

RESOLUTION NUMBER R-296302

ADOPTED ON APRIL 9, 2002

WHEREAS, The Taiwanese Lutheran Church ELCA, Owner/Permittee, filed an application with the City of San Diego for a Planned Commercial Development Permit/ Conditional Use Permit to construct a church, associated site improvements, and senior citizen residential apartment units known as the Taiwanese Lutheran Church project, on portions of a 3.78-acre site located on the south side of Azuaga Street, east of Rancho Penasquitos Boulevard, and legally described as Parcel 2 of Parcel Map No. 14640, in the CN Zone of the Rancho Penasquitos Community Plan area; and

WHEREAS, on January 17, 2002, the Planning Commission of the City of San Diego considered Planned Commercial Development Permit and Conditional Use Permit No. 99-1068, and pursuant to Resolution No. 3096-PC, voted to recommend City Council approval of the project; and

WHEREAS, the matter was set for public hearing on April 9, 2002, 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 it adopts the following findings with respect to Planned Commercial Development Permit/Conditional Use Permit No. 99-1068:

I. PLANNED COMMERCIAL DEVELOPMENT 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 3.78-acre site is located within the Bluffs Neighborhood of the Rancho Penasquitos Community Plan and designated for neighborhood commercial uses. Religious facilities are permitted at this site through the issuance of a Conditional Use Permit along with a Planned Development Permit. The proposed project is the construction of a church and associated site improvements, and a 20-unit residential complex for senior citizens. The proposed residential units will provide moderate to low income housing for residents of the church. The proposed church and fellowship hall will provide religious and social services to the residents and to the community.

The Commercial Element of the community plan states that proposed projects should be architecturally compatible with surrounding land uses, utilize screening techniques to buffer potential visual and noise impacts, and enhance the appearance of the community. The proposed church building and senior citizen apartments will be low-scale in nature and constructed with stucco exteriors and Mission style roof surfing materials, similar to other buildings in the area. The project will conform to the City-wide landscape standards and provide increased landscaped areas along the perimeter of the Site and within the site's interior, particularly within vehicular use areas. A noise study was prepared for the project which indicated that the project would not provide any noise impacts nor would there be any potential noise impacts to the project from the adjoining SDG&E substation with appropriate building construction.

The Residential Element of the Rancho Penasquitos Community Plan states that an overall community goal is to provide a diversity of housing opportunities for a variety of household types, lifestyles and income levels, while maximizing the health, safety and welfare of the community. The proposed development will provide on-site, affordable housing for senior members of the church which recommends that a variety of housing types and income levels be provided.

The Bluffs Neighborhood section of the community plan states that projects should be designed so that they are suitable to the terrain of the site and avoid excessive grading. Clustered developments are encouraged. The project grading has been revised during the course of the processing of the project to provide more blending to meet the native terrain and produce a natural undulating appearance. The proposed structures are proposed within the existing level portions of the site in order to maintain the existing topographic relief and to minimize cut and fill slopes.

The Social Needs Element of the Rancho Penasquitos Community Plan includes a recommendation that religious institutional projects be encouraged to provide supportive care for individual community members. The provision of the senior housing in conjunction with the proposed church and fellowship hall would be consistent with this plan recommendation.

The Neighborhood Commercial Element contains site specific language requiring a rezone to the CN zone, and that a Planned Commercial Development Permit be processed for any proposed

development. It further states that commercial uses should be limited. A rezone to the CN zone is currently in affect for this site and the proposed development implements the requirement for the Planned Commercial Development Permit. No commercial uses are proposed with the project. This element further requires that noise issues associated with any proposal be analyzed. A noise study was submitted for the project which analyzed potential impacts from the adjoining SDG&E Substation. The report concluded that there would be no noise impacts to the facility generated by SR 56 and the SDG&E substation.

Therefore, the proposed church and residential units provides a potential social service to the community and the individual members of the church and implements several community plan goals.

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 project is the development of a church facility and a 20-unit residential complex on a vacant, 3.78-acre parcel located within the Rancho Penasquitos community. The applicant has indicated that there are no additional accessory activities associated with the church such as a day care or outreach activities on site. The residential component of the proposal will provide for affordable housing for the church's senior members. Numerous conditions have been incorporated into the permit such as those requiring that all appropriate building and public improvements permits be obtained and that the site is properly inspected during construction. Other conditions address requirements for compliance with all San Diego Municipal Code [SDMC] regulations such as those for trash and recyclable materials. Said conditions will ensure that the project is constructed in accordance with SDMC requirements and will not be detrimental to those working or residing in the area.

