

(R-91-1853)

RESOLUTION NUMBER R-277647

ADOPTED ON APRIL 9, 1991

WHEREAS, on February 14, 1991, the Planning Commission recommended approval of Conditional Use Permit No. 90-0870, an amendment to CUP C-16034, submitted by The First Methodist Church of San Diego, Owner/Permittee, for the construction of approximately 160 linear feet of six-foot high concrete and rock walls designed to contain up to 200 crematory urns; the proposed wall will contain a 3,000-square-foot open air courtyard within an existing garden at the First Methodist Church of San Diego; the subject property is located at 2111 Camino Del Rio South between Mission Center Road and Texas Street and is more particularly described as a portion of Lot 1110 of the Pueblo Lands of San Diego, Map No. 36, in the Mission Valley Community Plan area, in the MV-CO-CV zone; and

WHEREAS, the matter was set for public hearing on April 9, 1991, 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. 90-0870:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the Community Plan.

2. The proposed use, 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 and will not adversely affect other property in the vicinity.

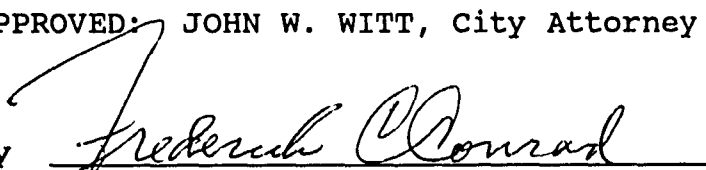
3. The proposed use will comply with the relevant regulations in the Municipal Code and the provisions of the Mission valley Planned District.

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 decision of the Planning Commission is sustained, and Conditional Use Permit No. 90-0870, City Council Amendment to Conditional Use Permit No. C-16034, is hereby granted to The First Methodist Church of San Diego, 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:lc  
05/13/91  
Or.Dept:Clerk  
R-91-1853  
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CONDITIONAL USE PERMIT NO. 90-0870  
CITY COUNCIL AMENDMENT TO CONDITIONAL USE PERMIT NO. C-16034

CITY COUNCIL

This conditional use permit amendment is granted by the Council of The City of San Diego to THE FIRST METHODIST CHURCH OF SAN DIEGO, a corporation, Owner/Permittee, pursuant to Section 101.0510 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to construct 160 linear feet of six-foot-high concrete and rock walls designed to contain up to 200 crematory urns located at 2111 Camino Del Rio South, described as a portion of Lot 1110 of the Pueblo Lands of San Diego, Map No. 36, in the MV-CO-CV Zone.
2. The facility shall consist of the following:
  - a. One hundred sixty (160) linear feet of six-foot high walls which will contain up to 200 crematory urns;
  - b. Church uses and accessory uses as previously approved under CUP No. C-16034;
  - c. Off-street parking; and
  - d. Accessory uses as may be determined incidental and approved by the City Council.
3. No fewer than 256 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated April 9, 1991, on file in the office of the Planning Department. Parking spaces shall be consistent with Chapter X, Article 1, Division 8, of the Municipal 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 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 conditional use 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 9, 1991, 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 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 9, 1991, 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. This conditional use 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 Municipal Code. Any extension of time shall be subject to all standards and criteria in effect at the time of extension is applied for.
8. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
9. After establishment of the project, the property shall not be used for any other purposes unless:
  - a. Authorized by the City Council; or
  - b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or
  - c. The permit has been revoked by the City.
10. This conditional use permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.
11. This conditional use 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.

12. To the extent this condition is consistent with state and local laws, this project shall comply with the standards, policies and requirements in effect at the time of approval of this project, including any successor or new policies, financing mechanisms, phasing schedules, plans and ordinances relating to growth management adopted by The City of San Diego after January 11, 1990. The Owner/Permittee may challenge the legality of the imposition of future requirements pursuant to this condition at the time such future requirements and their impact on the project are defined.
13. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.
14. 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 a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this permit shall be void. However, in the event that challenge pertaining to future growth management requirements, is found by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, the Planning Director shall have the right, but not the obligation, to review this permit to confirm that the purpose and intent of the original approval will be maintained.
15. The Engineering Department has reviewed this proposed conditional use permit to allow for a 3,000-square-foot courtyard and six-foot-high wall for crematory urns and recommends that the following conditions be included in the permit:
  - a. Prior to the issuance of any building permits, the applicant shall dedicate additional right-of-way for Camino del Rio South to provide an 80-foot-wide right-of-way (65-foot modified four-lane collector with bike lanes) adjacent to this project site with a revised centerline radius at the easterly portion of the project site, in a manner satisfactory to the City Engineer.
  - b. The subdivider shall enter into an agreement with the City waiving the right to oppose a special assessment initiated for future improvements.

Passed and adopted by the Council of The City of San Diego on April 9, 1991.

05/13/91  
r-91-1853

AUTHENTICATED BY:

MAUREEN O'CONNOR, Mayor  
The City of San Diego

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

STATE OF CALIFORNIA )  
) ss.  
COUNTY OF SAN DIEGO )

On this \_\_\_\_\_ day of \_\_\_\_\_, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared CHARLES G. ABDELNOUR, known to me to be the City Clerk of The City of San Diego, the municipal corporation that executed the within instrument, and known to me to be the person whose name is subscribed to the within instrument, as a witness thereto, who being by me duly sworn, deposes and says that he was present and saw MAUREEN O'CONNOR, known to him to be the Mayor of The City of San Diego, and known to him to be the person who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same, and that said affiant subscribed his name to the within instrument as a witness.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in the County of San Diego, State of California, the day and year in this certificate first above written.

Notary Public in and for the County  
of San Diego, State of California

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

THE FIRST METHODIST CHURCH OF SAN DIEGO  
a corporation, Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

NOTE: Notary acknowledgments  
must be attached per Civil  
Code Section 1180, et seq.  
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R-277647

APR 09 1991

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"/>
John Hartley	<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"/>
Linda Bernhardt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Linda Ferguson*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **277647** Adopted **APR 09 1991**