

CORRECTED COPY

(R-97-289) COR. COPY
05/07/97

RESOLUTION NUMBER R-287611

ADOPTED ON JULY 9, 1996

WHEREAS, La Jolla Presbyterian Church, Owner/Permittee, filed an application for a Coastal Development Permit, a La Jolla Planned District and Special Use Permit No. 95-0361, to demolish the Kirk House and Administrative Offices, a portion of the Children's Education Center and the Sun House; remodeling of the Administration Building, the Education Building, the Clark House; new construction consisting of a one-story library, a two-story Activities Center and accompanying 65-space subterranean garage; relocation of the existing Chapel; and other hard- and landscaped areas, including portions of an alley vacation. The project is located at 7715 Draper Avenue, described as Lots 9-30, Block 32, in the La Jolla Park Subdivision, Map No. 0352; alley adjacent to Lots 9-28, Block 32, in Zone 5 and Zone 6 of the La Jolla Planned District. The project contains the following exceptions to the La Jolla Planned District Ordinance Regulations:

1. A maximum height of 32'-6" (as measured by the La Jolla PDO regulations) where 30 feet is the maximum allowed.
2. A reduction of the front yard setback of 15' to 4' for the Chapel relocation.
3. A reduction in the side yard setback from 10' to 2'-6" for the Chapel relocation.
4. A reduction in the side yard setback along Kline Street from 10' to 1'-6" for the Memorial Garden Cloister

Arcade, the Administration Building, and the free-standing trellis.

5. A waiver of the requirements for a street facade envelope along Kline Street for the projecting cornice of the new Administration Building.

WHEREAS, on May 9, 1996, the Planning Commission of The City of San Diego considered Coastal Development Permit/La Jolla Planned District Permit/Special Use Permit No. 95-0361 pursuant to Sections 105.0201, 103.1201 and 103.1208 of the Municipal Code of The City of San Diego; and

WHEREAS, on July 9, 1996, the City Council of The City of San Diego considered Permit No. 95-0361 pursuant to Sections 105.0201, 103.1201 and 103.1208 of the Municipal Code of The City of San Diego; NOW THEREFORE,

BE IT RESOLVED, that the Council of The City of San Diego, adopts the following findings:

1. **COASTAL DEVELOPMENT PERMIT FINDINGS:**

- A. **THE PROPOSED DEVELOPMENT WILL NOT ENCROACH UPON ANY EXISTING PHYSICAL ACCESSWAY LEGALLY UTILIZED BY THE PUBLIC OR ANY PROPOSED PUBLIC ACCESSWAY IDENTIFIED IN AN ADOPTED LCP LAND USE PLAN; NOR WILL IT OBSTRUCT VIEWS TO AND ALONG THE OCEAN AND OTHER SCENIC COASTAL AREAS FROM PUBLIC VANTAGE POINTS.**

The proposed demolition and expansion to La Jolla Presbyterian Church, located on 7715 Draper Avenue, would not affect public views and/or public access as identified within the La Jolla Community Plan and Local Coastal Addendum. The project is located in an urbanized area of the La Jolla Planned District, therefore there are no encroachments or obstructions to public accessways or views.

- B. **THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT MARINE RESOURCES, ENVIRONMENTALLY SENSITIVE AREAS, OR ARCHAEOLOGICAL OR PALEONTOLOGICAL RESOURCES.**

A Mitigated Negative Declaration No. 95-0361 was issued on this project. This project site has been identified as potentially archaeologically significant if on-site resources are discovered during grading. A Mitigation, Monitoring and Reporting Program is established which will reduce impacts to sensitive or potentially sensitive resources to below a level of significance. A qualified archaeologist or archaeological monitor shall be present on-site during construction activities that involve removal of existing paved surfaces and landscape. Conditions have been added to the permit to assure compliance with the Mitigation, Monitoring and Reporting Program.

- C. **THE PROPOSED DEVELOPMENT WILL COMPLY WITH THE REQUIREMENTS RELATED TO BIOLOGICALLY SENSITIVE LANDS AND SIGNIFICANT PREHISTORIC AND HISTORIC RESOURCES AS SET FORTH IN THE RESOURCE PROTECTION ORDINANCE, CHAPTER X, SECTION 101.0462 OF THE SAN DIEGO MUNICIPAL CODE, UNLESS BY THE TERMS OF THE RESOURCE PROTECTION ORDINANCE, IT IS EXEMPTED THEREFROM.**

See Finding "B" under Coastal Development Findings. No biologically sensitive lands have been identified on the project site.

