



The County of San Diego

Planning Commission Hearing Report

Date:	February 28, 2025	Case/File No.:	Kid Ventures; PDS2022-MUP-22-007, PDS2022-ER-22-08-003
Place:	County Conference Center 5520 Overland Avenue San Diego, CA 92123	Project:	Major Use Permit for a Childcare Center and Small School
Time:	9:00 a.m.	Location:	10760 Thornmint Road, San Diego
Agenda Item:	#1	General Plan:	Specific Plan
Appeal Status:	Appealable to the Board of Supervisors	Zoning:	General Impact Industrial (M54)
Applicant/Owner:	Darren Soloman	Community:	San Dieguito Community Plan Area
Environmental:	CEQA § 15301 Exemption	APN:	678-292-19-00

A. OVERVIEW

The purpose of this report is to provide the Planning Commission with the information necessary to consider the proposed Major Use Permit (MUP) and environmental findings prepared in accordance with the California Environmental Quality Act (CEQA). The Kids Ventures Major Use Permit (MUP) project (Project) seeks to permit an existing Small School operating within a commercial building located at 10760 Thornmint Road in the San Dieguito Community Planning Area. The school and associated uses have been operating without a MUP, and the requested action will allow their continued operation in compliance with zoning requirements. The building is currently operating as a childcare center, child development services facility, and small private school, and the MUP will ensure compliance with zoning requirements for all these use types that require a MUP.

The building presently supports three primary programs:

- **Childcare Center (Kids Ventures):** A childcare center that originally operated as an indoor family recreation center and has since transitioned to focus on early education and care, serving children aged five and under. Kids Ventures is designed to educate up to 84 children with a staff of eight employees.
- **Child Development (My Kids Place):** Child development services provide individualized therapy services for one child at a time, seeing six to twelve children daily. It also collaborates closely with the childcare center, specializing in speech therapy and training staff to better support children's developmental needs. This program operates with a maximum of three employees.

- Small School (Amazing Grace All Star Academy): Initially established in 2011, as an indoor family recreation center, it transitioned into an afterschool enrichment program in 2015. In Fall 2021, it became a small private school serving students from transitional kindergarten through sixth grade. The small school provides a full-day educational program for up to 25 students and an afterschool program that includes classroom and indoor recreation activities for 60-80 students, with a maximum capacity of 100 students. It is supported by 20 employees, with a maximum of 15 on-site at any given time.

The proposed MUP will allow the continued use of the site as a multi-purpose facility that integrates childcare, private education, and developmental support services under a unified operational framework. Located on a 1.2-acre property, the project combines education, therapy, and childcare services to support early learners and their families. The sections contained in this report describe the following: development proposal, analysis and discussion, community planning group and public input, CEQA compliance, and the Planning & Development Services (PDS) recommendation.

PDS analyzed the Project for consistency with the General Plan, 4S Ranch Specific Plan, San Dieguito Community Plan, Zoning Ordinance, and other applicable regulations, policies, and ordinances, and found the Project to be consistent with the inclusion of conditions in the MUP Decision (Attachment B). The Planning Commission is asked to consider the Project and either approve the Project as submitted, approve the Project with modifications, or deny the Project. Based on its analysis of the Project, staff can make the required findings and recommends approval of the Project.

B. REQUESTED ACTIONS

This is a request for the Planning Commission to evaluate the Project for a childcare center and small school; determine if the required findings can be made; and, if so, take the following actions:

- a. Adopt the Environmental Findings included in Attachment D, which concludes that the Project is exempt from further environmental review in accordance with Section 15301 of the California Environmental Quality Act (CEQA).
- b. Grant MUP PDS2022-MUP-22-007, make the findings, and include the requirements and conditions as set forth in the Form of Decision (Attachment B).

C. PROJECT BACKGROUND

In 1984, amendments to the San Diego County General Plan and San Dieguito Community Plan and 4S Ranch Specific Plan were approved by the Board of Supervisors. The 4S Ranch Specific Plan makes up 3,525 acres and has been mostly built out. Over time, there have been several Amendments to the Specific Plan, Tentative Maps and Site Plans for residential, office, commercial light industrial/warehouse and open space. The Project site is located within the southeast section of light industrial business park of the 4S Ranch Specific Plan area.

The project proposes to convert an existing building into a multi-use facility that will support a childcare center, child development services and small school. Constructed in 2001, the building was originally designed for industrial use but was later adapted into an office-warehouse facility. The 22,410-square-foot property includes 76 parking spaces and is currently permitted for office/warehouse use. This conversion will repurpose the building to meet the educational and developmental needs of young children and their families while maintaining its existing structure.

On November 12, 2004, the Director of Planning and Development Services (PDS) approved a Variance (Record ID: V04-016) (Attachment C), to allow for a reduction of the required parking spaces from 85 to

75 spaces for the existing 22,410 square foot warehouse building on the subject parcel. On November 21, 2011, the Director of PDS approved a Variance Modification (Record ID: V04-016-01) (Attachment C), to allow for a reduction of the required parking from 75 to 35 parking spaces for the Amazing Grace All Star Academy, which was previously an indoor recreation program facility for children from age five to twelve years old. The Amazing Grace All-Star Academy occupied 8,536 square feet of the 22,410 square foot building. In 2015, it transitioned into an afterschool and enrichment program for elementary, middle, and high school students ages five to 18.

In November 2012, the Director of PDS approved another Variance Modification (Record ID: V04-016-02) (Attachment C), to reduce the required parking for Kid Ventures from 59 to 45 spaces. Kid Ventures, which has been operating in the same building since 2013, as an indoor family recreation center, a permitted use under Zoning Ordinance Section 2542.b for Indoor Participation Sports and Recreation. The indoor family recreation center provided various services, including recreational activities for children ages one to eight and their parents or caregivers, specialty child enrichment classes, a snack café, and workshops for families with children with special needs, in partnership with the National Foundation for Autism Research.

Similar to the Kids Ventures, the Amazing Grace All Star Academy was previously operating as a indoor recreation center as of 2011, and was converted to an afterschool enrichment program for children in 2015. Since 2021, Amazing Grace All Star Academy has been operating as a small school. My Kids Place, has also been operating and collaborates closely with the childcare center, offering speech therapy and training Kid Ventures staff. The proposed Major Use Permit would bring the uses into compliance with the County's Zoning Ordinance.

D. REGIONAL SETTING AND PROJECT LOCATION

The project site is an approximately 1.2-acre parcel located at 10760 Thornmint Road within the 4S Ranch Specific Plan area and the San Dieguito Community Plan Area (Figures 1 and 2). The site is situated within a business park that primarily features light industrial, office buildings, and participant sports and recreation uses. Surrounding the site is a mix of indoor participant sports uses, religious uses, wholesale, services, and research and development uses, characteristic of the light industrial business park. The existing buildings in the area range from 15,000 to 377,000 square feet in size, with associated employee, business, and customer parking lots (Figure 3).

The project site is developed with a two-story, 22,410-square-foot office building and an adjacent parking lot. The property is currently being utilized as a childcare center, child development services for children, and a small school, all of which require a Major Use Permit to operate. Access to the site is provided via an existing private driveway that connects to Thornmint Road, a county-maintained road.

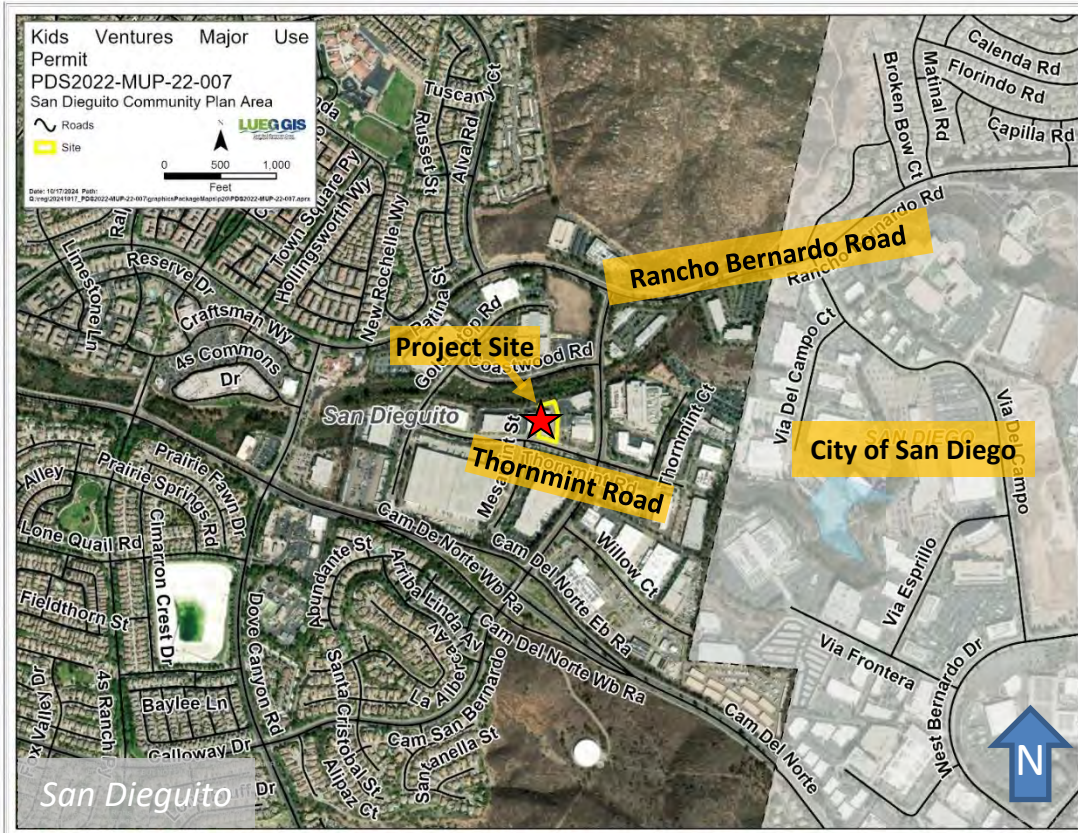


Figure 1: Vicinity Map



Figure 2: Vicinity Map (Closer Extent)



Figure 3: Existing Kids Ventures Child Care Center

The project site is designated Specific Plan and is located in the 4S Ranch Specific Plan. The 4S Ranch Specific Plan is intended to allow for residential uses, commercial services, civic uses, employment centers, conservation, and resource protection. Zoning for the site is General Impact Industrial (M54). The small school, childcare center, and child development office—operating as an accessory use to the childcare center—are permitted in the M54 zone with the approval of a Major Use Permit (MUP).

Please refer to Attachment A – Planning Documentation, for maps of surrounding land uses and zoning designations.

Table D-1: Surrounding Zoning and Land Uses

Location	General Plan	Zoning	Adjacent Streets	Description
North	Specific Plan Area	General Impact Industrial (M54) General Commercial/Limited Residential (C34) Single Family Residential (RS)	Coastwood Road Camino San Bernado	Light Industrial, open space, Maranatha Chapel

Location	General Plan	Zoning	Adjacent Streets	Description
East	Specific Plan Area City of San Diego	General Impact Industrial (M54) General Commercial/Limited Residential (C34)	Thornmint Court	Light Industrial, Participant Sports and Recreation
South	Specific Plan Area	General Impact Industrial (M54) Specific Planning Area (S88)	Mesamint Street Willow Court Camino Del Norte	Light Industrial, Residential
West	Specific Plan Area	General Impact Industrial (M54) General Commercial/Limited Residential (C35)	Goldentop Road	Light Industrial, Participant Sports and Recreation Residential

E. DEVELOPMENT PROPOSAL

1. Project Description

The applicant is requesting a MUP to authorize three uses within the existing building. The first is a childcare center, Kid Ventures, along with My Kids Place, a complementary service that provides child development and therapy support. The third use is a small school for the Amazing Grace All Star Academy. A summary of the operations for each of these uses is provided below:

Childcare Center (Kid Ventures) and Child Development Services (My Kids Place)

The Childcare Center currently occupies 12,212 square feet of the existing building and operates as a childcare program to meet the community's need for high-quality childcare services (Figures 4, 5, 6). The center offers a Childcare Preschool Program for children aged five and under, accommodating up to 84 students with a team of eight staff members. Childcare center hours run from 9:00 a.m. to 4:00 p.m., with extended care available from 8:00 a.m. to 9:00 a.m. and 4:00 p.m. to 5:00 p.m.

The student capacity is distributed as follows: three existing classrooms for ages 18 months- to five years, serving a total of 53 students; an open classroom for ages three to five, with a total capacity to 84 students. A teaching team of eight (two per classroom) are on staff.

Several employers in the nearby business district have expressed a need for childcare for their employees. Notable employers within a 0.5-mile radius include Northrop Grumman, General Atomics, Sony, Sharp Healthcare, and Jerome's Furniture. This proximity enables the Childcare Center to serve as a childcare resource.

Drop-off occurs between 8:00 a.m. and 9:00 a.m., with each drop-off typically lasting two to five minutes for signing in their child in the lobby. Afternoon pick-ups take place between 4:00 p.m. and 5:00 p.m., following a similar process. Additionally, approximately 10% (eight children) are expected to be picked up by their caregivers at midday, typically between 11:30 a.m. and 12:30 p.m.

The child development and therapy office, occupying 1,662 square feet within the building, is staffed by up to three employees. This office provides individualized therapy services including but not limited to speech, occupational and physical therapy, and work with six to twelve children per day. This office collaborates with the childcare center, offering child development therapy and staff training to enhance developmental support for children.



Figure 4: Kid Ventures play area



Figure 5: Kid Ventures play area



Figure 6: Kid Ventures Classroom

Amazing Grace All Star Academy (Small Private School)

The Small School, occupying 8,536 square feet of the existing building, was originally established in 2011 as an indoor family recreation and afterschool and enrichment program for elementary, middle, and high school students ages five to 18. In 2015, it converted into an afterschool and enrichment program for elementary, middle, and high school students ages five to 18. In Fall 2021, Amazing Grace All Star Academy transitioned into a small private school serving students from transitional kindergarten to sixth grade, supported by a team of 20 employees with a maximum of 15 employees on-site at any given time (Figures 7 and 8). This transition requires obtaining a Major Use Permit (MUP) to authorize the continued operation of the school within the existing building.

The small school now operates with 18 students with a future capacity of up to 25 students in grades kindergarten through fifth, with core school hours from 8:00 a.m. to 3:00 p.m. Complementing the school program, the small school offers an afterschool program offering classroom enrichment and indoor recreation activities for up to 100 students, including the 18 enrolled in the daytime school, running from 3:00 p.m. to 6:00 p.m. Each school day begins with parent drop-offs between 7:45 a.m. and 8:00 a.m. for the primary school students.

For the afterschool program, a shuttle service brings 60 to 80 students from other local school's between 2:00 p.m. and 3:00 p.m., which helps alleviate individual drop-off demands. Some students are picked up at 3:00 p.m. after the core school program, while the remaining afterschool students follow a staggered pick-up schedule from 5:30 p.m. to 6:00 p.m., ensuring an efficient flow and minimizing peak parking congestion.

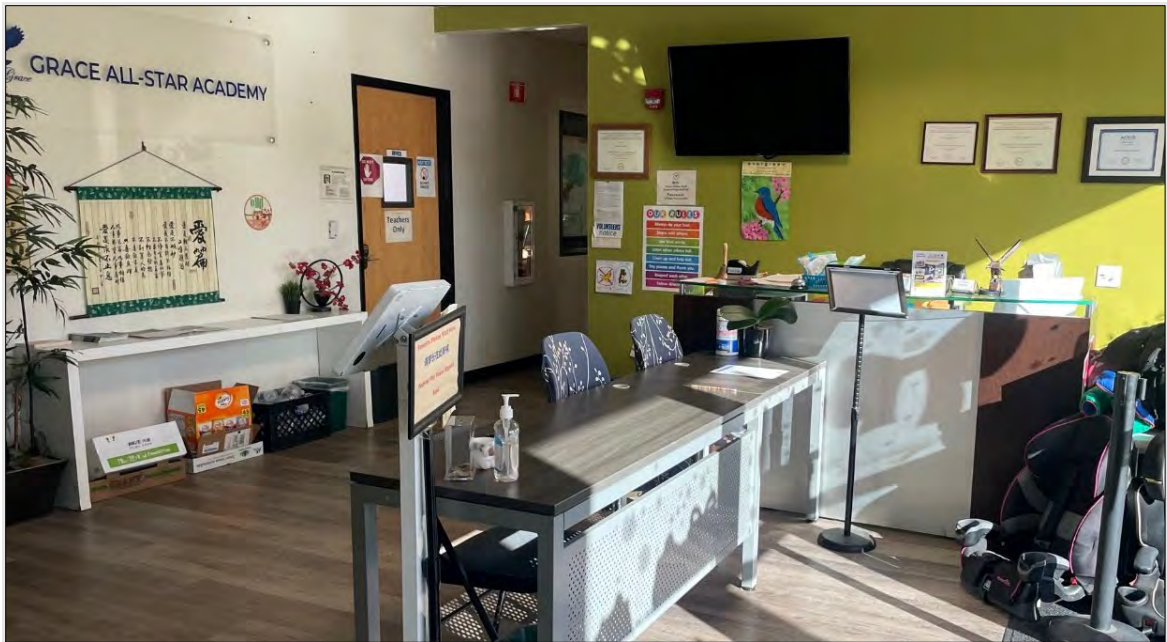


Figure 7: Amazing Grace All Star Academy Small School



Figure 8: Amazing Grace All Star Academy Small School Classroom

Parking and Access

The existing building will be retained, and no new structures are proposed. The Project site has 68 existing parking spaces within a parking lot containing an on-site circulation system. Previously, the site had 75 parking spaces. However, due to state code requirements mandating an outdoor play area for childcare use, seven spaces were removed to meet this requirement, reducing the total to 68 parking spaces.

Access to the site is provided by a private driveway connecting to Thornmint Road (Figure 9). Exiting from the site includes a right turn only because there is a raised median that restricts left turns. In order to ensure safe circulation on the site during childcare and school drop off and pick up times and to ensure Thornmint Road is safe and remains unobstructed, the project has been conditioned

to provide a circulation plan to ensure vehicle traffic generated by the Project shall not back up from the project driveway opening into the travel lanes.

Please refer to Attachment A – Planning Documentation, to view the plot plans and existing elevations.



Figure 9: Existing Project Access and Driveway (Looking South)

F. ANALYSIS AND DISCUSSION

The Project has been reviewed for conformance with all relevant ordinances and guidelines, including the San Diego County General Plan, the 4S Ranch Specific Plan and San Dieguito Community Plan, the County Zoning Ordinance, and CEQA Guidelines. A discussion of the Project's consistency with applicable codes, policies, and ordinances, is described on the following pages.

1. Key Requirements for Requested Actions

- a. Is the Project consistent with the vision, goals, and policies of the General Plan?
- b. Does the Project comply with the policies set forth under the San Dieguito Community Plan?
- c. Is the Project consistent with the County's Zoning Ordinance?
- d. Is the Project consistent with other applicable County regulations?
- e. Does the Project comply with CEQA?

2. Analysis

Major Use Permit Findings

The discussion below covers scale, bulk and coverage, availability of services, effects upon neighborhood character, and suitability of the site for the type of proposed use. Staff has analyzed the Project in relation to each of these. The project is consistent with MUP findings regarding scale, bulk, and coverage, as it involves no new construction or major improvements. The childcare center,

child development services and small school will utilize the existing building without any structural alterations, preserving harmony within the established site.

The project's location within a fully developed business park ensures the availability of necessary public services, utilities, and facilities. Water, sewer, and fire protection services are already provided by the Olivenhain Municipal Water District and the Rancho Santa Fe Fire Protection District, with no need for additional utilities or infrastructure upgrades to support the childcare and educational uses. This confirms the adequacy of existing public services for the proposed facility.

The project's operations align with the surrounding area by providing childcare, educational programs, and child development and therapy services consistent with the neighborhood's professional and family-oriented character. The existing parking lot is designed to meet the facility's needs, supporting efficient traffic flow through short parking durations and high turnover rates. Staggered operational hours and a shuttle service for the private school's afterschool program help distribute traffic effectively, minimizing peak-hour impacts and preventing overflow onto nearby streets. These operational strategies ensure the project remains compatible with the area while maintaining smooth traffic circulation.

The site's location within a business park makes it suitable for the proposed educational and childcare uses. Existing infrastructure supports these functions without requiring structural modifications or additional amenities. The building's layout and square footage are appropriate for independent operation of each program without overcrowding, and easy access within the business district benefits families in the community.

The primarily indoor nature of the services helps minimize noise and environmental impacts. Additionally, the inclusion of outdoor facilities supports recreation and learning, while the child development and therapy services enhance the facility's role as a convenient and accessible resource for child wellness in the community. Overall, the project's consistency with scale, bulk, and coverage, its reliance on existing services, its positive effects on neighborhood character, and the site's suitability for educational and childcare uses make it a valuable addition to the community.

The project is consistent with the General Plan and aligns with the regional and land use designations. Located within the Village Regional Category and designated as Specific Plan Land Use (SP), the project is within the 4S Ranch Specific Plan Area and the San Dieguito Community Plan area. These plans, along with the General Plan, encourage community-based services and efficient land use in designated commercial and industrial areas. The proposed childcare and educational uses align with the objectives of these plans by delivering accessible, locally-oriented services that address the needs of the community.

The project focuses on providing childcare and educational resources in a manner compatible with the surrounding area, aligning with the General Plan's goals of supporting accessible, community-oriented services. The project is designed to meet local needs and operate in harmony with the surrounding community.

Additionally, the project utilizes existing infrastructure without requiring expansion.



Figure 10: Existing view of Project Site from Thornmint Road (Looking Northwest)

The proposed use is consistent with the General Plan and Zoning designations upon approval of a MUP, and all necessary public facilities and services are available to the site based on service availability forms provided by the applicable utility providers and districts. Therefore, the Project will maintain the property's compatibility with the surrounding community. All applicable MUP findings can be made and are located in the MUP Decision in Attachment B.

Traffic and Parking

The proposed project is classified as a locally serving use under the County's Transportation Study Guide (TSG) for Vehicle Miles Traveled (VMT). The site is also located within a VMT-efficient area, meaning projects located within are expected to generate shorter trip lengths and lower regional VMT. Locally serving projects typically have a less-than-significant impact under CEQA/Transportation because they improve destination proximity, potentially reducing overall VMT within the region.

The parking requirements for the project, which includes both small school/childcare and participation sports and recreation uses, are detailed below. The project includes a maximum of 184 students and 26 employees across its combined uses, which include a small school, childcare facilities, and participation sports and recreation activities. Previously, the site had 75 parking spaces, but to meet state code requirements for an outdoor play area for childcare and preschool use, seven spaces were removed, reducing the total to 68 parking spaces. The calculated parking requirement for the combined uses is 64 spaces—48 spaces for the school and childcare facilities and 16 spaces for participation sports and recreation—resulting in a surplus of 4 spaces. This parking layout accommodates the site's operational needs, including student drop-off and pick-up, while supporting smooth on-site circulation. The project's locally-serving nature and reduced trip generation are expected to prevent adverse impacts on traffic, transportation, or vehicle miles traveled (VMT).

Staggered operational hours combined with a shuttle service for afterschool students, effectively distributes traffic flow and reduces peak demand impacts. This approach minimizes congestion and prevents traffic overflow onto surrounding streets. Additionally, a circulation plan, part of the MUP conditions, outlines on-site circulation for peak drop-off and pick-up times, requiring the school to inform parents of this plan. The project has also been conditioned to include staggered drop off times and a shuttle service for the after-school program, ensuring the project provides adequate parking

for the proposed uses. The MUP conditions also restricts school traffic from stacking onto Thornmint Road, with provisions for the County to review the MUP if necessary to maintain traffic flow.

3. General Plan Consistency

The site is subject to the Village General Plan Regional Category and Specific Plan Land Use Designation. The Project is consistent with the following relevant General Plan goals, policies, and actions as described in Table F-1.

Table F-1: General Plan Conformance

General Plan Policy	Explanation of Project Conformance
<p>Goal LU-9 Distinct Villages and Community Cores. Well-defined, well-planned, and well-developed community cores, such as Villages and Town Centers, that contribute to a community's identity and character.</p>	<p>The project proposes a childcare center, child development services, and a small school near commercial businesses. It supports the local workforce and provides a valuable service for large nearby employers like Northrup Grumman, General Atomics, and Sony. The projects proximity to other educational and family-oriented facilities aligns with the Village's goal of creating a cohesive, multifunctional space where families and professionals can access essential services, fostering a strong community identity.</p>
<p>Goal LU-18 Adequate Civic Uses. Civic uses that enhance community centers and place.</p> <p>Policy LU-18.1 Compatibility of Civic Uses with Community Character. Locate and design Civic uses and services to assure compatibility with the character of the community and adjoining uses, which pose limited adverse effects. Such uses may include libraries, meeting centers, small swap meets, farmers markets, or other community gatherings.</p>	<p>The project proposes a childcare center, child development services office, and small school, providing essential civic services that support families and strengthen community well-being. Located near other family-oriented uses, it aligns with the Village designation's character and purpose. The project will provide a service, enhancing the community center's role and identity without adverse effects.</p>

4. Community Plan Consistency

The Proposed Project is consistent with the following relevant San Dieguito Community Plan goals, policies, and actions as described in Table F-2.

Table F-2: Community Plan Conformance

San Dieguito Community Plan Policy	Explanation of Project Conformance
<p>4S Ranch Land Use Policy 13 Employment, education, commercial, civic, and recreational and residential uses shall be integrated and within easy access of each other.</p>	<p>The Project integrates an educational and civic facility (childcare center, child development services office, and small school) within a mixed-use area that includes employment centers, schools, and other community services. By being centrally located near large employers and other family-oriented facilities, the project offers easy access for employees, families, and community members, supporting the policy's vision of a well-connected and accessible environment where employment, education, civic, and residential uses are closely interwoven to enhance convenience and community cohesion.</p>
<p>4S Ranch Parks and Recreation Policy 2 Parks and school facilities shall be co-located where possible to encourage joint use.</p>	<p>The Project proposes a childcare center, child development services office, and small school, effectively co-locating educational and recreational uses. This joint use encourages shared community resources, allowing the facility to serve both educational and recreational needs in one location. By being near other educational and family-centered amenities, the project further supports the policy's goal of creating multifunctional spaces that enhance community access and interaction.</p>

5. Zoning Ordinance Consistency

The Project complies with all applicable zoning requirements of the General Impact Industrial (M54) zone with the incorporation of conditions of approval (Table F-3).