C. The proposed use will comply with the relevant regulations in the SDMC. The proposed church and senior citizen apartments were designed in accordance with all SDMC regulations including floor area ratio, coverage, setbacks and landscape requirements. A minor deviation to allow a 40'-0" high steeple on the church building has been incorporated into the site design where 30'-0" is the maximum permitted. The parking proposed on the site will exceed the requirement for the uses. An additional fourteen parking spaces are proposed (making a total of 101 where 87 are required for both proposed uses). The project also incorporates many of the design standards for Planned Commercial Developments. These standards include minimums for site landscaping, screening requirements with walls or landscape features adjacent to public-rights-of-ways and pedestrian access requirements from vehicular use areas and uses on the site. The project is consistent with these standards providing 15 percent site landscaped areas where 10 percent is the minimum required, landscape screening from Azuaga Street, and landscaped pedestrian pathways within the site's interior to access the church and sanctuary, parking lots and residential units.

The zone permits religious facilities on the site through the issuance of a Conditional Use Permit. Therefore, the proposed development is in conformance with all SDMC requirements.

II. CONDITIONAL USE PERMIT FINDINGS:

A. The proposed use will not adversely affect the neighborhood, the general plan, or the community plan, and if conducted in conformity with the conditions provided by the permit, will not be detrimental to the health, safety and general welfare of persons residing or working in the area. See Finding I.B. above.

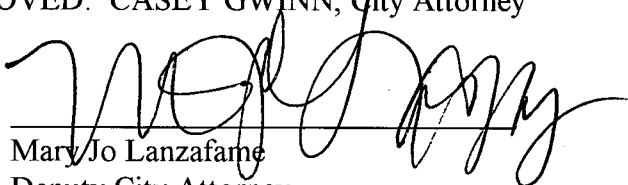
B. The proposed use will comply with all the relevant regulations in this code. See Finding I.C. above.

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 recommendation of the Planning Commission is sustained, and Planned Commercial Development Permit/Conditional Use Permit No. 99-1068 is granted to The Taiwanese Lutheran Church ELCA, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By


Mary Jo Lanzafame
Deputy City Attorney

MJL:lc:pev

04/30/02

Or.Dept:Clerk

R-2002-1441

Form=permitr.frm

Reviewed by Sandra Teasley

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
PERMIT INTAKE, MAIL STATION 501

AND WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

PLANNED COMMERCIAL DEVELOPMENT PERMIT/CONDITIONAL USE PERMIT
NO. 99-1068
TAIWANESE LUTHERAN CHURCH
(MMRP)
CITY COUNCIL

This Planned Commercial Development Permit and Conditional Use Permit is granted by the City Council of the City of San Diego to Taiwanese Lutheran Church ELCA, Owner and Permittee, pursuant to the San Diego Municipal Code [SDMC]. The 3.78-acre site is located on the south side of Azuaga Street, east of Rancho Penasquitos Boulevard in the CN Zone of the Rancho Penasquitos Community Plan. The project site is legally described as Parcel 2 of Parcel Map No. 14640.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner and Permittee to construct a church facility and a 20-unit, senior apartment complex described as, and identified by size, dimension, quantity, type and location on the approved Exhibit "A," dated April 9, 2002, on file in the Development Services Department. The facility shall include:

- a. An 8,700-square-foot church building;
- b. Deviation to allow a 45'-0" height for the church building where 30'-0" is the maximum allowed;
- c. A 7,200-square-foot, fellowship hall;
- d. Three, two-story senior centers totaling 16,000-square-feet;
- e. Landscaping (planting, irrigation and landscape related improvements);

- f. Off-street parking facilities; and
 - g. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this permit, and any other applicable regulations of the Land Development Code in effect for this site.
1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within 36 months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the Municipal/Land Development Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
 2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this permit be conducted on the premises until:
 - h. The Permittee signs and returns the Permit to the Development Services Department; and
 - i. The Permit is recorded in the office of the San Diego County Recorder.
 3. Unless this permit has been revoked by the City of San Diego, the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.
 4. 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.
 5. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.
 6. 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.).
 7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and/or site improvements to

comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated April 9, 2002, on file in the Development Services Department. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

9. 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 the 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 an 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(s) 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 new 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.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. The applicant shall comply with the Mitigation, Monitoring and Reporting Program (MMRP) as specified in Environmental Impact Report or Mitigated Negative Declaration, LDR No. 99-1086 satisfactory to the City Manager and the City Engineer. Prior to issuance of any grading permits and/or building permits, mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Biological Resources
Paleontological Resources
Hydrology/Water Quality

PLANNING/DESIGN REQUIREMENTS:

12. No fewer than 87 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," dated April 9, 2002, on file in the Development Services Department. Parking spaces shall comply at all times with requirements of the Municipal/Land Development Code and shall not be converted for any other use unless otherwise authorized by the City Manager.

13. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as condition of approval of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

14. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this permit.

15. A topographical survey conforming to the provisions of the Municipal/Land Development Code may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this permit or a regulations of the underlying zone. The cost of any such survey shall be borne by the permittee.

16. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

17. All signage associated with this development shall be consistent with sign criteria established by CN zone requirements.

18. No mechanical equipment, tank, duct, elevator enclosure, cooling tower or mechanical ventilator or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed structure whose top and sides may include grillwork, louvers and latticework.

19. No merchandise, material or equipment shall be stored on the roof of any building.

20. No mechanical equipment shall be erected, constructed, or enlarged on the roof of any building on this site, unless all such equipment is contained within a completely enclosed architecturally integrated structure.

21. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (SDMC regulations) to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A," dated April 9, 2002, on file in the Development Services Department.

LANDSCAPE REQUIREMENTS:

22. No change, modification or alteration shall be made to the project unless appropriate application or amendment of this Permit shall have been granted by the City.

23. In the event that a foundation only permit is requested by the Owner/Permittee, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit "A," Landscape Concept Plan, dated April 9, 2002, on file in the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "landscaping area."

24. Prior to issuance of any construction permits for structures, complete landscape and irrigation construction documents consistent with the Landscape Standards (including planting and irrigation plans, details and specifications) shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated April 9, 2002, on file in the Development Services Department.

25. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way and median (if applicable) improvements shall be submitted to the City Manager for approval. Improvement plans shall identify a station point for each street tree location. Each street tree location must take into account a 40 square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

26. Installation of slope planting and erosion control including seeding of all disturbed land (slopes and pads) consistent with the approved landscape and grading plans is considered to be in the public interest. The Permittee shall initiate such measures as soon as the grading has been accomplished. Such erosion control/slope planting and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Landscape Standards.

27. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/ Permittee to install all required landscape and obtain all required landscape inspections. A No Fee Street Tree Permit, if applicable, shall be obtained for the installation, establishment and on-going maintenance of all street trees.

28. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

29. All retaining walls shall be reviewed by the Landscape Section of Development Services Department prior to any building or grading permit.

30. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within 30 days of damage or Certificate of Occupancy.

ENGINEERING REQUIREMENTS:

31. Prior to the issuance of any building permits, the applicant shall obtain a bonded grading permit from the City Engineer (referred to as an "engineering permit") for the grading proposed for this project. All grading shall conform to requirements in accordance with the San Diego Municipal Code in a manner satisfactory to the City Engineer.

32. The drainage system proposed for this development is subject to approval by the City Engineer.

33. Prior to building occupancy, the applicant shall conform to the Municipal Code regulation: "Public Improvement Subject to Desuetude or 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.

WATER REQUIREMENTS:

34. Prior to the issuance of any building or grading permits, the developer shall assure, by permit and bond, the design and construction of an interconnect between the existing 8-inch water main and the 24-inch water pipeline within the Azuaga Street right-of-way in a manner satisfactory to the Water Department Director and the City Engineer.

35. Prior to the issuance of any building permits, the developer shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.

36. All on-site water facilities shall be private including all domestic, irrigation, and fire systems.
37. The developer agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Proposed water facilities, as shown on approved Exhibit "A," dated April 9, 2002, on file in the Development Services Department, will be modified as required at final engineering.

WASTEWATER REQUIREMENTS:

38. All proposed on-site sewer facilities will be private.
39. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.
40. Prior to the issuance of any building permits, the developer shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.

INFORMATION ONLY

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within 90 days of the approval of this development permit / by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the City Council of the City of San Diego on April 9, 2002, by Resolution No. R-296302.

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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.

TAIWANESE LUTHERAN CHURCH ELCA
Owner/Permittee

By _____

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

6/27/02
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