MIRA MESA LIMITED, A CALIFORNIA LIMITED LIABILITY PARTNERSHIP, Owner and SIERRA ACADEMY, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126,0301. The 3.69 acre site is located at 10695 Treena Street in the IP-2-1 Zone within the Scripps Miramar Ranch Community Plan. The project site is legally described as Lots 5 to 15, inclusive, Scripps Mesa Center Unit No. 3, Map No. 7484.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/ Permittee to operate an 11,549 square-foot, school use and church use within an existing two-story, 44,293 square-foot building, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated August 8, 2007, on file in the Development Services Department.

The project shall include:

- a. An 11,549 square-foot school facility, grades 2-12, with hours of operation from 7:30AM to 4:00 PM (Monday through Friday);
- b. Church facility, within 2,422 square-feet of the 11,549 square-foot space, with hours of operation from 7:00PM to 9:00PM (Fridays) and 8:00AM to 6:00 PM on weekends;
- c. 'A maximum student capacity of 72 students and 20 faculty, Monday through Friday;
- Maintaining existing landscaping (planting, irrigation and landscape related improvements);
- e. Maintaining existing off-street parking facilities;

EXHIBIT

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f. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REOUIREMENTS:

1. Construction, demolition or operation must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect at the time the extension is considered by the appropriate decision maker.

2. This Conditional Use Permit and corresponding use of this site shall expire on August 8, 2017. Prior to expiration, the Owner/Permittee may submit an application for an Amendment to this Conditional Use Permit for consideration of the continued use at this location.

3. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:

- a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
- b. The Permit is recorded in the Office of the San Diego County Recorder.

4. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.

5. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.

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

7. 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.).

EXHISIT 2-4

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ORIGINAL

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

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" 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.

PLANNING/DESIGN REQUIREMENTS:

9. No fewer than 173 off-street parking spaces shall be maintained 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 Development Services Department.

10. The school use shall be restricted to the following hours of operation: Monday through Friday 7:30 AM to 4:00 PM, with a maximum student enrollment of 72 students and 20 faculty.

11. The church use shall be restricted to the following hours of operation: 7:00PM to 9:00PM Fridays and 8:00AM to 6:00 PM on weekends.

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

INFORMATION ONLY:

3-4

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

APPROVED by the Hearing Office of the City of San Diego on August 8, 2007, Resolution No. HO-5814.

Page 3 of 4

Conditional Use Permit No. 285177 Date of Approval: August 8, 2007

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

Laure C/Black

Development Project Manager

NOTE: Notary acknowledgment must be attached per Civil Code section 1180 et seq.

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

Cal Mira Mesa, Ltd. Owner

7..... By Anne C. Coleman

General Partner

Sierra Academy Permittee

Kibbert Sommunity Outreach Director

ORIGINAL

NOTE: Notary acknowledgments must be attacked per Civil Code section 1180 et seq.

Page 4 of 4

E. A. B.T. 4-4



THE CITY OF SAN DIEGO

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

Community Planning Committee Distribution Form Part 2

Project Name:		Project Number: Distribution Date:			Distribution Date:
FLC CUP		591479		591479	02/09/2018
Project Scope/Location:					
SCRIPPS MIRAMAR RANCH (PROCESS 3) Condition operate within an 11,549 sq ft sulte of an existing 44,25 site in the IP-2-1 Zone within the Scripps Miramar Rand	93 Two	stories bu	ilding a	at 10695 Treena S	to allow an existing church to Street, Suite 101. The 3.69 acre
Applicant Name:				Applicant I	hone Number:
LOONEY, JAMIE				(760) 201-0	3524
Project Manager:	Phon	e Numbe	r:]	Fax Number:	E-mail Address:
Glen Gargas	(619) 446-514	42 ((619) 446-5245	ggargas@sandiego.gov
Committee Recommendations (To be completed for	r Initial	l Review)	:		
Vote to Approve		Members 17	1		Members Abstain
Vote to Approve Memb With Conditions Listed Below			s Yes	Members No	Members Abstain
Vote to Approve With Non-Binding Recommendations Listed Bel		Member	Yes .	Members No	Members Abstain
T Vote to Deny Membe			rs Yes Members No		Members Abstain
I No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)				Continued	
CONDITIONS:					
NAME: WALKACE H. WUFCCK TITLE: CHARK SRPS					
SIGNATURE: DATE: 3-6-2018					
Attach Additional Pages If Necessary.	Ittach 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			<i>u</i>	
Printed on recycled paper. Visit or Upon request, this information is av	ur web s ailable in	ite at <u>www</u> n alternativ	.sandle e forma	go.gov/developmer ats for persons with	t <u>-services</u> . disabilities.