Table F-3: Zoning Ordinance Development Regulations

CURRENT ZONING REGULATIONS		CONSISTENT?
Use Regulation:	M54	Yes, upon approval of a MUP
Animal Regulation:	S	N/A
Density:	-	N/A
Lot Size:	1 AC	N/A
Building Type:	W	N/A
Height:	J	Yes
Lot Coverage:	-	N/A
Setback:	T	Yes
Open Space:	-	N/A
Special Area Regulations:	-	N/A

Table F-4: Zoning Ordinance Development Regulations Compliance Analysis

Development Standard	Proposed/Provided	Complies?
Sections 1332, 1350, 6156.zz of the Zoning Ordinance allows for Child Care and Small School and accessory uses necessary to the primary use within the M54 Zoning Use Regulation upon issuance of a MUP.	All uses proposed for the Project are allowed within the M54 zone through the processing of a MUP.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Upon approval of a MUP.
Section 4300 of the Zoning Ordinance requires the Project to comply with the "C" building type requirements.	The Project does not propose additional structures.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Section 4600 of the Zoning Ordinance requires that the Project meet the "J" height requirement of 40 feet.	All buildings associated with the Project are existing and less than 40 feet in height and meet the height requirements.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Section 4800 of the Zoning Ordinance requires that the Project meet the "T" setback requirements for structures proposed on the project site.	All existing buildings within the MUP boundaries are permitted and comply with all applicable setbacks.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Sections 6762 and 6764 of the Zoning Ordinance requires the following parking ratios: under Section 6762 for participation sports and recreation use (6 Parking spaces per KSF GFA); for small school and child care 1 parking space per employee and 0.2 parking space per student.	The project complies with the parking requirements. A total of 64 parking spaces are required and 68 are provided exceeding the minimum parking requirement.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

6. California Environmental Quality Act (CEQA) Compliance

The Project has been reviewed for compliance with the CEQA and qualifies for a categorical exemption under CEQA Section 15301 Existing Facilities. The Project qualifies for a categorical exemption under CEQA Section 15301 as it consists of the conversion of an existing facility to a use that is less intensive than the previous use and does not propose additional structures. The original use of the building was a previous indoor community sports and recreation center, occupying 22,410 square feet, which typically generates higher traffic volumes and greater operational intensity. In contrast, the current uses, including a childcare center, small school, and child development services, are less intensive and locally focused. The Project has been reviewed for compliance with the California Environmental Quality Act (CEQA) and qualifies for a categorical exemption under CEQA Section 15301, as it involves the conversion of an existing facility to a less intensive use without proposing additional structures.

By providing locally serving uses, the Project is expected to reduce vehicle miles traveled (VMT) and greenhouse gas (GHG) emissions compared to the previous use. The inclusion of a shuttle service

for the small school further reduces VMT and GHG emissions associated with car travel. Additionally, the Project is not located in an environmentally sensitive area, has no cumulative environmental effects, is not on a hazardous waste site, will not impact historical resources, and will not affect a scenic highway. As such, it has been determined that the Project will have no significant environmental impacts and is consistent with CEQA guidelines for a categorical exemption (Refer to Attachments D and E).

7. Applicable County Regulations

Table F-5: Applicable Regulations

County Regulation Policy	Explanation of Project Conformance
a. Resource Protection Ordinance (RPO)	The Project has been found to comply with the RPO because it will not impact any wetlands, floodplains/floodways, steep slopes, or sensitive habitat lands as all buildings are existing.
b. County Consolidated Fire Code	The Project has been reviewed by the Rancho Santa Fe Fire Protection District and County Fire Authority and has been found to comply with the County Consolidated Fire Code.
c. Noise Ordinance	The Project’s Noise Study found that the operations of the project will comply with the County’s Noise Ordinance.
d. Light Pollution Code	The Project proposes no additional lighting and will continue to implement outdoor lighting and glare controls which will ensure compliance with the Light Pollution Code.
e. Watershed Protection Ordinance (WPO)	The project does not propose additional construction of buildings or impervious area and will not result in operations or construction that are in conflict with the Watershed Protection Ordinance.

G. COMMUNITY PLANNING GROUP (CPG)

On September 8, 2022, the San Dieguito Community Planning Group (CPG) voted unanimously to recommend approval of the Project by a vote of 8-0-2-2-1 (8 ayes, 0 noes, 2 abstain, 2 vacant 1 absent) with no conditions.

On November 14, 2024, the CPG placed the project on the agenda to re-hear the item due to the minor changes in the project description which included a decrease in the capacity of the childcare center from 100 to 84 children and unanimously voted to recommend approval of the Project by a vote of 7-0-0-1-5 (7 ayes, 0 noes, 0 abstain, 1 vacant 5 absent) with no conditions.

The San Dieguito CPG Meeting Minutes can be found in Attachment F – Public Documentation.

H. PUBLIC INPUT

No formal comments were received by the County as a result of the public notices sent at the time of the MUP application submittal or during processing of the permit. At the time of application submittal and in accordance with Board Policy I-49, public notices were sent to property owners within a minimum radius of 300 feet of the project site until at least 20 different property owners were noticed. The public notices for the Planning Commission Hearing were sent to approximately 254 property owners for a radius of 1,700 feet from the project site.

I. STAFF RECOMMENDATIONS

Staff recommends that the Planning Commission take the following actions:

1. Adopt the Environmental Findings included in Attachment E, which concludes that the project is exempt from further environmental review in accordance with Section 15301 of the California Environmental Quality Act (CEQA).
2. Approve MUP Modification PDS2022-MUP-22-007, make the findings, and include the requirements and conditions as set forth in the Form of Decision.

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AUTHORIZED REPRESENTATIVE:



VINCE NICOLETTI, DIRECTOR

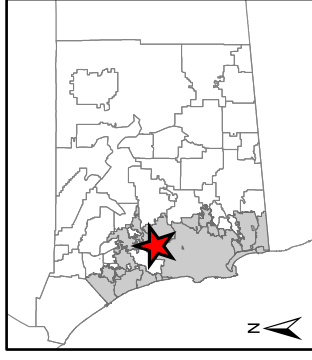
ATTACHMENTS:

- Attachment A – Planning Documentation
- Attachment B – Form of Decision Approving PDS2022-MUP-22-007
- Attachment C – Previous Variance and Variance Modifications Approvals
- Attachment D – Environmental Documentation
- Attachment E – Environmental Findings
- Attachment F – Public Documentation
- Attachment G – Service Availability Forms
- Attachment H – Ownership Disclosure

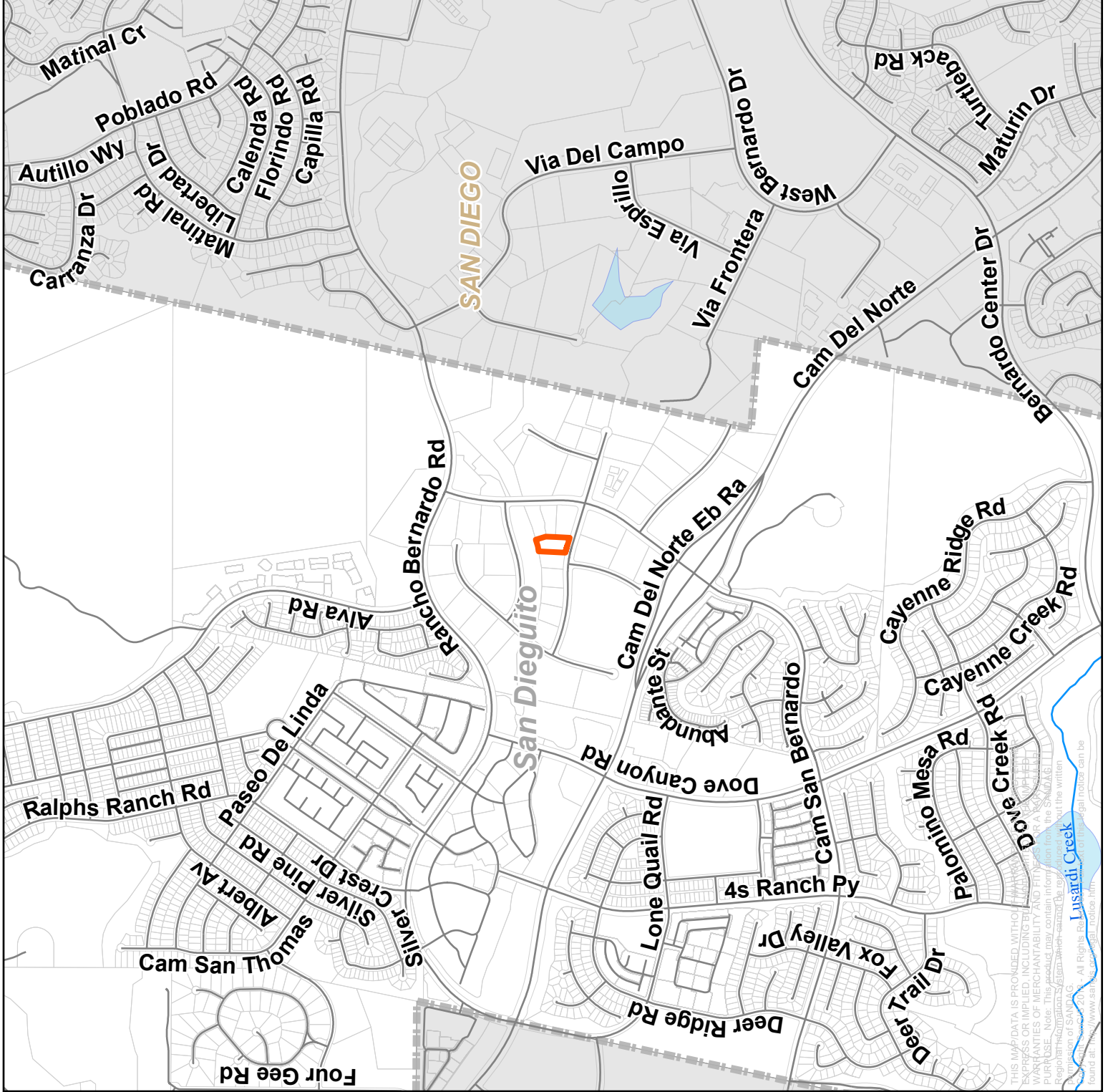
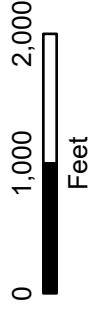
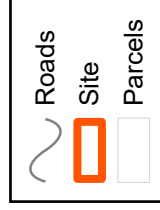
Attachment A – Planning Documentation

**Kid Ventures Major Use
Permit
PDS2022-MUP-22-007
Vicinity Map**

*San Diegoito
Community Plan Area*



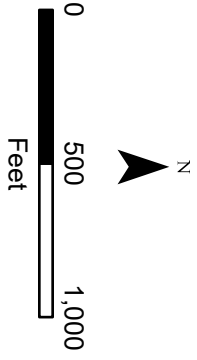
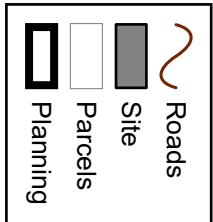
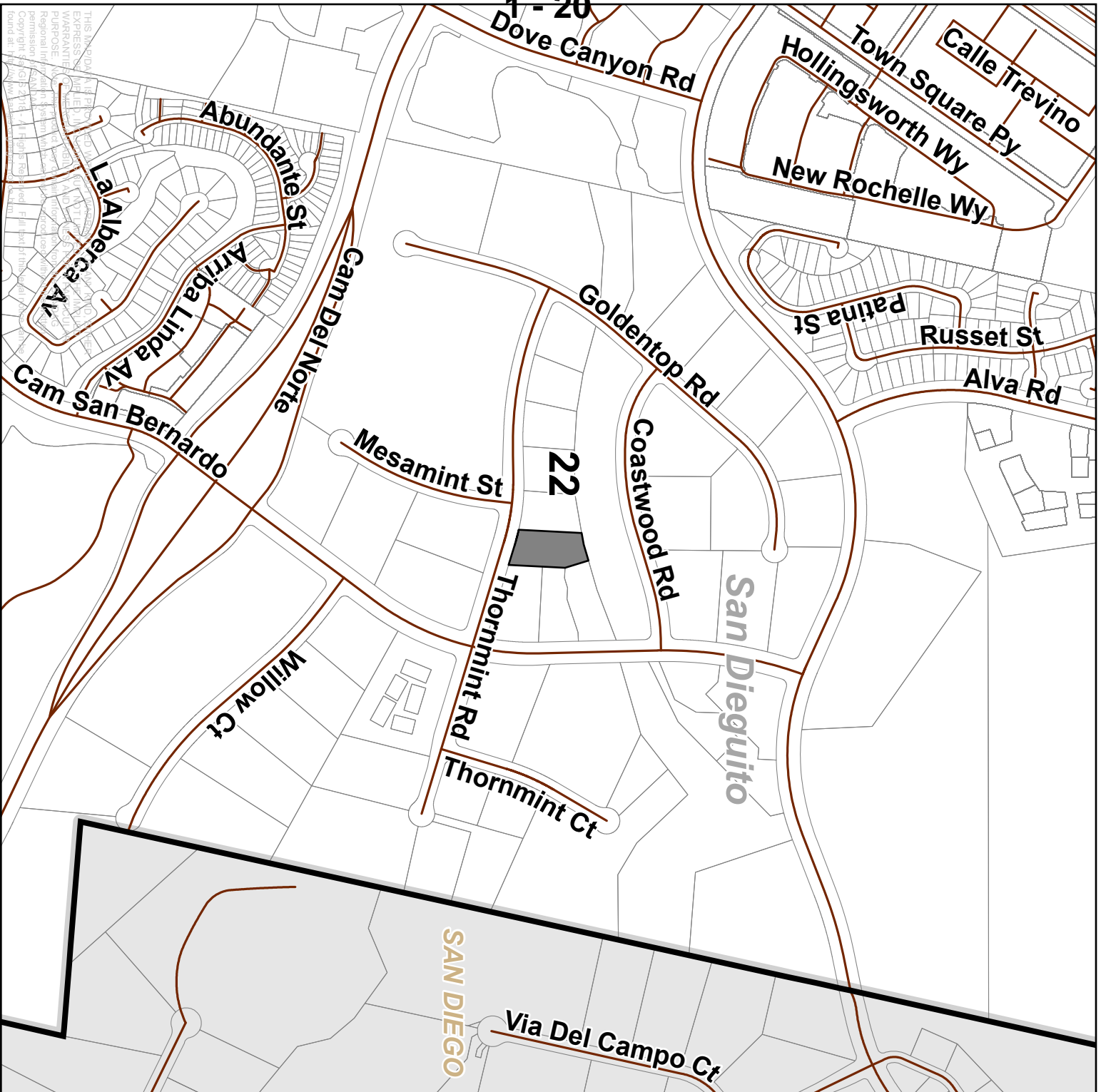
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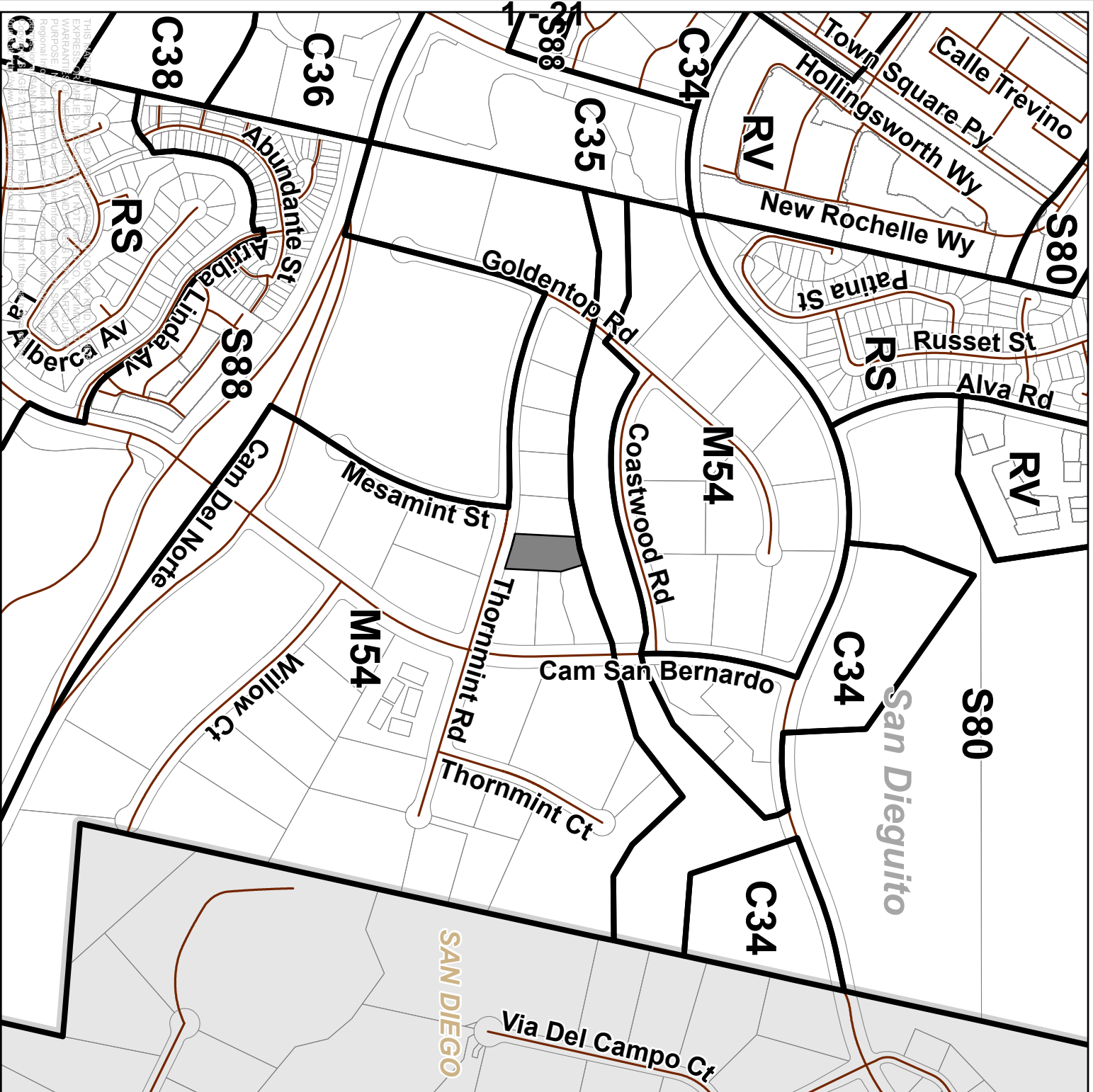


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Map Date: 12/4/2024
www.lueggis.com

**Kid Ventures Major Use
Permit
PDS2022-MUP-22-007
General Plan**

**San Dieguito
Community Plan Area
(22) Specific Plan Area**

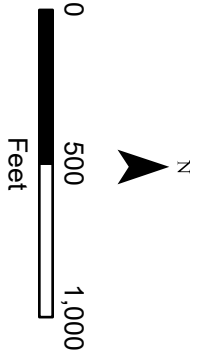




Kid Ventures Major Use Permit
 PDS2022-MUP-22-007
 Zoning

- San Dieguito Community Plan Area
- C34 - General Commercial/Residential
- C35 - General Commercial/Limited Residential
- C36 - General Commercial
- C38 - Service Commercial
- M54 - General Impact Industrial
- RM - Multi Family Residential
- RS - Single Family Residential
- RV - Variable Family Residential
- S80 - Open Space
- S88 - Specific Planning Area

	Roads
	Site
	Parcels
	Zoning



Kid Ventures Major Use Permit PDS2022-MUP-22-007

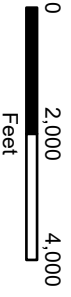
San Dieguito Community Plan Area



Roads

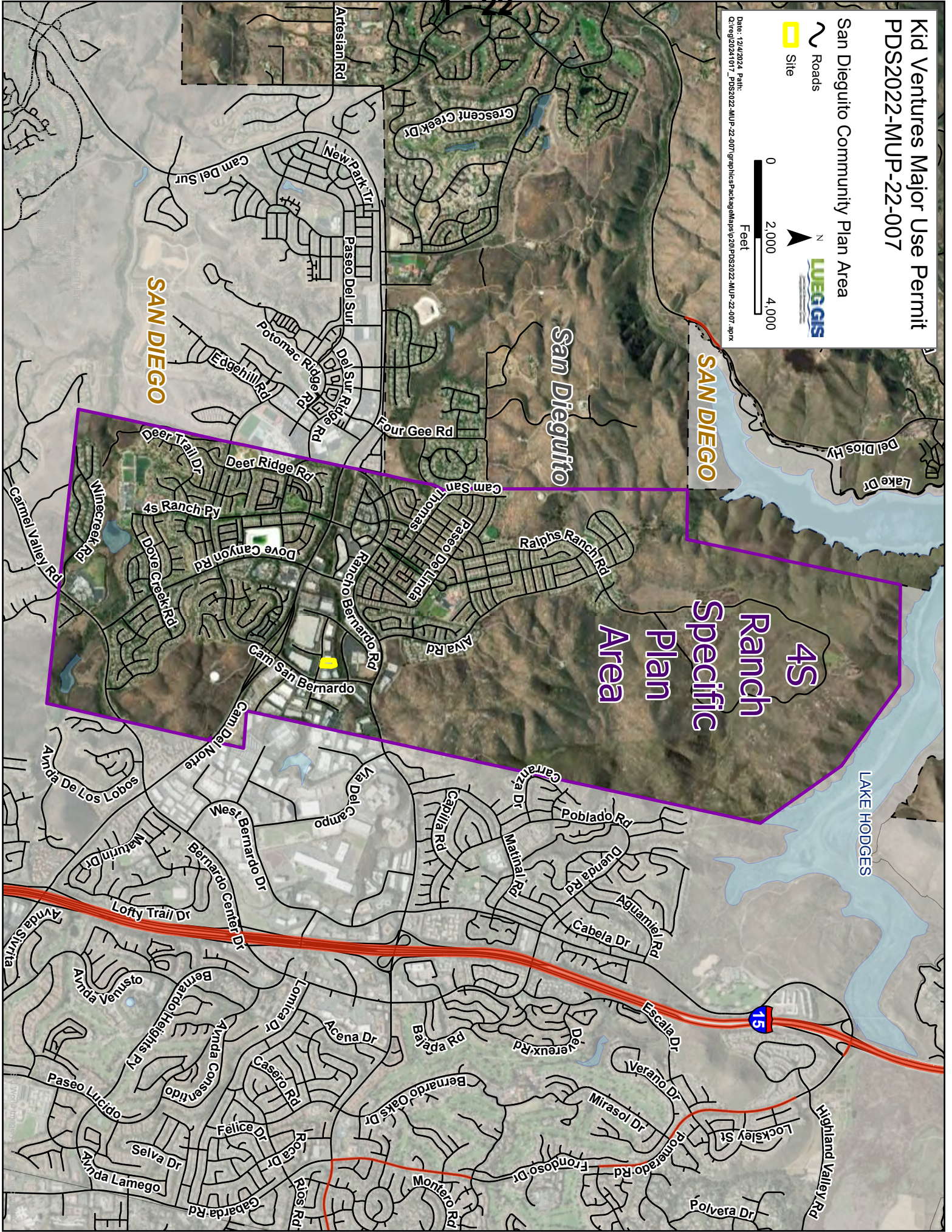


Site



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SAN DIEGO

SAN DIEGO

San Dieguito

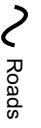
4S
Ranch
Specific
Plan
Area

LAKE HODGES

15

Kid Ventures Major Use Permit
PDS2022-MUP-22-007

San Diego Community Plan Area



Roads



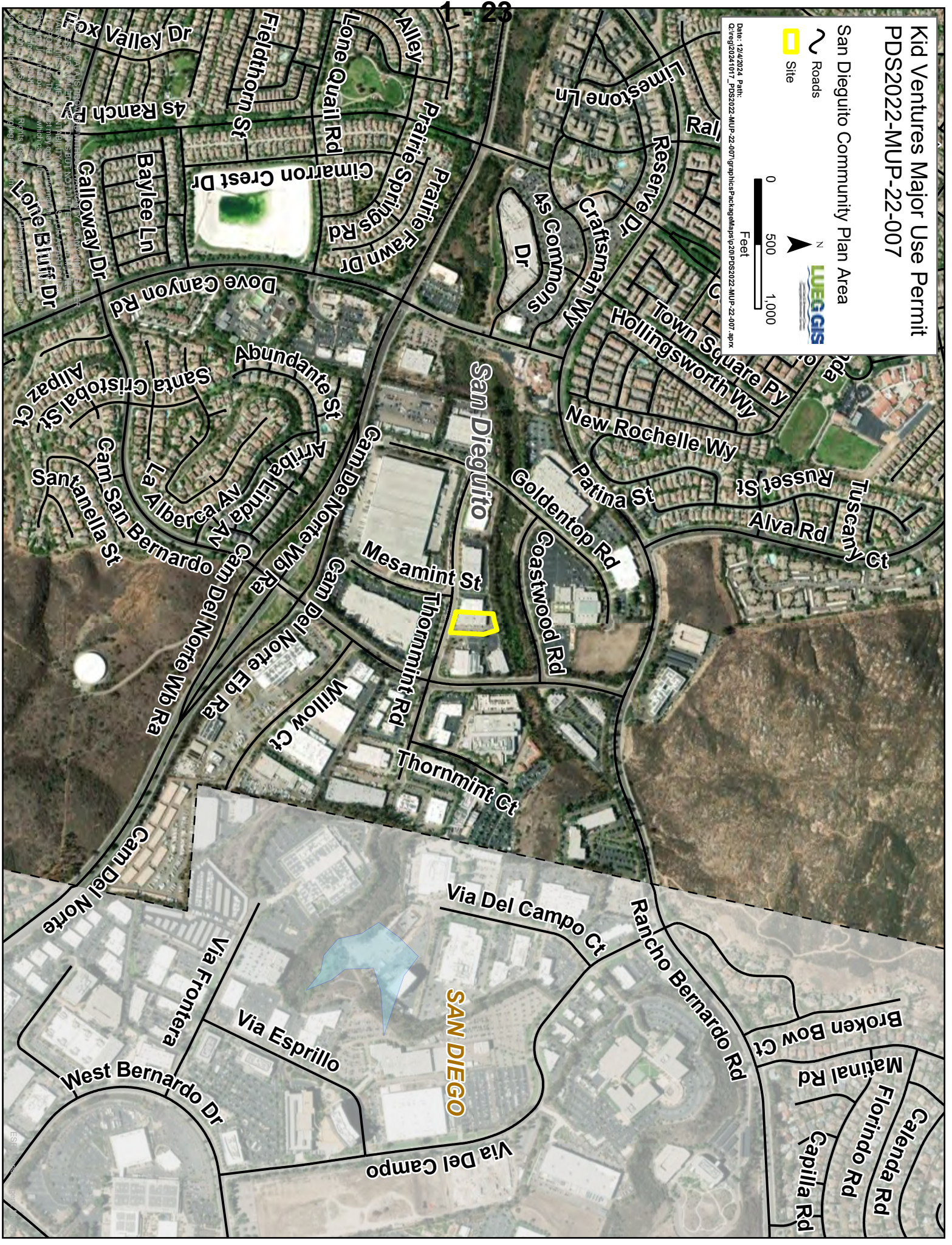
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1 - 23

