

(R-89-1164)

RESOLUTION NUMBER R-272348

ADOPTED ON NOVEMBER 15, 1988

WHEREAS, on June 17, 1988, the Zoning Administrator held a public hearing and continued the item to June 24, 1988 to consider a request for Amendment, dated February 5, 1988, by ALL SAINTS LUTHERAN CHURCH, to Case No. 8490, dated December 29, 1967, which permitted ALL SAINTS LUTHERAN CHURCH to construct a church plant; subsequently amended January 31, 1969 to establish a preschool for twenty (20) children; subsequently amended February 8, 1971 to permit one freestanding sign; subsequently amended July 2, 1971 to permit the expansion of the nursery school to forty-two (42) children; subsequently amended February 15, 1978 to delete Parcel 1 of Parcel Map 6556 and Parcel 1 of tentative Parcel Map 77-296, and subsequently amended January 15, 1979 to allow relocation of ten (10) parking spaces - Parcel 2, Parcel Map 6903 being a subdivision of Lot 1, ALL SAINTS LUTHERAN CHURCH, Map 5941, located at 6355 Radcliffe Drive, R1-5000 Zone; the applicant requests amendment to split the church property by way of a parcel map, to sell the south 17,300 sq. ft. of the lot to FRIENDS OF CHABAD LUBAVITCH SAN DIEGO to construct a synagogue (C-19923) (1) to construct a 370'0" retaining wall along the east property line to create a level site for the proposed parking spaces, a 30'0" section of the wall to measure 6'0" to 8'0" where 6'0" is the maximum height permitted; (2) to construct a 3'0" to 6'0" high fence on top of the retaining wall, without a

horizontal separation, to screen adjacent property from the glare of vehicle headlights; (3) to permit ALL SAINTS LUTHERAN CHURCH, FRIENDS OF CHABAD LUBAVITCH SAN DIEGO and LA JOLLA BANK to share the ninety-one (91) parking spaces (existing and proposed) to be located on the three adjacent properties via an irrevocable joint use parking agreement; 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. The hearing officer believed that the plans could be revised to reduce the height of the wall and the solid fencing on top. The hearing officer did believe that the joint use of the parking lot was appropriate given the nonconflicting hours of operation between the LA JOLLA BANK, FRIENDS OF CHABAD LUBAVITCH SAN DIEGO and the ALL SAINTS LUTHERAN CHURCH; and

WHEREAS, the proposed amended use would not adversely affect the neighborhood, the General Plan or the Community Plan, and would not be detrimental to the health, safety and general welfare of persons residing or working in the area; and

WHEREAS, the Zoning Administrator reviewed and adopted Negative Declaration No. 88-0296 which indicated that the proposed project would not have a significant impact and an environmental impact report was not required; and

WHEREAS, the proposed amended use would comply with all relevant regulations in the Municipal Code; and

WHEREAS, in light of the foregoing, the Zoning Administrator denied the request as sought, but approved item 3, permitting ALL SAINTS LUTHERAN CHURCH, FRIENDS OF CHABAD LUBAVITCH SAN DIEGO and LA JOLLA BANK to share eighty-five (85) parking spaces via a joint use parking agreement, subject to certain conditions; and

WHEREAS, on September 7, 1988, the Board of Zoning Appeals considered the appeal of Michael Herascu from the partial approval of the Zoning Administrator in the instant case; and

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

WHEREAS, the Board of Zoning Appeals found the request could not be approved as submitted. Public testimony heard indicated concern over traffic and pollution generated by the increased number of cars the project would bring. The Board did believe that joint use of the parking lot would be appropriate given the nonconflicting hours of operation between LA JOLLA BANK, FRIENDS OF CHABAD LUBAVITCH SAN DIEGO and ALL SAINTS LUTHERAN CHURCH. In addition, the Board felt that a retaining wall with a 3'0" high fence should be provided to screen headlight glare; and

WHEREAS, the proposed use would not adversely affect the neighborhood, General Plan or Community Plan and would not be detrimental to the health, safety, and general welfare of persons residing or working in the area; and

WHEREAS, the Board of Zoning Appeals found the proposed use complied with all relevant regulations in the Municipal Code; and

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

WHEREAS, on November 15, 1988, the Council for The City of San Diego considered the appeal of ALL SAINTS LUTHERAN CHURCH and FRIENDS OF CHABAD LUBAVITCH SAN DIEGO, by Voyd H. Beights, in the instant case, from the decision of the Board of Zoning Appeals to approve Conditional Use Permit C-8490, with modifications; 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 public testimony presented at the hearing; and

WHEREAS, the City Council adopted the findings of the Zoning Administrator; and

WHEREAS, the proposed use will not adversely affect the neighborhood, General Plan or Community Plan and would not be detrimental to the health, safety and general welfare of persons residing or working in the area; and

WHEREAS, the City Council found the proposed use complies with all relevant regulations in the Municipal Code; NOW, THEREFORE,

BE IT RESOLVED, by the Council for The City of San Diego, that the appeal of ALL SAINTS LUTHERAN CHURCH and FRIENDS OF CHABAD LUBAVITCH SAN DIEGO, by Voyd H. Beights, is hereby

granted, thus affirming the decision of the Zoning Administrator with the following amendments and conditions:

1. The maximum height of the project is to be 34'0".
2. The project shall be constructed substantially as shown on Exhibit A, dated November 15, 1988.
3. That a soil report shall be submitted and made part of this file prior to the issuance of any building permits.
4. That the project shall be developed in a method that precludes any saturation or runoff onto this property or onto adjacent property, said runoff to be diverted to storm drain.
5. That a parking area shall be installed and maintained in accordance with Division 8 and landscape ordinance.
6. That a minimum of two speed bumps shall be installed to minimize skate boarding, motorcycles and/or speeding.
7. That a chain or gate shall be erected across the parking lot between spaces identified as 3 and 24.
8. That the parking lot shall be secured when not in use by ALL SAINTS LUTHERAN CHURCH, FRIENDS OF CHABAD LUBAVITCH SAN DIEGO and LA JOLLA BANK.
9. That the project shall comply with all the requirements of Building Inspection, Engineering and Development and Fire Departments.
10. That the project shall comply with the Landscaping Ordinance.
11. That the primary hours of gathering shall be Wednesday evenings from 6:00 p.m. to 10:00 p.m. and Sundays.

12. That a nonrevocable parking agreement shall be recorded for the joint use of the parking for FRIENDS OF CHABAD LUBAVITCH SAN DIEGO along with a nonrevocable access easement.

13. That this Conditional Use Permit shall be signed and notarized by the applicant and returned to Zoning Administration to be recorded with the County Recorder, within thirty (30) days of receipt of this resolution.

This Amendment is not a permit or license and any permits and licenses required by law must be obtained from the proper department. Furthermore, if any condition of this grant is violated, or if the same be not complied with in every respect, then this Amendment shall be subject to revocation following a noticed public hearing per Section 101.0220.

BE IT FURTHER RESOLVED, by the Council for The City of San Diego, that its decision is and shall be final.

APPROVED: JOHN W. WITT, City Attorney

By


Allisyn L. Thomas
Deputy City Attorney

ALT:wk
12/02/88
Or.Dept:Clerk
R-89-1164
Form=r.none

NOV 15 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 Struiksma	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Board*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R-272348** Adopted **NOV 15 1988**