



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: March 6, 2013 REPORT NO. HO 13-027

ATTENTION: Hearing Officer

SUBJECT: LITTLE LAMB LAND PRESCHOOL AND VISIONS OF GOD
CHURCH
PROJECT NUMBER: 234061

LOCATION: 619 Morrison Street, 4168 Market Street, and 4196 Market Street, San
Diego, CA 92102

APPLICANT: James B. Harrison, Visions of God Christian Ministries

SUMMARY

Issue - Should the Hearing Officer approve the expansion of a child care center/preschool and church facility and allow fencing deviations at 619 Morrison Street, 4168 Market Street, and 4196 Market Street within the Southeastern San Diego Community Plan area?

Staff Recommendation - **Approve** Neighborhood Development Permit No. 1097662 and Conditional Use Permit No. 838246.

Community Planning Group Recommendation – On November 19, 2012, the Southeastern San Diego Planning Group voted 8-0-0 to recommend approval of the project with conditions (Attachment 10).

Environmental Review - The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15332, In-fill development projects (Attachment 8). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on September 26, 2012, and the opportunity to appeal that determination ended October 9, 2012.

BACKGROUND

The project site is located at 619 Morrison Street, 4168 Market Street, and 4196 Market Street (Attachment 1) within the Subdistricts I and II of Mount Hope Planned District Ordinance in the Southeastern San Diego Community Plan area (Attachment 2). The project is also located in the

Airport Influence Area (AIA) for the San Diego International Airport. The total 0.68-acre child care center/preschool and church facility development is comprised of the three adjoining properties consisting of an existing 652 square-foot, single family residence located at 619 Morrison Street, an existing 5,441 square-foot church facility located at 4168 Market Street, and an existing 730 square-foot church and child care center/preschool office building located at 4196 Market Street (Attachment 3). The church facility was granted Conditional Use Permit (CUP) No. 89-0789 on December 13, 1989 (Attachment 4) for the church use on the 0.32-acre property at 4168 Market Street. The CUP required the owner/permittee to provide 30 off-street parking spaces and/or obtain shared parking agreements with other properties. As an allowed accessory use, the church facility is also utilized as a child care center/preschool facility on Monday through Friday for approximately 42 children, ages 2 through 5 years old.

On January 23, 2009, Pastor and Mrs. James B. Harrison purchased the abutting northern residential, 0.14-acre property at 619 Morrison Street and thereafter, on April 21, 2011, the Visions of God Christian Ministries, owners of the church facility, purchased the abutting eastern commercial property at 4196 Market Street and utilized the 0.22-acre site for off-street parking and church/child care center office uses.

DISCUSSION

The project site is located at 619 Morrison Street, 4168 Market Street, and 4196 Market Street within the Subdistricts I and II of Mount Hope Planned District Ordinance (MHPDO) in the Southeastern San Diego Community Plan area. The project's residential lot at 619 Morrison Street is located in the Subdistrict I MHPDO and allows for single-family, multiple-family dwelling units, and some specialized uses to include churches. The project's commercial properties at 4168 Market Street and 4196 Market Street are located in the Subdistrict II MHPDO and allows for commercial uses, including churches.

The project proposes to increase the child care center/preschool enrollment to 60 children and utilize the single family residence at 619 Morrison Street as an annex to the child care center/preschool that is operated by the church. Pursuant to the San Diego Municipal Code (SDMC) sec. 141.0606, child care centers within residential base zone properties can be allowed with a Conditional Use Permit. The single family residence at 619 Morrison Street also includes existing perimeter fencing that will remain to provide a secure outdoor play area for the children. However, the existing fence does not conform to the SDMC fence regulations without a Neighborhood Development Permit for the requested deviations. In addition, the adjoining church facility, with the accessory child care center/preschool uses, also contains existing fencing that does not conform to the SDMC fence regulations. Finally, the church facility at 4168 Market Street only provides 15 off-street parking spaces and does not have any executed shared parking agreements to comply with the overall 30 off-street parking requirements of the CUP No. 89-0789. Therefore, the project also proposes to provide all required off-street parking upon the three properties under the same ownership with this discretionary permit.