SAN DIEGO

Kid Ventures Major Use Permit
PDS2022-MUP-22-007

San Diego Community Plan Area

Roads



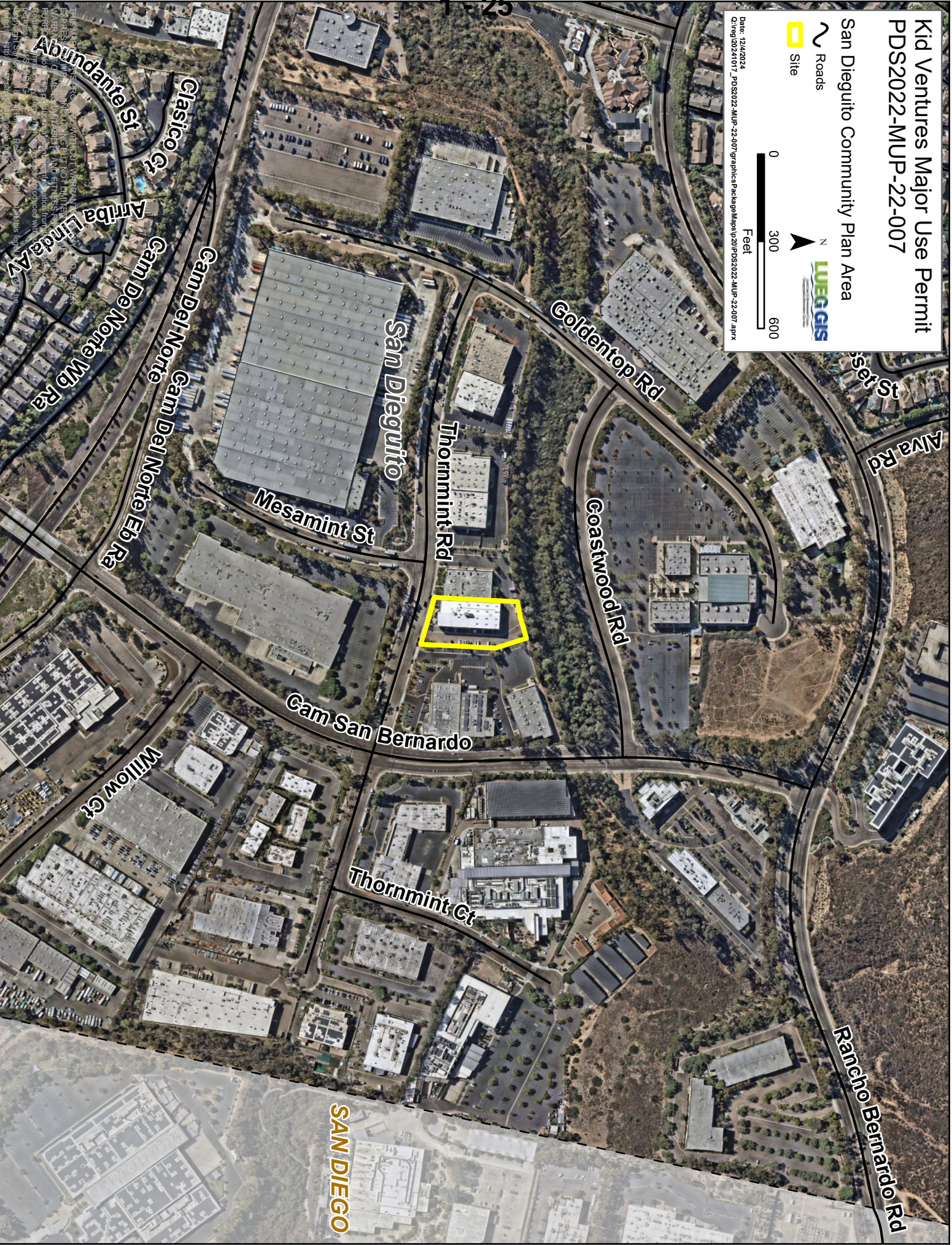
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Scale bar in feet

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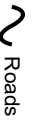


1 - 25



Kid Ventures Major Use Permit PDS2022-MUP-22-007

San Dieguito Community Plan Area



Roads



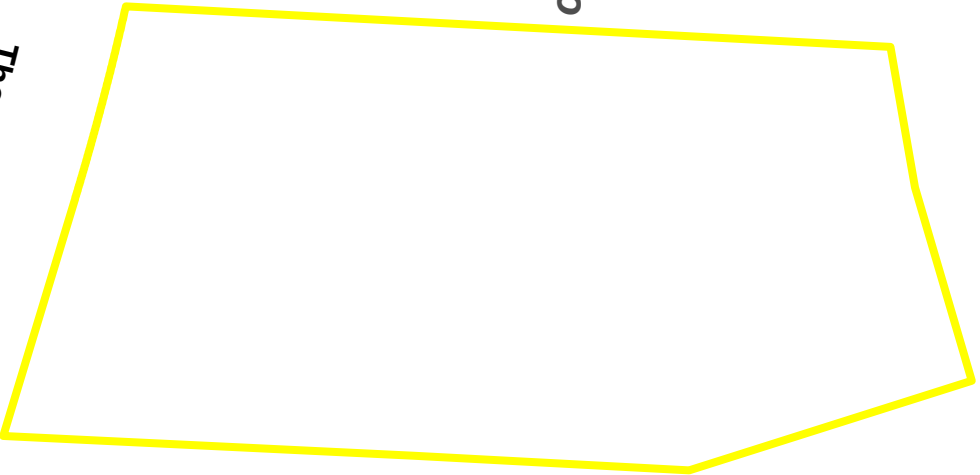
Site



Feet

Date: 12/14/2024
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San Dieguito



Mesamint St

Thormint Rd

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BUILDING INFORMATION

OWNER:
 KID VENTURES
 10760 THORNMINNT RD.
 SAN DIEGO, CA 92127
 CONTACT: DARREN SOLOMON
 858.663.1639

APPLICANT:
 KID VENTURES
 10760 THORNMINNT RD.
 SAN DIEGO, CA 92127
 CONTACT: DARREN SOLOMON
 858.663.1639

ASSESSOR'S PARCEL:
 678-292-19

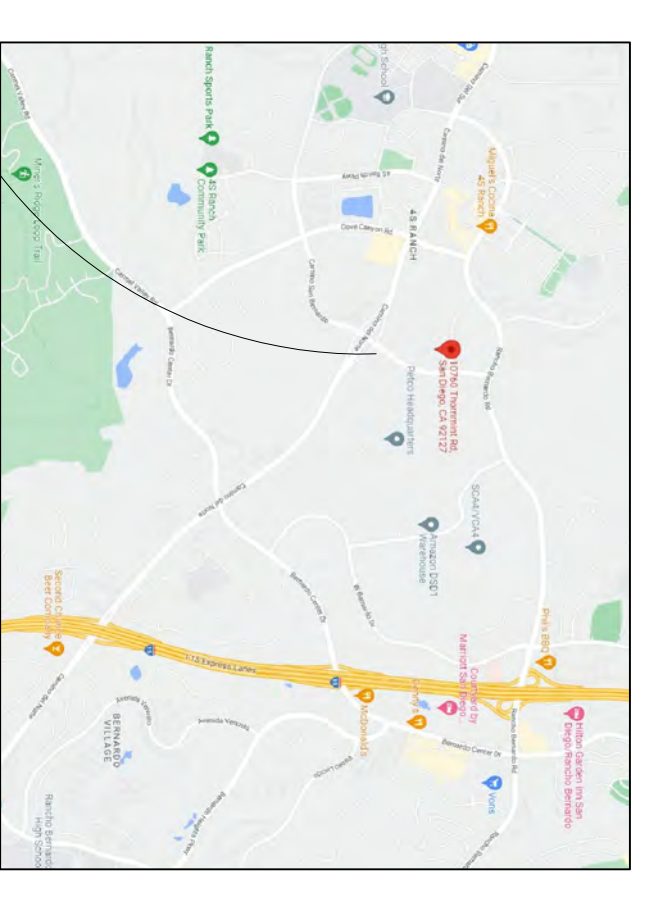
SITE ADDRESS:
 10760 THORNMINNT RD
 SAN DIEGO, CA 92127

LEGAL DESCRIPTION:
 LOTS 34 & 36 INCLUSIVE OF COUNTY OF SAN DIEGO, TRACT #4478, IN THE COUNTY OF SAN DIEGO, STATE OF CA, ACCORDING TO MAP THEREOF NO. T1988, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JANUARY 7, 1988.

ZONING DATA:
 EXISTING SITE ZONE: M-52
 EXISTING USE: OFFICE GYM ACT. CENTER

BUILDING DATA - EXISTING
 G.F.A.: 22,410 S.F.
 OCCUPANCY: B/S-1/A-3
 STORIES: 2
 MAX. HEIGHT: 32'-0"
 SPRINKLERS: YES
 TYPE OF CONSTRUCTION: VB

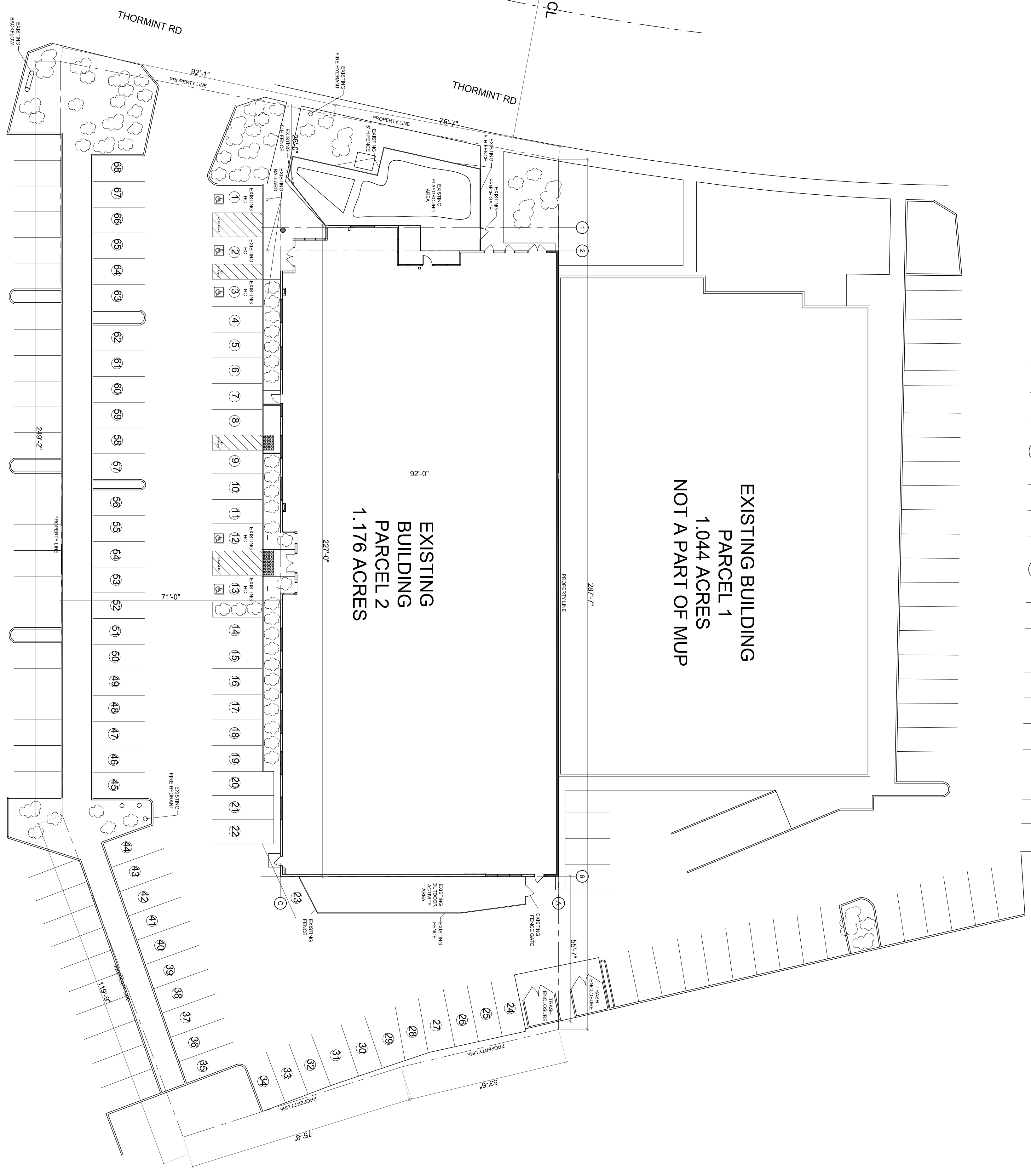
VICINITY MAP:



SITE

- LEGEND:**
- EXISTING BUILDING SHELL
 - Ⓐ LETTERS INDICATE COLUMN LINES
 - ① NUMBER INDICATES NUMBER OF PARKING SPACES

TOTAL BUILDING SQ. FOOTAGE: 22,410 SF
 KID VENTURES PRESCHOOL: 12,212 SF
 GRACE ALL STARS ACADEMY: 8,598 SF
 MWVDR/PLACE: 1,600 SF

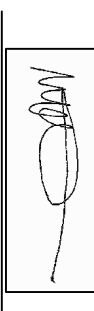


SITE PLAN
 SCALE: 1" = 200'
 N

KID VENTURES
 10760 THORNMINNT RD
 SAN DIEGO, CA 92127

SRI Project No.: 4199.1

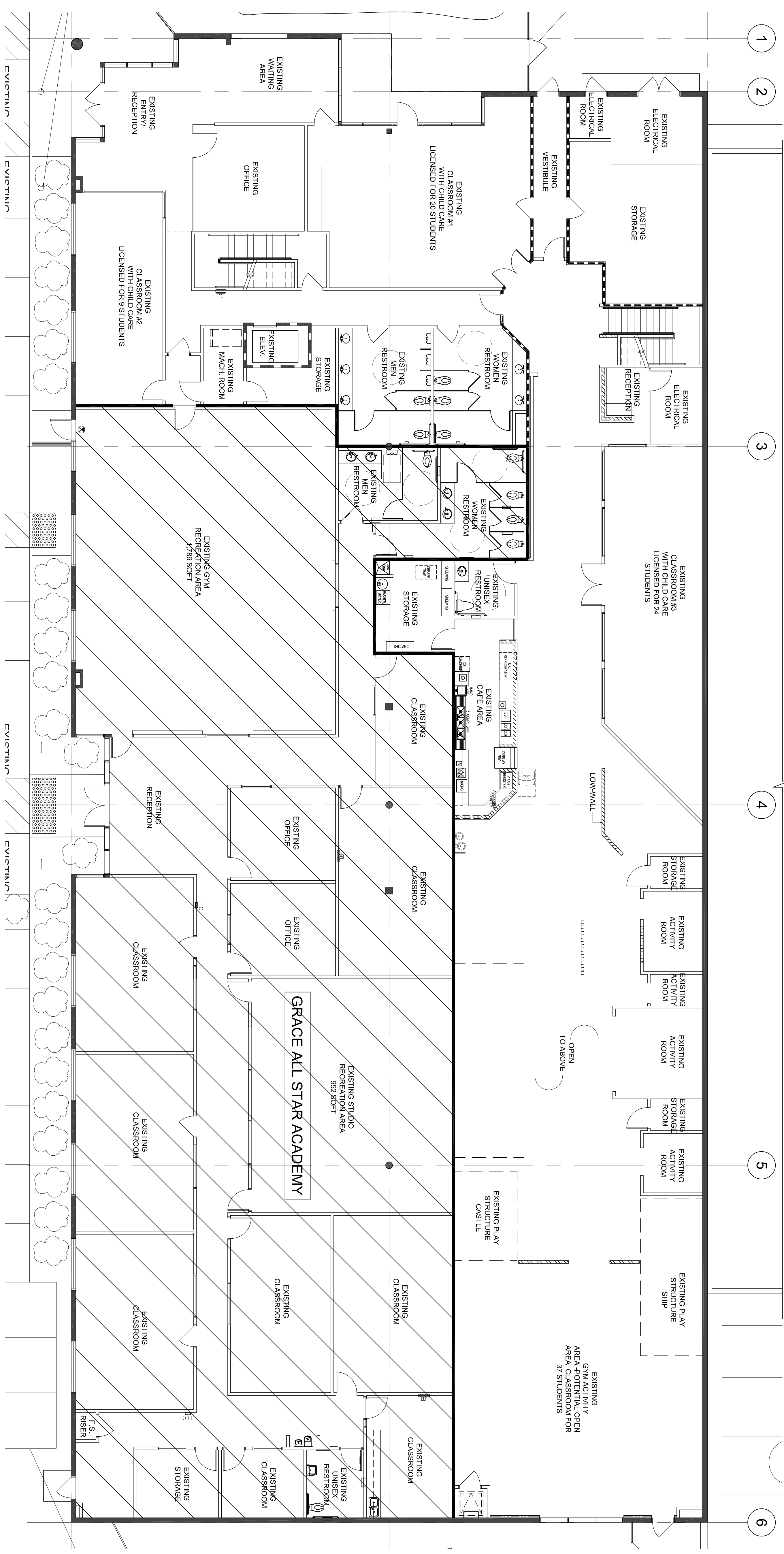
Project Manager:
MICHELE ARNOLD KUSH
 C.I.D., LEED AP



Project Date: 01/28/2022
 Drawn By: CI
 Sheet Scale:
 Date

Num	Description	Date
1	UPDATED PLAN	07/18/23
2		
3		
4		
5		
6		
7		
8		

SITE PLAN



FIRST FLOOR AS-BUILT
 SCALE: 1/8" = 1'-0"
 N
 Z

SRI Project No.: 4199.1
 Project Manager:
 MICHELE ARNOLD KUSH
 C.I.D., LEED AP
 Project Date: 01.28.2022
 Drawn By: CI
 Sheet Scale:

Num	Description	Date
1	UPDATED PLAN	07.18.23
2		
3		
4		
5		
6		
7		
8		

**AS-BUILT
 FIRST FLOOR**

**Attachment B – Form of Decision Approving
PDS2022-MUP-22-007**



County of San Diego
PLANNING & DEVELOPMENT SERVICES

VINCE NICOLETTI
Director

5510 OVERLAND AVENUE, SUITE 210, SAN DIEGO, CALIFORNIA 92123
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017
www.sdcounty.ca.gov/pds

COMMISSIONERS

Douglas Barnhart
Ronald Ashman (Chair)
Michael Edwards (Vice Chair)
Molly Weber
Yolanda Calvo
David Pallinger

February 28, 2025

PERMITTEE: DARREN SOLOMAN
MAJOR USE PERMIT: PDS2022-MUP-22-007
E.R. NUMBER: PDS2022-ER-22-08-003
PROPERTY: 10760 THORN MINT ROAD WITHIN THE SAN DIEGUITO PLAN AREA
APN: 678-292-19-00

DECISION OF THE PLANNING COMMISSION

Grant, this Major Use Permit to authorize the operation of an existing private small school and childcare center and speech and child development therapy office. All Star Grace Academy includes a small private school providing a full-day educational program for up to 25 students and an afterschool program for up to 100 students. Kid Ventures will serve as a childcare center focused on early childhood education, accommodating up to 84 children aged five and under. My Kids Place will provide specialized child development therapy services in an individualized format, offering sessions for one child at a time and serving 6 to 12 children over the course of a day. This Major Use Permit consists of plot plan and floor plans. This permit authorizes the proposed uses in accordance with Sections 1332, 1350, 1505(a), 6156(zz).

Grant a Shared Parking Agreement in accordance with Section 6784 of the Zoning Ordinance.

MAJOR USE PERMIT EXPIRATION: This Major Use Permit shall expire on **February 28, 2027 at 4:00 p.m.** (or such longer period as may be approved pursuant to Section 7376 of The Zoning Ordinance of the County of San Diego prior to said expiration date) unless construction or use in reliance on this Major Use Permit has commenced prior to said expiration date.

.....
SPECIFIC CONDITIONS: Compliance with the following Specific Conditions (Mitigation Measures when applicable) shall be established before the property can be used in reliance upon this Major Use Permit. Where specifically indicated, actions are required prior to approval of any grading, improvement, building plan and issuance of grading, construction, building, or other permits as specified:

ANY PERMIT: (Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit).

1. GEN#1–COST RECOVERY

INTENT: In order to comply with Section 362 of Article XX of the San Diego County Administrative Code, Schedule B.5, existing deficit accounts associated with processing this permit shall be paid. **DESCRIPTION OF REQUIREMENT:** The applicant shall pay off all existing deficit accounts associated with processing this permit. **DOCUMENTATION:** The applicant shall provide evidence to Planning & Development Services, Zoning Counter, which shows that all fees and trust account deficits have been paid. No permit can be issued if there are deficit trust accounts. **TIMING:** Prior to the approval of any plan, issuance of any permit, use of the premises in reliance of this permit, and prior to final release of the code violation for not having a Major Use Permit, all fees and trust account deficits shall be paid. **MONITORING:** The PDS Zoning Counter shall verify that all fees and trust account deficits have been paid.

2. GEN#2–RECORDATION OF DECISION

INTENT: In order to comply with Section 7019 of the Zoning Ordinance, the Permit Decision shall be recorded to provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named, of the rights and obligations created by this permit. **DESCRIPTION OF REQUIREMENT:** The applicant shall sign, notarize with an 'all purpose acknowledgement' and return the original recordation form to PDS. **DOCUMENTATION:** Signed and notarized original recordation form. **TIMING:** Prior to the approval of any plan, issuance of any permit, use of the premises in reliance of this permit, and prior to final release of the code violation for not having a Major Use Permit, a signed and notarized copy of the Decision shall be recorded by PDS at the County Recorder's Office. **MONITORING:** The PDS Zoning Counter shall verify that the Decision was recorded and that a copy of the recorded document is on file at PDS.

3. GEN#3–FILING OF NOTICE OF EXEMPTION (NOE):

INTENT: In order to comply with CEQA and State law, the permit NOE shall be filed at the County Recorder's Office. **DESCRIPTION OF REQUIREMENT:** The applicant shall take the original NOE and required fees to the San Diego County Recorder's Office and file the document within five (5) days of permit approval and return a copy of the filed document to PDS. **DOCUMENTATION:** The filed NOE form. **TIMING:** Within the first five (5) days of the appeal period, the applicant/owner shall take the original NOE form and required filing fees to the San Diego County Recorder's Office and file the document. Prior to the approval of any plan, issuance of any permit, use of the premises in reliance of this permit, and prior to final release of the code violation for not having a Major Use Permit, proof of filing shall be submitted. **MONITORING:** The [PDS, ZO, PCC] shall verify that the NOE was filed and that a copy of the document is on file at PDS.

4. ROADS#1–CENTERLINE REVIEW

INTENT: In order to promote orderly development and to comply with the Centerline Ordinance (County Code Section 51.301 et seq.), frontage improvements may be required. **DESCRIPTION OF REQUIREMENT:** This project is subject to the Centerline Ordinance (unless otherwise noted per Sec. 51.305). *The applicant must initiate the centerline review process with the Building Official in the Department of Planning and Development Services (PDS) as early as possible in order to coordinate requirements and processing time, and to determine if review is required by PDS Land Development.* Requirements may include, but are not limited to granting of right-of-way, irrevocable

offers of dedication, relinquishment of access rights, traffic striping, installation of curb, gutter, & sidewalk, alley improvements, road widening, trails/pathways, street lights, drainage facilities, no-parking restrictions, and undergrounding of utility distribution facilities along the project frontages, and off-site road improvements. **TIMING:** Prior to approval of any building permits, the centerline review shall be completed. **MONITORING:** The [PDS, LDR] shall review the plans for consistency with the centerline conditions and County Standards.

5. **ROADS#2–SIGHT DISTANCE**

INTENT: In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of Section 6.1.E of the County of San Diego Public Road Standards, an unobstructed sight distance shall be verified. **DESCRIPTION OF REQUIREMENT:**

- a. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: "There is _____ feet of unobstructed intersectional sight distance in both directions from the unnamed private road easement serving the property to **Thornmint Road** in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of _____ as described in Table 5 based on a speed of _____, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code."
- b. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."

DOCUMENTATION: The applicant shall complete the certifications and submit them to the [PDS, LDR] for review. **TIMING:** Prior to occupancy of the first structure built in association with this permit, or use of the premises in reliance of this permit, and annually after that until the project is completely built, the sight distance shall be verified. **MONITORING:** The [PDS, LDR] shall verify the sight distance certifications for compliance with this condition.

6. **BLD#1–BUILDING PERMIT AND CHANGE OF USE INTENT:** In order to permit the change of use of the existing on-site structure and to comply with building permit requirements. **DESCRIPTION OF REQUIREMENT:** The applicant shall submit an application for a building permit and obtain approval for the change of use of the on-site residence into a preschool and school. The applicant shall conform to the building permit requirements including but not limited to parking spaces, fire sprinklers, and Rancho Santa Fe Fire Protection District. **DOCUMENTATION:** The applicant shall submit an application for a building permit and obtain approval for the change of use of the building into a preschool and school. The applicant shall conform to the building permit requirements including but not limited to fire sprinklers, and Rancho Santa Fe Fire Protection District. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, an approved building permit and plans shall be obtained and the requirements of the building permit shall be fulfilled. **MONITORING:** The

[PDS, BI] shall inspect the site for compliance with the approved Building Plans and Building Permit.

7. **GEN#4–INSPECTION FEE**

Intent: In order to comply with Zoning Ordinance Section 7362.e the inspection fee shall be paid. **DESCRIPTION OF REQUIREMENT:** Pay the inspection fee at the [PDS, ZC] to cover the cost of inspection(s) of the property to monitor ongoing conditions associated with this permit. In addition, submit a letter indicating who should be contacted to schedule the inspection. **DOCUMENTATION:** The applicant shall provide a receipt showing that the inspection fee has been paid along with updated contact information [PDS, PCC]. **TIMING:** Prior to use of the premises in reliance of this permit and final release of the code violation for not having a Major Use Permit. **MONITORING:** The [PDS, ZC] shall process an invoice and collect the fee. PDS will schedule an inspection within one year from the date that occupancy or use of the site was established.

