

RESOLUTION NUMBER R-297782

ADOPTED ON MARCH 25, 2003

WHEREAS, Faith Presbyterian Church, Owner/Permittee, filed an application with the City of San Diego for a site development permit/conditional use permit and easement vacation to redevelop the existing church property with a phased master plan known as the Faith Presbyterian Church project, on a 2.24 acre site located at 5075 Campanile Drive, and legally described as Lot 21, Rancho Mission, Map No. 330, in the College Area Community Plan area, in the RM-3-9 zone; and

WHEREAS, on January 16, 2003, the Planning Commission of the City of San Diego considered Site Development Permit [SDP] No. 6988/Conditional Use Permit [CUP] No. 6989, and pursuant to Resolution No. 3354-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on March 25, 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. 6988/CUP No. 6989:

A. SITE DEVELOPMENT PERMIT:

1. The proposed development will not adversely affect the applicable land use plan. The proposed use of the site as a religious center including a sanctuary for worship and accessory uses including the fellowship hall and childcare, is consistent with the residential designation for this property within the College Area Community Plan and compatible with the mixed land use and various densities of the surrounding neighborhood. The 2.24 acre site has been used as a church site since 1956 and is recognized in the Community Plan as a nonresidential use on a

residentially zoned property. Church and worship institutions are permitted by right in single-family zones. The project has incorporated many of the Community Plan recommendation for this type of project including the Implementation goals for parking structures, increased setbacks, off-setting places and landscape screening.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed project provides a public benefit to the College Area Community by providing worship and fellowship opportunities as well as the commercial service provided by the childcare center. The proposed phased construction and long-range master plan will allow the church to experience growth while providing the necessary parking and infrastructure needed to be compatible with the neighborhood. The master plan has been designed to limit traffic congestion on the adjacent roads by limiting access and egress for the site through a single driveway. Drop-off and pick-up facilities will be provided on the site for the childcare center and sanctuary. A shared parking agreement for the required parking will be provided on the adjacent San Diego State University campus (or other). Depending on the location of the off-site parking, a shuttle service is tentatively proposed in order to limit the number of average daily trips to and from the site during services and special events. Site Development Permit No. 6988 includes conditions regarding parking, circulation and site design. Mitigated Negative Declaration includes mitigation measures to reduce the potential impacts to water quality. Therefore, the proposed development will not be detrimental to the health, safety, and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code. The proposed project complies with the applicable development regulations of the underlying RM-3-9 zones and the Community Plan Implementation Overlay Zones [CPIOZ]. The proposed three phased master plan meets or exceeds the design criteria including off-setting planes, building setbacks and maximum heights. No deviations are requested as part of this project.

B. CONDITIONAL USE PERMIT

4. The proposed development will not adversely affect the applicable land use plan. The proposed childcare facility is considered an accessory use on the church campus and compatible with the residential designation for the site in the College Area Community Plan. The use is consistent with the residential land use designation in the Community Plan and permitted in the RM-3-9 zone with a Conditional Use Permit. Therefore, the proposed use will not adversely affect the College Area Community Plan.

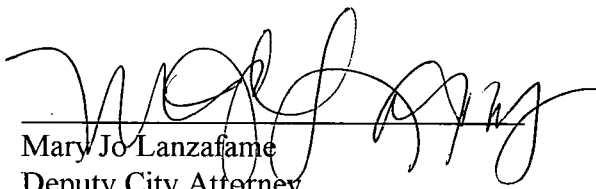
5. The proposed development will not be detrimental to the public health, safety and welfare. The proposed childcare facility has been sited, designed and conditioned to ensure the use will not be detrimental to the public health, safety and welfare of the neighborhood as well as the staff and children occupying the facility. The childcare center has provided a convenient neighborhood alternative for licensed daycare to the local community since 1967. Permit conditions include a designated drop-off and pick-up location, fencing and play area requirements and sound attenuation. Therefore, the proposed use will not be detrimental to the public health, safety, and welfare.

6. **The proposed use is appropriate at the proposed location.** The proposed use of the structure as a childcare facility is an accessory use to the primary church campus and appropriate at the proposed location. The facility is surrounded by a large single-family and multi-family neighborhood as well as the San Diego State University. The existing childcare center has provided a local pre-school option for the College Area Community since 1967.