- D. **THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT RECREATIONAL OR VISITOR-SERVING FACILITIES OR COASTAL SCENIC RESOURCES.**

Although the project is located in an urban setting adjacent to other cultural uses, adequate on-site parking has been provided for this use. The proposed project will not adversely affect these resources. The redevelopment of the church site will enhance La Jolla's highly regarded cultural district.

- E. **THE PROPOSED DEVELOPMENT WILL BE SITED AND DESIGNED TO PREVENT ADVERSE IMPACTS TO ENVIRONMENTALLY SENSITIVE HABITATS AND SCENIC RESOURCES LOCATED IN ADJACENT PARKS AND RECREATION AREAS, AND WILL PROVIDE ADEQUATE BUFFER AREAS TO PROTECT SUCH RESOURCES.**

The project will occur on private property, which is not adjacent to environmentally sensitive habitats. Project siting and landscaping will complement the adjacent cultural resources.

- F. **THE PROPOSED DEVELOPMENT WILL MINIMIZE THE ALTERATIONS OF NATURAL LANDFORMS AND WILL NOT RESULT IN UNDUE RISKS FROM GEOLOGIC AND EROSIONAL FORCES AND/OR FLOOD AND FIRE HAZARDS.**

The project would occur on a previously graded area. Approximately 10,200 cubic yards is proposed to be excavated to accommodate the underground garage, however, the site is not located in a geologic, flood or fire hazard area.

- G. THE PROPOSED DEVELOPMENT WILL BE VISUALLY COMPATIBLE WITH THE CHARACTER OF SURROUNDING AREAS, AND WHERE FEASIBLE, WILL RESTORE AND ENHANCE VISUAL QUALITY IN VISUALLY DEGRADED AREAS.**

Various buildings and structures in the vicinity of the La Jolla Presbyterian church, including but not limited to those within the Cultural Zone, convey a very strong historical impression with a consistent regional architectural theme and cultural foundation. The existing church and the modifications will be designed in the Spanish Revival style. Therefore, the project would be compatible with the existing area.

- H. THE PROPOSED DEVELOPMENT WILL CONFORM WITH THE GENERAL PLAN, THE LOCAL COASTAL PROGRAM, AND ANY OTHER APPLICABLE ADOPTED PLANS AND PROGRAMS.**

The proposed modifications to the Church meets the objectives of the General Plan, the Local Coastal Program and the La Jolla PDO which allows church uses in Zone 5 and 6 by Special Use Permit.

2. LA JOLLA PLANNED DISTRICT FINDINGS:

- A. THE PROJECT IS CONSISTENT WITH THE PURPOSE AND INTENT OF THE LA JOLLA PLANNED DISTRICT, IT IMPLEMENTS THE GOALS AND OBJECTIVES OF THE ADOPTED LA JOLLA COMMUNITY PLAN, THE LA JOLLA/LA JOLLA SHORES LOCAL COASTAL PROGRAM AND THE PROGRESS GUIDE AND GENERAL PLAN OF THE CITY OF SAN DIEGO.**

The project is partially located in the Cultural District of the La Jolla Planned District and through its design including the provision of plazas, courtyards, malls and public amenities, it will serve to enhance the pedestrian environment.

- B. THE PROJECT IS CONSISTENT WITH THE PROPERTY AND BUILDING DEVELOPMENT REGULATIONS OF THE LA JOLLA PLANNED DISTRICT, ZONE 5 AND 6 AND APPLICABLE CITYWIDE ZONING ORDINANCES.**

The project is generally consistent with the property and building development regulation of the La Jolla Planned District Zone 5 and 6. The requested exceptions are compatible with the character of existing development in the area and are seen to be

reasonable in preserving and promoting the architectural integrity of the Cultural District.