8. **PLN#2–CIRCULATION PLAN**

INTENT: In order to ensure safe circulation on the site, a circulation plan shall be implemented. **DESCRIPTION OF REQUIREMENT:** An on-site circulation plan shall be distributed to school users and implemented by the preschool and school. **DOCUMENTATION:** The applicant shall submit a copy of the circulation plan to PDS for review and commit to informing school users of the circulation traffic plan and to implementing the plan. The circulation plan shall include staggering drop off and pick up is for Kid Ventures and Amazing Grace All Star Academy. The Staggering drop off and pick up times is as follows:_____

- *Kid Ventures:* Drop-off occurs between 8:00 a.m. and 9:00 a.m. Pick-up follows a similar brief process from 4:00 p.m. to 5:00 p.m.
- *Amazing Grace All-Star Academy:* Drop-off occurs between 7:45 a.m. and 8:00 a.m., while the afterschool program operates with a staggered pick-up between 5:30 p.m. and 6:00 p.m.

TIMING: Prior to use of the premises in reliance of this permit, the documentation shall be submitted and approved. **MONITORING:** The [PDS, LDR] shall review the documentation for compliance with this condition.

ONGOING:(Upon establishment of use, the following conditions shall apply during the term of this permit).

9. **PLN#3–SITE CONFORMANCE**

INTENT: In order to comply with with Zoning Ordinance Section 7703, the site shall substantially comply with the approved plot plans and all deviations thereof, specific conditions and approved building plans. **DESCRIPTION OF REQUIREMENT:** The project shall conform to the approved landscape plan(s), building plans, and plot plan(s). This includes, but is not limited to maintaining the following: all parking, and driveways areas, trash enclosures, removal of graffiti from walls, watering all landscaping at all times, painting all necessary aesthetics design features, and all lighting, wall/fencing and required signage. Failure to conform to the approved plot plan(s); is an unlawful use of the land, and will result in enforcement action pursuant to Zoning Ordinance Section 7703. **DOCUMENTATION:** The property owner and permittee shall conform to the

approved plot plan. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

10. NOISE#1–ON-GOING SOUND LEVEL COMPLIANCE: [PDS, CODES] [OG]

INTENT: In order to comply with the applicable sections of Title 3, Division 6, Chapter 4 (County of San Diego Noise Ordinance), the site shall comply with the requirements of this condition. **DESCRIPTION OF REQUIREMENT:** The project shall conform to the following requirements: Major Use Permit associated activities shall comply with the one-hour average sound level limit property line requirement pursuant to the County Noise Ordinance, Section 36.404. **DOCUMENTATION:** The property owner(s) and applicant shall conform to the ongoing requirements of this condition. Failure to conform to this condition may result in disturbing, excessive or offensive noise interfering with a person's right to enjoy life and property and is detrimental to the public health and safety pursuant to the applicable sections of Chapter 4. **TIMING:** This condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, CODES] is responsible for enforcement of this permit.

11. ROADS#3–UNIMPEDED ROAD TRAVEL LANES

INTENT: In order to ensure a safe, unobstructed public road. **DESCRIPTION OF REQUIREMENT:** Vehicle traffic generated by the school shall not back up from the project driveway openings into the travel lanes of *Thornmint Road* for the life of this permit. If vehicles back up into the roadway, the owner and uses on the property shall implement measures to ensure traffic does not back up into Thornmint Road. The County may also review the situation and may require revisions to the project and/or the site to alleviate a public safety issue, including Modification of the Major Use Permit and/or a different circulation plan. **DOCUMENTATION:** *Thornmint Road* shall not be adversely affected by project-generated traffic backing up into the travel lanes at any time. **TIMING:** This condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, Code Compliance Division] is responsible for compliance of this permit.

12. PLN#5–ADEQUATE PARKING

INTENT: In order to ensure adequate parking for Kid Ventures, my Kids Place and the existing Amazing Grace All Star Academy facilities, this specific condition shall be complied with by the applicant and override the previous Variance Permit conditions. **DESCRIPTION OF REQUIREMENT:** The applicant shall comply with the following measures:

- a. Kid Ventures is limited to use as a child care center for up to 84 children and 8 employees, My Kids Place for 2 children per hour and 3 employees, and Amazing Grace All Star Academy as a small school for up to 25 students and 15 employees with an afterschool program varying between 60-80 students with a total occupancy of no more than 100 students. In the event that either of these uses are changed or expanded a Minor Deviation or MUP Modification shall be required.
- b. Pick up and drop off for Kid Ventures and Amazing Grace All Star academy shall be staggered as follows:

- *Kid Ventures*: Drop-off occurs between 8:00 a.m. and 9:00 a.m. Pick-up follows a similar brief process from 4:00 p.m. to 5:00 p.m.
 - *Amazing Grace All-Star Academy*: Drop-off occurs between 7:45 a.m. and 8:00 a.m., while the afterschool program operates with a staggered pick-up between 5:30 p.m. and 6:00 p.m.
- c. Shuttle Service: The afterschool program for Amazing Grace All-Star Academy relies on an efficient shuttle service that transports approximately 85% of students (about 60-80 children) to the site. This shuttle service shall operate between 2:00 p.m. and 3:00 p.m., utilizing only three designated parking spaces for vans.
 - d. Parties and Events are not permitted for the exception of open house meetings or similar.
 - e. Minor changes to this plan can be approved through a minor deviation, as long as the applicant can show the changes comply with all other conditions of this major use permit and no additional parking spaces would be required as a result of the change.
- DOCUMENTATION:** The property owner and tenants shall conform to the requirements of this condition. **TIMING:** Upon Establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [*PDS, Code Compliance Division*] is responsible for enforcement of this permit.

- 13. PLN#6–MAJOR USE PERMIT ONGOING OPERATIONS INTENT:** In order to comply with applicable regulations and enforce ongoing requirements and design features of the project. **DESCRIPTION OF REQUIREMENT:** The project shall conform to the following maintenance and operating requirements listed below:
- a. If a State License or other licensing is obtained for the child care center and private school, the project shall conform with requirements of the licensing. **DOCUMENTATION:** None. The property owner and permittee shall conform to the applicable requirements. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [*PDS, Code Compliance Division*] is responsible for enforcement of this permit.
- 14. ROADS#3–SIGHT DISTANCE**
- INTENT:** In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of Section 6.1.(E) of the County of San Diego Public Road Standards, an unobstructed sight distance shall be maintained for the life of this permit. **DESCRIPTION OF REQUIREMENT:** There shall be a minimum unobstructed sight distance of 300 feet in both directions along *Thornmint Road* from the unnamed private road easement serving the property, for the life of this permit. **DOCUMENTATION:** A minimum unobstructed sight shall be maintained. The sight distance of adjacent driveways and street openings shall not be adversely affected by this project at any time. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [*PDS, Code Compliance Division*] is responsible for compliance of this permit.

MAJOR USE PERMIT FINDINGS

Pursuant to Section 7358 of The Zoning Ordinance, the following findings in support of the granting of the Major Use Permit are made:

(a) *The location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures with consideration given to*

1. *Harmony in scale, bulk, coverage, and density*

The project includes no construction or improvements to the existing 22,410 square foot building. The project will not alter the scale, bulk, coverage, or density of the site and therefore will continue to be compatible with adjacent uses, residents, buildings, and structures. The facility's scale and design are compatible with the surrounding business park, which includes similarly sized structures. Kid Ventures, My Kids Place and Amazing Grace All-Star Academy occupy existing square footage (12,211 sq. ft. 1,662 and 8,536 sq. ft., respectively), maintaining balance with the area's overall density and bulk. There are no proposed structural changes, so the project will retain the current harmony in scale and bulk within the established building.

2. *The availability of public facilities, services, and utilities*

The project is located within a fully developed business park with access to all necessary public services, utilities, and facilities. Existing infrastructure provides water, electricity, and waste services adequate to support the childcare and educational uses. No upgrades or additional utilities are required to sustain the project, confirming that the necessary public facilities and services are available. The site currently receives imported water and sanitary sewer service from the Olivenhain Municipal Water District. The site currently receives fire protection service from the Rancho Santa Fe Fire Protection District. These districts will continue to serve the site and public facilities, services, and utilities are available to the site.

3. *The harmful effect, if any, upon desirable neighborhood character:*

The project includes no construction or improvements other than upgrading the driveways to current requirements, so the project will not alter the appearance or the site. The project is designed to serve as a community-oriented facility, offering childcare, educational programs, and therapy services that support families and local businesses. By providing locally needed services, the facility enhances the neighborhood character, particularly for nearby large employers, by attracting working families and supporting workforce stability. The educational and childcare uses align with the neighborhood's professional, family-focused character, and no adverse effects are anticipated on the surrounding environment. The project will not have harmful effects on the neighborhood character.

4. *The generation of traffic and the capacity and physical character of surrounding streets:*

The proposed project offers a retail/service opportunity to the 4S Ranch community and is classified as locally-serving under the County of San Diego's Transportation Study Guide (TSG). Locally-serving projects typically have a less-than-significant impact on CEQA/Transportation because they improve destination proximity, potentially reducing Vehicle Miles Traveled (VMT). With a projected maximum of 184 students and 15 employees, the project requires 64 parking spaces. However, it provides 68 spaces, accommodating both the site's usage needs and on-site circulation to facilitate student drop-off and pick-up. As such, the project is anticipated to have no adverse impacts on traffic, transportation, or VMT due to its locally-serving nature, reduced trip generation, and well-designed on-site parking. Staggered operational hours for Kid Ventures and Amazing Grace All-Star Academy, combined with a shuttle service for afterschool students, effectively distributes traffic flow and reduces peak demand impacts. This coordinated approach minimizes congestion and prevents traffic overflow onto surrounding streets. Additionally, a traffic circulation plan, part of the Major Use Permit conditions, outlines on-site circulation for peak drop-off and pick-up times, requiring the school to inform parents of this plan. The permit also restricts school traffic from stacking onto Thornmint Road, with provisions for the County to review the permit if necessary to maintain smooth traffic flow.

5. *The suitability of the site for the type and intensity of use or development, which is proposed:*

Located within a business park, the site is highly suitable for the proposed educational and childcare uses. The existing infrastructure supports these services without necessitating structural modifications or additional amenities. The building's layout and square footage are appropriate for the combined use, allowing each program to operate independently without overcrowding. The surrounding business district provides easy access for families, reinforcing the site's suitability and accessibility.

6. *Any other relevant impact of the proposed use:*

Additional considerations include compliance with California Childcare Licensing requirements (Title 22), ensuring health and safety standards for children. Noise levels and environmental impact are minimal, as the indoor nature of the services mitigates any noise or activity spillover. The addition of child development and therapy services further enhances the facility's contribution to the community, providing locally accessible resources for child wellness and development.

- (b) *The impacts, as described in Findings (a) above, and the location of the proposed use will be consistent with the San Diego County General Plan:*

The project is subject to the Regional Category Village and Specific Plan Land Use Designation (SP) and is within the 4S Ranch Specific Plan Area and the San Dieguito Community Plan area. The proposed uses align with the 4S Ranch Specific Plan, San Dieguito Community Plan and San Diego County General Plan, which encourages community-based services and efficient land use within designated commercial and industrial areas. By providing accessible childcare and educational services, the project meets community needs and supports local employment, thus strengthening the area's

economic and social fabric. The services offered are consistent with the General Plan's goal of accessible, community-oriented services that enhance family life and workforce stability.

- (c) *That the requirements of the California Environmental Quality Act have been complied with:*

The Project has been reviewed for compliance with the CEQA and qualifies for a categorical exemption under CEQA Section 15301 Existing Facilities. The Project qualifies for a categorical exemption under CEQA Section 15301 as it consists of the conversion of an existing facility to a use that is less intensive than the previous use and does not propose additional structures. By providing a locally serving use and service as well as generating less ADT than the previous use, implementation of the Project is expected to reduce VMT and GHG emissions. The Project also includes a shuttle service for the Amazing Grace All Star Academy which reduces VMT and GHG emissions associated with cars. It has been determined that the project is not in an environmentally sensitive location as it has been previously developed, will not have a cumulative effect on the environment; is not on a hazardous waste site; will not cause a substantial change in the significance of a historical resource; and will not result in damage to a scenic highway.

ORDINANCE COMPLIANCE NOTIFICATIONS: The project is subject to, but not limited to, the following County of San Diego, State of California, and U.S. Federal Government, Ordinances, Permits, and Requirements:

LIGHTING ORDINANCE COMPLIANCE: In order to comply with the County Lighting Ordinance 59.101 et seq. and Zoning Ordinance Sections 6322, 6324, and 6326, the onsite lighting shall comply with the approved plot plan(s), specific permit conditions and approved building plans associated with this permit. All light fixtures shall be designed and adjusted to reflect light downward, away from any road or street, and away from adjoining premises, and shall otherwise conform to the County Lighting Ordinance 59.101 et seq. and Zoning Ordinance Sections 6322, and 6324. The property owner and permittee shall conform to the approved plot plan(s), specific permit conditions, and approved building plans associated with this permit as they pertain to lighting. No additional lighting is permitted. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance.

NOISE ORDINANCE COMPLIANCE: In order to comply with the [County Noise Ordinance 36.401](#) et seq. and the Noise Standards pursuant to the General Plan Noise Element (Table N-1 & N-2), the property and all of its uses shall comply with the approved plot plans, specific permit conditions and approved building plans associated with this permit. No noise generating equipment and project related noise sources shall produce noise levels in violation of the County Noise Ordinance. The property owner and permittee shall conform to the approved plot plan(s), specific permit conditions, and approved building plans associated with this permit as they pertain to noise generating devices or activities. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance.

COMPLIANCE INSPECTION: In order to comply with Zoning Ordinance Section 7362.e the County shall inspect the Use Permit property for compliance with the terms of this Use Permit.

The County Permit Compliance Officer will perform a site inspection and review the on-going conditions associated with this permit. The inspection shall be scheduled no later than the six months subsequent to establishing the intended use of the permit. If the County determines the applicant is not complying with the Major Use Permit terms and conditions the applicant shall allow the County to conduct follow up inspections more frequently than once every twelve months until the County determines the applicant is in compliance. The Property Owner/Permittee shall allow the County to inspect the property for which the Major Use Permit has been granted, at least once every twelve months, to determine if the Property Owner/Permittee is complying with all terms and conditions of the Use Permit. This requirement shall apply during the term of this permit.

STORMWATER ORDINANCE COMPLIANCE: In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the [San Diego Regional Water Quality Control Board \(RWQCB\)](#) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control [Ordinance No. 10410](#) and all other applicable ordinances and standards for the life of this permit. The project site shall be in compliance with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. This includes compliance with the approved Stormwater Management Plan, all requirements for Low Impact Development (LID), Hydromodification, materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that during construction the property owner keeps the Storm Water Pollution Prevention Plan (SWPPP) onsite and update it as needed. The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.

LOW IMPACT DEVELOPMENT NOTICE: The San Diego Regional Water Quality Control Board (SDRWQCB) issued a new Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES). The requirements of the Municipal Permit were implemented beginning in May 2013. *Project design shall be in compliance with the new Municipal Permit regulations.* The Low Impact Development (LID) Best Management Practices (BMP) Requirements of the Municipal Permit can be found at the following link:

http://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED_PROTECTION_PROGRAM/susmppdf/lid_handbook_2014sm.pdf

The County has provided a LID Handbook as a source for LID information and is to be utilized by County staff and outside consultants for implementing LID in our region. See link below.
<http://www.sdcounty.ca.gov/dplu/docs/LID-Handbook.pdf>

STORMWATER COMPLIANCE NOTICE: Updated studies, including Hydro-modification Management Plans for Priority Development Projects, will be required prior to approval of grading and improvement plans for construction pursuant to [County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance No. 10410](#) (N.S.), dated February 26, 2016 and BMP Design Manual. These requirements are subject to the MS4 Permit issued by the Regional Water Quality Control Board, Order No. R9-2013-0001 and any subsequent order. Additional studies and other action may be needed to comply with future MS4 Permits.

GRADING PERMIT REQUIRED: A grading permit is required prior to commencement of grading when quantities of excavation or fill results in the movement of material exceeding 200

cubic yards or eight feet (8') in vertical height of cut/fill, pursuant to [Section 87.201 of Grading Ordinance](#).

CONSTRUCTION PERMIT REQUIRED: A Construction Permit and/or Encroachment Permit are required for any and all work within the County road right-of-way. Contact PDS Construction/Road right-of-way Permits Services Section, (858) 694-3275, to coordinate County requirements. In addition, before trimming, removing or planting trees or shrubs in the County Road right-of-way, the applicant must first obtain a permit to remove plant or trim shrubs or trees from the Permit Services Section.

ENCROACHMENT PERMIT REQUIRED: An Encroachment Permit is required for any and all proposed/existing facilities within the County right-of-way. At the time of construction of future road improvements, the proposed facilities shall be relocated at no cost to the County, to the satisfaction of the Director of Public Works.

EXCAVATION PERMIT REQUIRED: An excavation permit is required for undergrounding and/or relocation of utilities within the County right-of-way.

TRANSPORTATION IMPACT FEE: The project is subject to County of San Diego Transportation Impact Fee (TIF) pursuant to [County TIF Ordinance number 77.201 – 77.223](#). The Transportation Impact Fee (TIF) shall be paid. The fee is required for the entire project, or it can be paid at building permit issuance for each phase of the project. The fee is calculated pursuant to the ordinance at the time of building permit issuance. The applicant shall pay the TIF at the [PDS, LD Counter] and provide a copy of the receipt to the [PDS, BD] at time of permit issuance.

EXPLANATION OF COUNTY DEPARTMENT AND DIVISION ACRONYMS			
Planning & Development Services (PDS)			
Project Planning Division	PPD	Land Development Project Review Teams	LDR
Permit Compliance Coordinator	PCC	Project Manager	PM
Building Plan Process Review	BPPR	Plan Checker	PC
Building Division	BD	Map Checker	MC
Building Inspector	BI	Landscape Architect	LA
Zoning Counter	ZO		
Department of Public Works (DPW)			
Private Development Construction Inspection	PDCI	Environmental Services Unit Division	ESU
Department of Environmental Health and Quality (DEHQ)			
Land and Water Quality Division	LWQ	Local Enforcement Agency	LEA
Vector Control	VCT	Hazmat Division	HMD
Department of Parks and Recreation (DPR)			
Trails Coordinator	TC	Group Program Manager	GPM
Parks Planner	PP		

Department of General Service (DGS)			
Real Property Division	RP		

APPEAL PROCEDURE: Within ten calendar days after the date of this Decision of the Planning Commission, the decision may be appealed to the Board of Supervisors in accordance with [Section 7366 of the County Zoning Ordinance](#). An appeal shall be filed with the Director of Planning & Development Services or by mail with the Secretary of the Planning Commission within TEN CALENDAR DAYS of the date of this notice AND MUST BE ACCOMPANIED BY THE DEPOSIT OR FEE AS PRESCRIBED IN THE DEPARTMENT’S FEE SCHEDULE, PDS FORM #369, pursuant to Section 362 of the San Diego County Administrative Code. If the tenth day falls on a weekend or County holiday, an appeal will be accepted until 4:00 p.m. on the following day the County is open for business. Filing of an appeal will stay the decision of the Director until a hearing on your application is held and action is taken by the Planning Commission. Furthermore, the 90-day period in which the applicant may file a protest of the fees, dedications or exactions begins on the date of approval of this Decision.

COUNTY OF SAN DIEGO PLANNING COMMISSION
VINCE NICOLETTI, DIRECTOR

BY:

Ashley Smith, Chief
Project Planning
Planning & Development Services

email cc:

Michael Johnson, Planning Manager, PDS
Taylor Ryan, Land Development, PDS
Darren Soloman, Applicant

**Attachment C – Previous Variance and Variance
Modifications Approvals**

DECISIONS





GARY L. PRYOR
DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017

SAN MARCOS OFFICE
338 VIA VERA CRUZ - SUITE 201
SAN MARCOS, CA 92069-2620
(760) 471-0730

EL CAJON OFFICE
200 EAST MAIN ST. - SIXTH FLOOR
EL CAJON, CA 92020-3912
(619) 441-4030

November 12, 2004

Arthur Barnhart
16789 Bernardo Center Drive
San Diego, California 92198

DECISION OF THE DIRECTOR Variance

APPLICATION NUMBER: V04-016 APN: 678-292-19
WN NUMBER: RV 4016
NAME OF APPLICANT: Arthur Barnhart
LOCATION OF PROPERTY: 10760 Thornmint Road
M54 General Impact Industrial
San Dieguito Community Planning Area

DECISION:

Grant in substantial conformance with the approved plot plan, dated October 5, 2004, a Variance to allow a reduction of the required parking from 85 spaces to 75 spaces for a warehouse building which consists of offices and storage.

CONDITIONS:

- A. The Variance shall be applicable as long as the property is used for offices and storage. In the event this use is converted to any other use, approval of a Variance Modification is required.
- B. If the unoccupied area is filled with a use that requires more than 75 parking spaces pursuant to Section 6750 of the Zoning Ordinance, approval of a Variance Modification is required.

- C. The total number of employees shall be limited to 42 at any one time.

FINDINGS:

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to the property or class of use in the same vicinity and zone;

The immediate surrounding area is characterized by large industrial buildings, which range from 15,000 square feet to 30,000 square feet. The proposal is to add a 2,000 square feet of additional office space on the mezzanine floor. Section 6762 of the Zoning Ordinance requires a parking space for every 200 square feet of building space, when the use is for offices. Section 6778 of the Zoning Ordinance requires a parking space for every 300 square feet of building space, when the use is for storage. The total proposed building square footage is 21,410 square feet and the addition of the mezzanine would include 2,000 square feet. The proposal will allow for 11,542 square feet of storage space and 7,868 square feet of office space. The number of anticipated Douglas E. Barnhardt, Inc. employees is 42. The company receives an average of one visitor per day.

The unique use of offices and storage with a low employee base, which averages 42, and the minimal amount of visitors are the exceptional conditions applicable to this site. Additionally, if this use is converted to any other use, then a Variance Modification is required.

2. That granting the Variance or its Modification is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone, and denied to the property for which the Variance is sought;

The facility is located within a business park with four other similar industrial buildings, which share the same type of use. Additionally, there have been six other Variances granted within the same industrial area of 4S Ranch to reduce parking to similar developments. Relief from the Zoning Ordinance is necessary to use the building, which is similar to other developments that have Variances granted.

3. That granting the Variance or its Modification will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and zone in which the property is located;

The proposed use will generate minimal or no impact to the existing parking because the operation will require a maximum of a total of 42 employees on-site at any one time. The reduction from approximately 85 spaces to 75 spaces will not cause overflow parking onto adjacent parking lot or to curbside parking. Even with the reduction in spaces and the maximum amount of employees at the property at once, there will be at least 33 vacant parking spaces for visitors. The tenant anticipates no more than one visitor at any one time. Additionally, if this use is converted to any other use, then a Variance Modification is required.

4. That granting the Variance or its Modification will not be incompatible with the San Diego County General Plan;

The Variance is compatible with the San Diego General Plan and the 4S Ranch Specific Plan because it proposes a parking reduction for a General Industrial Use with a low employee base, in an area designated as M54, General Impact Industrial by the 4S Ranch Specific Plan.

CEQA FINDING:

It has been determined that the project is exempt from the California Environmental Quality Act as specified under Section 15305 of the State CEQA Guidelines, since the parking reduction is considered a Minor Alteration to Land Use.

NOTICE: THE ISSUANCE OF THIS PERMIT BY THE COUNTY OF SAN DIEGO DOES NOT AUTHORIZE THE APPLICANT FOR SAID PERMIT TO VIOLATE ANY FEDERAL, STATE, OR COUNTY LAWS, ORDINANCES, REGULATIONS, OR POLICIES INCLUDING, BUT NOT LIMITED TO, THE FEDERAL ENDANGERED SPECIES ACT AND ANY AMENDMENT THERETO.

PUBLIC TESTIMONY:

The San Dieguito Community Planning Group voted to approve the project. Notices were sent out to the nine property owners nearest the subject property and no comments were received in opposition to the project.

The Variance expires November 10, 2006, unless construction and/or use in reliance has started, or unless an extension has been granted previously by the Zoning Administrator.

The decision of the Director becomes final on the eleventh day following the date on this permit unless prior to that date, you or a protestant files a written appeal to the Planning Commission accompanied by a fee of \$750.00. Filing of an appeal will stay the decision of the Director until a hearing on your application is held and action is taken by the Planning Commission.

V04-016

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November 12, 2004

NOTICE: The Project was found to have "de minimus" impacts on fish and wildlife resource, therefore no fee is required.

The foregoing was a decision by the Zoning Administrator/Director of Planning and Land Use on November 10, 2004. A copy of this decision is on file and a copy was mailed to the applicant at the address shown on the application.

GARY L. PRYOR, Director
Department of Planning and Land Use

By:



SUSAN PORTER, Planning Manager
Regulatory Planning Division

SP:JR:jcr

cc: Douglas E. Barnhart, Inc., Arthur Barnhart, 16789 Bernardo Center Drive,
San Diego, CA 92198
San Dieguito Community Planning Group, P.O. Box 2789, Rancho Santa Fe, CA
92067

ZA04\DECS\V04016-1104

Recorded for the benefit of the County)
of San Diego, Department of Planning)
and Land Use.)
))
Return to: County of San Diego)
Department of Planning and Land Use)
Mail Station O650)
5201 Ruffin Road, Suite "B")
San Diego, CA 92123)
Attention: Don Kraft)
))

(No Transfer Tax Due)

(Above Space For Recorder's Use)

**VARIANCE PERMIT V04-016-01
ISSUED BY COUNTY OF SAN DIEGO**

The Director of the Department of Planning and Land Use of the County of San Diego on November 21, 2011 hereby grants Variance Modification Permit V04-016-01, subject to the terms and conditions listed below, relating to that real property located in the County of San Diego, California, more particularly described as follows:

Parcel 2 of Parcel Map No. 18243 Recorded in the County of San Diego on April 28, 1999.

The Zoning Ordinance of the County of San Diego requires that this Variance Permit be recorded with the San Diego County Recorder, and provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named, of the rights and obligations created by this Variance Permit. (Zon. Ord. § 7019.)

The undersigned Owners of the property subject to this Variance Permit hereby agree, for themselves and their successors, to perform and at all times comply with all terms and conditions specified herein.