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. 6988/Conditional Use Permit No. 6989 is granted to Faith Presbyterian 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
04/02/03
Or.Dept:Clerk
R-2003-1169
Form=permitr.frm
Reviewed by Patrick Hooper

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. 6988
CONDITIONAL USE PERMIT NO. 6989
FAITH PRESBYTERIAN CHURCH
CITY COUNCIL

This Permit is granted by the City Council of the City of San Diego to Faith Presbyterian Church, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC]/Land Development Code [LDC] sections 125.1040, 126.0305, 126.0504 and 132.1402. The 2.24 acre site is located at 5075 Campanile Street in the RM-3-9 zone of the College Area Community Plan. The project site is legally described as Lot 21, Rancho Mission, Map No. 330.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to develop the Faith Presbyterian Church campus in three phases, described and identified by size, dimension, quantity, type, and location on the approved Exhibit "A," dated March 25, 2003, on file in the Office of the Development Services Department. The facility shall include:

- a. Phase One: The demolition and reconstruction of a two-story 8,450 square-foot Fellowship Hall and the two-story, 7,856 square foot Education Building (Pre-School);
- b. Phase Two: The construction of a 159 space, two-level parking structure and the associated abandonment and relocation of the storm drain easement;
- c. Phase Three: The demolition of a 300 seat sanctuary and the construction of a new two-story, 650 seat, 13,310 square-foot sanctuary;
- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Off-street parking facilities, including phased shared parking agreements; and

- f. 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 in effect for this site.

STANDARD REQUIREMENTS:

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



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

8. At all bus stops within the project area, if any, the Owner/Permittee shall be responsible for installing sidewalk improvements where needed to comply with American with Disability Act [ADA] requirements and in accordance with standards contained in the City of San Diego Street Design Manual.

9. 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 March 25, 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.

10. 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.

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.

CHILD CARE CENTER CONDITIONS:

11. Drop-off and pick-up of children from vehicles shall be permitted only on the driveways, in approved parking areas, or in the street directly in front of the facility.

12. All outdoor play and activity areas shall be enclosed with a fence that is at least 4 feet and no more than 6 feet in height. If an outdoor play or activity area is located adjacent to a public street with a right-of-way width of 64 feet or more, the fence shall be solid.

13. All outdoor play and activity areas shall be separated from vehicular circulation, parking areas, equipment enclosures, storage areas, and refuse and recycling storage areas.

14. Child care centers shall be designed to attenuate significant outside noise sources. Surrounding uses shall also be protected from noise emanating from child care centers. The following measures are required to accomplish noise attenuation.

(a) A solid fence that is at least 4 feet and no more than 6 feet in height shall be constructed between the child care center and abutting residential uses, or all windows facing abutting residential uses shall be double-glazed with 1/4-inch thick glass.

(b) A solid fence that is at least 4 feet and no more than 6 feet in height shall be constructed between the child care center and a public right-of-way of 64 feet or more wide, or all windows facing a public right-of-way of 64 feet or more wide shall be double-glazed with 1/4-inch glass.

15. The child care center operator shall comply with all state licensing requirements for child care centers.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

16. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program [MMRP] as specified in Mitigated Negative Declaration No. 42-0578, satisfactory to the City Manager and City Engineer. Prior to issuance of the any grading permits and/or building permits, mitigation measures as specifically outlined in the MMRP shall be implemented for Hydrology (Water Quality).

PLANNING/DESIGN REQUIREMENTS:

17. No fewer than ninety-one off-street parking spaces shall be maintained on the property during construction of Phase One and no fewer than 159 off-street parking spaces after the construction of Phase Two in the approximate locations shown on the approved Exhibit "A," dated March 25, 2003, on file in the Office of the Development Services Department. Parking spaces shall comply at all times with the SDMC/LDC and shall not be converted for any other use unless otherwise authorized by the City Manager. A Shared Parking Agreement will be executed and recorded to provide ninety-one spaces prior to the construction of Phase Two and a minimum of fifty-eight spaces upon completion of Phase Three. The completed project will require a total of 217 off-street spaces designated for use by the church.

18. 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 a 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.

19. 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.

