

RESOLUTION NUMBER R-285619

ADOPTED ON APRIL 18, 1995

WHEREAS, ST. DAVID'S EPISCOPAL CHURCH, Owner/Permittee, has filed an application for a Conditional Use Permit to construct a multi-building church facility located on 2.9 acres at 5040-5050 Milton Street, also described as Lots 1 and 2, Lot 11 Mission Bay Heights, Map No. 3730; Lot 16, Clairemont Terrace Unit No. 2, Map 3200; Lot 179, Western Hills Unit No. 2, Map No. 3298, and a portion of Lot No. 35, Bayview Glen, Map No. 5548, in the R1-5000 Zone in the Clairemont Mesa Community; and

WHEREAS, on April 18, 1995, the City Council of The City of San Diego considered Conditional Use Permit No. 93-0213, pursuant to Sections 101.0510 and 101.0452.5 of the Municipal Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the City Council of The City of San Diego, that this City Council adopts the following findings with respect to Conditional Use Permit No. 93-0213:

CONDITIONAL USE PERMIT FINDINGS

- A. THE PROPOSED USE WILL FULFILL AN INDIVIDUAL AND/OR COMMUNITY NEED AND WILL NOT ADVERSELY AFFECT THE GENERAL PLAN OR THE COMMUNITY PLAN.

The proposed church facility is an expansion of an existing use already serving the community and is consistent with the General Plan and Community Plan due to the required conditions established by the Conditional Use Permit and the requirements of the underlying zone.

- B. THE PROPOSED USE, BECAUSE OF 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 proposed church facility has been conditioned so that it will not be detrimental to the health, safety and general welfare of the persons residing in the vicinity.

C. THE PROPOSED USE WILL COMPLY WITH THE RELEVANT REGULATIONS IN THE MUNICIPAL CODE.

The proposed church facility will comply with all relevant regulations in the Municipal Code and the requirements established in the Conditional Use Permit and the R1-5000 zone.

CLAIREMONT MESA HEIGHT LIMITATION ZONE FINDINGS

A. THE GRANTING OF AN EXCEPTION WILL NOT INTERFERE WITH PUBLIC VIEWS FROM WESTERN CLAIREMONT MESA TO MISSION BAY AND THE PACIFIC OCEAN WITHIN THE SURROUNDING AREA.

The height limit exceptions will not interfere with public views from Western Clairemont Mesa to Mission Bay and the Pacific Ocean.

B. IF THERE ARE EXISTING STRUCTURES OVER THIRTY FEET IN HEIGHT, A VARIATION IN HEIGHT MAY BE GRANTED, PROVIDED THE NEW STRUCTURE IS COMPATIBLE WITH SURROUNDING ONE, TWO, OR THREE-STORY STRUCTURES.

The existing structures in the neighborhood are predominately one and two stories. The proposed church structures, due to their design and siting would be a focal point in the neighborhood, and would identify important community facilities.

C. THE PROPOSED STRUCTURE MAY EXCEED THE HEIGHT LIMIT TO INCLUDE ROOFLINE AND FACADE VARIATIONS, ACCENTS, TOWER ELEMENTS AND OTHER SIMILAR ELEMENTS, PROVIDED THE ELEMENT WILL NOT INCREASE THE FLOOR AREA OF THE STRUCTURE.

The proposed 48-foot-high steeple exceeds the allowed chapel height limit by 18 feet, however, it does not increase the floor area of the structure. The 35-foot-high sanctuary ridgeline is a design element and also does not increase the floor area of the sanctuary. The 40-foot high chapel also does not increase the floor area. The architectural feature of height is a design element in most church facilities and adds to the experience of the facility.

D. THE PROPOSED STRUCTURE MAY EXCEED THE HEIGHT LIMIT IF THERE ARE TOPOGRAPHIC CONSTRAINTS PECULIAR TO THE LAND.

The project site has some topographic constraints such as a gentle slope toward the northwest portion of the property and an elevation change at the existing

preschool facility and parking lot.

- E. THE PROPOSED STRUCTURE WILL COMPLY WITH THE REGULATIONS AND CONDITIONS SPECIFIED IN THE UNDERLYING ZONE FOR SUCH STRUCTURES.**

The proposed church facility will otherwise comply with the required setbacks, hours of operation, noise, drainage and all other conditions established in this permit and the underlying R1-5000 Zone.