OWNER(S)

Douglas E. Barnhart

Date

(Attach California All Purpose Acknowledgements)



ERIC GIBSON
Director

County of San Diego
DEPARTMENT OF PLANNING AND LAND USE

DECISION OF THE DIRECTOR

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123 -1666
INFORMATION (858) 694 -2960
TOLL FREE (800) 411 -0017
www.sdcounty.ca.gov/dplu

~~November 12, 2004~~
November 21, 2011

Arthur Barnhart
~~16789 Bernardo Center Drive~~
San Diego, CA 92198

Douglas E. Barnhart
10805 Thornmint Road, Suite 200
San Diego, CA 92127

DECISION OF THE DIRECTOR
Variance Modification

APPLICATION NUMBER: ~~∇~~ 3971 04-016-01 (VAR MOD W¹) APN: 678-292-19

WN NUMBER: RV4016

NAME OF APPLICANT: Arthur Douglas E. Barnhart

LOCATION OF PROPERTY: 10760 Thornmint Road
M54 General Impact Industrial
San Dieguito Community Planning Area

DECISION:

Grant in substantial conformance with the approved plot plan, dated October 5, 2004, a Variance to allow a reduction of the required parking from 85 spaces to 75 spaces for a warehouse building which consists of offices and storage.

This approval is a variance to allow a reduction of the required parking from 75 spaces to 35 spaces for the proposed All Star Academy which is a recreational program facility for children from the age of five to twelve years old, in substantial conformance with the

V04-016W¹

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November 12-21, 2004¹¹

approved plot plan, dated November 21, 2011 consisting of three (3) sheets. The existing office building is 20,749 square feet with the proposed All Star Academy to occupy 8,536 square feet of this building.

CONDITIONS:

ANY PERMIT: *(Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit).*

1. RECORDATION OF DECISION: [DPLU], [GP, CP, BP, UO]

Intent: In order to comply with Section 7019 of the Zoning Ordinance, the Permit Decision shall be recorded to provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named, of the rights and obligations created by this permit. **Description of requirement:** The applicant shall sign, notarize with an 'all purpose acknowledgement' and return the original Recordation Form to DPLU. **Documentation:** Signed and notarized original Recordation Form. **Timing:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, a signed and notarized copy of the Decision shall be recorded by DPLU at the County Recorder's Office. **Monitoring:** The DPLU Zoning Counter shall verify that the Decision was recorded and that a copy of the recorded document is on file at DPLU.

ONGOING: *(Upon establishment of use the following conditions shall apply during the term of this permit).*

- A2. The variance shall be applicable as long as the property is used for offices, and storage, and the All Star Academy. In the event this use is converted to any other use, approval of a Variance Modification is required.
- B3. If the unoccupied area is filled with a use that requires more than ~~75~~ 40 parking spaces pursuant to Section 6750 of The Zoning Ordinance, approval of a Variance Modification is required.
- C4. The total number of employees for the All Star Academy facility shall be limited to 42 ~~12~~.
5. The total number of children occupying the All Star Academy facility shall be limited to a maximum number of 82.
6. The All Star Academy shall operate from 1:00 p.m. to 6:30 p.m.

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November 12-21, 2004¹¹

7. Drop off for the All Star Academy shall be comprised of three passenger vans, operating between the hours of 1:00 p.m. to 4:00 p.m., and would occupy a maximum of three parking spaces.
8. Children pick up for the All Star Academy shall occur from 5:50 p.m. to 6:30 p.m. after typical business hours.
9. All Star Academy associated spectator events and/or shows shall not be permitted within the project site.

FINDINGS (V04-016W¹)

1. That there are special circumstances applicable to the property, including size, shape, topography, location or surroundings, that do not apply generally to property in the same vicinity and under identical zoning classification;

The immediate surrounding area is characterized by large industrial buildings, which range from 15,000 square feet to 30,000 square feet in size with employee, business and customer parking lots. The project site contains a 20,749 square foot office building that is currently vacant and has 75 parking spaces. The proposal is to have a new tenant (All Star Academy) occupy 8,536 square feet of office space within this building. Although the office spaces are currently vacant, the building was recently occupied and is planned to be filled again with a similar office use.

Section 6766 of the Zoning Ordinance requires one parking space for every three persons based on the total occupancy permitted by the Uniform Building Code for Participant Sports and Recreation Uses. Therefore, 81 parking spaces would be required for the new use. The previously approved Variance (V04-016) for this same facility allowed for a parking requirement reduction of 75 spaces for office and storage space uses. The proposed All Star Academy would occupy forty one (41%) percent of the existing structure. This would result in thirty (30) parking spaces in relation to the overall total of 75 parking spaces. The Variance Modification (W¹) would allow the All Star Academy to reduce the required parking to 35 spaces.

The All Star Academy hours of operation would occur from 1:00 p.m. to 6:30 p.m. The number of All Star Academy employees would be limited to a maximum of 12 part time staff with no more than 82 children to occupy this facility at any time. The children would range from five to twelve years old, without a driver's license, and 95 percent of the children would be dropped off by shuttle bus while the remaining five percent would be dropped off by separate vehicles. Drop off activities would primarily consist of three vans (two 15 passenger vans and one

single 7 passenger van) in which shuttles would operate between 1 p.m. to 4 p.m.

The proposal would allow the All Star Academy a parking reduction of 35 spaces. The unique use by the All Star Academy includes a low employee base of 12 staff members, the use of 3 passenger vans to accommodate 95% of the vehicle traffic drop off, participants that are not of age that could drive to the facility, peak hour pick up times for children occurring past 5:50 pm after typical business hours and the minimal amount of vehicle drop off/pick up are the exceptional conditions applicable to this site. Additionally, if this use is converted to any other use, then a Variance Modification is required. Although the property only contains 75 parking spaces, there are special circumstances to the location that do not generally apply to surrounding properties with similar zoning.

2. That, because of those special circumstances, the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification;

The facility is located within a business park with four other similar industrial buildings, which share a similar type of use. Additionally, there have been six other Variances granted within the same industrial area of 4S Ranch to reduce parking to similar developments. The Zoning Ordinance Section 6766 requirement of 81 spaces pursuant to the Uniform Building Code (UBC) currently exceeds the total number of available parking spaces (75) for the entire site. Through this Variance Modification, the All Star Academy would occupy 41% of the entire building, resulting in a parking percentage of 30 spaces based on the previously approved Variance (V04-016) reduced overall total parking requirement of 75 spaces. The All Star Academy proposes 35 spaces (exceeding the parking percentage by an additional five spaces). The remaining 40 spaces would be available for the unoccupied office space (when the space is filled by a future tenant) within the building which is adequate for the use based upon the remaining square footage.

A reduction in the number of parking spaces is necessary to use the building, which would operate with less needed parking spaces in relation to prior on-site uses, and is consistent with the previously approved Variance and other developments that have previous Variances granted. Strict application of the Zoning Ordinance would deprive the use of the property that is utilized by other parcels in the area with the same zoning.

3. That granting the variance or its modification is subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated;

The proposed All Star Academy would be conditioned to allow operations from 1:00 p.m. to 6:30 p.m. (part of day), limit attendance to only employees and children at the facility, require drop off operations comprised of shuttle vans (95%) and single vehicle drop off (5%) from 1:00 p.m. to 4:00 p.m., require pick up activities between the hours of 5:50 p.m. to 6:30 p.m.(after typical business hours), and to preclude any spectator events and/or shows. The Variance has been adequately conditioned to ensure that other properties in the vicinity and zone are not adversely affected by the reduction in the number of parking spaces.

4. That the variance will not authorize a use or activity which is not otherwise expressly authorized by the applicable use classification;

The project site is zoned M54 (General Impact Industrial) that allows a Participant Sports and Recreation (Indoor) use pursuant to the County Zoning Ordinance, Section 2542.b. and is consistent with the proposed All Star Academy operations which include martial arts, gymnastics, theater, and dance all conducted within an enclosed building.

5. That granting the variance or its modification will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in the vicinity and zone in which the property is located; and

The proposed use would generate minimal or no impacts to the existing parking because the operation would allow a maximum total of 12 employees on-site from 1:00 p.m. to 6:30 p.m., with 95% of the students dropped off by shuttle vans and children pick up occurring after typical business hours, between 5:50 p.m. to 6:30 p.m. The parents that would intermittently pick up the children would require a maximum of 20 parking spaces. Employees would have 12 spaces and 3 spaces for the passenger vans children drop off resulting in a total of 35 spaces.

The reduction from 75 spaces to 35 spaces would not cause overflow parking onto adjacent parking lots or to curbside parking. With the reduction in spaces, minimum parking needs, 95% of children drop off comprised of employee operated shuttle vans, with pick up activities occurring at times that are off-peak for surrounding business operations and traffic, and the limited number of employees at the property, there would be 40 vacant parking spaces remaining for the unoccupied office space. Even with a new tenant, the overall on-site parking would be adequate for all operations. Additionally, if the All Star Academy is converted to any other use, then a Variance Modification is required. The granting of this Variance would not be detrimental to the health, safety, welfare, and improvements in the area.

6. That granting the Variance or its Modification will not be incompatible with the San Diego County General Plan;

The Variance is compatible with the San Diego General Plan and the 4S Ranch Specific Plan because it proposes a parking reduction for a General Industrial Use with a low employee base, limited vehicle circulation, low level parking needs, and is in an area designated as M54, General Impact Industrial by the 4S Ranch Specific Plan.

FINDINGS (V04-016):

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to the property or class of use in the same vicinity and zone;

The immediate surrounding area is characterized by large industrial buildings, which range from 15,000 square feet to 30,000 square feet. The proposal is to add a 2,000 square feet of additional office space on the mezzanine floor. Section 6762 of The Zoning Ordinance requires a parking space for every 200 square feet of building space, when the use is for offices. Section 6778 of The Zoning Ordinance requires a parking space for every 300 square feet of building space, when the use is for storage. The total proposed building square footage is 21,410 square feet and the addition of the mezzanine would include 2,000 square feet. The proposal will allow for 11,542 square feet of storage space and 7,868 square feet of office space. The number of anticipated Douglas E. Barnhardt, Inc. employees is 42. The company receives an average of one visitor per day.

The unique use of offices and storage with a low employee base, which averages 42, and the minimal amount of visitors are the exceptional conditions applicable to this site. Additionally, if this use is converted to any other use, then a Variance Modification is required.

2. That granting the Variance or its Modification is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone, and denied to the property for which the Variance is sought;

The facility is located within a business park with four other similar industrial buildings, which share the same type of use. Additionally, there have been six other Variances granted within the same industrial area of 4S Ranch to reduce parking to similar developments. Relief from The Zoning Ordinance is necessary to use the building, which is similar to other developments that have Variances granted.

- 3. That granting the Variance or its Modification will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and zone in which the property is located;

The proposed use will generate minimal or no impact to the existing parking because the operation will require a maximum of a total of 42 employees on-site at any one time. The reduction from approximately 85 spaces to 75 spaces will not cause overflow parking onto adjacent parking lot or to curbside parking. Even with the reduction in spaces and the maximum amount of employees at the property at once, there will be at least 33 vacant parking spaces for visitors. The tenant anticipates no more than one visitor at any one time. Additionally, if this use is converted to any other use, then a Variance Modification is required.

- 4. That granting the Variance or its Modification will not be incompatible with the San Diego County General Plan;

The Variance is compatible with the San Diego General Plan and the 4S Ranch Specific Plan because it proposes a parking reduction for a General Industrial Use with a low employee base, in an area designated as M54, General Impact Industrial by the 4S Ranch Specific Plan.

.....
CEQA FINDING:

It has been determined that the project is exempt from the California Environmental Quality Act as specified under Section 15305 of the State CEQA Guidelines, since the parking reduction is considered a Minor Alteration to Land Use.

.....
PUBLIC TESTIMONY (V04-016):

The San Dieguito Community Planning Group voted to approve the project. Notices were sent out to the nine property owners nearest the subject property and no comments were received in opposition to the project.

The foregoing was a decision by the Zoning Administrator/Director of Planning and Land Use on November 10, 2004. A copy of this decision is on file and a copy was mailed to the applicant at the address shown on the application.

PUBLIC TESTIMONY (V04-016W¹):

The San Dieguito Community Planning Group voted to recommend approval on November 10, 2011. The project notices were sent out to the property owners nearest the subject property and two comments were received in opposition to the project.

.....
APPEAL PROCEDURE: Within ten calendar days after the date of this Decision of the Director, the decision may be appealed to the Planning Commission in accordance with Section 7114 of the County Zoning Ordinance. An appeal shall be filed with the Secretary of the Planning Commission within TEN CALENDAR DAYS of the date of this notice AND MUST BE ACCOMPANIED BY THE DEPOSIT OR FEE AS PRESCRIBED IN THE DEPARTMENT'S FEE SCHEDULE, DPLU FORM #369, pursuant to Section 362 of the San Diego County Administrative Code. If the tenth day falls on a weekend or County holiday, an appeal will be accepted until 4:00 p.m. on the following day the County is open for business. Filing of an appeal will stay the decision of the Director until a hearing on your application is held and action is taken by the Planning Commission. Furthermore, the 90-day period in which the applicant may file a protest of the fees, dedications or exactions begins on the date of adoption of this Resolution.

(V04-016)

The Variance expires November 10, 2006, unless construction and/or use in reliance has started, or unless an extension has been granted previously by the Zoning Administrator.

~~The decision of the Director becomes final on the eleventh day following the date on this permit unless prior to that date, you or a protestant files a written appeal to the Planning Commission accompanied by a fee of \$750.00. Filing of an appeal will stay the decision of the Director until a hearing on your application is held and action is taken by the Planning Commission.~~

.....
ORDINANCE COMPLIANCE AND NOTICES: The project is subject to, but not limited to the following County of San Diego, State of California, and US Federal Government, Ordinances, Permits, and Requirements:

NOTICE: The Project was found to have "de minimus" impacts on fish and wildlife resource, therefore no fee is required.

NOTICE: THE ISSUANCE OF THIS PERMIT BY THE COUNTY OF SAN DIEGO DOES NOT AUTHORIZE THE APPLICANT FOR SAID PERMIT TO VIOLATE ANY

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November 12-21, 2004¹¹

FEDERAL, STATE, OR COUNTY LAWS, ORDINANCES, REGULATIONS, OR POLICIES INCLUDING, BUT NOT LIMITED TO, THE FEDERAL ENDANGERED SPECIES ACT AND ANY AMENDMENT THERETO.

NOTICE: - The project was found to be "Exempt" from the California Environmental Quality Act (CEQA), therefore no fee is required.

STORMWATER ORDINANCE COMPLIANCE: In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance No. 10096 and all other applicable ordinances and standards for the life of this permit. The project site shall be in compliance with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. Projects that involve areas 1 acre or greater require that the property owner keep additional and updated information onsite concerning stormwater runoff. The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.

LOW IMPACT DEVELOPMENT NOTICE: On January 24, 2007, the San Diego Regional Water Quality Control Board (SDRWQCB) issued a new Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES). The requirements of the Municipal Permit were implemented beginning January 25, 2008. Project design shall be in compliance with the new Municipal Permit regulations. The Low Impact Development (LID) Best Management Practices (BMP) Requirements of the Municipal Permit can be found at the following link on Page 19, Section D.1.d (4), subsections (a) and (b):

http://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/docs/sd_permit/r9_2007_0001/2007_0001final.pdf.

<http://www.sdcounty.ca.gov/dplu/docs/LID-Handbook.pdf>.

The County has provided a LID Handbook as a source for LID information and is to be utilized by County staff and outside consultants for implementing LID in our region. See link above.

Eric Gibson, Director
Department of Planning and Land Use

By: 
Jarrett Ramaiya, Planning Manager
Regulatory Planning Division

V04-016W¹

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November 12-21, 2004¹¹

JR:EA

Email CC:

Emmet Aquino, Project Manager, DPLU
Jarrett Ramaiya, Planning Manager, DPLU

cc: Arthur 'Tex' Barnhart, 14065 Pained Desert Road, Poway, CA, 92064
Terry Strom, Strom Entitlement and Permitting Project, 31915 Rancho California
Road, Suite 200-370, Temecula, CA, 92591
San Dieguito Community Planning Group, 345 W 9th Avenue, Suite 202,
Escondido, CA 92025-5055 P.O. Box 2789, Rancho Santa Fe, CA
92067
Douglas E. Barnhart, 10805 Thornmint Road, Suite 200, San Diego, CA 92127
Emmet Aquino, Project Manager, DPLU

Recording requested by and for the benefit)
of the County of San Diego, Planning &)
Development Services)
)
Return to: County of San Diego)
Planning & Development Services)
Mail Station O650)
5110 Overland Avenue, Suite 110)
San Diego, CA 92123)
Attention: Don Kraft)
)

(No Transfer Tax Due)

(Above Space For Recorder's Use)

**VARIANCE PERMIT V12-012
ISSUED BY COUNTY OF SAN DIEGO**

The Director of Planning Development Services of the County of San Diego on November 27, 2012 hereby grants Variance V12-012 subject to the terms and conditions listed below, relating to that real property located in the County of San Diego, California, more particularly described as follows:

Parcel 2 of Parcel Map No. 18243 Recorded in the County of San Diego on April 28, 1999.

The Zoning Ordinance of the County of San Diego requires that this Variance Permit be recorded with the San Diego County Recorder, and provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named, of the rights and obligations created by this Variance Permit. (Zon. Ord. § 7019.)

The undersigned Owners of the property subject to this Variance Permit hereby agree, for themselves and their successors, to perform and at all times comply with all terms and conditions specified herein.

OWNER(S)

DOUGLAS E. BARNHART

Date:

(Attach California All Purpose Acknowledgements)



MARK WARDLAW
Director

BETH A. MURRAY
Assistant Director

County of San Diego
PLANNING & DEVELOPMENT SERVICES

5510 OVERLAND AVENUE, SUITE 110, SAN DIEGO, CALIFORNIA 92123
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017
www.sdcounty.ca.gov/pds

November 27, 2012

PERMITEE: DOUGLAS E. BARNHART
VARIANCE NUMBER: 3970 12-012 (VAR)
E.R. NUMBER: NA
PROPERTY: 10760 THORN MINT ROAD, SAN DIEGO, CA 92127
APN(S): 678-292-19-00

.....
This approval is a variance to allow a reduction of the required parking from 59 spaces to 45 spaces in substantial conformance with the approved Kid Ventures plot plan consisting of three (3) sheets dated September 20, 2012.

EXPIRATION: The Variance expires November 27, 2014 unless construction and/or use in reliance has started, or unless an extension has been granted previously by the Zoning Administrator.

CONDITIONS:

ANY PERMIT: (Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit).

- 1. COST RECOVERY: [PDS, DPW, DEH, DPR], [GP, CP, BP, UO]**
INTENT: In order to comply with Section 362 of Article XX of the San Diego County Administrative Code, Schedule B.5, existing deficit accounts associated with processing this permit shall be paid. **DESCRIPTION OF REQUIREMENT:** The applicant shall pay off all existing deficit accounts associated with processing this permit. **DOCUMENTATION:** The applicant shall provide a receipt to Planning & Development Services, Zoning Counter, which shows that all discretionary deposit accounts have been paid. No permit can be issued if there are deficit deposit accounts. **TIMING:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, all fees and discretionary deposit accounts shall be paid. **MONITORING:** The

PDS Zoning Counter shall review the receipts and verify that all PDS, DPW, DEH, and DPR deposit accounts have been paid.

2. RECORDATION OF DECISION: [PDS], [GP, CP, BP, UO]

INTENT: In order to comply with Section 7019 of the Zoning Ordinance, the Permit Decision shall be recorded to provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named, of the rights and obligations created by this permit. **DESCRIPTION OF REQUIREMENT:** The applicant shall sign, notarize with an 'all purpose acknowledgement' and return the original Recordation Form to PDS. **DOCUMENTATION:** Signed and notarized original Recordation Form. **TIMING:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, a signed and notarized copy of the Decision shall be recorded by PDS at the County Recorder's Office. **MONITORING:** The PDS Zoning Counter shall verify that the Decision was recorded and that a copy of the recorded document is on file at PDS.

ONGOING: *(Upon establishment of use the following conditions shall apply during the term of this permit).*

3. SITE CONFORMANCE: [PDS, PCO] [OG] [DPR, TC, PP].

INTENT: In order to comply with Zoning Ordinance Section 7703, the site shall substantially comply with the approved plot plans and all deviations thereof, specific conditions and approved building plans. **DESCRIPTION OF REQUIREMENT:** The project shall conform to the approved plot plans. This includes, but is not limited to maintaining the following: all parking and driveways. Failure to conform to the approved plot plan(s); is an unlawful use of the land, and will result in enforcement action pursuant to Zoning Ordinance Section 7703. **DOCUMENTATION:** The property owner and permittee shall conform to the approved plot plan. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The *[PDS, Code Enforcement Division]* is responsible for enforcement of this permit.

4. KID ADVENTURE CONDITIONS: [DPLU, PCO]

INTENT: In order to provide adequate parking for the proposed Kid Ventures and the existing All Star Academy facilities, this specific condition shall be complied with by the applicant. **DESCRIPTION OF REQUIREMENT:** The applicant shall comply with the following measures:

- a. The variance shall be applicable as long as the proposed Kid Ventures is used for offices, storage areas, exercise areas, and a snack bar. In the event this use is expanded or converted to any other use, approval of a Variance Modification is required.

- b. The total number of employees for the Kid Ventures facility shall be limited to five.
- c. The Kid Ventures facility shall operate from 9:30 a.m. to 5:00 p.m.
- d. Parking for the Kid Ventures facility shall consist of a maximum of 45 spaces between the hours of 9:30 a.m. to 12:30 p.m. and 40 spaces between the hours of 12:30 p.m. to 5:00 p.m.
- e. Spectator events and/or shows associated with the Kid Ventures use shall not be permitted within the project site.
- f. The Kid Ventures facility shall not interfere with the parking requirements and conditions made within the previously approved Variance Modification 3971 04-016-01 (VAR MOD W¹) for the All Star Academy.

DOCUMENTATION: The property owner and permittee shall conform to the requirements of this condition. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [DPLU, Code Enforcement Division] is responsible for enforcement of this permit.

VARIANCE FINDINGS:

1. *That there are special circumstances applicable to the property, including size, shape, topography, location or surroundings, that do not apply generally to property in the same vicinity and under identical zoning classification;*

The immediate surrounding area is characterized by large industrial buildings, which range from 15,000 square feet to 30,000 square feet. The project site currently has a 22,410 square foot office building that is currently occupied by the All Star Academy. The proposal is to have the proposed Kid Ventures occupy the remainder of office space within this building comprised of 12,213 square feet of office space. Sections 6766, 6778, 6762 of the Zoning Ordinance and the Uniform Building Code for Participant Sports and Recreation Uses would require a total of 59 parking spaces for the proposed Kid Ventures use.

The project site currently has a total of 70 parking spaces located around the office building. A previously approved Variance (V04-016) allowed a reduction of the required parking from 85 spaces to 75 spaces for the site. This Variance permit was followed by a previously approved Variance Modification (V04-016-01) for this same facility which allowed for a parking requirement reduction of 35

spaces for All Star Academy use. This previously approved Variance Modification was conditioned to limit All Star Academy operations from 1:00 p.m. to 6:30 p.m. Based on the previously approved Variance Modification, a total 70 parking spaces would be available during the morning hours from 9:00 a.m. to 1:00 p.m. and 40 spaces during the afternoon hours of 1:00 p.m. to 6:30 p.m. This Variance would allow Kid Ventures to utilize 45 spaces during the morning hours and 40 spaces during the afternoon hours, which would not be used by the All Star Academy.

An existing and comparable Pacific Beach Kid Ventures facility shows customers would primarily use the facility between the hours of 9:30 a.m. to 12:30 p.m. Monday through Friday. Customer data usage shows a maximum limit of 80 patrons (children and adults) visiting the facility during the morning hours with a reduced number of 20 patrons using the facility during the afternoon hours. Calculations are comprised of one child accompanied by one adult resulting in one parking space for every two patrons. The Kid Ventures operations would occur from 9:30 a.m. to 5 p.m. The peak morning hours would not interfere with the existing parking as the All Star Academy operates between the hours of 1:00 p.m. to 6:30 p.m. with all 75 parking spaces available at this time. The number of Kid Ventures employees would be limited to a maximum of five staff members at any time.

The total building square footage is 22,410 square feet and the office space to be occupied by the proposed Kid Ventures would be 12,213 square feet. The proposal would allow Kid Ventures a parking reduction requirement of 45 spaces between the hours of 9:30 a.m. to 12:30 p.m. and 40 spaces from 12:30 p.m. to 5 p.m. and would not compromise the available parking spaces on site. The current operations of the Kid Ventures consists of a low employee base of 5 staff members, unique operational characteristics that would provide adequate parking for both the proposed and existing facilities, and are considered exceptional conditions applicable to this site. Additionally, if this use is converted to any other use, then a Variance Modification is required.

2. *That, because of those special circumstances, the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification;*

The facility is located within a business park with four other similar industrial buildings, which share a similar type of use. Additionally, there have been seven other Variances granted within the same industrial area of 4S Ranch to reduce parking to similar developments. Through this Variance, Kid Ventures would occupy 55 percent of the entire building resulting in a parking percentage of approximately 41 spaces. Based on the previously approved Variance Modification (V04-016-01), the All-Star Academy would occupy 35 spaces of the available 75 spaces during the hours of 1:00 p.m. to 6:30 p.m. which leaves 40 spaces available from 9:30 a.m. to 12:30 p.m. and 40 spaces available during the hours of 1:00 p.m. to 6:30 p.m. Kid Ventures proposes using 45 spaces

during the morning hours of 9:30 a.m. to 12:30 p.m. (exceeding the parking percentage by an additional four spaces) as opposed to The Zoning Ordinance requirement of 59 spaces pursuant to The Zoning Ordinance Sections 6766, 6778, 6762 of the Zoning Ordinance and the Uniform Building Code for Participant Sports and Recreation Uses. The remaining 40 spaces during the hours of 12:30 p.m. to 5:00 p.m. would be available for the proposed Kid Ventures facility. Relief from The Zoning Ordinance is necessary to use the building, which is similar to the previously approved Variance and other developments that have previous Variances granted.

3. *That granting the variance or its modification is subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated;*

The proposed Kid Ventures facility would be conditioned to allow operations from 9:30 a.m. to 5:00 p.m., require 45 parking spaces during the morning hours of 9:30 a.m. to 12:30 p.m. and 40 spaces during the afternoon hours of 12:30 p.m. to 5:00 p.m., and to preclude any spectator events and/or shows.

4. *That the variance will not authorize a use or activity which is not otherwise expressly authorized by the applicable use classification;*

The project site is zoned M54 that allows a Participant Sports and Recreation (Indoor) use pursuant to the County Zoning Ordinance, Section 2542.b and is consistent with the proposed Kid Ventures operations which include offices, storage areas, exercise areas, and a snack bar all conducted within an enclosed building.

