

(R-88-2026)

RESOLUTION NUMBER R-270596

ADOPTED ON MARCH 22, 1988

WHEREAS, on November 13, 1987, the Zoning Administrator held a public hearing to consider the request of MDC - Mark II, owner; Chapel of the Rock, Lessee; Case No. C-19703; for a conditional use permit to: (1) construct a church and K-8 grade school on a vacant lot where such uses are permitted by conditional use permit only, (2) provide 18% of the lot area for automobile parking and driveways where a minimum of 40% is required, Lot 31, Mark II Industrial Park Map 9310, located on the northwest corner of Candida Street and Via Pasar, M-1B Zone; and

WHEREAS, the Zoning Administrator considered the plans and materials submitted prior to and at the public hearing, staff report, inspection of the subject property, and public testimony at the hearing; and

WHEREAS, the Zoning Administrator found that the request could not be approved as submitted. Although there was public testimony regarding the lack of available land for churches in Mira Mesa and Scripps Ranch, the subject property was in an industrial zone. The Zoning Administrator held that a church and school was an inappropriate use given the intensity of industrial development in the area; and

WHEREAS, the request as submitted would adversely affect the neighborhood, the General Plan and Community Plan and be detrimental to the health, safety and general welfare of persons residing or working in the area; and

RECEIVED
CITY CLERK'S OFFICE
1988 APR 12 AM 8:39
SAN DIEGO, CALIF.

mt

WHEREAS, in light of the foregoing, the Zoning Administrator denied the request as submitted; and

WHEREAS, on January 6, 1988, the Board of Zoning Appeals considered the appeal of MDC - Mark II, owner; Chapel of the Rock, Lessee; Case No. C-19703; from the denial of the Zoning Administrator; and

WHEREAS, in arriving at their decision, the Board of Zoning Appeals considered the staff report, decision of the Zoning Administrator, the plans and material submitted prior to and at the public hearing, inspected the subject property and heard public testimony presented at the hearing; and

WHEREAS, the Board of Zoning Appeals found that the appeal could not be granted. Despite the shortage of available land for churches, the Board found that permitted uses in industrial zones could be detrimental to the proposed church and school. Specifically, this included incompatible sight, smells, noise, possible toxic chemicals and truck traffic; and

WHEREAS, the proposed plan would adversely affect the neighborhood, General Plan, Community Plan and be detrimental to the health, safety and general welfare of persons residing or working in the area; and

WHEREAS, in light of the foregoing, the Board of Zoning Appeals denied the appeal, and upheld the decision of the Zoning Administrator; and

WHEREAS, on March 22, 1988, the Council of The City of San Diego, heard the appeal of MDC - Mark II, owner; Chapel of the Rock, Lessee; Case No. C-19703, from the denial of the appeal by the Board of Zoning Appeals; and

WHEREAS, in arriving at their decision, the City Council considered the staff report, decisions of the Zoning Administrator and Board of Zoning Appeals, the plans and materials submitted prior to and at the public hearing and heard public testimony presented at the hearing; and

WHEREAS, the City Council found that land available for church and school uses in the Mira Mesa/Scripps Ranch area was scarce; that Mark II Properties also owned property across the street from the subject property and submitted a letter stating Chapel of the Rock could use the property for parking on evenings and Sundays; that the school students would be dropped off between 6:00 a.m. and 8:30 a.m., before regular business hours and be picked up between 12:00 p.m. and 6:00 p.m.; that the length and width of the street was adequate to handle the church and school vehicular traffic; and that the project had the support of the community; and

WHEREAS, the conditional use permit if granted would not be detrimental to the neighborhood, General Plan, Community Plan or to the health, safety and general welfare of persons residing or working in the area; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the appeal of MDC - Mark II, owner; Chapel of the Rock, Lessee; is hereby granted subject to the following conditions:

1. The project comply with the landscaping ordinances.
2. The landscaping shall be installed and maintained in a good, growing condition.

3. That the parking lot be installed and maintained in compliance with Division 8.

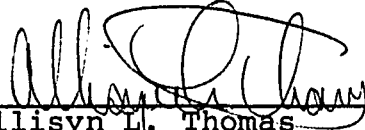
4. That 40 off-site parking spaces be provided, currently provided at 9705 and 9707 Candida Street. If that location ceases to be available, alternative parking is to be reviewed by the City Council with consultation by the Zoning Administrator.

5. The project shall comply with all requirements of the Building Inspection Department.

6. That a 6'0" high fence be erected between the school and the channel.

BE IT FURTHER RESOLVED, that the decision of the City Council shall be final.

APPROVED: JOHN W. WITT, City Attorney

By 
Allisyn L. Thomas
Deputy City Attorney

ALT:lc
04/07/88
Or.Dept:Clerk
R-88-2026
Form=r.none

333b

MAR 22 1988

Passed and adopted by the Council of The City of San Diego on....., by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struikma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Lenora Martin*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-270596* Adopted MAR 22 1988