20. A topographical survey conforming to the provisions of the SDMC/LDC 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 regulation of the underlying zone. The cost of any such survey shall be borne by the Permittee.

21. 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.

22. No building additions shall be permitted unless approved by the Director of the Development Services Department.

23. All signs associated with this development shall be consistent with sign criteria established by either of the following:

- a. Approved project sign plan (Exhibit "A," dated March 25, 2003, on file in the Office of the Development Services Department; or
- b. Citywide sign regulations.

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

25. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

26. 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.

LANDSCAPE REQUIREMENTS:

27. Prior to building occupancy complete landscape and irrigation shall be installed on the property in conformance to the approved Exhibit "A," dated March 25, 2003, on file in the Office of the Development Services Department.

28. 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.

29. In the event that a foundation only permit is requested by the Permittee or subsequent Owner, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit "A," Landscape Concept Plan, dated March 25, 2003, on file in the Office of the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "landscaping area."

30. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents (including planting and irrigation plans, details and specifications) consistent with the Landscape Standards Manual shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated March 25, 2003, on file in the Office of the Development Services Department.

31. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way 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 feet 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.

32. Location of street trees shall be identified and reserved during improvement activities and on all site plans prepared for subsequent building permit applications with actual installation taking place prior to issuance of a certificate of occupancy for a specific building permit. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated March 25, 2003, on file in the Office of the Development Services Department.

33. 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 shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

34. 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.

35. The Owner/Permittee shall be responsible for the maintenance of all street trees and landscape improvements (right-of-way landscaping) consistent with the Landscape Standards Manual.

36. 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 thirty days of damage or Certificate of Occupancy.

ENGINEERING REQUIREMENTS:

37. Prior to the issuance of any building permits for Phase Two, the Owner/Permittee shall assure by permit and bond the closure of the non-utilized driveways with City standard curb, gutter and sidewalk, on Montezuma Road and Campanile Drive, per Standard Drawings G-2, G-7, G-9 and SDG-100, satisfactory to the City Engineer.

38. Prior to the issuance of any building permits for Phase Two, the Owner/Permittee shall assure by permit and bond the installation of a City standard 24 foot-wide driveway, on Montezuma Road, per Standard Drawings G-14A, G-16 and SDG-100, satisfactory to the City Engineer.

39. Prior to the issuance of any building permits for Phase Two, the Owner/Permittee shall assure by permit and bond the relocation of the existing public storm drain pipe, satisfactory to the City Engineer.

40. Prior to building occupancy for Phase Two, the Owner/Permittee shall dedicate an additional 1 foot wide right-of-way, along the project frontage on Montezuma Road, to provide a 10 foot curb-to-property line distance, satisfactory to the City Engineer.

41. The Owner/Permittee shall incorporate (into the grading plans) all BMP's as identified in the report titled: "Storm Water Management & Maintenance Plan for Faith Presbyterian Church" satisfactory to the City Engineer.

42. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment, Maintenance and Removal Agreement [EMRA] from the City Engineer for landscaping, irrigation and appurtenances in the City right-of-way.

43. 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.

44. 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 shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

45. 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) outside of any vehicular use area, and the removal of all existing unused services within the Campanile Drive right-of-way adjacent to the project site, in a manner satisfactory to the Director of the Water Department and the City Engineer.

46. Prior to the issuance of any building permits, the Owner/Permittee shall apply for plumbing permit(s) for the installation of private back flow prevention device(s) on all existing and proposed water service(s), in a manner satisfactory to the Director of the Water Department and the City Engineer.

47. It is the sole responsibility of the Owner/Permittee for any damage caused to or by the public water facilities located within easements adjacent to the southerly property boundary, due to the construction activities associated with this development. In the event any public water facility adjacent to the project site loses integrity, then, prior to the issuance of any certificates of occupancy, the Owner/Permittee shall design and construct new water facilities into acceptable alignments and easements in a manner satisfactory to the Director of the Water Department and the City Engineer.

48. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Water Department Director and 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 Council of the City of San Diego on March 25, 2003 by Resolution No. R-297782.

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.

FAITH PRESBYTERIAN CHURCH
Owner/Permittee

By _____

By _____

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

4/7/03
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