(01-12)



THE CITY OF SAN DIEGO

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

Community Planning Committee Distribution Form Part 1

Project Name:	Project Number:	Distribution Date:
FLC CUP	591479	02/09/2018
Project Scope/Location:		
SCRIPPS MIRAMAR RANCH (PROCESS 3) Conditional Use Perm operate within an 11,549 sq ft suite of an existing 44,293 Two storie site in the IP-2-1 Zone within the Scripps Miramar Ranch Communi	es building at 10695 Treena St	allow an existing church to reet, Suite 101. The 3.69 acre

Applicant Name:		Applicant Phone Number:		
LOONEY, JAMIE	· · · ·	(760) 201-6524		
Project Manager:	Phone Number:	Fax Number:	E-mail Address:	
Glen Gargas	(619) 446-5142	(619) 446-5245	ggargas@sandiego.gov	

Project Issues (To be completed by Community Planning Committee for initial review):

No 155UES.

Attach Additional Pages If Necessary.	Please return to:	
	Project Management Division	
	City of San Diego	
	Development Services Department	й. Г
	1222 First Avenue, MS 302	
•	San Diego, CA 92101	
	isit our web site at <u>www.sandiego.gov/development-services</u> . is available in alternative formats for persons with disabilities.	

(01-12)

City of San Diego Development Services 1222 First Ave., MS-302 San Diego, CA 92101 (619) 446-5000	Ownership Disclosure Statement
Approval Type: Check appropriate box for type of approval (s) request Neighborhood Development Permit Variance Tentative Map Vesting Tentative Map Map Wa	Planned Development Permit Conditional Use Permit
Project Title	Project No. For City Use Only
Family Life Pentecostals of Poway	
Project Address:	
10695 Treena Street Suite 101, San Diego, Ca 92131	
Part I - To be completed when property is held by individual(8)
below the owner(s) and tenant(s) (if applicable) of the above referenced who have an interest in the property, recorded or otherwise, and state the individuals who own the property). <u>A signature is required of at least or</u> from the Assistant Executive Director of the San Diego Redevelopment Development Agreement (DDA) has been approved / executed by the Manager of any changes in ownership during the time the application is	with the Intent to record an encumbrance against the property. Please list d property. The list must include the names and addresses of all persons e type of property Interest (e.g., tenants who will benefit from the permit, all the of the property owners. Attach additional pages if needed. A signature Agency shall be required for all project parcels for which a Disposition and City Council. Note: The applicant is responsible for notifying the Project being processed or considered. Changes in ownership are to be given to the subject property. Failure to provide accurate and current ownership
Additional pages attached TYes TNo	
Name of Individual (type or print):	Name of Individual (type or print):
Owner Tenant/Lessee Redevelopment Agency	Construction Const
Street Address:	Street Address;
City/State/Zip:	City/State/Zip:
Phone No: Fax No:	Phone No: Fax No:
Signature : Date:	Signature : Date:
Name of Individual (type or print):	Name of Individual (type or print):
Rame of monodal (type of print).	
Owner Tenant/Lessee Redevelopment Agency	Owner Tenant/Lessee Redevelopment Agency
Street Address:	Street Address:
Clty/State/Zip;	City/State/Zip:
Phone No: Fax No:	Phone No: Fax No:
· · ·	
Signaturo : Date:	Signature : Date:
	ite al www.sandlegp.gov/development-services
	in alternative formats for persons with disabilities. 3-318 (5-05)

Project Title:	Project No. (For City Use Only)
Part II - To be completed when property is held by a co	prporation or partnership
Legal Status (please check):	
Corporation KLimited Liability -or- General) Wh	at State? Corporate Identification No
as identified above, will be filed with the City of San Diego the property. Please list below the names, titles and addres otherwise, and state the type of property interest (e.g., tend in a partnership who own the property). A signature is req property. Attach additional pages if needed. Note: The app ownership during the time the application is being process. Manager at least thirty days prior to any public hearing on information could result in a delay in the hearing process.	NEL CONTRACTOR
Corporate/Partnership Name (type or print): Scripps BRB, Scripps CMH	Corporate/Partnership Name (type or print):
X Owner Tenant/Lessee	Family Life Pentecostals of Poway
	J Owner 🕅 Tenant/Lessee
Street Address: 8120 E Cactus Rd, #100 Clty/State/Zip: Scottsdale, Az 85260	Street Address: 10695 Treena St., Suite 101 City/State/Zip:
Phone No: Fax No:	San Diego, Ca. 92131 Phone No: Fax No:
(480) 874-2600	(480) 874-2600
Name of Corporate Officer/Partner (type or print):	Name of Corporate Officer/Partner (type or print): Robert Nygro
Title (type or paint);	Title (type or print)
Signature : * Date:	Signature : Date:
Corporate/Partnership Name (type or print):	Corporate/Partnership Name (type or print):
Cowner CTenant/Lessee	Cwner Tenant/Lessee
Street Address;	Street Address:
City/State/Zip:	City/State/Zip:
Phone No: Fax No:	Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):	Name of Corporate Officer/Partner (type or print):
Title (lype or print):	Title (type or print):
Signature : Date:	Signature : Date:
Corporate/Partnership Name (type or print):	
Corporate/Partnership Name (type or print):	Corporate/Partnership Name (type or print):
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Street Address:	Street Address:
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Name of Corporate Officer/Partner (type or print):	Name of Corporate Officer/Partner (type or print):
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		#100 SCOTTSDALE, AZ 85260				
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