3. **SPECIAL USE PERMIT FINDINGS:**

A. THE PROJECT IS CONSISTENT WITH THE PURPOSE AND INTENT SECTION 103.1208 OF THE LA JOLLA PLANNED DISTRICT ORDINANCE.

The project is consistent with the purpose and intent of the planned district. The proposed modifications to the La Jolla Presbyterian Church will substantially upgrade the site by incorporating well designed, architecturally compatible buildings and site improvements. The redevelopment will create a more attractive setting for the church site and surrounding neighborhood.

B. THE PROJECT IS CONSISTENT WITH SECTIONS 103.1205, 103.1206, 103.1207 OF THE LA JOLLA PLANNED DISTRICT ORDINANCE.

The La Jolla Presbyterian Church as designed, generally meets all the requirements of the above stated sections. The requested exceptions are compatible with the character of the existing development in the area are seen to be reasonable in preserving and promoting the continued church use in the Cultural Zone. The requests for the setback reductions for the Chapel will bring the Chapel into alignment with the sanctuary and preserve the character of the massing on site.

Due to the ample street width and the location of a stop sign on Kline Street and Draper Avenue, the request to waive the Chapel encroachment into the visibility setback decreases the need for strict application of the ordinance. The request to waive the requirements for an additional Street Facade setback along Kline Street will preserve the character of the present structural massing.

These requests will maintain the character of the sight and promote a harmonious design.

C. THE PROJECT IS CONSISTENT WITH THE STANDARDS IDENTIFIED IN THIS SECTION.


The project is consistent with all other applicable standards.

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

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted, Coastal Development Permit/La Jolla Planned District Permit/Special Use Permit No. 95-0361 is hereby granted to La Jolla Presbyterian Church, Owner/Permittee, in the form and with the terms and conditions set forth in Coastal Development Permit/La Jolla Planned District Permit/Special Use Permit No. 95-0361, a copy of which is attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By


Harold O. Valderhaug
Head Deputy City Attorney

HOV:ps
09/30/96
Or.Dept:Clerk
Case 95-0361
R-97-289
Reviewed by Karen Lynch-Ashcraft
05-07-97 COR. COPY

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

CITY COUNCIL
COASTAL DEVELOPMENT PERMIT (CDP)/LA JOLLA PLANNED DISTRICT
PERMIT (LJC)/SPECIAL USE PERMIT (SUP) NO. 95-0361

This Coastal Development/La Jolla Planned District/Special Use Permit is granted by the City Council of The City of San Diego to La Jolla Presbyterian Church, Owner/Permittee, pursuant to Sections 105.0201, 103.1201 and 103.1208 of the Municipal Code of the City of San Diego.

1. Permission is hereby granted to Owner/Permittee to demolish, remodel and expand portions of the La Jolla Presbyterian Church located at 7715 Draper Avenue in the La Jolla Planned District and Community Plan area, described as Lots 9-30, Block 32, La Jolla Park Subdivision Map #0352; alley adjacent to lots 9-28, Block 32, La Jolla Park Subdivision Map #0352, in Zone 5 and Zone 6 of the La Jolla Planned District.

2. The facility shall consist of the following:

- a. A new 45,902-square-foot, two-story activities center with underground parking to accommodate 65 vehicles, located on the church's existing asphalt parking lot;
- b. Demolition of the Administration Building and the Kirk House to be replaced by a new 13,240-square-foot, two-story Administration Building and one-story library;
- c. Relocation of the existing Chapel to the southwest corner of the site including rotating the building 90 degrees;
- d. Demolition of the Clark House (7736 Eads Avenue);
- e. Remodeling of the Sun House (7706 Eads Avenue);
- f. Partial demolition of the two-story Education Building with the addition of a new stairway;
- g. Height deviation from the La Jolla PDO height limit of 30'-0" to 32'-6" for the Activity Center and the elevator tower.

R-287611

- h. Frontyard Setback deviation of 4'-0" where 15'-0" is required at Draper Avenue for the Chapel.
- i. Street Sideyard Setback deviation of 1'-6" where 10'-0" is required for the Chapel, Memorial Garden wall, and the Administration Building.
- j. Deviation for visibility area for the Chapel at the corner of Kline Street and Draper Avenue.
- l. Deviation for Landscape Trellis structure within setback area along Kline Street and Eads Avenue.
- m. Deviation from the Street Facade Envelope for the new Administration building along Kline Street.
- n. Accessory uses as may be determined incidental and approved by the Development Services Director.