The single family residence at 619 Morrison Street will be utilized as an annex to the existing child care center/preschool use at the church facility. The annexed facility will include three

classrooms, one play room, and a restroom. There will be direct access to the playground area with an outside restroom structure enclosed with fencing. The annexed child care center/preschool facilities' site fencing will comply with the SDMC fence regulations with a request for deviations that are allowed with a Neighborhood Development Permit. Pursuant to the SDMC sec. 142.0310(d), fences located in required side yards and required rear yards are permitted up to 9 feet in height. Any portion of the fence above 6 feet in height shall be an open fence. The existing 7'-2" height, solid concrete wall fencing along the northern property line of the site and the existing 7'-2" height, solid wood fencing along the eastern property line of site deviate from the open fence requirement. However, the existing 7'-2" high solid fences on the property primarily surround the children's playground area and provide a safe and secure environment for the children during supervised outdoor recreation activities in addition to direct acoustic benefits for the adjoining neighbors in compliance with the SDMC sec. 59.5.0401(a), sound level limits. The combination of the solid fencing and limited hours of playground use from 11:00 am to 12:00 pm and 3:00 pm to 4:30 pm will meet the acceptable noise limits of 57.5 db(A), excluding airport noise levels.

The existing fencing surrounding the church properties at 4168 and 4196 Market Street will also comply with the SDMC fence regulations with a request for deviations that are allowed with a Neighborhood Development Permit. Pursuant to the SDMC sec. 142.0310(c)(3)(A), within the front or street side property line, an open fence is permitted on top of a solid fence, provided that the solid fence and any chain link fence do not each exceed 3 feet in height and the total height does not exceed 6 feet. The existing 6'-0" high combination fencing with a bottom 3"-7" solid wall that fronts both Morrison Street and 42nd Street deviate from the 3 feet height requirement; however, the existing fencing provides for a safe and secure environment for the children by providing a solid height barrier to deter the 2 to 5 year old children from leaving the premises unsupervised and extending their bodies beyond the perimeter fencing.

Community Plan Analysis:

The Neighborhood Element of the Southeastern San Diego Community Plan identifies the project location within the Neighborhood of Mount Hope with a mixture of residential, industrial, commercial, and cemetery uses. Specifically, the site is located within the low density residential area (5-10 du/ac.) and the commercial area along Market Street, east of Boundary Street, with a variety of neighborhood commercial uses including churches, a beauty shop, and small markets. The proposed expansion of the child care center/preschool into a single family residence and the continued operation of the church facility development are consistent with the aforementioned recommended land uses and will not adversely affect the Southeastern San Diego Community Plan and the General Plan.

San Diego County Regional Airport Authority:

On September 6, 2012, the San Diego County Regional Airport Authority (SDCRAA), acting in the capacity as the Airport Land Use Commission (ALUC), determined the proposed project is conditionally consistent with the San Diego International Airport's Airport Land Use Compatibility Plan (Attachment 9). The ALUC's recommended conditions of approval included

sound attenuation to 45 dB CNEL interior noise level and an avigation easement be recorded with the San Diego County Recorder. These conditions have been included within the discretionary permits.

Community Planning Group Recommendation:

On November 19, 2012, the Southeastern San Diego Planning Group voted 8-0-0 to recommend approval of the project with the following conditions:

- All PTS issues are cleared;
- Mount Hope Planned District Ordinance Standards are met for landscaping, walls, and fencing;
- SDPD recommendations are implemented;
- All bathroom and kitchen fans shall be 2 times the City Standard for air exhaust; and
- Remodeling of the gas station building at the corner of 42nd and market must meet city Code.

All of the outstanding PTS issues have been resolved with the City and conditions of approval include the Owner/Permittee's compliance with the MHPDO for landscaping and fencing. The applicant contacted the San Diego Police Department (SDPD) to perform an evaluation of their entire facility and provide any safety recommendations. The applicant has indicated their desire to implement the suggested recommendations. Finally, any remodeling may require the applicant to obtain construction permits consistent with the SDMC. Construction features must meet the building code requirements in addition to any SDMC requirements.


Conclusion:

City staff supports the request for a Neighborhood Development Permit for deviations to fence regulations and Conditional Use Permit for the expansion of existing child care center/preschool uses within a residential base zone area and the church use. Permit conditions have been added to this discretionary permit that would assure that the business would continue to be a cohesive element of the neighborhood and would not be detrimental to the public health, safety and welfare of the community. The project is consistent with the underlying zone and the applicable land use plans and policies in affect for the site. An environmental review performed by the Development Services Department determined that the proposed project was exempt from further CEQA review as an existing facility. The project is supported by the Southeastern San Diego Planning Group.

