

RESOLUTION NUMBER R-297631

ADOPTED ON FEBRUARY 11, 2003

WHEREAS, Canyon Hills Community Church, Owner/Permittee, filed an application with the City of San Diego for a site development permit, conditional use permit, easement abandonment and street vacation amending Development Plan Permit No. 89-0565 to allow the further development and construction of an existing 4.6 acre church site with a 192 space partially subterranean parking garage, 20,761 square foot, two-story auditorium with classrooms and offices, and a 9,874 square foot, two-story class room building known as the Canyon Hills Community Church project, located at 5180 Black Mountain Road, and legally described as a Portion of the southwest quarter of the northwest quarter of the northeast quarter of Section 17, Township 14 South, Range 3 West, San Bernardino Base Meridian, in the Carmel Valley Community Plan area, in the SF1-A zone; and

WHEREAS, on December 5, 2003, the Planning Commission of the City of San Diego considered Site Development Permit [SDP] No. 2814/Conditional Use Permit [CUP] No. 2324, and pursuant to Resolution No. 3337-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on February 11, 2003, 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 SDP No. 2814/CUP No. 2324:

A. SITE DEVELOPMENT PERMITS

1. The proposed development will not adversely affect the applicable land use plan.

The Carmel Valley Neighborhood 4a Precise Plan designates this site for very-low density residential uses. The proposed church is only allowed by the approval of a conditional use permit. The proposed use will provide a place of worship and education in the community. The project will not adversely affect the precise plan or the City's Progress Guide and General Plan and adverse affects to the Progress Guide and General Plan will not result from implementation of the project.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The permit controlling the development and continued use of this site contains conditions addressing the project compliance with the City's regulations and other regional, State and Federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls intended to assure the continued health, safety and general welfare of persons residing or working in the area. All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code and the City regulations governing the construction and continued operation of the development apply to this site to prevent adverse affects to those persons or other properties in the vicinity.

3. The proposed development will comply with the applicable regulations of the Land Development Code.

Specific conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and have been written as such into SDP/CUP Permit Nos.2814/2324. Development of property shall meet the requirements of the Carmel Valley Planned District regulations and development criteria. Concept plans for the project identify all other development criteria in effect for the site. All relevant regulations shall be complied with at all times for the life of the project.

B. CONDITIONAL USE PERMITS

4. The proposed development will not adversely affect the applicable land use plan.

See Finding Number 1 above.

5. The proposed development will not be detrimental to the public health, safety, and welfare. See Finding Number 2 above.

6. The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code. See Finding Number 3 above.

5. The proposed use is appropriate at the proposed location. The proposed church is allowed only with the approval of a conditional use permit which provides the City of San Diego to evaluate whether the use is appropriate at this location. The surrounding land uses include vacant undeveloped land, agricultural operations, and residential development. The proposed church and school do not present a use which would create negative affects to the surrounding

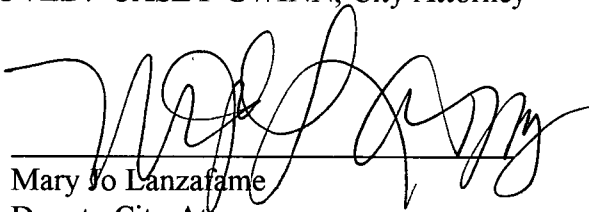
community. The proposed church meets all the development regulations of the existing zone regarding setbacks, floor area ratio, height of structures, signs, landscape, and all other development criteria. There would be no objectionable effects to the surrounding community as a result of the development of the proposed project. The proposed use is compatible with the existing surrounding uses and planned uses. The Mitigated Negative Declaration prepared for this project has concluded that the project will not result in any significant environmental effects to the environment of the surrounding community. The proposed use supports the existing community by offering a place of worship, meditation, prayer, and education.

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 Site Development Permit No. 2814/Conditional Use Permit No. 2324 is granted to Canyon Hills Community Church, 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:pev
2/14/03
Or.Dept:Clerk
R-2003-1019
Form=permitr.frm
Reviewed by John Fisher

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

Site Development Permit No. 2814/Conditional Use Permit No. 2324
CANYON HILLS COMMUNITY CHURCH (MMRP)
Amending Development Plan Permit 89-0565
City Council

This Permit, amending Development Plan Permit 89-0565, is granted by the City Council of the City of San Diego to Canyon Hills Community Church, a Registered California Non-Profit Religious Corporation, Owner/Permittee, pursuant to the City of San Diego Municipal Code [SDMC]/Land Development Code [LDC]. The 4.6 acre site is located at 5180 Black Mountain Road in the SF1-A zone in the Carmel Valley Community Plan. The project site is legally described as a Portion of the southwest quarter of the northwest quarter of the northeast quarter of Section 17, Township 14 South, Range 3 West, San Bernardino Meridian, State of California.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/ Permittee to further develop and construct additional improvements at an existing 4.6 acre church site with a 192 space partially subterranean parking garage, 20,761 square foot, two-story auditorium with classrooms and offices, and a 9,874 square foot, two-story classroom building described as, and identified by size, dimension, quantity, type and location on the approved Exhibit "A," dated February 11, 2003 on file in the Office of the Development Services Department. The facility shall include:

- a. a new 192 space partially subterranean parking garage, a new approximately 20,761 square foot, two-story auditorium with classrooms and offices, and a new approximately 9,874 square foot, two-story classroom building, existing classrooms, existing auditorium and existing administration dispersed in three buildings totaling approximately 8,870 square feet;
- b. Landscaping (planting, irrigation and landscape related improvements);

- c. Off-street parking facilities; and
 - d. 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 SDMC/LDC in effect for this site.
1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Should this Permit not be utilized, the previous Development Plan Permit 89-0565, amended by this Permit, shall remain in force and grant any rights established by such permit. Should this Permit numbered Site Development Permit No. 2814/Conditional Use Permit No. 2324 be recorded and utilized, all previous permits shall be null and void. Any such Extension of Time must meet all the SDMC/LDC 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:
 - a. The Permittee signs and returns the Permit to the Development Services Department, and
 - b. 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 Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but

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not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee 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 February 11, 2003, on file in the Office of the Development Services Department. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit 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 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 the special rights which the holder of the Permit is entitled as a result of obtaining this Permit. It is the intent of the City that the Owner/Permittee 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/Permittee of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner/Permittee 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 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 proposed 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:

10. The Owner/Permittee shall comply with the Mitigation, Monitoring and Reporting Program [MMRP] as specified in Environmental Impact Report or Mitigated Negative Declaration, Project No. 1131, 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:

Visual Quality
Hydrology/Water Quality
Paleontological Resources

PLANNING/DESIGN REQUIREMENTS:

11. No fewer than 308 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," dated February 11, 2003, on file in the Office of Development Services Department. Parking spaces shall comply at all times with requirements of the SDMC/LDC and shall not be converted for any other use unless otherwise authorized by the City Manager.

12. The heights of the buildings and structures shall not exceed those heights set forth in the conditions and the exhibits including, but not limited to, elevations and cross sections.

13. All signage associated with this development shall be consistent with sign criteria established by the Carmel Valley Planned District Sign Regulations.

14. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.

15. Prior to the issuance of any building permits, complete outdoor lighting information shall be submitted to the Development Services Department, Land Development Review Division for review and approval. Complete lighting information shall include a plan view photometric analysis indicating an isofoot candle plot and a point by point plot to include all areas within the private property and to extend a minimum of 50 feet beyond the property line, construction details as necessary to direct installation of the outdoor lighting system, manufacturers name, visors, prisms, lenses and reflectors and a lighting plan locating each fixture in plan view and a legend. The outdoor lighting system shall be designed, manufactured and installed to allow shading, adjusting, and shielding of the light source so all outdoor lighting is directed to fall only onto the same premises as light sources are located.

Prior to the issuance of any occupancy permit, a night inspection shall be required to verify compliance of the outdoor lighting system. No light shall be directed to fall outside the property line. Light levels along the perimeter of the property shall be measured no higher than three footcandles. Light levels throughout the development shall be the least practical level necessary to effectively illuminate the operation. Sky glow or light halo shall be reduced to the greatest extent practical and in no case shall initial light levels be measured exceeding eight footcandles anywhere within the site. The Owner/Permittee, or an authorized representative, shall provide an illuminance meter to measure light levels as required to establish conformance with the conditions of this Permit during the night inspection. Night inspections may be required additional fees as determined by the Director of the Development Services Department.

16. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.
17. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
18. No mechanical equipment, tank, duct, elevator enclosure, cooling tower 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 architecturally integrated 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. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials 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 February 11, 2003, on file with the Office of the Development Services Department.

LANDSCAPE REQUIREMENTS:

21. No change, modification or alteration shall be made to the project unless appropriate application or amendment of this Permit has been granted by the City. All plan specifications and notes mentioned in the conditions below shall be consistent with the SDMC/LDC section 142.0401, Landscape Standards and Exhibit "A" Landscape Development Plan, Details and Notes, dated February 11, 2003, on file in the Office of the Development Services
22. All required landscape plant materials shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to it's mature height and spread.
23. The Owner/Permittee shall be responsible for the maintenance of all street trees and landscape improvements in the public right-of-way consistent with the Landscape Standards. A Landscape Maintenance Agreement and bond shall be entered into prior to issuance of any grading or construction permit. The agreement and bond shall be renewed each year until such time that another approved entity assumes responsibility such as a home owners association or a Landscape Maintenance District.

24. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape and irrigation plans on duplicates of improvement plans shall be submitted to the City Manager for approval. Landscape improvement plans shall indicate each street tree by station points and shall be staked in the field with a lodge pole tree stake prior to installation of any utilities. Tree stakes shall remain in place until trees are planted.
25. Prior to issuance of any engineering permits for grading, landscape construction documents ,including irrigation plans, for slope planting, erosion control, re-vegetation and hydroseeding shall be submitted to the City Manager for approval.
26. Prior to issuance of any building permits for habitable structures, including buildings permits absent interior improvements, complete landscape and irrigation plans, details and specifications (including maintenance specifications), shall be submitted to the City Manager for approval.
27. Prior to any engineering permits, the Owner/Permittee shall provide to the City Manager construction Best Management Practice [BMP's] and Permanent Best Management Practices [PBMP's] to address storm water quality requirements.
28. Prior to issuance of any construction permits for parking structures, the Owner/Permittee shall submit on the planting and irrigation plans a signed statement by a Registered Structural Engineer indicating that supporting structures are designed to accommodate the necessary structural loads and associated planting and irrigation.

ENGINEERING REQUIREMENTS:

29. Prior to the issuance of any building permits, the Owner/Permittee shall assure by permit and bond the installation of one City standard 30 foot-wide driveway on Del Mar Heights Road and one 30 foot-wide driveway on Hayford Way, per Standard Drawings G-14A, G-16 and SDG-100, satisfactory to the City Engineer.
30. Prior to the issuance of any building permits, the Owner/Permittee shall ensure that the abutter rights of access are re-vest and relinquish for the proposed driveway on Del Mar Height Road, satisfactory to the City Engineer.
31. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an encroachment removal agreement from the City Engineer for the curb-outlet, landscaping, irrigation and appurtenances in the City right-of-way.
32. The drainage system for this project shall be private and will be subject to approval by the City Engineer.

33. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the SDMC in a manner satisfactory to the City Engineer.
34. Prior to building occupancy, the Owner/Permittee shall conform to SDMC section 62.0203, "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the Owner/Permittee shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.
35. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
36. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction BMP's necessary to comply with the SDMC, into the construction plans or specifications.
37. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan [WPCP]. The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.
38. Prior to the issuance of any construction permit the Owner/Permittee shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, consistent with the approved Water Quality Technical Report.

WATER REQUIREMENTS:

39. Prior to the issuance of any building or grading permits, the Owner/Permittee shall assure, by permit and bond, the cut and plug of the existing public 8-inch water facilities, traversing the project site, within the Winstanley Way right-of-way in a manner satisfactory to the Director of the Water Department and the City Engineer.
40. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) within the Hayford Way right-of-way, and the removal of existing services within the project site, in a manner satisfactory to the Director of the Water Department and the City Engineer.
41. Prior to the issuance of any building permits, the Owner/Permittee shall record the approved easement vacation of the water and sewer easement traversing the building site in a manner satisfactory to the Director of the Water Department and the City Engineer.

42. Prior to the issuance of any certificates of occupancy, all public water facilities shall be complete and operational, including, but not limited to, the abandonment of existing public water facilities and associated easements on-site and the improvements shown on drawing number 28034-D, in a manner satisfactory to the Director of the Water Department and the City Engineer.
43. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.
44. All on-site water facilities shall be private including domestic, irrigation, and fire systems.
45. The Owner/Permittee 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. Water facilities as shown on the approved Exhibit "A," dated February 11, 2003, on file in the Office of the Development Services Department shall be modified at final engineering to comply with standards.
46. The Owner/Permittee agrees to assume full responsibility, financially or otherwise, for any damage caused to or by the public water facilities traversing the project site due to construction activities associated with this permit.

WASTEWATER REQUIREMENTS:

47. All onsite public sewer facilities will be converted to private or abandoned.
48. The Owner/Permittee shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's sewer design guide. Proposed facilities that do not meet the current standards shall be private or re-designed.
49. All proposed private sewer facilities located within a single lot are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.
50. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.
51. The offsite sewer facilities from the Winstanley Way right-of-way to the projects property line shall be converted to private and an encroachment removal agreement provided.

TRANSPORTATION DEVELOPMENT REQUIREMENTS:

52. Del Mar Heights Road along the project's frontage is a six-lane major street with 122' of right-of-way, 102' curb to curb, curb, gutter and a 5' sidewalk within a 10' curb to property line distance, satisfactory to the City Engineer. Del Mar Heights Road shall be constructed and open to traffic prior to the utilization of the proposed project driveway, satisfactory to the City Engineer.

53. The proposed 30 foot-wide standard driveway shall be limited to right-in/right-out traffic movements on Del Mar Heights Road, satisfactory to the City Engineer .

54. Provide a standard 30 foot-wide driveway at Hayford Way, satisfactory of the City Engineer.

INFORMATION ONLY

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit may protest the imposition within ninety days of the approval of this 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 by Resolution No. R-297631, February 11, 2003.

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.

CANYON HILLS COMMUNITY CHURCH
a Registered California Non-Profit Religious Corporation
Owner/Permittee

By _____

By _____

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

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