5. *That granting the variance or its modification will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in the vicinity and zone in which the property is located; and*

The proposed use would generate minimal or no impacts to the existing parking because the operation would allow a maximum total of 5 employees on-site, require 45 parking spaces during the morning hours of 9:30 a.m. to 12:30 p.m. and 40 spaces during the afternoon hours of 12:30 p.m. to 5:00 p.m. The existing All-Star Academy would occupy 35 spaces of the available 75 spaces during the hours of 1:00 p.m. to 6:30 p.m. which leaves 75 spaces available from 9:30 a.m. to 12:30 p.m. and 40 spaces available during the hours of 1:00 p.m. to 6:30 p.m.

The reduction from the required 59 spaces to 45 spaces during the morning hours would not cause overflow parking onto adjacent parking lots or to curbside parking as the existing All Star Academy operations occur from 1:00 p.m. to 6:30 p.m. With the reduction in spaces, availability of parking spaces at the property,

there would be 75 vacant spaces during the morning hours and 40 vacant parking spaces during the afternoon hours remaining for the proposed Kid Venture facility. Additionally, if the Kid Ventures facility is expanded or converted to any other use, then a Variance Modification is required.

6. *That granting the Variance or its Modification will not be incompatible with the San Diego County General Plan;*

The Variance is compatible with the San Diego General Plan and the 4S Ranch Specific Plan because it proposes a parking reduction for a General Industrial Use with a low employee base, limited vehicle circulation, conditioned maximum parking spaces in use, and is in an area designated as M54, General Impact Industrial by the 4S Ranch Specific Plan.

PUBLIC TESTIMONY:

The San Dieguito Community Planning Group voted to recommend approval (12-0-0) on November 1, 2012. The project notices were sent out to the property owners nearest the subject property and no comments were received in opposition to the project.

ORDINANCE COMPLIANCE AND NOTICES: The project is subject to, but not limited to the following County of San Diego, State of California, and US Federal Government, Ordinances, Permits, and Requirements:

STORMWATER ORDINANCE COMPLIANCE: In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance No. 10096 and all other applicable ordinances and standards for the life of this permit. The project site shall be in compliance with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. This includes compliance with the approved Stormwater Management Plan, all requirements for Low Impact Development (LID), Hydromodification, materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that the property owner keep additional and updated information onsite concerning stormwater runoff. The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.

LOW IMPACT DEVELOPMENT NOTICE: On January 24, 2007, the San Diego Regional Water Quality Control Board (SDRWQCB) issued a new Municipal Stormwater Permit under the National Pollutant Discharge Elimination System

(NPDES). The requirements of the Municipal Permit were implemented beginning January 25, 2008. *Project design shall be in compliance with the new Municipal Permit regulations.* The Low Impact Development (LID) Best Management Practices (BMP) Requirements of the Municipal Permit can be found at the following link on Page 19, Section D.1.d (4), subsections (a) and (b):

http://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/docs/sd_permit/r9_2007_0001/2007_0001final.pdf.

<http://www.sdcounty.ca.gov/dplu/docs/LID-Handbook.pdf>.

The County has provided a LID Handbook as a source for LID information and is to be utilized by County staff and outside consultants for implementing LID in our region. See link above.

NOTICE: THE ISSUANCE OF THIS PERMIT BY THE COUNTY OF SAN DIEGO DOES NOT AUTHORIZE THE APPLICANT FOR SAID PERMIT TO VIOLATE ANY FEDERAL, STATE, OR COUNTY LAWS, ORDINANCES, REGULATIONS, OR POLICIES INCLUDING, BUT NOT LIMITED TO, THE FEDERAL ENDANGERED SPECIES ACT AND ANY AMENDMENTS THERETO.

NOTICE: - The project was found to be "Exempt" from the California Environmental Quality Act (CEQA), therefore no fee is required.

NOTICE: The 90 day period in which the applicant may file a protest of the fees, dedications or exactions begins on November 27, 2012.

APPEAL PROCEDURE: Within ten calendar days after the date of this Decision of the Director, the decision may be appealed to the Planning Commission in accordance with Section 7114 of the County Zoning Ordinance. An appeal shall be filed with the Secretary of the Planning Commission within TEN CALENDAR DAYS of the date of this notice AND MUST BE ACCOMPANIED BY THE DEPOSIT OR FEE AS PRESCRIBED IN THE DEPARTMENT'S FEE SCHEDULE, DPLU FORM #369, pursuant to Section 362 of the San Diego County Administrative Code. If the tenth day falls on a weekend or County holiday, an appeal will be accepted until 4:00 p.m. on the following day the County is open for business. Filing of an appeal will stay the decision of the Director until a hearing on your application is held and action is taken by the Planning Commission. Furthermore, the 90-day period in which the applicant may file a protest of the fees, dedications or exactions begins on the date of adoption of this Resolution.

November 27, 2012

MARK WARDLAW, Director
Department of Planning and Development Services

By:



Jarrett Ramaiya, Planning Manager
Project Planning Division

Attachment:

Previously Approved Variance Modification 3971 04-016-01 (VAR MOD W¹)

cc: Douglas E. Barnhart, 10805 Thornmint Road, Suite 200, San Diego, CA92127
Darren Solomon, 5066 Santa Fe Street, San Diego, CA 92109
Terry Strom, 31915 Rancho California Road, #200-370, Temecula, CA 92591
Kirk Moeller, 2173 Salk Avenue, Suite 250, Carlsbad, CA 92008
Emmet Aquino, Project Manager, PDS

email cc:

Ed Sinsay, Team Leader, PDS
Jarrett Ramaiya, Planning Manger, PDS
Emmet Aquino, Project Manager, PDS
San Dieguito Community Planning Group



County of San Diego
DEPARTMENT OF PLANNING AND LAND USE

ERIC GIBSON
Director

DECISION OF THE DIRECTOR

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123 -1666
INFORMATION (858) 694 -2960
TOLL FREE (800) 411 -0017
www.sdcounty.ca.gov/dplu

~~November 12, 2004~~
November 21, 2011

~~Arthur Barnhart~~
~~16789 Bernardo Center Drive~~
~~San Diego, CA 92198~~

Douglas E. Barnhart
10805 Thornmint Road, Suite 200
San Diego, CA 92127

DECISION OF THE DIRECTOR
Variance Modification

APPLICATION NUMBER: ~~V 3971~~ 04-016-01 (VAR MOD W¹) APN: 678-292-19

WN NUMBER: RV4016

NAME OF APPLICANT: ~~Arthur Douglas E.~~ Barnhart

LOCATION OF PROPERTY: 10760 Thornmint Road
M54 General Impact Industrial
San Dieguito Community Planning Area

DECISION:

Grant in substantial conformance with the approved plot plan, dated October 5, 2004, a Variance to allow a reduction of the required parking from 85 spaces to 75 spaces for a warehouse building which consists of offices and storage.

This approval is a variance to allow a reduction of the required parking from 75 spaces to 35 spaces for the proposed All Star Academy which is a recreational program facility for children from the age of five to twelve years old, in substantial conformance with the

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approved plot plan, dated November 21, 2011 consisting of three (3) sheets. The existing office building is 20,749 square feet with the proposed All Star Academy to occupy 8,536 square feet of this building.

CONDITIONS:

ANY PERMIT: *(Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit).*

1. RECORDATION OF DECISION: [DPLU], [GP, CP, BP, UO]

Intent: In order to comply with Section 7019 of the Zoning Ordinance, the Permit Decision shall be recorded to provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named, of the rights and obligations created by this permit. **Description of requirement:** The applicant shall sign, notarize with an 'all purpose acknowledgement' and return the original Recordation Form to DPLU. **Documentation:** Signed and notarized original Recordation Form. **Timing:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, a signed and notarized copy of the Decision shall be recorded by DPLU at the County Recorder's Office. **Monitoring:** The DPLU Zoning Counter shall verify that the Decision was recorded and that a copy of the recorded document is on file at DPLU.

ONGOING: *(Upon establishment of use the following conditions shall apply during the term of this permit).*

- A2. The variance shall be applicable as long as the property is used for offices, and storage, and the All Star Academy. In the event this use is converted to any other use, approval of a Variance Modification is required.
- B3. If the unoccupied area is filled with a use that requires more than 75 40 parking spaces pursuant to Section 6750 of The Zoning Ordinance, approval of a Variance Modification is required.
- G4. The total number of employees for the All Star Academy facility shall be limited to 42 12.
- 5. The total number of children occupying the All Star Academy facility shall be limited to a maximum number of 82.
- 6. The All Star Academy shall operate from 1:00 p.m. to 6:30 p.m.

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7. Drop off for the All Star Academy shall be comprised of three passenger vans, operating between the hours of 1:00 p.m. to 4:00 p.m., and would occupy a maximum of three parking spaces.
8. Children pick up for the All Star Academy shall occur from 5:50 p.m. to 6:30 p.m. after typical business hours.
9. All Star Academy associated spectator events and/or shows shall not be permitted within the project site.

FINDINGS (V04-016W¹)

1. That there are special circumstances applicable to the property, including size, shape, topography, location or surroundings, that do not apply generally to property in the same vicinity and under identical zoning classification;

The immediate surrounding area is characterized by large industrial buildings, which range from 15,000 square feet to 30,000 square feet in size with employee, business and customer parking lots. The project site contains a 20,749 square foot office building that is currently vacant and has 75 parking spaces. The proposal is to have a new tenant (All Star Academy) occupy 8,536 square feet of office space within this building. Although the office spaces are currently vacant, the building was recently occupied and is planned to be filled again with a similar office use.

Section 6766 of the Zoning Ordinance requires one parking space for every three persons based on the total occupancy permitted by the Uniform Building Code for Participant Sports and Recreation Uses. Therefore, 81 parking spaces would be required for the new use. The previously approved Variance (V04-016) for this same facility allowed for a parking requirement reduction of 75 spaces for office and storage space uses. The proposed All Star Academy would occupy forty one (41%) percent of the existing structure. This would result in thirty (30) parking spaces in relation to the overall total of 75 parking spaces. The Variance Modification (W¹) would allow the All Star Academy to reduce the required parking to 35 spaces.

The All Star Academy hours of operation would occur from 1:00 p.m. to 6:30 p.m. The number of All Star Academy employees would be limited to a maximum of 12 part time staff with no more than 82 children to occupy this facility at any time. The children would range from five to twelve years old, without a driver's license, and 95 percent of the children would be dropped off by shuttle bus while the remaining five percent would be dropped off by separate vehicles. Drop off activities would primarily consist of three vans (two 15 passenger vans and one

single 7 passenger van) in which shuttles would operate between 1 p.m. to 4 p.m.

The proposal would allow the All Star Academy a parking reduction of 35 spaces. The unique use by the All Star Academy includes a low employee base of 12 staff members, the use of 3 passenger vans to accommodate 95% of the vehicle traffic drop off, participants that are not of age that could drive to the facility, peak hour pick up times for children occurring past 5:50 pm after typical business hours and the minimal amount of vehicle drop off/pick up are the exceptional conditions applicable to this site. Additionally, if this use is converted to any other use, then a Variance Modification is required. Although the property only contains 75 parking spaces, there are special circumstances to the location that do not generally apply to surrounding properties with similar zoning.

2. That, because of those special circumstances, the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification;

The facility is located within a business park with four other similar industrial buildings, which share a similar type of use. Additionally, there have been six other Variances granted within the same industrial area of 4S Ranch to reduce parking to similar developments. The Zoning Ordinance Section 6766 requirement of 81 spaces pursuant to the Uniform Building Code (UBC) currently exceeds the total number of available parking spaces (75) for the entire site. Through this Variance Modification, the All Star Academy would occupy 41% of the entire building, resulting in a parking percentage of 30 spaces based on the previously approved Variance (V04-016) reduced overall total parking requirement of 75 spaces. The All Star Academy proposes 35 spaces (exceeding the parking percentage by an additional five spaces). The remaining 40 spaces would be available for the unoccupied office space (when the space is filled by a future tenant) within the building which is adequate for the use based upon the remaining square footage.

A reduction in the number of parking spaces is necessary to use the building, which would operate with less needed parking spaces in relation to prior on-site uses, and is consistent with the previously approved Variance and other developments that have previous Variances granted. Strict application of the Zoning Ordinance would deprive the use of the property that is utilized by other parcels in the area with the same zoning.

3. That granting the variance or its modification is subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated;

The proposed All Star Academy would be conditioned to allow operations from 1:00 p.m. to 6:30 p.m. (part of day), limit attendance to only employees and children at the facility, require drop off operations comprised of shuttle vans (95%) and single vehicle drop off (5%) from 1:00 p.m. to 4:00 p.m., require pick up activities between the hours of 5:50 p.m. to 6:30 p.m.(after typical business hours), and to preclude any spectator events and/or shows. The Variance has been adequately conditioned to ensure that other properties in the vicinity and zone are not adversely affected by the reduction in the number of parking spaces.

4. That the variance will not authorize a use or activity which is not otherwise expressly authorized by the applicable use classification;

The project site is zoned M54 (General Impact Industrial) that allows a Participant Sports and Recreation (Indoor) use pursuant to the County Zoning Ordinance, Section 2542.b. and is consistent with the proposed All Star Academy operations which include martial arts, gymnastics, theater, and dance all conducted within an enclosed building.

5. That granting the variance or its modification will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in the vicinity and zone in which the property is located; and

The proposed use would generate minimal or no impacts to the existing parking because the operation would allow a maximum total of 12 employees on-site from 1:00 p.m. to 6:30 p.m., with 95% of the students dropped off by shuttle vans and children pick up occurring after typical business hours, between 5:50 p.m. to 6:30 p.m. The parents that would intermittently pick up the children would require a maximum of 20 parking spaces. Employees would have 12 spaces and 3 spaces for the passenger vans children drop off resulting in a total of 35 spaces.

The reduction from 75 spaces to 35 spaces would not cause overflow parking onto adjacent parking lots or to curbside parking. With the reduction in spaces, minimum parking needs, 95% of children drop off comprised of employee operated shuttle vans, with pick up activities occurring at times that are off-peak for surrounding business operations and traffic, and the limited number of employees at the property, there would be 40 vacant parking spaces remaining for the unoccupied office space. Even with a new tenant, the overall on-site parking would be adequate for all operations. Additionally, if the All Star Academy is converted to any other use, then a Variance Modification is required. The granting of this Variance would not be detrimental to the health, safety, welfare, and improvements in the area.

V04-016W¹

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November 12-21, 2004¹¹

6. That granting the Variance or its Modification will not be incompatible with the San Diego County General Plan;

The Variance is compatible with the San Diego General Plan and the 4S Ranch Specific Plan because it proposes a parking reduction for a General Industrial Use with a low employee base, limited vehicle circulation, low level parking needs, and is in an area designated as M54, General Impact Industrial by the 4S Ranch Specific Plan.

FINDINGS (V04-016):

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to the property or class of use in the same vicinity and zone;

The immediate surrounding area is characterized by large industrial buildings, which range from 15,000 square feet to 30,000 square feet. The proposal is to add a 2,000 square feet of additional office space on the mezzanine floor. Section 6762 of The Zoning Ordinance requires a parking space for every 200 square feet of building space, when the use is for offices. Section 6778 of The Zoning Ordinance requires a parking space for every 300 square feet of building space, when the use is for storage. The total proposed building square footage is 21,410 square feet and the addition of the mezzanine would include 2,000 square feet. The proposal will allow for 11,542 square feet of storage space and 7,868 square feet of office space. The number of anticipated Douglas E. Barnhardt, Inc. employees is 42. The company receives an average of one visitor per day.

The unique use of offices and storage with a low employee base, which averages 42, and the minimal amount of visitors are the exceptional conditions applicable to this site. Additionally, if this use is converted to any other use, then a Variance Modification is required.

2. That granting the Variance or its Modification is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone, and denied to the property for which the Variance is sought;

The facility is located within a business park with four other similar industrial buildings, which share the same type of use. Additionally, there have been six other Variances granted within the same industrial area of 4S Ranch to reduce parking to similar developments. Relief from The Zoning Ordinance is necessary to use the building, which is similar to other developments that have Variances granted.

- 3. That granting the Variance or its Modification will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and zone in which the property is located;

The proposed use will generate minimal or no impact to the existing parking because the operation will require a maximum of a total of 42 employees on-site at any one time. The reduction from approximately 85 spaces to 75 spaces will not cause overflow parking onto adjacent parking lot or to curbside parking. Even with the reduction in spaces and the maximum amount of employees at the property at once, there will be at least 33 vacant parking spaces for visitors. The tenant anticipates no more than one visitor at any one time. Additionally, if this use is converted to any other use, then a Variance Modification is required.

- 4. That granting the Variance or its Modification will not be incompatible with the San Diego County General Plan;

The Variance is compatible with the San Diego General Plan and the 4S Ranch Specific Plan because it proposes a parking reduction for a General Industrial Use with a low employee base, in an area designated as M54, General Impact Industrial by the 4S Ranch Specific Plan.

.....

CEQA FINDING:

It has been determined that the project is exempt from the California Environmental Quality Act as specified under Section 15305 of the State CEQA Guidelines, since the parking reduction is considered a Minor Alteration to Land Use.

.....

PUBLIC TESTIMONY (V04-016):

The San Dieguito Community Planning Group voted to approve the project. Notices were sent out to the nine property owners nearest the subject property and no comments were received in opposition to the project.

The foregoing was a decision by the Zoning Administrator/Director of Planning and Land Use on November 10, 2004. A copy of this decision is on file and a copy was mailed to the applicant at the address shown on the application.

V04-016W¹

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November 12-21, 2004¹¹**PUBLIC TESTIMONY (V04-016W¹):**

The San Dieguito Community Planning Group voted to recommend approval on November 10, 2011. The project notices were sent out to the property owners nearest the subject property and two comments were received in opposition to the project.

APPEAL PROCEDURE: Within ten calendar days after the date of this Decision of the Director, the decision may be appealed to the Planning Commission in accordance with Section 7114 of the County Zoning Ordinance. An appeal shall be filed with the Secretary of the Planning Commission within TEN CALENDAR DAYS of the date of this notice AND MUST BE ACCOMPANIED BY THE DEPOSIT OR FEE AS PRESCRIBED IN THE DEPARTMENT'S FEE SCHEDULE, DPLU FORM #369, pursuant to Section 362 of the San Diego County Administrative Code. If the tenth day falls on a weekend or County holiday, an appeal will be accepted until 4:00 p.m. on the following day the County is open for business. Filing of an appeal will stay the decision of the Director until a hearing on your application is held and action is taken by the Planning Commission. Furthermore, the 90-day period in which the applicant may file a protest of the fees, dedications or exactions begins on the date of adoption of this Resolution.

(V04-016)

The Variance expires November 10, 2006, unless construction and/or use in reliance has started, or unless an extension has been granted previously by the Zoning Administrator.

~~The decision of the Director becomes final on the eleventh day following the date on this permit unless prior to that date, you or a protestant files a written appeal to the Planning Commission accompanied by a fee of \$750.00. Filing of an appeal will stay the decision of the Director until a hearing on your application is held and action is taken by the Planning Commission.~~

ORDINANCE COMPLIANCE AND NOTICES: The project is subject to, but not limited to the following County of San Diego, State of California, and US Federal Government, Ordinances, Permits, and Requirements:

NOTICE: The Project was found to have "de minimus" impacts on fish and wildlife resource, therefore no fee is required.

NOTICE: THE ISSUANCE OF THIS PERMIT BY THE COUNTY OF SAN DIEGO DOES NOT AUTHORIZE THE APPLICANT FOR SAID PERMIT TO VIOLATE ANY

V04-016W¹

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November 12-21, 2004¹¹

FEDERAL, STATE, OR COUNTY LAWS, ORDINANCES, REGULATIONS, OR POLICIES INCLUDING, BUT NOT LIMITED TO, THE FEDERAL ENDANGERED SPECIES ACT AND ANY AMENDMENT THERETO.

NOTICE: - The project was found to be "Exempt" from the California Environmental Quality Act (CEQA), therefore no fee is required.

STORMWATER ORDINANCE COMPLIANCE: In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance No. 10096 and all other applicable ordinances and standards for the life of this permit. The project site shall be in compliance with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. Projects that involve areas 1 acre or greater require that the property owner keep additional and updated information onsite concerning stormwater runoff. The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.

LOW IMPACT DEVELOPMENT NOTICE: On January 24, 2007, the San Diego Regional Water Quality Control Board (SDRWQCB) issued a new Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES). The requirements of the Municipal Permit were implemented beginning January 25, 2008. Project design shall be in compliance with the new Municipal Permit regulations. The Low Impact Development (LID) Best Management Practices (BMP) Requirements of the Municipal Permit can be found at the following link on Page 19, Section D.1.d (4), subsections (a) and (b):

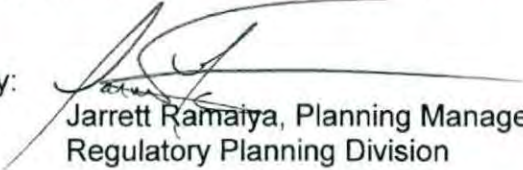
http://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/docs/sd_permit/r9_2007_0001/2007_0001final.pdf

<http://www.sdcounty.ca.gov/dplu/docs/LID-Handbook.pdf>

The County has provided a LID Handbook as a source for LID information and is to be utilized by County staff and outside consultants for implementing LID in our region. See link above.

Eric Gibson, Director
Department of Planning and Land Use

By:


Jarrett Ramaiya, Planning Manager
Regulatory Planning Division

V04-016W^T

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November 12-21, 2004¹¹

JR:EA

Email CC:

Emmet Aquino, Project Manager, DPLU
Jarrett Ramaiya, Planning Manager, DPLU

cc: Arthur 'Tex' Barnhart, 14065 Pained Desert Road, Poway, CA, 92064
Terry Strom, Strom Entitlement and Permitting Project, 31915 Rancho California
Road, Suite 200-370, Temecula, CA, 92591
San Dieguito Community Planning Group, 345 W 9th Avenue, Suite 202,
Escondido, CA 92025-5055 P.O. Box 2789, Rancho Santa Fe, CA
92067
Douglas E. Barnhart, 10805 Thornmint Road, Suite 200, San Diego, CA 92127
Emmet Aquino, Project Manager, DPLU

Attachment D – Environmental Documentation

NOTICE OF EXEMPTION

TO: Recorder/County Clerk
Attn: James Scott
1600 Pacific Highway, M.S. A33
San Diego, CA 92101

FROM: County of San Diego
Planning & Development Services, M.S. O650
Attn: Project Planning Division Section Secretary

SUBJECT: FILING OF NOTICE OF EXEMPTION IN COMPLIANCE WITH PUBLIC RESOURCES CODE SECTION 21108 OR 21152

Project Name: Record ID: PDS2022-MUP-22-007, PDS2022-ER-22-08-003
Kid Ventures Major Use Permit

Project Location: 10760 Thornmint Road, within the San Dieguito Community Plan area in the unincorporate area of San Diego County
APN: 678-292-19-00

Project Applicant: Darren Soloman (darren@sdkidventures.com; 858-663-1639), 10760 Thornmint Road, San Diego, CA 92131

Project Description: A Major Use Permit for a childcare center, school and child development speech therapy office.

Agency Approving Project: County of San Diego

County Contact Person: Bronwyn Brown, (619) 309-9949

Date Form Completed: February 28, 2025

This is to advise that the County of San Diego Director of Planning & Development Services has approved the above-described project on February 28, 2025, Item #1 and found the project to be exempt from the CEQA under the following criteria:

- 1. Exempt status and applicable section of the CEQA ("C") and/or State CEQA Guidelines ("G"): (check only one)
[] Declared Emergency [C 21080(b)(3); G 15269(a)]
[] Emergency Project [C 21080(b)(4); G 15269(b)(c)]
[] Statutory Exemption. C Section:
[X] Categorical Exemption. G Section: 15301(k)
[] G 15061(b)(3) - It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and the activity is not subject to the CEQA.
[] G 15182 - Residential Projects Pursuant to a Specific Plan
[] G 15183 - Projects Consistent with a Community Plan, General Plan, or Zoning
[] Activity is exempt from the CEQA because it is not a project as defined in Section 15378.
2. Mitigation measures [] were [X] were not made a condition of the approval of the project.
3. A Mitigation reporting or monitoring plan [] was [X] was not adopted for this project.

Statement of reasons why project is exempt: Section 15301 consists of the operation, repair, maintenance, leasing, licensing, or minor alteration of existing minor public or private structures facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The Project qualifies for a categorical exemption as it consists of the conversion of an existing facility to a use that is less intensive than the previous use and does not propose additional structures. By providing a locally serving use and service as well as generating less ADT than the previous use, implementation of the Project is expected to reduce VMT and GHG emissions. The Project also includes a shuttle service for the Amazing Grace All Star Academy which reduces VMT and GHG emissions associated with cars. The following is to be filled in only upon formal project approval by the appropriate County of San Diego decision-making body.

Signature: _____ Telephone: (619) 309-9949

Name (Print): Bronwyn Brown Title: Land Use/Environmental Planner

This Notice of Exemption has been signed and filed by the County of San Diego.

This notice must be filed with the Recorder/County Clerk as soon as possible after project approval by the decision-making body. The Recorder/County Clerk must post this notice within 24 hours of receipt and for a period of not less than 30 days. At the termination of the posting period, the Recorder/County Clerk must return this notice to the Department address listed above along with evidence of the posting period. The originating Department must then retain the returned notice for a period of not less than twelve months. Reference: CEQA Guidelines Section 15062.

**REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH
ORDINANCES/POLICIES**

**FOR PURPOSES OF CONSIDERATION OF
KID VENTURES MAJOR USE PERMIT
PDS2022-MUP-22-007; PDS2022-ER-22-08-003**

February 28, 2025

I. HABITAT LOSS PERMIT ORDINANCE – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES NO NOT APPLICABLE/EXEMPT

Discussion:

Although the Project site is located outside the boundaries of the Multiple Species Conservation Program, the scope of the Project will not impact Coastal Sage Scrub and will not require a Habitat Loss Permit. Therefore, conformance to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings is not required.

II. MSCP/BMO – Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES NO NOT APPLICABLE/EXEMPT

Discussion:

The proposed project and any off-site improvements related to the proposed project are within the boundaries of the Multiple Species Conservation Program. The project conforms with the Multiple Species Conservation Program and the Biological Mitigation Ordinance as discussed in the MSCP Findings dated October 28, 2024.

III. GROUNDWATER ORDINANCE – Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES NO NOT APPLICABLE/EXEMPT

Discussion:

The project will obtain its water supply from the Padre Dam Municipal Water District which obtains water from surface reservoirs and/or imported sources. The project will not use any groundwater for any purpose, including irrigation or domestic supply.