ALTERNATIVES

1. Approve Neighborhood Development Permit No. 1097662 and Conditional Use Permit No. 838246, with modifications.
2. Deny Neighborhood Development Permit No. 1097662 and Conditional Use Permit No. 838246, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Tim Daly, Development Project Manager

Attachments:

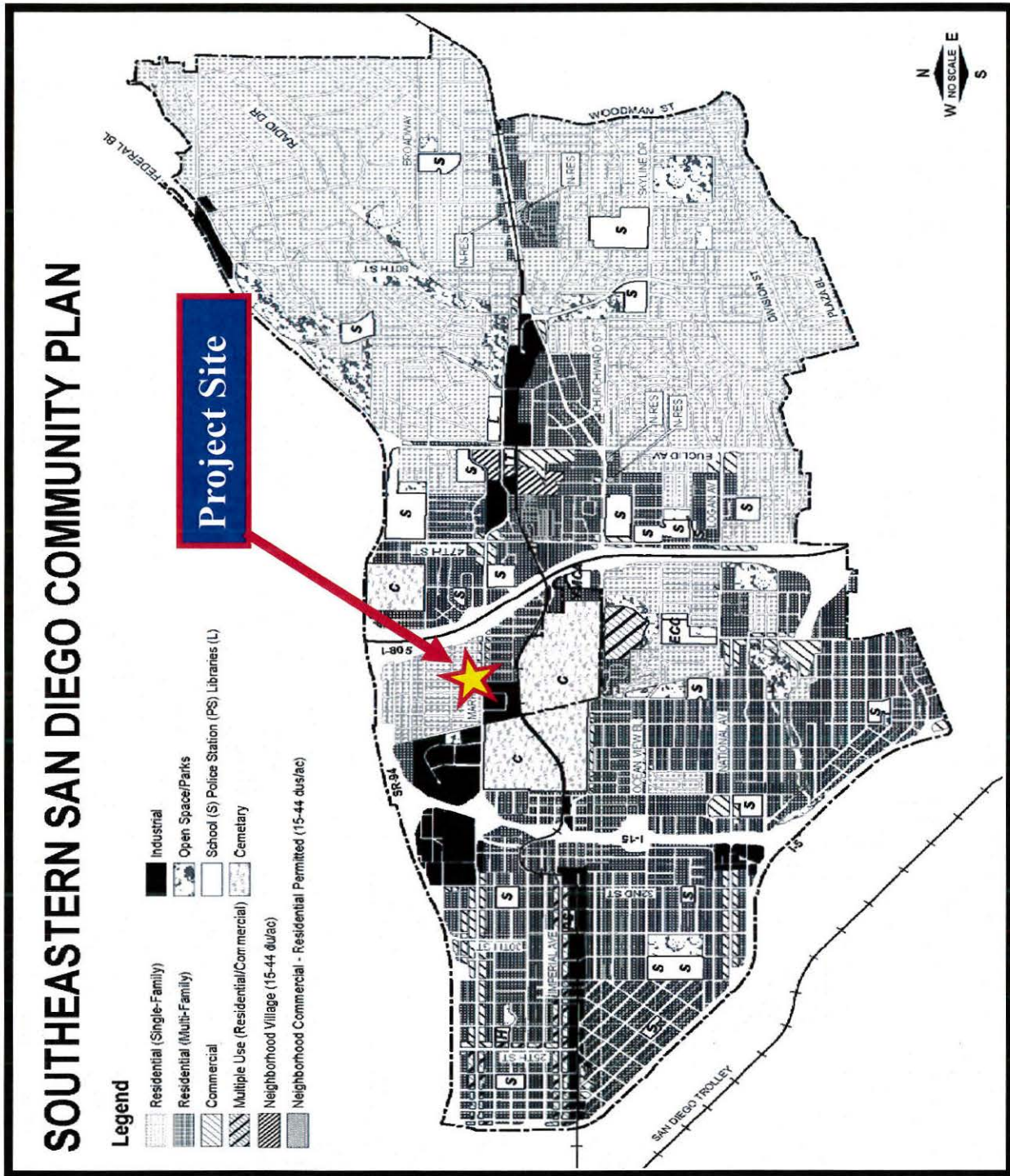
1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Recorded Conditional Use Permit No. 89-0789
5. Project Data Sheet
6. Draft Permit Resolution with Findings
7. Draft Permit with Conditions
8. Environmental Exemption
9. SDCRAA ALUC Consistency Determination
10. Community Planning Group Recommendation
11. Ownership Disclosure Statement
12. Project Chronology
13. Project Site Plans (provided separately to H.O.)



