

(R-88-2162)

RESOLUTION NUMBER R-270684

ADOPTED ON APRIL 5, 1988

WHEREAS, Arthur J. Burton appealed the decision of the Planning Commission in approving Conditional Use Permit No. 87-0275 submitted by New Hope Church of Penasquitos, Permittee, for the development of a church with related facilities (including a day care facility for children) and a height variance to allow a building height of forty (40) feet where a thirty (30) foot maximum is allowed, located west of the intersection of Carmel Mountain Road and Stoney Creek Road, in the Penasquitos East Community Plan area, in the R1-5000 (HR) Zone; and

WHEREAS, the matter was set for public hearing on April 5, 1988, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Conditional Use Permit No. 87-0275:

1. The proposed project will fulfill a need and will not adversely affect the neighborhood, the Progress Guide and General Plan, or the Community Plan. The proposed project is in conformance with the adopted Penasquitos East Community Plan.

2. The proposed project, because of the conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity. The conditions of the conditional use permit will ensure compatibility with the surrounding area.

3. The site is physically suitable for the design and siting of the proposed structure and will result in the minimum disturbance of sensitive areas. The proposed development retains the visual quality of the site, the aesthetic qualities of the area and reflects the architectural characteristics of development on adjacent and surrounding properties. The site has been previously graded and only minimal additional disturbance is proposed. The development will retain the natural hillside area and will be compatible with the surrounding area.

4. The proposed development is in conformance with the qualitative guidelines and criteria as set forth in Document No. RR-262129, "Hillside Design and Development Guidelines" and is in conformance with the Open Space Element of the General Plan and all relevant regulations in the San Diego Municipal Code. The project has been determined to be in substantial conformance with the applicable plans and zoning requirements.

5. There are special circumstances or conditions applying to the land or buildings for which the adjustment is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to the land or buildings in the neighborhood. Such conditions shall not have resulted from

any act of the applicant subsequent to the adoption of the applicable zoning ordinance. The sloping topography of the site results in elevations substantially below the adjoining residential properties. The adjoining hillside area further restricts the development of the site.

6. The aforesaid circumstances or conditions are such that the strict application of the provisions of the ordinance would deprive the applicant of the reasonable use of the land or buildings and that the variance granted by the City is the minimum variance that will accomplish this purpose. The variance will allow the reasonable use of the property by allowing a minimum of additional building height.


7. The granting of the variance will be in harmony with the general purpose and intent of the zoning regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The variance will allow a building height that meets the purpose and intent of the zoning regulations while maintaining compatibility with the surrounding area. The intent of the thirty (30) foot height regulation in the R1-5000 Zone is to help ensure the relative compatibility of adjoining single-family residences. The sloping site characteristics of the subject property present special circumstances which ensure that the proposed height will not be imposing on the surrounding residences. In addition, the conditional use permit ensures a further measure of compatibility through a specific site plan and conditions of approval.

8. The granting of the variance will not adversely affect the Progress Guide and General Plan for The City of San Diego or the adopted Community Plan for the area. The variance will be in substantial conformance with these plans.

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

BE IT FURTHER RESOLVED, that the appeal of Arthur J. Burton, is denied; the decision of the Planning Commission is sustained, and Conditional Use Permit No. 87-0275 is hereby granted to New Hope Church of Penasquitos, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:ta
04/27/88
Or.Dept:Clerk
R-88-2162
Form=r.permit

CONDITIONAL USE PERMIT NO. 87-0275

CITY COUNCIL

(WITH HEIGHT VARIANCE)

This Conditional Use Permit ("Permit") is granted by the Council of The City of San Diego to Genstar Development, Inc., a New York Corporation, ("Owner"), and New Hope Church of Penasquitos, ("Permittee"), pursuant to Section 101.0510 of the Municipal Code of The City of San Diego ("Code").

1. Permission is granted to the Owner/Permittee for the construction and development of a church with a child day-care facility and other related uses located west of the intersection of Carmel Mountain Road and Stoney Creek Road, described as Lot 1, Penasquitos Heights, Map No. 9250, in the R1-5000 (HR) Zone.

2. The facility shall consist of the following:

a. A 24,200 square-foot church structure to include a children's day-care facility of 7,240 square feet, an associated outdoor area of 5,100 square feet, and other related uses.

b. A variance to allow a maximum building height of 40 feet.

c. Off-street parking.

d. Accessory uses as may be determined incidental and approved by the Planning Director.

3. No fewer than 242 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated April 5, 1988, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the Zoning Regulations of the Code and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Planning Department standards. Parking areas shall be marked at all times. Landscaping located in any parking area shall be permanently maintained and not converted for any other use.

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

a. The Permittee signs and returns the Permit to the Planning Department.

b. The Permit is recorded in the office of the County Recorder.

5. Before issuance of any building permits, complete grading and building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated April 5, 1988, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications, findings of substantial conformance or amendment of this Permit shall have been granted.

6. Before issuance of any grading or building permits, a revised and complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The plans shall be in substantial conformity to Exhibit "A," dated April 5, 1988, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this Permit has been amended and is to be maintained in a disease-, weed- and litter-free condition at all times.

7. All outdoor lighting shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located.

8. This Permit must be used within 36 months after the date of City approval or the Permit shall be void. An extension of time may be granted as set forth in Section 101.0510.K. of the Code. Any extension of time shall be subject to all standards and criteria in effect at the time the extension is applied for.

9. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.

10. After establishment of the project, the property shall not be used for any other purposes unless:

- a. Authorized by the Planning Commission.
- b. The proposed use meets every requirement of the zone existing for the property at the time of conversion.
- c. The Permit has been revoked by the City.

11. This Permit may be revoked by the City if there is a material breach or default in any of the conditions of this Permit.

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

13. A final map shall be a condition of this Permit.

14. A traffic signal shall be required at the intersection of Carmel Mountain Road and Stoney Creek Road prior to the occupancy of the church.

15. The hours of operation shall be limited to 6:30 a.m. to 6:00 p.m.

16. The maximum number of children allowed in the outdoor area at any given time shall not exceed 1/3 of the total enrollment.

17. This Permit shall be subject to a five-year review and evaluation.

18. The hours of operation of the church services shall be staggered from those of the adjoining church.

19. The maximum enrollment for the day-care facility shall be limited to 125 children.

20. Prior to the recordation of a final map, a phasing plan shall be submitted to the satisfaction of the Planning Director which ties development to: (a) the allocation schedule of the Community Plan, as set forth in Schedule A of the Interim Development Ordinance, adopted by the City Council on July 21, 1987 and any successor plan or policy imposing the same or similar requirements; and (b) the construction and actual installation of all public facilities specified in the Capital Improvement Program portion of the applicable community plan that would be required for this project approval.

21. The final map shall comply with the standards, policies and requirements of all ordinances in effect at the time of approval of the map, including the Interim Development Ordinance adopted by the City Council on July 21, 1987, and any successor ordinance, plan or policy imposing the same or similar requirements upon environmentally sensitive habitats, floodplains, hillsides, wetlands or coastal bluffs, which approval shall be binding upon all subsequent approvals and permits required for the development.

22. In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void.

Passed and Adopted by the City Council on April 5, 1988.

338/6

Passed and adopted by the Council of The City of San Diego on APR 5 1988
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmā	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Ellen Boward, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-270684 Adopted APR 5 1988

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