- F. THE GRANTING OF AN EXCEPTION WILL NOT ADVERSELY AFFECT ANY ADOPTED PLAN OF ANY GOVERNMENTAL AGENCY.**

The granting of three height exceptions will not adversely affect any adopted plan of any governmental agency. The General Plan states that structures should stand out prominently in the City Scape when they signify the presence of important community facilities and occupy visual focal points that benefit from buildings and structures of such design.

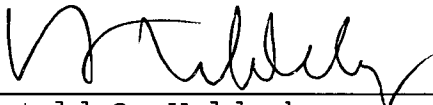
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the City Council recommends support of the three exemptions to the height limit and experimental use of decomposed granite in lieu of asphalt on the rear parking lot only.

BE IT FURTHER RESOLVED, that based on the findings hereinbefore considered by the City Council, Conditional Use Permit No. 93-0213 is hereby approved in the form and with the terms and conditions set forth in the Permit attached hereto and made a part hereof.


APPROVED: JOHN W. WITT, City Attorney

By



Harold O. Valderhaug
Chief Deputy City Attorney

HOV:ps
09/05/95
Or.Dept:Clerk
R-95-1577

 285619

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT

AND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

ST. DAVID'S EPISCOPAL CHURCH
CONDITIONAL USE PERMIT NO. 93-0213
CITY COUNCIL

This Conditional Use Permit is granted by the City Council of the City of San Diego to ST. DAVID'S EPISCOPAL CHURCH, Owner/Permittee, pursuant to Sections 101.0510 and 101.0452.5 of the Municipal Code of the City of San Diego.

1. Permission is granted to Owner/Permittee to construct a sanctuary, parish hall, chapel, administration building, youth facility and library, located at 5040-5050 Milton Street, also described as Lots 1 and 2, Lot 11, Mission Bay Heights, Map No. 3730; Lot 16, Clairemont Terrace Unit No. 2, Map No. 3200; Lot 179, Western Hills Unit No. 2, Map No. 3290 and a portion of Lot No. 35, Bayview Glen, Map No. 5548, in the R1-5000 Zone.

2. The facility shall consist of the following:

a. Five phases of construction over a period of five years as indicated per the Exhibit "A" dated April 18, 1995.

Phase 1: 3,600-square-foot Sanctuary and parking areas

Phase 2: 3,195-square-foot Library and
Administration Wing

Phase 3: 599-square-foot Chapel

Phase 4: 4,520-square-foot Parish Hall

Phase 5: 882-square-foot Youth Center

b. An existing 4,710-square-foot two-story classroom/preschool building (the preschool use was approved under CUP C-20274).

c. An existing 2,740-square-foot rectory building (existing single-family residence).

d. Landscaping phased with each construction phase. (See landscape plan Exhibit "A.")

e. Ancillary church uses as approved by the Development Services Department Director.

3. No fewer than 91 off-street parking spaces shall be maintained on the property in the approximate locations shown on Exhibit "A," dated April 18, 1995, on file in the office of the Development Services Department. Parking spaces shall be consistent with San Diego Municipal Code sections 101.0800 et seq. and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to the Municipal Code 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. The use of a decomposed stabilized granite will be allowed as an experiment in lieu of asphalt in the lower parking area with the provision that the City Engineer shall review the performance of the decomposed granite after one year. At that time the City Engineer shall determine if asphalt is needed to surface the rear parking lot. If the City Engineer determines that the parking lot requires resurfacing, Permittee shall have 120 days to complete the work upon notification by the City Engineer.

5. All other parking areas (except as noted on Exhibit "A") shall be paved with asphaltic concrete, in a manner satisfactory to the City Engineer.

6. Before issuance of any building permits, complete grading and building plans for each respective phase of development shall be submitted to the Development Services Director for approval. Plans shall be in substantial conformance to Exhibit "A," dated April 18, 1995, on file in the office of the Development Services Department. No change, modifications or alterations shall be made unless findings of substantial conformance or amendment of this permit shall have been granted.