Project Location

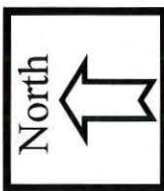
**Little Lamb Land Preschool, Project No. 234061
619 Morrison Street, 4168 and 4196 Market Street**





Southeastern San Diego Land Use Map

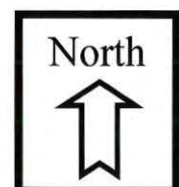
Little Lamb Land Preschool, Project No. 234061
 619 Morrison Street, 4168 and 4196 Market Street





Aerial Photo

Little Lamb Land Preschool, Project No. 234061
619 Morrison Street, 4168 and 4196 Market Street



PLANNING DIRECTOR RESOLUTION NO. 8291
GRANTING CONDITIONAL USE PERMIT CUP NO. 89-0789
ST. JOHN'S CME CHURCH

WHEREAS, St. John's CME Church, Corporation, "Owner/Permittee", filed an application for a Conditional Use Permit for a 5,337 square-foot structure to be used as a church, located at 4168 Market Street, described as Lots 22, 23 and 24, Block 72 of Morrison's Marscene Park Subdivision, Map No. 184, in the Southeast San Diego Community, in the Mount Hope Planned District, Subdistrict-2 Zone; and

WHEREAS, on December 13, 1989, the Planning Director of The City of San Diego considered Conditional Use Permit No. 89-0789 pursuant to Section 103.1001 through 103.1010 of the Municipal Code of The City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Director of The City of San Diego as follows:


1. That the Planning Director adopts the following written Findings for the Conditional Use Permit, dated December 13, 1989:

- a. The proposed use and project design meet the purpose and intent of this Division and the Southeast San Diego Community Plan, and will not adversely affect the Southeast San Diego Community Plan, the Skyline-Paradise Hills Community Plan, the General Plan or other applicable plans adopted by the City Council. The land use and neighborhood elements of the Community Plan recommend commercial development for this site and surrounding area. The proposed church structure and use does meet and comply with the Southeast San Diego Community Plan.
- b. The proposed development shall be compatible with existing and planned land use on adjoining properties and shall not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community is achieved as far as practicable. The surrounding area is characterized by a mix of commercial uses, low density multi-family and single-family residential development. The proposed church structure is compatible with these land uses.
- c. 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. Shared parking agreements have been made a condition of the permit.

- d. The proposed use will comply with the relevant regulations in the San Diego Municipal Code. The project fulfills all requirements of the Municipal Code relative to the Mount Hope Planned District Ordinance. The proposed church use is permitted in the Subdistrict-2 zone. The proposed project meets all relevant Municipal Code requirements.

2. That said Findings are supported by maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED that, based on the Findings hereinbefore adopted by the Planning Director, Conditional Use Permit No. 89-0789 is hereby GRANTED to Owner/Permittee in the form and with the terms and conditions set forth in Conditional Use Permit No. 89-0789 a copy of which is attached hereto and made a part hereof.



Tamira J. Clark
Senior Planner

CUP 89-0789

CONDITIONAL USE PERMIT NO. 89-0789
ST. JOHN'S CME CHURCH
PLANNING DIRECTOR

This Conditional Use Permit is granted by the Planning Director of The City of San Diego to the St. John's CME Church Corporation "Owner/Permittee" under the conditions contained in Sections 103.1001 through 103.1010 of the Municipal Code of The City of San Diego.