3. No fewer than 76 off-street parking spaces shall be maintained on the property in the location shown on Exhibit "A," dated July 9, 1996, on file in the office of the Development Services Department. Parking spaces shall comply with Section 101.0800 of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking space dimensions shall conform to Zoning Ordinance standards. Parking areas shall be clearly marked at all times. Landscaping located in any parking area shall be permanently maintained and not converted for any other use.

4. No permit shall be issued for construction of any building, 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 Coastal Development 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 Development Services Director for approval. Plans shall be in substantial conformance to Exhibit "A," dated July 9, 1996, on file in the office of the Development Services Department. No change, modifications or alterations shall be made unless appropriate applications for amendment of this permit shall have been granted or that the Development Services Director makes written findings of substantial conformance relating to said modifications or alterations.

6. The project may be developed in phases. Before issuance of any grading or building permits for any phase, a complete

landscape plan, including a permanent irrigation system, shall be submitted to the Development Services Manager for approval. Landscaping shall be provided in accordance with the City-Wide Landscape Regulations Muni-Code Section 101.0700. The plans shall be in substantial conformance to Exhibit "A" dated July 9, 1996, on file in the office of the Development Services Department. Approved planting and irrigation for any phase shall be installed before issuance of any occupancy permit on any building within said phase. Such planting shall not be modified or altered unless this permit has been amended and shall be maintained in a disease, weed and litter free condition at all times.

7. 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 103.1201 of the Municipal Code. Any such extension must meet all Municipal Code and La Jolla Planned District Ordinance requirements and applicable guidelines in effect at the time the extension is considered.

8. 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.

9. The property included within this Coastal Development/La Jolla PDO/La Jolla Special Use Permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the Development Services Manager or the permit has been revoked by the City of San Diego.

10. This Coastal Development/La Jolla PDO/La Jolla Special Use Permit may be canceled or revoked if there is a material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by the City of San Diego or Permittee.

11. This Coastal Development/La Jolla PDO/La Jolla Special 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. The use of textured or enhanced paving shall be permitted only with the approval of the City Engineer and Development Services Director, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.

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.

MITIGATION, MONITORING AND REPORTING PROGRAM

Cultural Resources

14. Prior to the issuance of a grading permit, grading plans shall include the following notes.

A qualified archaeologist shall consult with the contractor responsible for paved surface removal, grading, excavating and trenching activities at the site and shall make comments and /or suggestions concerning the monitoring program. The archaeologist's duties shall consist of monitoring, evaluation, analysis of collected materials, and preparation of monitoring results report. These duties are as follows:

a. Monitoring

The qualified archeologist or archaeological monitor shall be present on-site during construction activities that involve removal of existing paved surface and landscape from surface level to the depth at which the underlying formations are exposed. A qualified archeologist is defined as an individual who is certified in prehistoric archeology by the Society of Professional Archaeologist (SOPA). At least 200 hours of the field experience required for certification must be obtained in Southern California. An archaeological monitor is defined as an individual who has expertise in the salvage and collection of cultural resources and who is working under the direction of a qualified archaeologist.

b. Evaluation

In the event that archaeological resources are discovered, the archaeologist shall have the authority to divert, direct, or temporarily halt any ground disturbance operations in the area of discovery to allow evaluation of potentially significant archaeological resources. THE ARCHAEOLOGIST SHALL NOTIFY EAS AND THE RESIDENT ENGINEER AT THE TIME OF DISCOVERY. The process of determining significance and the significance of the discovered resources shall be determined by the archaeologist, in consultation with EAS staff. For significant archaeological resources, a Research Design and Data Recovery Program shall be prepared and carried out to mitigate impacts. EAS must concur with the evaluation procedures to be performed before construction activities are allowed to resume. Any human bones of Native American origin shall be turned over to the appropriate Native American group for reburial.

c. Analysis

All collected cultural remains shall be cleaned, catalogued, and permanently curated with an appropriate scientific

institution. All artifacts shall be analyzed to identify function and chronology as they relate to the history of the area. Faunal material shall be identified as to species and special studies shall be completed as appropriate.

d. Report Preparation

A monitoring results report (with appropriate graphics) summarizing the results, analysis, and conclusions of the above program shall be prepared and submitted to EAS within and prior to issuance of an occupancy permit three months following termination of the archaeological monitoring program and prior to issuance of an occupancy permit. Also, any sites or features encountered shall be recorded with the South Coastal Information Center at San Diego State University and at the San Diego Museum of Man.