7. Before issuance of any grading or building permits, complete landscape plans for the respective phase of development, including a permanent irrigation system, shall be submitted to the Development Services Director for approval. The plans shall be in substantial conformance to Exhibit "A," dated April 18, 1995, on file in the office of the Development Services 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.

8. 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.

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

required between the hours of 10:00 p.m. and 6:30 a.m. and shall be provided in accordance with the requirements of the Police Department.

10. Specific restrictions on use of the site are as follows:

- a. Hours of operation for the church, community classes and associated uses on site shall be from 6:30 a.m. to 10:00 p.m., exclusive of holiday services and holy days which may have extended hours.
- b. In cooperation with the Interfaith Shelter Network, Permittee may participate for two weeks each year in the housing and feeding program. (Temporary use with hours of operation expanded to 24 hours for the two weeks only.)
- c. All entrances to the parking areas shall be gated with pipe bollards and chains when the parking areas are not in use. Afternoon and evening classes should primarily use the Milton Street parking lot. All parking areas shall be secured between the hours of 10:00 p.m. and 6:30 a.m.
- d. No outdoor amplified speakers shall be used on site.
- e. A height limit of 40 feet for the chapel and 35 feet for the sanctuary structure (roof) ridgeline and 48 feet for the maximum height of the steeple is permitted.
- f. All temporary trailers shall be removed from the site upon completion of Phase 2.
- g. This Conditional Use Permit shall expire in 25 years from the date of approval. At the end of 25 years the Permittee may apply for a new CUP in accordance with the appropriate development regulations then in place.
- h. The landscaping plan shall ensure the preservation of traffic sight lines along Milton and Burgener Streets to the satisfaction of the Development Services Director.

11. Prior to the issuance of any building permits, the Permittee shall assure, by permit and bond, the replacement of the damaged/raised segments of sidewalk and enhanced pavement (existing brick pavers) adjacent to this site on Milton Street, in a manner satisfactory to the City Engineer.

12. Prior to the issuance of any building permits, the Permittee shall obtain an Encroachment Removal Agreement from the City Engineer for the private driveway to be located within the

easterly 1/2 of Sonam Avenue and all other private improvements to be located within Sonam Avenue.

13. Prior to the issuance of any building permits, the Permittee shall assure, by permit and bond, the curb cut widenings and modifications on Milton and July streets, in a manner satisfactory to the City Engineer.

14. 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 Development Services Department;
- b. The Conditional Use Permit is recorded by the Development Services Department in the office of the County Recorder.

15. Prior to building occupancy for any phase, the Permittee shall conform to Section 62.0203 of the Municipal Code, "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the Permittee shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

16. The Permittee shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. If more than two (2) fire hydrants and/or thirty (30) Equivalent Dwelling Units (EDUs) are located on a dead-end main, then a dual-fed system shall be installed.

17. Prior to the issuance of any building permits, the Permittee shall:

- a. Ensure that building address numbers are visible and legible from the street (UFC 109.208).
- b. This development may be subject to a building permit park fee in accordance with San Diego Municipal Code Section 96.0401 et seq.

18. This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by California Government Code Section 53080(b) (Statutes of 1986, Chapter 87) in accordance with procedures established by the Director of Development Services.

19. This development may be subject to impact fees, as established by City Council, at the time of issuance of building permits.

20. The first phase of this Conditional Use Permit must be initiated within 36 months after the date of City Council approval or the permit shall be void. An Extension of Time may be granted as set forth in San Diego Municipal Code section 111.1122. Any extension of time shall be subject to all standards and criteria in effect at the time the extension is approved.

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

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

- a. Authorized by the Development Services Director; 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.

23. 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.

24. 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.

25. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is obtaining as a result of this permit. It is the intent of the City that the owner of the property which is the subject of this permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the owner of the property be allowed the special and extraordinary rights conveyed by this permit, but only if the owner complies with all the conditions of this permit.

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 such 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 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 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.

APPROVED by the Council of The City of San Diego on April 18, 1995, by Resolution No. R-285619.

AUTHENTICATED BY THE CITY MANAGER

By _____

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.

ST. DAVID'S EPISCOPAL CHURCH
Owner/Permittee

By _____

By _____

NOTE: Notary acknowledgments
must be attached per Civil
Code Section 1180, et seq.
Form=p.ack
10/02/95