IV. RESOURCE PROTECTION ORDINANCE – Does the project comply with:

The wetland and wetland buffer regulations (Sections 86.604(a) and (b)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Floodways and Floodplain Fringe section (Sections 86.604(c) and (d)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Steep Slope section (Section 86.604(e))?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Sensitive Habitat Lands section (Section 86.604(f)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Significant Prehistoric and Historic Sites section (Section 86.604(g)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>

Discussion:

Wetland and Wetland Buffers:

The site contains no wetland habitats as defined by the San Diego County Resource Protection Ordinance. The site does not have a substratum of predominately undrained hydric soils, the land does not support, even periodically, hydric plants, nor does the site have a substratum that is non-soil and is saturated with water or covered by water at some time during the growing season of each year. Therefore, it has been found that the proposed project complies with Sections 86.604(a) and (b) of the Resource Protection Ordinance.

Floodways and Floodplain Fringe:

A Floodway or Floodplain fringe does not exist on the project sites subject to the proposed Tentative Map. Construction associated with the project will not be located within a Floodway or Floodplain fringe. Therefore, it has been found that the proposed project complies with Sections 86.604(c) and (d) of the Resource Protection Ordinance.

Steep Slopes:

There are no steep slopes on the property. Therefore, it has been found that the proposed project complies with Sections 86.604(e) of the RPO.

Sensitive Habitats:

No sensitive habitat lands were identified on the site. Therefore, it has been found that the proposed project complies with Section 86.604(f) of the RPO.

Significant Prehistoric and Historic Sites:

The property has been surveyed by a County of San Diego staff archaeologist and it has been determined that the property does not contain any archaeological and/or historical

sites. Therefore, it has been found that the proposed project complies with Section 86.604(g) of the RPO.

V. STORMWATER ORDINANCE (WPO) – Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES

NO

NOT APPLICABLE

Discussion:

The project Storm Water Quality Management Plan has been reviewed and has been found to be complete and in conformance with the WPO.

VI. NOISE ORDINANCE – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES

NO

NOT APPLICABLE

Discussion:

The proposal would not expose people to nor generate potentially significant noise levels which exceed the allowable limits of the County of San Diego Noise Element of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations.

Transportation (traffic, railroad, aircraft) noise levels at the project site are not expected to exceed Community Noise Equivalent Level (CNEL)=60 decibels (dB) limit because review of the project indicates that the project is not in close proximity to a railroad and/or airport.

Additionally, the County of San Diego GIS noise model does not indicate that the project would be subject to potential excessive noise levels from circulation element roads either now or at General Plan buildout. Noise impacts to the proposed project from adjacent land uses are not expected to exceed the property line sound level limits of the County of San Diego Noise Ordinance.

Attachment E – Environmental Findings

**KID VENTURES
MAJOR USE PERMIT
PDS2022-MUP-22-007
ENVIRONMENTAL LOG NO. PDS2020-ER-22-08-003**

ENVIRONMENTAL FINDINGS

February 28, 2025

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15301 for the reasons stated in the Notice of Exemption.
2. Find that plans and documentation have been prepared for the proposed project that demonstrate that the project complies with the Watershed Protection, Stormwater Management, and Discharge Control Ordinance (County Code, section 67.801 et seq.).

**MULTIPLE SPECIES CONSERVATION PROGRAM CONFORMANCE
STATEMENT TAKE AUTHORIZED DESIGNATED LANDS**

**KID VENTURES MAJOR USE PERMIT
PDS2022-MUP-22-007; PDS2022-ER-22-08-003
APN: 678-292-19-00**

October 28, 2024

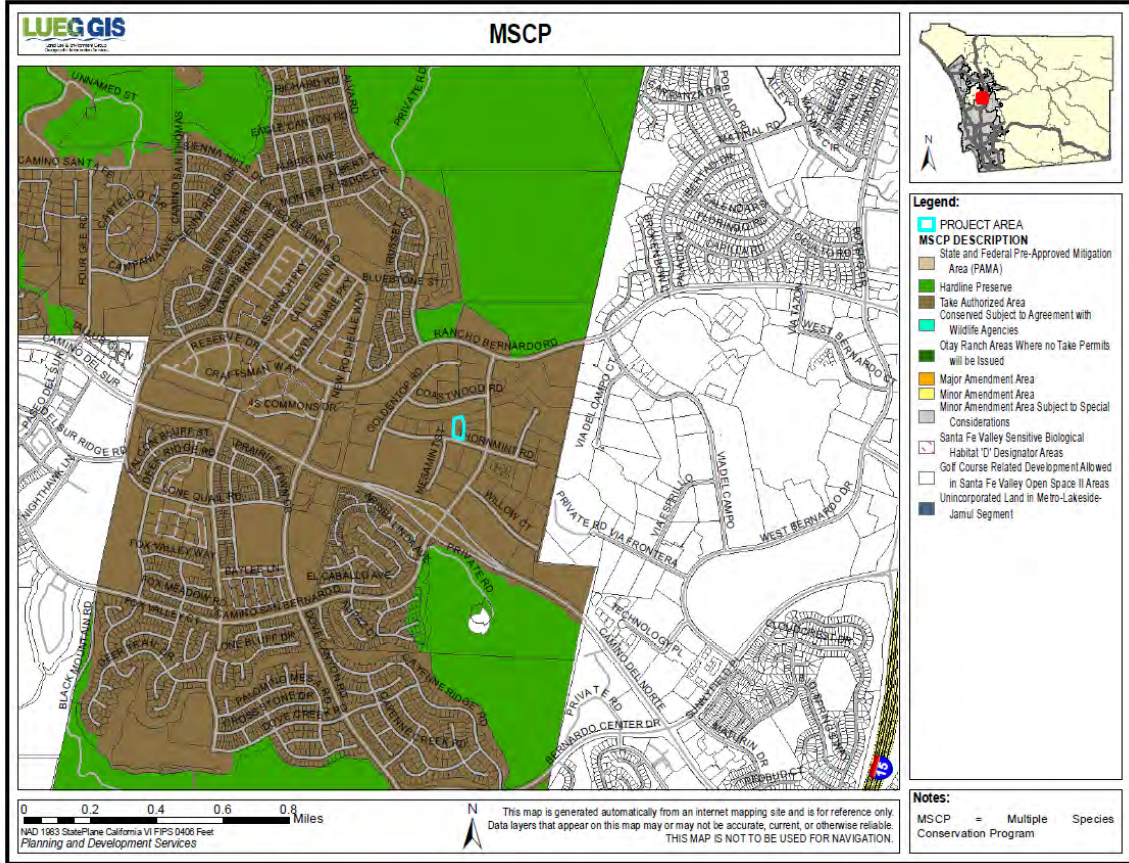
The project proposes development on land identified as “Take Authorized” within the Multiple Species Conservation Program (MSCP). Areas designated as Take Authorized were evaluated by the County, the US Fish and Wildlife Service, and the California Department of Fish and Wildlife during development of the MSCP and approval of the Biological Mitigation Ordinance (BMO). Compensation for impacts to biological resources in Take Authorized Areas has already been built into the MSCP conservation process and no further mitigation is required. Projects proposed in Take Authorized Areas are exempt from the BMO [Section 86.503(a)(4)] but must conform to the MSCP County Subarea Plan. Based on the following findings, the project has been found to adequately conform to the County Subarea Plan and has met all requirements under the MSCP.

1. The project has been identified in the San Diego County Subarea Plan Figure 1- 2 as a “Take Authorized Area”.

The project has been identified as a “Take Authorized Area” in the San Diego County Subarea Plan (Figure 1-2 of the Subarea Plan). The attached map depicts the project location in relation to MSCP areas designated as “Take Authorized” and “No Take Authorized/Preserved”.

2. The project has been designed to conform with the requirements of the Lake Hodges segment of the San Diego County Subarea Plan.

The project is to permit an existing childcare center, private school and child development speech therapy office. The proposed project is within the 4S Ranch Specific Plan area. This Specific Plan included the preservation of 1,612 acres of open space, which is now identified as “No Take Authorized/Preserved” on the County Subarea Plan map. The project does not propose development within these “Preserved” areas and will restrict all direct and indirect impacts to “Take Authorized” areas. Furthermore, the project does not propose land uses adjacent to the Preserved land other than those allowed in Section 1.10 of the County Subarea Plan. Based on the above information, the project has been designed to conform to the requirements of the County Subarea Plan.



Attachment F – Public Documentation



County of San Diego, Planning & Development Services
**COMMUNITY PLANNING OR SPONSOR
GROUP PROJECT RECOMMENDATION**
ZONING DIVISION

Record ID(s): PDS2022-MUP-22-007

Project Name: Kid Ventures

Planning/Sponsor Group: San Dieguito

Results of Planning/Sponsor Group Review

Meeting Date: Sept. 8, 2022

A. Comments made by the group on the proposed project.

B. Advisory Vote: The Group **Did** **Did Not** make a formal recommendation, approval or denial on the project at this time.

If a formal recommendation was made, please check the appropriate box below:

- MOTION:**
- Approve without conditions
 - Approve with recommended conditions
 - Deny
 - Continue

VOTE: 8 Yes 0 No 2 Abstain 3 Vacant/Absent

C. Recommended conditions of approval:

Reported by: Jennifer Callow Position: 6 Date: 09/08/22

Please email recommendations to **BOTH EMAILS**;
Project Manager listed in email (in this format): Firstname.Lastname@sdcounty.ca.gov and to
CommunityGroups.LUEG@sdcounty.ca.gov



SAN DIEGUITO PLANNING GROUP
7:00 pm, Thursday, September 8, 2022
MEETING MINUTES

1. CALL TO ORDER: - 7:04pm
Attendees: D. Dill, P. Fisch, J. Zagara, S. Fogg, J. Callow, L. Lemarie, D. Willis, B. Nelson,
S. Williams (joined 8:04pm)
Absent: N. Christenfeld
Vacant Seats: 3

2. AGENDA REVIEW

3. APPROVAL OF MINUTES: August 11, 2022 Meeting Minutes.
MOTION (D. Dill): Approve as Presented
Second: L. Lemarie
VOTE: Yes – 7, No – 0, Abstain – 1 (S. Fogg), 2 – Absent – 2 (S. Williams, N. Christenfeld)

4. OPEN FORUM
Michael Johnson, Planning Manager, PDS Planning Department - TM-5447; Map15938 Quantum Estates Improvement Agreement Extension. Project is for 7 single-family dwellings on 39.4 acres, and the Board approved the final map in 2013, but the applicant has not started work. The applicant is now requesting a two-year extension on their improvement agreements. If approved, the extension would allow the applicants to have two additional years to complete the improvements required by their permits (road improvement, utility improvements, etc.). This action would not change any condition or the design of the project.
L. Lemarie: Described the location; south side of Paseo Delicias and Del Dios Hwy at the intersection of El Camino Del Norte.
D.Dill: No issues or concerns raised about the TM-5447 extension.
Rebecca Smith, Policy Advisor, Supervisor Terra Lawson Remer – District 3: Provided updates on reducing homelessness, and expanding access to mental health services for people in crisis. Most recent efforts include surveying all County homeless, recording names of all homeless individuals. More psychiatric beds assigned at Alvarado Hospital.
B. Nelson: Continued concern about expanding County Cannabis program into unincorporated County areas. As Cannabis products are of much greater potency, establishing retail Cannabis 'lounge' businesses in rural and backcountry areas would likely have serious safety issues with cannabis consumers driving under the influence on windy, narrow rural roads. Expansion of cannabis use contributes to the problems of homelessness and mental health which the County programs just mentioned by Ms. Smith are directed at helping, thus we are encouraging our own problems.
J. Strang (audience): Described recent Los Angeles Times article series on the California Cannabis program's unintended consequences harming public safety at multiple levels including parent support to reduce risk of exposure to children.

5. GENERAL PLANNING ITEMS:
 - A. **Board of Supervisors VMT Implementation Analysis in Unincorporated Region** – review, discuss and formulate comments for submitting SDPG response to the BOS. Link below to maps indicating unincorporated County TAZs which meet infill definition and TAZs Adjacent to Infill Areas including the San Dieguito Planning area. SDPG Member: Doug Dill, 760-420-7909.
BOS VMT Options Memorandum:
<https://bosagenda.sandiegocounty.gov/cob/cosd/cob/doc?id=0901127e80e1e7a3>
BOS VMT Options Infill Area Maps:
<https://bosagenda.sandiegocounty.gov/cob/cosd/cob/doc?id=0901127e80e1e79e>

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Continue to October 2022 SDPG Meeting

- B. **Surf Cup/Polo Fields/Horse Park** – Status on current Surf Cup (over use) activities/status not in compliance with property title usage overlay, and related developments with adjacent 22nd DAA Horse Park. SDPG Lead: Beth Nelson, 858-765-2322.
B. Nelson: Grading and code compliance issues continue with additional problems now on the adjoining 'Milan' property caused by Surf Cup activities.
- C. **SANDAG VMT (Vehicle Miles Traveled) Tax Proposal** – possible discussion on updates to this issue. SDPG Planner: Sharon Fogg, 858-945-6856
Continue to October 2022 SDPG Meeting
- D. **San Dieguito Road Pathway Project.** San Dieguito River Park JPA requests the support of the SDPG for the San Dieguito Road Pathway Project. The project connects the Osuna trail segment with the CTC Trail to the existing Black Mountain Trail staging area. Draft SDPG letter to County PAR to be discussed and voted on by SDPG members. San Dieguito River Park JPA representative: Shawna Anderson, Executive Director, SDPG Member: Doug Dill, 760.420.7909.
Shawna Anderson, Executive Director: Presented introduction and description of the subject trail segment. As the trail pathway along San Dieguito Road is in the County Right-of-Way, the trail width is subject to County trail width standards and would be maintained by the County.
 MOTION (D. Dill): Support recommendation to the County Parks and Recreation Department to make this project a priority.
 Second: B. Nelson
 VOTE: Yes – 8; No -0; Absent – 2 (N. Christenfeld, S. Williams); Vacancy - 3
- E. **Multi-jurisdictional Fire Evacuation Study.** SDPG vote on letter to BOS urging them to support and fund a regional fire evacuation study to be prepared by the Rancho Santa Fe (RSF) Fire District and the Cities of Encinitas, Solana Beach, and Del Mar Fire Protection District(s). Study Advocate: Holly Manion, 858-395-5287; SDPG Member: Doug Dill, 760.420.7909.
 MOTION (D. Dill): Approve letter as presented.
 Second: S. Williams
 VOTE: Yes – 9; No -0; Absent – 1 (N. Christenfeld); Vacancy - 3
- F. **FY2022-23 PLDO Priority List.** Annual Park Land Dedication Ordinance (PLDO) Priority List requested by the County Department of Parks and Recreation by November 30, 2022. County PAR Representative: Stephanie Kopplin, 858.401.0417; SDPG Member: Doug Dill, 760.420.7909
Continue to October 2022 SDPG Meeting
- G. **Solaris (Eden Valley) Business Park Project.** Located approximately 1 mile west of the Interstate 15 (I-15)/State Route (SR) 78 Freeway Interchange along Country Club Drive, APN: 228-400-06, -14, -15, -16, 22, -23 and 232-030-15; is a proposed Specific Plan which would provide for development of a business park with a range of allowable uses comprising up to 500,000 square feet of building space. Allowable uses would include light industrial, indoor manufacturing, storage, commercial office, medical office, and automobile dealership (indoor storage only). The project components include the Specific Plan, a Rezone, Tentative Tract Map, Development Plan/Precise Planned Development Plan, Annexation from the County to the City of Escondido, and an Environmental Impact Report with the City of Escondido as the Lead Agency. The project site consists of a 45.4-acres, mostly undeveloped property and abuts the City of Escondido limits on its eastern and northern edges. It is surrounded by development on all sides – the Palomar Medical Center to the southeast, single family residential development immediately to the south, east and north, commercial/light industrial business park uses to the west and an equestrian center and lower density residential development to the southwest. The project site has undergone alteration in the past and was previously cleared under a Habitat Loss Permit issued by the County of San Diego, with mitigation provided in the form of mitigation bank credits. Applicant Representative: James Whalen, (619) 683-5544; SDPG Member: Doug Dill, 760-420-7909.

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J. Whalen: These County parcels are in City of Escondido Sphere of Influence and identified in the City's General Plan. LAFCO board members include Supervisors Desmond and Anderson, and City of Escondido Mayor. Developer is seeking (without success) an easement directly to the Palomar Hospital campus. Fire and Police protection will be provided by the City of Escondido. The County process includes a physical impact analysis and cost of services study. The County and City negotiates a financial agreement that covers the County's possible revenue losses due to annexation identified in the analysis and studies.

S. Williams: The greatest community concern is with safe northbound evacuation via Country Club Drive during a major emergency event such as a wildfire. During the last wildfire event, before the 760-home Harmony Grove Village buildout, it took over two and half hours via Country Club to evacuate the existing Eden Valley residents and their large animal population.

D. Dill: SDPG will have a special meeting at 7:00pm, Thursday September 22nd to review and approve a Comment Letter in response to the City of Escondido's Notice of Preparation of an EIR for this annexation.

6. MAJOR PROJECTS AND LAND USE ITEMS:

- A. **PDS2021-STP-21-034 Niedernhofer Residential Guest House Site Plan.** 600 sq. ft. Guest House with deck. Location: 4733 Vista De La Tierra Del Mar, CA. 92014; APN: 302-032-15-00. Applicant Contact: Jim Dyjak, 619-244-3085; PDS Planner: Lauren Yzaguirre, 619-323-7021; SDPG Member: Don Willis, 858-481-6922.

Delete/withdraw from SDPG Meeting Agenda

- B. **PDS2021-VAR-92-001W1 Variance, Fuglesang-Vadakan Residence.** Applicant requesting a reduction in the front yard setback from 100 feet to approximately 96 feet for an addition to an existing single-family dwelling into the front yard setback. The property currently contains a guest house in the front yard setback which will be demolished to allow for an addition to the single-family dwelling. The proposed addition will encroach into the front yard setback less than the existing guest house. Project location: 6605 La Valle Plateada, RSF, CA 92067; APN: 266-320-50-00. Access would be provided via an existing private driveway connected to a private road easement connected to La Valle Plateada. Applicant Representative: Doug Mansfield, 949-218-0408; PDS Planner: Lauren Yzaguirre, 619-323-7021; SDPG Member: Laurel Lemarie, 858-756-2835.

Continued to October 2022 SDPG Meeting

- C. **PDS2021-AD-21-024 Tree Residence Accessory Building Permit** – Revised plan with 3563 sq. ft. basement removed. Site located at 6415 Primero Izquierdo, Rancho Santa Fe, CA 92091, APN: 265-432-04-00, closest cross street: Lago Vista. Proposed new 6426 sq ft 2-story structure with 2987 sq ft of garage, storage and 576 lobby sq ft on the first floor; 2863 sq ft of guest and rec area on the second floor. Applicant Contact: Mark Radford/Karl Voigtlander, 760-519-9008; PDS Planner: Hunter McDonald, 619-323-8864; SDPG Member: Joe Zagara, 858-756-4211.

Continued to October 2022 SDPG Meeting

- D. **PDS2021-AD-21-008 Administrative Permit, Molnar Fence Modification.** Discuss updates since September 2021 SDPG recommendation vote concerning this Administrative Permit. Site location: 4722 Sun Valley Road, Del Mar, CA 92014; APN: 302-202-1100. Applicant: Dave and Lisa Molnar, 858-442-1599; Applicant's Representative: Derek Berg, 760-390-0007; PDS Planner: Michael Johnson, 619-952-2873; SDPG Member: Don Willis, 858-481-6922

Continue to October 2022 SDPG Meeting

- E. **PDS2022-MUP-22-007 Kid Ventures pre-school conversion MUP.** Kid Ventures/Grace All-Star Academy indoor family recreation center for children ages 1-8 existing facility/operations conversion to a pre-school ages 2-5. Located at 10760 Thornmint Road, San Diego, CA 92127, APN: 678-292-19-00. Owner: Darren Solomon, 858-663-1639; Project Contact: Terry Strom, 951-970-7995; PDS Planner: Mary Piscitelli, 619-629-6849; SDPG Member: Jennifer Callow, 760-271-9600.

J. Callow: Kid Ventures has been asset to the 4S Ranch and Rancho Bernardo families with their existing business. They provide a safe and secure environment for children learning while playing.

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Darron Solomon (applicant): No physical change to structure. New operation will reduce children population from ~200 (Play Business) to ~50 (Private School). Operational hours will be 8am to 6pm with different drop-off and pickup times throughout the day. Private school child ages 5 – 12 years of age.

Jae Roland-Chase: No major issues identified.

L. Lemarie: Student population for the play business has a greater age range of 1 to 12 years of age.

P. Fisch: Good location as traffic is light in that business park neighborhood.

MOTION (J. Callow): Recommend approval as presented.

Second: D.Dill

VOTE: Yes – 8; No – 0; Absent – 2 (N. Christenfeld, S. Williams); 3 - Vacancy

- F. **RSF Village US Bank/Union Bank Signage D-Designator Waiver Request.** Re-brand existing bank building from Union to US Bank. Location: 6004 Paseo Delicias, RSF, CA 92067, APN: 266-283-07-00. Applicant Contact: Tim Seaman, Champion Permits, 619-993-8846; PDS Planner: Rob Makoske, 858.694.2601; SDPG Member: Beth Nelson, 858-765-2322. MOTION (B. Nelson): Recommend approval as presented. Second: D. Willis VOTE: Yes – 9; No – 0; Absent – 1 (N. Christenfeld); 3 - Vacancy
- G. **PDS2022-Sunbelt Rentals Sign D Designator.** Proposed signage on an existing commercial structure located at 203 South RSF Rd., Encinitas, CA 92024, APN: 259-191-26-00, 3.92 acre parcel. Applicant: Complete Signs, 888-823-9005; PDS Planner: Devan Benchetrit, 858-495-5346; Beth Nelson, 858-765-2322. MOTION (B. Nelson): Recommend approval as presented. Motion Comment: No additional backlight (internal) illumination or external illumination. Second: D. Willis VOTE: Yes – 8; No – 1; Absent – 1 (N. Christenfeld); 3 - Vacancy
- H. **PDS2022-STP-21-038 - Coastal Administrative Permit for retaining wall.** Construction of a County Standard Type V Retaining Wall approximately 150' length, with a maximum height of 8'. 4592 Vista De La Patria, Del Mar, CA 92014, APN(s): 302-170-70-00, 302-170-71-00 & 302-170-72-00. Owner: Sequoia West Properties, J. Purdy, (858) 735-1683; Applicant Contact: David B. Parot (Sr. Engineer), 619-884-1765; PDS Planner: Michael Johnson, 619-952-2873; SDPG Member: Don Willis, 858-481-6922.
Continue to October 2022 SDPG Meeting
- I. **PDS2022-MUP-03-087M22 - Sweetgreen Signage - 4S Commons Shopping Center.** New business location: 10562 Craftsman Way, #192, San Diego, CA 92127, APN: 678-670-01-00. Applicant Representative: Janie Schaumburg, 847-219-1513; PDS Planner(s): Angelica Truong, 619-323-8950; Polina Mitcheom, (619) 942-1376; SDPG Member: Jennifer Callow, 760-271-9600. MOTION (J. Callow): Recommend approval as presented. Second: B. Nelson VOTE: Yes – 8; No – 0; Absent – 2 (N. Christenfeld, S. Williams); Vacancy - 3
- J. **PDS2022-MUP-03-087W1M20 Signage Major Use Permit.** Mayweather Boxing and Fitness Signage. Install one new illuminated exterior wall sign. Site Address: 10436 Craftsman Way, San Diego, CA 92127, APN? Applicant Representative: Ryan Ybarra, Stellar Electrical Sign Contractors, rybarra@stellarinstalls.com; SDPG Planner: Angelica Truong, 619-323-8950; SDPG Member: Jennifer Callow, 760-271-9600. *J. Callow*: Presented plan drawings. Located across from Ralph's supermarket. MOTION (J. Callow): Recommend approval as presented. Second: B. Nelson VOTE: Yes – 8; No – 0; Absent – 2 (N. Christenfeld, S. Williams); Vacancy - 3
- K. **PDS2022-MUP-11-018W1 Dish Wireless Major Use Permit – Modification.** Dish Wireless Cell site antenna replacement on existing faux tree and upgrade ground equipment in existing enclosure at an

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OMWD Water Tank site. Location: 17299 Four Gee Road, San Diego, CA 92127, APN: 678-060-03-00.
Applicant (Agent) Contact: Chris Vuong, 858-205-4150; PDS Planner: Polina Mitcheom, 619-942-1376;
SDPG Member: Phil Fisch, 858-592-6758.

Continued to November 2022 SDPG Meeting

7. ADMINISTRATIVE MATTERS:

- A. Community Reports
- B. Consideration and comments on circulation mail
- C. Future agenda items and planning
Discussed possible meeting 'live' again at the Cielo Fire Station. It was decided to continue ZOOM meetings for the remainder of the flu and Omicron variant season. Discuss (again) live meetings in 1st quarter 2023.
- D. Prospective & returning Planning Group members:
Kathy Johnson, Jeff Dugdale – possible new members.
Secretary position OPEN
SDPG member seats #8, #10 and #13 are OPEN.
- E. Supply orders and reimbursement of expenses.

NOTE: The San Dieguito Planning Group currently has THREE vacancies; Seat #8, Seat #10 and Seat #13. If you wish to become a member of the SDPG, please provide the chair with your current resume and plan to attend 2 or 3 meetings in advance of processing your application for membership.

Future Meeting Dates: 10/13/2022 11/10/2022 12/08/2022 01/12/2022 02/09/2023 03/09/2023

Doug Dill, Chair	760-420-7909	e-mail: theddills@att.net
Phil Fisch Vice-Chair	858-592-6758	e-mail: philipfisch@gmail.com
Secretary (OPEN)		

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County of San Diego, Planning & Development Services
**COMMUNITY PLANNING OR SPONSOR
GROUP PROJECT RECOMMENDATION**
ZONING DIVISION

Record ID(s): PDS2022-MUP-22-007

Project Name: Kid Ventures Major Use Permit

Planning/Sponsor Group: San Dieguito Community Planning Group

Results of Planning/Sponsor Group Review

Meeting Date: Nov. 14, 2024

A. Comments made by the group on the proposed project.

B. Advisory Vote: The Group **Did** **Did Not** make a formal recommendation, approval or denial on the project at this time.

If a formal recommendation was made, please check the appropriate box below:

- MOTION:**
- Approve without conditions
 - Approve with recommended conditions
 - Deny
 - Continue

VOTE: 7 Yes 0 No 0 Abstain 6 Vacant/Absent

C. Recommended conditions of approval:

Approved as presented.

