



May 23, 2018 10:01 AM

OFFICIAL RECORDS

Ernest J. Dronenburg, Jr.,
SAN DIEGO COUNTY RECORDER
FEES: \$44.00 (SB2 Atkins: \$0.00)

PAGES: 11

× 11
RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION
501

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

INTERNAL ORDER NUMBER: 24006659

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 1819577

DIEGO HILLS PUBLIC CHARTER - PROJECT NO. 517244

HEARING OFFICER

This Conditional Use Permit No. 1819577 is granted by the Hearing Officer of the City of San Diego to Daesung Investment LLC, Owner, and Diego Hills Public Charter, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0303. The 5.81-acre site is located at 4348 54th Street, in the CU-2-4 zone of the Central Urbanized Planned District, within the Mid-City Communities Plan area. The project site is legally described as: Lot 6, Tract 734, Lemon Villa Subdivision.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to operate a charter school for grades 9-12 in an existing commercial center, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated April 18, 2018, on file in the Development Services Department.

The project shall include:

- a. Operation of a charter school for grades 9-12 within 25,533 square feet of an existing 99,999-square-foot commercial shopping center with no expansion of the existing building. A maximum of 250 students and 50 staff members are allowed onsite at any time;
- b. Off-street parking;
- c. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

- 1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1

of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by May 2, 2021.

2. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
3. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
4. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
5. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
6. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
7. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
8. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.
9. If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

CLIMATE ACTION PLAN REQUIREMENTS:

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

ENGINEERING REQUIREMENTS:

11. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to reconstruct the existing driveway to the surface parking area with current City Standards Concrete Driveway SDG-159, adjacent to the site on 54th Street, satisfactory to the City Engineer.

12. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to reconstruct the driveway entrance to the underground parking to a current City Standard Concrete Driveway SDG-159. Maximum driveway width shall be 30 feet with a maximum curb opening of 36 feet, adjacent to the site on 54th Street, satisfactory to the City Engineer.

PLANNING/DESIGN REQUIREMENTS:

13. Owner/Permittee shall maintain a minimum of 93 off-street parking spaces for this school use on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

14. A maximum of 250 students and 50 staff members are allowed onsite at any time.

15. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

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

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

TRANSPORTATION REQUIREMENTS:


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

INFORMATION ONLY:

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

APPROVED by the Hearing Officer of the City of San Diego on April 18, 2018, and Resolution No. HO-7094.

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

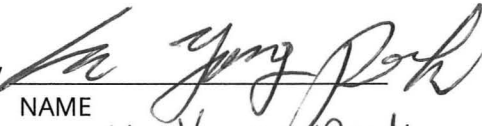


Paul Godwin
Development Project Manager


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

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

Daesung Investment, LLC
Owner

By 
NAME
TITLE Un Yong Park
Owner

Diego Hills Public Charter
Permittee

By 
NAME Jeri Vincent
TITLE CFO/Sec

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

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of San Diego

On May 18, 2018 before me, Rose Marie White, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Paul B Godwin
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal and/or Stamp Above

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Rose Marie White
Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

Corporate Officer – Title(s): _____

Partner – Limited General

Individual Attorney in Fact

Trustee Guardian of Conservator

Other: _____

Signer is Representing: _____

Signer's Name: _____

Corporate Officer – Title(s): _____

Partner – Limited General

Individual Attorney in Fact

Trustee Guardian of Conservator

Other: _____

Signer is Representing: _____

ORIGINAL

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

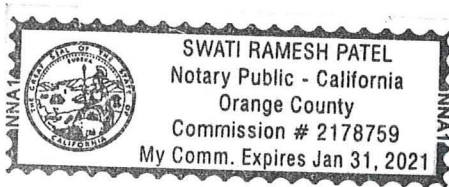
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of orange)
On 05/09/2018 before me, Swati Ramesh Patel, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared Un Yong Park
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____
Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

ORIGINAL

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Los Angeles)

On 5/16/18 before me, Lalita Ragoobar Share, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Jeri Vincenz
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

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Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

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 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

ORIGINAL

HEARING OFFICER
RESOLUTION NO. HO-7094
CONDITIONAL USE PERMIT NO. 1819577
DIEGO HILLS PUBLIC CHARTER - PROJECT NO. 517244

WHEREAS, Daesung Investment LLC, Owner, and Diego Hills Public Charter, Permittee, filed an application with the City of San Diego for a permit to operate a charter school for grades 9-12 in an existing commercial center (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Conditional Use Permit No. 1819577), on portions of a 5.81-acre site;

WHEREAS, the project site is located at 4348 54th Street, in the CU-2-4 zone of the Central Urbanized Planned District, within the Mid-City Communities Plan area;

WHEREAS, the project site is legally described as Lot 6, Tract 734, Lemon Villa Subdivision,

WHEREAS, on March 1, 2018, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guideline Section 15301 (Existing Facilities) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

WHEREAS, on April 18, 2018, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1819577 pursuant to the Land Development Code of the City of San Diego;

BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated April 18, 2018.