Paleontology

The site is underlain by the Bay Point formation which has a high probability of containing important paleontological resources. Excavation of 10,200 cubic yards of earth for the underground parking garage has the potential to significantly impact these resources. The following monitoring program which would mitigate potential paleontological impacts to a level below significance, is required for all work performed on the site.

- a. A qualified paleontologist shall attend any preconstruction meetings to consult with the excavation contractor. A qualified paleontologist is defined as an individual with a PhD or MS degree in paleontology or geology who is a recognized expert in the application of paleontological procedures and techniques such as screen washing of materials and identification of fossil deposits. A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials and who is working under the direction of a qualified paleontologist.
- b. Prior to issuance of a grading permit, the requirement for paleontological monitoring shall be noted on the grading plans. The paleontologist's duties shall include monitoring, salvaging, preparation of materials for deposit at a scientific institution that houses paleontological collections and preparation of a results report. These duties are defined as follows:

1) Monitoring

The paleontologist or paleontological monitor shall be on site during the initial cutting of

previously undisturbed areas to inspect for well-preserved fossils. The paleontologist shall work with the contractor to determine the monitoring locations and the amount of time necessary to ensure adequate monitoring of the project.

2) Salvaging

In the event that well-preserved fossils are found, the paleontologist shall have the authority to divert, direct, or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains.

Fossil remains shall be cleaned, sorted, catalogued, and then deposited in a scientific institution that houses paleontological collections (such as the San Diego Natural History Museum).

3) Monitoring Results Report

Three months following termination of the paleontological monitoring program and prior to the issuance of a occupancy permit, a monitoring results report, with appropriate graphics, summarizing the results, analysis and conclusions of the above program shall be submitted to EAS for approval.

Subsequent revisions in the project proposal create the specific mitigation identified in Section V of this Mitigated Negative Declaration. The project as revised now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report will not be required.

15. Prior to the issuance of any building permits, the applicant must apply for an underground Encroachment Removal Agreement for the proposed underground parking garage with the City Engineer and obtain approval from the City Council in accordance with City Council Policy No. 700-18. A minimum of 1 foot of vertical separation must be maintained between the top of the underground parking structure and the finished paved grade of the alley.

16. Prior to the issuance of any building permits, the applicant shall assure by permit and bond the following items satisfactory to the City Engineer;

- a. Installation of a pedestrian ramp at the northwest corner of Kline Street and Eads Avenue and at the

corners of the realigned/relocated alley and its intersection with Eads Avenue.

- b. Installation of full height curb, gutter and sidewalk where the alley is to be closed and vacated at Eads Avenue.
- c. Replacement of damaged curb and sidewalk on Kline Street, Draper Avenue and Eads Avenue and closure of any non-utilized driveway/curb openings.
- d. New driveways shall be installed per standard drawing G-14b.

17. Prior to building occupancy, the applicant shall conform to Section 62-0203 of the Municipal Code, "Public Improvement Subject to Desuetude for Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

18. Prior to the issuance of any building permits, the applicant shall obtain an encroachment removal agreement, from the City Engineer, for enhanced pavement and landscaping in excess of 30-inches in height.

19. This development may be subject to a building permit park fee in accordance with San Diego Municipal Code Section 96.0401 et seq.

20. 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 8870, in accordance with procedures established by the Director of Building Inspection.

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

22. Unless appealed this Coastal Development/La Jolla PDO/La Jolla Special Use Permit shall become effective on the eleventh day following the decision of the City Council.

23. This Coastal Development Permit incorporates La Jolla Planned District (LJC) and Special Use Permits No. 95-0361. These permits shall not be valid until the Coastal Development Permit becomes effective.

24. Loudspeakers are not permitted for outdoor activity areas.

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.

26. The issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.).

APPROVED by the Council of The City of San Diego on July 9, 1996, by Resolution No. R-287611.