Reported by: Jennifer Callow Position: 6 Date: 11/14/2024

Please email recommendations to BOTH EMAILS;
Project Manager listed in email (in this format): Firstname.Lastname@sdcounty.ca.gov and to
CommunityGroups.LUEG@sdcounty.ca.gov

5510 OVERLAND AVE, SUITE 110, SAN DIEGO, CA 92123 • (858) 565-5981 • (888) 267-8770

<http://www.sdcounty.ca.gov/pds>



Attachment G – Service Availability Forms



County of San Diego, Planning & Development Services
PROJECT FACILITY AVAILABILITY - FIRE
ZONING DIVISION

Please type or use pen

Darren Solomon	858 663-1639	ORG _____	F
Owner's Name	Phone	ACCT _____	
10760 Thornmint Road		ACT _____	
Owner's Mailing Address	Street	TASK _____	
San Diego	CA 92127	DATE _____	
City	State Zip	AMT \$ _____	

DISTRICT CASHIER'S USE ONLY

SECTION 1. PROJECT DESCRIPTION **TO BE COMPLETED BY APPLICANT**

<p>A. <input type="checkbox"/> Major Subdivision (TM) <input type="checkbox"/> Specific Plan or Specific Plan Amendment</p> <p><input type="checkbox"/> Minor Subdivision (TPM) <input type="checkbox"/> Certificate of Compliance: _____</p> <p><input type="checkbox"/> Boundary Adjustment</p> <p><input type="checkbox"/> Rezone (Reclassification) from _____ to _____ zone.</p> <p><input checked="" type="checkbox"/> Major Use Permit (MUP), purpose: <i>To Change the Use with no physical change to the building</i></p> <p><input type="checkbox"/> Time Extension...Case No. _____</p> <p><input type="checkbox"/> Expired Map...Case No. _____</p> <p><input type="checkbox"/> Other _____</p> <p>B. <input type="checkbox"/> Residential Total number of dwelling units _____</p> <p><input type="checkbox"/> Commercial Gross floor area _____</p> <p><input type="checkbox"/> Industrial Gross floor area _____</p> <p><input type="checkbox"/> Other Gross floor area _____</p> <p>C. Total Project acreage _____ Total lots _____ Smallest proposed lot _____</p>	<p style="text-align: center;">Assessor's Parcel Number(s) (Add extra if necessary)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">678-292-19</td> <td style="width: 50%;"></td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </table> <p>Thomas Guide. Page _____ Grid _____</p> <p>10760 Thornmint Road</p> <p>Project address _____ Street _____</p> <p style="text-align: right;">92127</p> <p>Community Planning Area/Subregion _____ Zip _____</p>	678-292-19							
678-292-19									

OWNER/APPLICANT AGREES TO COMPLETE ALL CONDITIONS REQUIRED BY THE DISTRICT.

Applicant's Signature: [Signature] Date: 3/18/2022

Address: 10760 Thornmint Road San Diego CA 92127 Phone: 8586631639

(On completion of above, present to the district that provides fire protection to complete Section 2 and 3 below.)

SECTION 2: FACILITY AVAILABILITY **TO BE COMPLETED BY DISTRICT**

District Name: Rancho Santa Fe fire protection districts

Indicate the location and distance of the primary fire station that will serve the proposed project:
16933 rd Goe rd, 1.9 miles

<p>A. <input checked="" type="checkbox"/> Project is in the District and eligible for service.</p> <p><input type="checkbox"/> Project is not in the District but is within its Sphere of Influence boundary, owner must apply for annexation.</p> <p><input type="checkbox"/> Project is not in the District and not within its Sphere of Influence boundary.</p> <p><input type="checkbox"/> Project is not located entirely within the District and a potential boundary issue exists with the _____ District.</p> <p>B. <input checked="" type="checkbox"/> Based on the capacity and capability of the District's existing and planned facilities, fire protection facilities are currently adequate or will be adequate to serve the proposed project. The expected emergency travel time to the proposed project is <u>6</u> minutes.</p> <p><input type="checkbox"/> Fire protection facilities are not expected to be adequate to serve the proposed development within the next five years.</p> <p>C. <input type="checkbox"/> District conditions are attached. Number of sheets attached: _____</p> <p><input checked="" type="checkbox"/> District will submit conditions at a later date.</p>	
---	--

SECTION 3. FUELBREAK REQUIREMENTS

Note: The fuelbreak requirements prescribed by the fire district for the proposed project do not authorize any clearing prior to project approval by Planning & Development Services.

Within the proposed project _____ feet of clearing will be required around all structures.

The proposed project is located in a hazardous wildland fire area, and additional fuelbreak requirements may apply. Environmental mitigation requirements should be coordinated with the fire district to ensure that these requirements will not pose fire hazards.

This Project Facility Availability Form is valid until final discretionary action is taken pursuant to the application for the proposed project or until it is withdrawn, unless a shorter expiration date is otherwise noted.

Authorized Signature: [Signature] Print Name and Title: Mardene Donner Fire Marshal Phone: 858 7565971 Date: 4-26-22

On completion of Section 2 and 3 by the District, applicant is to submit this form with application to:
 Planning & Development Services - Zoning Counter, 5510 Overland Ave, Suite 110, San Diego, CA 92123



County of San Diego, Planning & Development Services
PROJECT FACILITY AVAILABILITY - SEWER
 ZONING DIVISION

Please type or use pen

Darren Solomon	8586631639	ORG _____	S
Owner's Name	Phone	ACCT _____	
10760 Thornmint Road		ACT _____	
Owner's Mailing Address	Street	TASK _____	
San Diego	CA 92127	DATE _____ AMT \$ _____	
City	State Zip	DISTRICT CASHIER'S USE ONLY	

SECTION 1. PROJECT DESCRIPTION	TO BE COMPLETED BY APPLICANT								
A. <input type="checkbox"/> Major Subdivision (TM) <input type="checkbox"/> Certificate of Compliance: _____ <input type="checkbox"/> Minor Subdivision (TPM) <input type="checkbox"/> Boundary Adjustment <input type="checkbox"/> Specific Plan or Specific Plan Amendment <input type="checkbox"/> Rezone (Reclassification) from _____ to _____ zone <input checked="" type="checkbox"/> Major Use Permit (MUP), purpose: <u>To Change the Use with no physical change to the building</u> <input type="checkbox"/> Time Extension... Case No. _____ <input type="checkbox"/> Expired Map... Case No. _____ <input type="checkbox"/> Other _____	Assessor's Parcel Number(s) (Add extra if necessary)								
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">678-292-19</td> <td style="width: 50%;"></td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	678-292-19							
678-292-19									
B. <input type="checkbox"/> Residential Total number of dwelling units _____ <input type="checkbox"/> Commercial Gross floor area _____ <input type="checkbox"/> Industrial Gross floor area _____ <input type="checkbox"/> Other Gross floor area _____	Thomas Guide Page _____ Grid _____ 10760 Thornmint Road San diego Project address Street								
C. Total Project acreage _____ Total lots _____ Smallest proposed lot _____	92127 Zip								
D. Is the project proposing its own wastewater treatment plant? <input type="checkbox"/> Yes <input type="checkbox"/> No Is the project proposing the use of reclaimed water? <input type="checkbox"/> Yes <input type="checkbox"/> No	Community Planning Area/Subregion _____ Zip _____								
Owner/Applicant agrees to pay all necessary construction costs and dedicate all district required easements to extend service to the project. OWNER/APPLICANT MUST COMPLETE ALL CONDITIONS REQUIRED BY THE DISTRICT.									
Applicant's Signature: _____ Date: <u>3/18/2022</u> Address: 10760 Thornmint Road San Diego CA 92127 Phone: 8586631639									
(On completion of above, present to the district that provides sewer protection to complete Section 2 below.)									

SECTION 2: FACILITY AVAILABILITY	TO BE COMPLETED BY DISTRICT
District name <u>Olivenhain MWD</u>	Service area <u>4S Sanitation</u>
A. <input checked="" type="checkbox"/> Project is in the District. <input type="checkbox"/> Project is not in the District but is within its Sphere of Influence boundary, owner must apply for annexation. <input type="checkbox"/> Project is not in the District and is not within its Sphere of Influence boundary. <input type="checkbox"/> Project is not located entirely within the District and a potential boundary issue exists with the _____ District.	
B. <input checked="" type="checkbox"/> Facilities to serve the project <input checked="" type="checkbox"/> ARE <input type="checkbox"/> ARE NOT reasonably expected to be available within the next 5 years based on the capital facility plans of the district. Explain in space below or on attached. Number of sheets attached: <u>2 sheets</u> <input type="checkbox"/> Project will not be served for the following reason(s): _____	
C. <input checked="" type="checkbox"/> District conditions are attached. Number of sheets attached: _____ <input type="checkbox"/> District has specific water reclamation conditions which are attached. Number of sheets attached: _____ <input type="checkbox"/> District will submit conditions at a later date.	
D. <input checked="" type="checkbox"/> How far will the pipeline(s) have to be extended to serve the project? <u>NA, existing building</u>	
This Project Facility Availability Form is valid until final discretionary action is taken pursuant to the application for the proposed project or until it is withdrawn, unless a shorter expiration date is otherwise noted.	
Authorized Signatory: <u>Karen Ogawa</u>	Karen Ogawa, Engineering Project Administrator 760-753-6466 21 April 2022 Print Name and Title Phone Date

THIS DOCUMENT IS NOT A COMMITMENT OF FACILITIES OR SERVICE BY THE DISTRICT On completion of Section 2 by the district, applicant is to submit this form with application to: Planning & Development Services, Zoning Counter, 5510 Overland Ave. Suite 110 San Diego, CA 92123

Board of Directors

Lawrence A. Watt, President
 Kristie Bruce-Lane, Vice President
 Christy Guerin, Treasurer
 Robert F. Topolovac, Secretary
 Neal Meyers, Director



General Manager
 Kimberly A. Thorner, Esq.
General Counsel
 Alfred Smith, Esq.

April 21, 2022

County of San Diego
 Planning & Development Services
 5510 Overland Ave., Suite 110
 San Diego, California, 92123

Re: Tax Assessors Parcel No. 678-292-19-00

Subject: Sewer Availability Letter / Darren Solomon
 Supplement to County Form 399S

The fee owner, Darren Solomon (Applicant), has requested the District to provide a Sewer Availability Letter for the property identified above for a proposed project described as: a Major Use Permit with no changes to the facilities project (project). This property is in the District and will be eligible to receive domestic sewer service at this time.

Upon satisfactory completion of all of the conditions specified on the following pages, there will be capacity in these facilities to serve the proposed project. Sewer service is or will be available at the time requested upon completion of all necessary facilities, including any required on-site and off-site sewer lines, appurtenances, or facilities as required and noted below, at the District's sole discretion.

The District has been requested to furnish a staff estimate, based on current conditions, of the availability of sewer service in this area. This letter is issued for planning purposes and is not a representation, express or implied, that the District will provide sewer service at a future date. Commitments to provide sewer service are made only by the Districts' Board of Directors and are subject to the Applicants compliance with the District fees, charges, rules and regulations, the Environmental Quality Act of 1970, as amended, and the Applicants' agreement to construct any required on-site and off-site facilities together with the Applicant's providing security as required by the District for construction.

The issuance of this Sewer Availability Letter does not grant the Applicant any sewer rights. The Applicant does not secure a right to sewer service until application for sewer service is made and approved by the District, and the Applicant has complied with all requirements of the District. The failure of the Applicant to pay any fee or charge of the District when due, or to comply with other requirements of the District, shall entitle the District to unilaterally terminate this Sewer Availability Letter, and all further rights of the applicant to sewer service and no previous improvement fee payments paid by the Applicant shall be refunded. Reinstatement of the sewer commitment requires Applicant to remedy any defects or deficiencies and payment of fees and charges applicable, as determined by the District, in its sole discretion.



Capacity fees, when applicable, are paid to the District to reserve future sewer service for the project contingent upon the Applicant paying all fees and charges and complying with all requirements of the District. The payment of all capacity fees by the date they are due is an express condition precedent to any right of the Applicant to receive future sewer service. The failure of Applicant to make any capacity fee payment by the date it is due shall automatically terminate the right of Applicant to receive future sewer service.

This commitment to availability is conditioned on the following requirements and/or limitations:

- 1) Discharge Permit No. 003
- 2) This site operates a cafe

This letter of sewer availability pertains solely to the proposed project as described by Applicant, is not transferable to any other project, and is not transferable to any other owner or developer without written permission of the Board of Directors of the District. Any purported transfer, sale, or assignment of this Sewer Availability Letter without the prior written consent of the District renders this letter null and void.

This letter automatically terminates, and is of no further force or effect, on the occurrence of: (1) April 21, 2023 without an approved Tentative Map; (2) termination of any tentative map; (3) termination of any final map; or (4) five years from the date of recordation of final map.

OLIVENHAIN MUNICIPAL WATER DISTRICT

By: Karen Ogawa
Karen Ogawa
Engineering Project Administrator



County of San Diego, Planning & Development Services
PROJECT FACILITY AVAILABILITY - SCHOOL
ZONING DIVISION

Please type or use pen
(Two forms are needed if project is to be served by separate school districts)

ORG _____ ACCT _____ ACT _____ TASK _____ DATE _____

Sc

ELEMENTARY _____ HIGH SCHOOL _____ UNIFIED _____

Owner's Name: DARREN SWANSON Phone: 858 663 1639

Owner's Mailing Address: 10760 Thornmint Road Street

City: SAN DIEGO State: CA Zip: 92127

DISTRICT CASHIER'S USE ONLY

SECTION 1. PROJECT DESCRIPTION TO BE COMPLETED BY APPLICANT

A. LEGISLATIVE ACT

- Rezones changing Use Regulations or Development Regulations
- General Plan Amendment
- Specific Plan
- Specific Plan Amendment

B. DEVELOPMENT PROJECT

- Rezones changing Special Area or Neighborhood Regulations
- Major Subdivision (TM)
- Minor Subdivision (TPM)
- Boundary Adjustment
- Major Use Permit (MUP), purpose Change use with no physical change
- Time Extension... Case No. _____
- Expired Map... Case No. _____
- Other _____

C. Residential Total number of dwelling units _____
 Commercial Gross floor area _____
 Industrial Gross floor area _____
 Other Gross floor area _____

D. Total Project acreage _____ Total number lots _____

Applicant's Signature: [Signature] Date: 4/28/2022

Address: 10760 Thornmint Road San Diego CA 92127 Phone: 858 663 1639

(On completion of above, present to the district that provides school protection to complete Section 2 below.)

Assessor's Parcel Number(s)
(Add extra if necessary)

<u>678-292-19</u>	

Thomas Guide Page _____ Grid _____
 Project address: 10760 Thornmint Road Street: SAN DIEGO
 Community Planning Area/Subregion: _____ Zip: 92127

SECTION 2: FACILITY AVAILABILITY TO BE COMPLETED BY DISTRICT

District Name: POWAY UNIFIED

If not in a unified district, which elementary or high school district must also fill out a form?

Indicate the location and distance of proposed schools of attendance.

Elementary: Turtleback Elementary miles: _____
 Junior/Middle: Bernardo Heights miles: _____
 High school: Rancho Bernardo miles: _____

- This project will result in the overcrowding of the elementary junior/school high school. (Check)
- Fees will be levied or land will be dedicated in accordance with Education Code Section 17620 prior to the issuance of building permits.
- Project is located entirely within the district and is eligible for service.
- The project is not located entirely within the district and a potential boundary issue may exist with the _____ school district.

Authorized Signature: Rheia Alschbach Print Name: Rheia Alschbach
 Print Title: Asst. Director of Planning Phone: 858-679-2570

On completion of Section 2 by the district, applicant is to submit this form with application to Planning & Development Services, Zoning Counter, 5510 Overland Ave. Suite 110 San Diego, CA 92123



County of San Diego, Planning & Development Services
PROJECT FACILITY AVAILABILITY - WATER
ZONING DIVISION

Please type or use pen

Darren Solomon Owner's Name 10760 Thornmint Road Owner's Mailing Address San Diego CA 92127 City State Zip	8586631639 Phone Street DISTRICT CASHIER'S USE ONLY W ORG _____ ACCT _____ ACT _____ TASK _____ DATE _____ AMT \$ _____
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SECTION 1. PROJECT DESCRIPTION TO BE COMPLETED BY APPLICANT

<p>A. <input type="checkbox"/> Major Subdivision (TM) <input type="checkbox"/> Specific Plan or Specific Plan Amendment <input type="checkbox"/> Minor Subdivision (TPM) <input type="checkbox"/> Certificate of Compliance: _____ <input type="checkbox"/> Boundary Adjustment <input type="checkbox"/> Rezone (Reclassification) from _____ to _____ zone. <input checked="" type="checkbox"/> Major Use Permit (MUP), purpose: <i>To Change the Use with no physical change to the building</i> <input type="checkbox"/> Time Extension... Case No. _____ <input type="checkbox"/> Expired Map... Case No. _____ <input type="checkbox"/> Other _____</p> <p>B. <input type="checkbox"/> Residential Total number of dwelling units _____ <input type="checkbox"/> Commercial Gross floor area _____ <input type="checkbox"/> Industrial Gross floor area _____ <input type="checkbox"/> Other Gross floor area _____</p> <p>C. <input type="checkbox"/> Total Project acreage _____ Total number of lots _____</p> <p>D. Is the project proposing the use of groundwater? <input type="checkbox"/> Yes <input type="checkbox"/> No Is the project proposing the use of reclaimed water? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="text-align: center;">Owner/Applicant agrees to pay all necessary construction costs, dedicate all district required easements to extend service to the project and COMPLETE ALL CONDITIONS REQUIRED BY THE DISTRICT.</p> <p>Applicant's Signature: _____ Date: <u>3/18/2022</u> Address: <u>10760 Thornmint Road San Diego CA 92127</u> Phone: <u>8586631639</u></p> <p style="text-align: center;">(On completion of above, present to the district that provides water protection to complete Section 2 below.)</p>	<p style="text-align: center;">Assessor's Parcel Number(s) (Add extra if necessary)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 50%;">678-292-19</td><td style="width: 50%;"></td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table> <p>Thomas Guide Page _____ Grid _____ 10760 Thornmint Road Project address Street 92127 Community Planning Area/Subregion Zip</p>	678-292-19							
678-292-19									

SECTION 2: FACILITY AVAILABILITY TO BE COMPLETED BY DISTRICT

District Name: Olivenhain MWD Service area Zone E-22

A. Project is in the district.
 Project is not in the district but is within its Sphere of Influence boundary, owner must apply for annexation.
 Project is not in the district and is not within its Sphere of Influence boundary.
 The project is not located entirely within the district and a potential boundary issue exists with the _____ District.

B. Facilities to serve the project ARE ARE NOT reasonably expected to be available within the next 5 years based on the capital facility plans of the district. Explain in space below or on attached _____. (Number of sheets)
 Project will not be served for the following reason(s): _____

C. District conditions are attached. Number of sheets attached: 3 sheets
 District has specific water reclamation conditions which are attached. Number of sheets attached: _____
 District will submit conditions at a later date.

D. How far will the pipeline(s) have to be extended to serve the project? NA, existing building

This Project Facility Availability Form is valid until final discretionary action is taken pursuant to the application for the proposed project or until it is withdrawn, unless a shorter expiration date is otherwise noted.

Authorized Signature: Karen Ogawa Print Name Karen Ogawa
 Print Title Engineering Project Administrator Phone 760-753-6466 Date 21 April 2022

NOTE: THIS DOCUMENT IS NOT A COMMITMENT OF SERVICE OR FACILITIES BY THE DISTRICT
 On completion of Section 2 and 3 by the District, applicant is to submit this form with application to:
 Planning & Development Services – Zoning Counter, 5510 Overland Ave, Suite 110, San Diego, CA 92123

Board of Directors

Lawrence A. Watt, President
 Kristie Bruce-Lane, Vice President
 Christy Guerin, Treasurer
 Robert F. Topolovac, Secretary
 Neal Meyers, Director



General Manager
 Kimberly A. Thorner, Esq.
General Counsel
 Alfred Smith, Esq.

April 22, 2022

County of San Diego
 Planning & Development Services
 5510 Overland Ave., Suite 110
 San Diego, CA, 92123

Re: Tax Assessors Parcel # 678-292-19-00

Subject: Water Availability Letter / Darren Solomon
 Supplement to County Form 399W

The fee owner, Darren Solomon (Applicant), has requested the District to provide a Water Availability Letter for the property identified above for a proposed project Applicant described as: a Major Use Permit with no changes to the facilities project. This property is in the District and eligible to receive domestic service at this time.

The District has or will have adequate facilities in this area to serve the project. There is or will be capacity in these facilities to serve the proposed project at a minimum of 25 psi pressure at the District's main during normal operating conditions and upon completion of all necessary facilities, including any onsite and offsite water lines, facilities and appurtenances that are required, at the sole discretion of the District. While there is adequate water to serve the project at this time, all water received by the District is imported from other agencies. Accordingly, there is no guarantee that water will be available to serve the project when water is requested. The availability of water depends upon a number of complex factors including annual rainfall, drought periods, the amount of water remaining in storage and environmental and other constraints to the delivery of water. No final decision will be made by the District on the ability to serve water to the project until an application for water service is made by the applicant and approved by the District. At that time, the District will determine whether adequate water is available to serve the project in the District's sole discretion.

Both Water Code §350 and Water Code §71640 grant the District the right to restrict the use of water during any emergency caused by a drought or any other threatened or existing water shortage and to prohibit the use of District water during such periods as the District determines to be necessary. The District may also prohibit the use of District water during any periods for specific uses which it finds to be nonessential. Nothing contained in this water availability letter shall be construed as limiting in any way the legislative discretion of the District to declare an emergency or water shortage and to curtail or prohibit the use of water as determined necessary or appropriate by the District to conserve water during droughts or other threatened or existing water shortages. Certain stages of water shortages may result in a prohibition on new water meters.



APN 678-292-19-00 Solomon

The District has been requested to furnish a staff estimate, based on current water service conditions, of the availability of water service in this area. This letter is issued for planning purposes and is not a representation, express or implied, that the District will provide any water service at a future date. Commitments to provide water service are made only when an application for water service is made by the applicant and approved by the District and are subject to the applicants compliance with the Districts' fees, charges, rules and regulations, the Environmental Quality Act of 1970, as amended, and the applicants' agreement to construct any required onsite and off site facilities together with the Applicant's providing security as required by the District for construction of those facilities.

The issuance of this Water Availability Letter does not grant the Applicant any water rights. The Applicant does not secure a right to water until application for service is made and approved by the District in its sole discretion, and the Applicant has complied with all requirements of the District.

The failure of the Applicant to pay any fee or charge of the District's when due, or to comply with other requirements of the District, shall entitle the District to unilaterally terminate this Water Availability Letter, and all further rights of the Applicant to water service.

Improvement fees, when applicable, are paid to the District to reserve future water service for the project contingent upon the Applicant paying all fees and charges and complying with all requirements of the District. The payment of all improvement fees by the date they are due is an express condition precedent to any right of the Applicant to receive future water service. The failure of Applicant to make any improvement fee payment by the date it is due shall automatically terminate the right of Applicant to receive future water service and no previous improvement fee payments paid by the Applicant shall be refunded. Reinstatement of the water commitment requires Applicant to remedy any defects or deficiencies and payment of fees and charges applicable, as determined by the District, in its sole discretion.

This commitment to water service availability is conditioned on the following requirements and/or limitations:

1. The District's determination that adequate water is available to serve the project at the time the applicant submits a request for water service to the District.
2. In accordance with District Assessment District 96-01, not attached hereto, but incorporated herein by reference, lots of $\frac{1}{2}$ acre or less may have a $\frac{3}{4}$ inch meter installed unless owner chooses to upgrade the meter and pay the additional fees and charges. Lots greater than $\frac{1}{2}$ acre but less than 3 acres require one-inch meters to be installed. Lots in excess of 3 acres require a minimum $1\frac{1}{2}$ inch meter to be installed. Larger meters may be required by the District, in its sole discretion.
3. The District may require larger meters than the Assessment District 96-01 lot size criteria would dictate if the individual residence requires water service greater than

APN 678-292-19-00 Solomon

can be accommodated by the standard ¾ inch meter irrespective of the lot size, in its sole discretion.

4. Applicant is required to comply with District Ordinance 280 for the mitigation of impacts to the District's Assessment District 96-1R. Ordinance 280 requires an executed agreement to request increased EDU's that this project requires. The Applicant is responsible for payment of all fees and charges as outlined in the executed agreement.
5. The District has not declared a water shortage that restricts water usage or prohibits new water meters. The District's Board of Directors on July 20, 2016 adopted Resolution 2016-13 returning the District to a Level 1 Water Supply Shortage per Ordinance 427 rules, rates and regulations.

This letter of water availability pertains solely to the proposed project as described by Applicant, is not transferable to any other project, and is not transferable to any other owner or developer without written permission of the Board of Directors of the District. Any purported transfer, sale, or assignment of this Water Availability Letter without the prior written consent of the District renders this letter null and void.

This letter automatically terminates, and is of no further force or effect, on the occurrence of: (1) (April 21, 2023) without an approved tentative map; (2) termination of any tentative map; (3) termination of any final map; or (4) five years from the date of recordation of any final map.

OLIVENHAIN MUNICIPAL WATER DISTRICT

By: *Karen Ogawa*
Karen Ogawa
Engineering Project Administrator

APN 678-292-19-00 Solomon

[insert text here]

Attachment H – Ownership Disclosure



County of San Diego, Planning & Development Services
APPLICANT'S DISCLOSURE OF OWNERSHIP INTERESTS ON APPLICATION FOR ZONING PERMITS/ APPROVALS
ZONING DIVISION

Record ID(s) PDS2022-MUP-22-007

Assessor's Parcel Number(s) 678-292-19

Ordinance No. 4544 (N.S.) requires that the following information must be disclosed at the time of filing of this discretionary permit. The application shall be signed by all owners of the property subject to the application or the authorized agent(s) of the owner(s), pursuant to Section 7017 of the Zoning Ordinance. NOTE: Attach additional pages if necessary.

A. List the names of all persons having any ownership interest in the property involved.

Darren Solomon
Deborah Fricker

B. If any person identified pursuant to (A) above is a corporation or partnership, list the names of all individuals owning more than 10% of the shares in the corporation or owning any partnership interest in the partnership.

[Blank lines for B]

C. If any person identified pursuant to (A) above is a non-profit organization or a trust, list the names of any persons serving as director of the non-profit organization or as trustee or beneficiary or trustor of the trust.

[Blank lines for C]

NOTE: Section 1127 of The Zoning Ordinance defines Person as: "Any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver syndicate, this and any other county, city and county, city, municipality, district or other political subdivision, or any other group or combination acting as a unit."

[Signature]
Signature of Applicant
Darren Solomon
Print Name

OFFICIAL USE ONLY
SDC PDS RCVD 05-27-22
MUP22-007

5510 OVERLAND AVE, SUITE 110, SAN DIEGO, CA 92123
For any questions, please email us at: PDSZoningPermitCounter@sdcounty.ca.gov
http://www.sdcounty.ca.gov/pds