CONDITIONAL USE PERMIT [SDMC Section 126.0305]

Findings for all Conditional Use Permits:

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

Approval of the requested Conditional Use Permit (CUP) will allow the operation of a charter school for grades 9-12 in an existing commercial shopping center located at 4348 54th Street. The site is located in the City Heights neighborhood of the Mid-City Communities Plan area which designates the site for commercial uses. No expansion of the existing development is proposed with this action and approximately 75 percent of the structure will remain commercial.

The operation of a charter school in a portion of the existing commercial shopping center will further the Community Plan goal to provide adequate school facilities for all residents of Mid-City, including the opportunity for those enrolled elsewhere to attend local public schools.

Additionally, the siting of this non-traditional charter school on the commercial site implements the Community Plan recommendation to explore other options for the provision of needed educational facilities, including the establishment of charter schools, the involvement of the business community, and locating alternative resources.

The General Plan (GP) discusses schools in the Public Facilities, Services and Safety Element. The GP goal for educational facilities is stated as the provision of a system that offers quality education in an equitable, technologically equipped, aesthetically pleasing, sustainable, supportive of optimal teaching, safe, healthy environment. The GP policy recognizes the opportunity for diverse schools should be available to students to make the choice of a neighborhood school as well as school in an educational setting outside of the student's neighborhood. Therefore, the proposed development will not adversely affect the applicable land use plan.

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

The project will not be detrimental to the public health, safety, and welfare in that the permit controlling the use of the project site as a charter school contains specific conditions addressing compliance with the City's codes, policies, and regulations, as well as other regional, state and federal regulations to prevent detrimental impacts to the health, safety and general welfare of persons residing in and/or working in the area. Conditions of approval require compliance with several development controls, including the review of construction plans by professional staff to determine compliance with all regulations and the inspection of construction to assure permits are implemented in accordance with the approved plans. Additionally, the project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to 15301 (Existing Facilities). Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

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

Approval of the requested CUP will allow the operation of a charter school for grades 9-12 in an existing commercial shopping center located at 4348 54th Street that was constructed in 1963. No expansion of the existing development is proposed with this action and building is considered previously conforming to all development regulations in effect at the time of construction.

The site is located in the CU-2-4 zone of the Central Urbanized Planned District (CUPD), which allows for a mix of residential, heavy commercial and limited industrial uses and is intended to accommodate development with a pedestrian orientation. A school is allowed in the CU-2-4 zone with the approval of a CUP in accordance with San Diego Municipal Code (SDMC) Section [155.0238, Use Regulations Table 155-02C](#). The proposed use is further regulated by the Separately Regulated Institutional Use requirements in SDMC Section [141.0407](#). Staff review of the proposed project has concluded the proposal is consistent with all relevant regulations of the Land Development Code. A minimum of 93 parking spaces are required for the charter school use and 188 spaces are required for the remaining commercial uses, for a total site parking requirement of 281 spaces.

A total of 328 parking spaces are provided onsite, therefore the required parking for the charter school use and remaining commercial uses is provided. No deviations or variances are requested or required to grant approval of the requested CUP. Therefore, the proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

d. The proposed use is appropriate at the proposed location

The project will occupy a portion of an existing commercial shopping center with no building expansion required. The project is consistent with all relevant regulations of the San Diego Municipal Code that apply to the proposed use. All necessary utilities are available and provided to the site, including water, sewer, electricity and other common utilities. The project fronts on El Cajon Boulevard and 54th Street and is served by three bus routes including a Rapid stop located across the street from the site on El Cajon Boulevard. Including the charter school use, a total of 281 parking spaces are required for the project site and 328 are provided. The operation of a charter school at this site furthers the goals of the Community Plan and General Plan related to the provision of schools in our communities. The commercial site is bordered by predominately residential areas to the north and south that would benefit from the provision of a charter school option in the area. Therefore, the proposed use is appropriate at the proposed location.

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

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 1819577 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Conditional Use Permit No. 1819577, a copy of which is attached hereto and made a part hereof.



Paul Godwin
Development Project Manager
Development Services

Adopted on: April 18, 2018

IO#: 24006659