1. Permission is granted to "Owner/Permittee" to construct a church on property described as lots 22, 23, and 24, Block 72 of Morrison's MarcenePark Subdivision, Map No. 184, located at 4168 Market Street between Morrison Street and 42nd Street in the Mount Hope Subdistrict-2 zone.
2. The Conditional Use Permit shall include the total of the following facilities:
 - a. one 5337 square foot church structure;
 - b. Off-street parking;
 - c. Incidental accessory uses as may be determined and approved by the Planning Director;
3. Prior to the issuance of any building permits, complete grading and building plans shall be submitted to the Planning Department for approval. Plans shall be in substantial conformance to Exhibit "A" dated December 13, 1989, on file in the office of the Planning Department. No changes, modifications or alterations shall be made unless appropriate applications for amendment of this permit shall have been granted.
4. Prior to the issuance of grading permits, a landscaping and irrigation plan shall be submitted to the Planning Department for approval. All plans shall be in substantial conformity to Exhibit "A," dated December 13, 1989, on file in the Planning Department. All landscaping shall be installed prior to issuance of an occupancy permit. Subsequent to the completion of this project, no changes shall be made until an appropriate application for an amendment to this permit shall have been granted.
5. The construction and continued use of this permit shall be subject to the regulations of this or other governmental agencies.
6. Thirty total parking spaces shall be provided. Each of the parking spaces shall be permanently maintained and not converted for any other use at any time. Each space shall be maintained on the subject property in the approximate location as shown on Exhibit "A," dated December 13, 1989, or as indicated in shared parking agreements on file with the Planning Department to total 30 spaces within 600 feet of the subject property. Fifteen parking spaces shall be maintained on the subject property as shown in Exhibit "A" on file with the Planning Department. Parking spaces and aisles shall conform to Planning Department standards. No charge shall be made at any time for use of these off-street parking spaces.
7. All walkways, open landscaped areas and parking areas shall be lighted. All lighting shall be maintained in working condition. All outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.

8. The effective date of this permit shall be the date of final action by the Planning Director. If an appeal is filed, the effective date shall be the date of final action by the Planning Commission or, if appealed, the date of City Council action. The permit must be utilized within 36 months after the effective date. Failure to utilize the permit within 36 months will automatically void the permit unless an extension of time has been granted by the Planning Director, as set forth in Section 101.0900 of the Municipal Code. Any such extension of time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the Planning Director.
9. No Conditional Use shall commence, nor shall any permit for construction be issued, until:
 - a. The Permittee signs and returns the permit to the Planning Department.
 - b. The Southeast San Diego Residential Conditional Use Permit is recorded in the Office of the County Recorder.
10. The property included within this Conditional Use Permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the Planning Director or the permit has been revoked by The City of San Diego.
11. This Conditional Use Permit shall constitute a covenant running with the land; all conditions and provisions shall be binding upon the permittee and any successor(s), and the interests of any successor(s) shall be subject to every condition herein.
12. All signs requested and proposed for this project shall conform to City Wide Sign Regulations and be administered by the Sign Code Administration Division of the Planning Department.
13. The use of textured or enhanced paving shall be permitted only with the approval of the City Engineer and Planning Director, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.
14. All fencing shall be of wood, wrought iron, masonry or a combination thereof.
15. Engineering and Development required conditions shall be met.
16. If any hazardous materials or underground tanks are discovered during construction, a hazardous materials clean up plan shall be prepared and approved by the City Planning Department before construction could resume.
17. 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.

APPROVED by the Planning Director of The City of San Diego on December 13, 1989.

CUP 89-0789

AUTHENTICATED BY:

TYPE/NO. OF DOCUMENT	<u>89-0789</u>
NUMBER OF PAGES	<u>5 OF 6</u>
DATE OF DOCUMENT	<u>1/2/90</u>

Tamira Clark
 TAMIRA J. CLARK, SENIOR PLANNER
 PLANNING DEPARTMENT

LS

On this 9th day of March in the year 1990,
 before me, CATHERINE L. MEYER, a Notary Public in and for said county
 and state, personally appeared TAMIRA J. CLARK, personally known
 to me (~~er-proved-to-me-on-the-basis-of-satisfactory-evidence~~) to be
 the person who executed this instrument as SENIOR PLANNER of
 the City Planning Department, and acknowledged to me that the City of
 San Diego executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, in
 the County of San Diego, State of California, and the day and year
 in this certificate first above written.

NAME CATHERINE L. MEYER

SIGNATURE Catherine L Meyer

NOTARY STAMP



CUP - 89-0789

ACKNOWLEDGED:

The undersigned "Owner/Permittee" by execution hereof agrees to each and every condition of this permit and promises to perform each and every obligation of Permittee hereunder.

ST. JOHN C.M.E. CHURCH, "OWNER/PERMITTEE,"

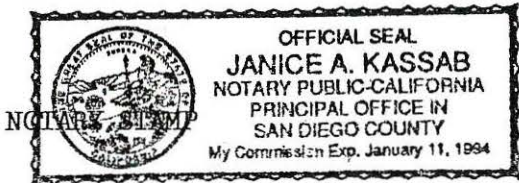
BY Lorene Ogden (Trustee)

State of California,) SS.
County of San Diego)

On this 16th day of February, in the 1990 year, before me Janice A. Kassab, a Notary Public in and for said county and state, personally appeared Lorene Ogden, Trustee, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed the within instrument as president (or secretary) or on behalf of the corporation therein named, and acknowledged to me that the corporation executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, in the County of San Diego, State of California, the day and year in this certificate first above written.

(CORPORATION)



NAME Janice A. Kassab
(typed or printed)

SIGNATURE Janice A. Kassab

PROJECT DATA SHEET

PROJECT NAME:	Little Lamb Land Preschool and Church	
PROJECT DESCRIPTION:	Expansion of a child care center/preschool and church facility and allow fencing deviations at 619 Morrison Street, 4168 Market Street, and 4196 Market Street	
COMMUNITY PLAN AREA:	Southeastern San Diego	
DISCRETIONARY ACTIONS:	Neighborhood Development Permit and Conditional Use Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	Residential and Commercial	
<u>ZONING INFORMATION:</u>		
ZONE: Subdistricts I and II, Mount Hope PDO		
HEIGHT LIMIT: SD I, 30 feet w/ flat roof & 40 feet with slope roof		
LOT SIZE: SD I, Min. 6,000 sf.; SD II, Min. 6,000 sf.		
FLOOR AREA RATIO: SD I, Max. 0.75; SD II, Max. 1.0		
FRONT SETBACK: SD I, Min. 10 ft.; SD II, Min. 10 ft.		
SIDE SETBACK: SD I, Min. 5 ft.; SD II, Min. 0 ft and 10 ft street side.		
REAR SETBACK: SD I, Min. 10 ft.; SD II, Min. 15 ft.		
PARKING: 30 parking spaces required; 32 provided		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Residential; Subdistrict I	Residential
SOUTH:	Commercial; Subdistrict II	Commercial
EAST:	Commercial; Subdistrict II	Commercial
WEST:	Commercial; Subdistrict II	Commercial
DEVIATIONS OR VARIANCES REQUESTED:	Deviations to SDMC Fence Regulations allowed with Neighborhood Development Permit.	
COMMUNITY PLANNING GROUP RECOMMENDATION:	November 19, 2012, the Southeastern San Diego Planning Group voted 8-0-0 to recommend approval of the proposed project with conditions.	

HEARING OFFICER RESOLUTION NO. XXXXXXXX
Neighborhood Development Permit No. 1097662
Conditional Use Permit No. 838246
**LITTLE LAMB LAND PRESCHOOL AND VISIONS OF GOD CHURCH
PROJECT NO. 234061**

WHEREAS, JAMES B. HARRISON AND SYLVIA HARRISON, Husband and Wife as Community Property, and VISION OF GOD CHRISTIAN MINISTRIES, a California Non-profit Corporation, Owners/Permittees, filed an application with the City of San Diego for a permit to operate a child care center/preschool and church facility within an existing church building and annexed single family residence (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 1097662 and 838246), on portions of a 0.68-acre site;

WHEREAS, the project site is located at 619 Morrison Street, 4168 Market Street, and 4196 Market Street within the Subdistricts I and II of Mount Hope Planned District Ordinance and Airport Influence Area Overlay Zones of the Southeastern San Diego Community Plan;

WHEREAS, the project site is legally described as Lots 20, 21, 22, 23, 24, 25, and 26 in Block 5 of Morrison's Marscene Park, Map 1844, filed in the Office of the County Recorder of San Diego County, July 10, 1925;

WHEREAS, on March 6, 2013, the Hearing Officer of the City of San Diego considered Neighborhood Development Permit No. 1097662 and Conditional Use Permit No. 838246 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on September 26, 2012, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15332 and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520; NOW, THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated March 6, 2013.

FINDINGS:

Neighborhood Development Permit - Section 126.0404(A)

1. The proposed development will not adversely affect the applicable land use plan. The project site is located at 619 Morrison Street, 4168 Market Street, and 4196 Market Street within the Subdistricts I and II of Mount Hope Planned District Ordinance in the Southeastern San Diego Community Plan area. The total 0.68-acre child care center/preschool and church facility development with abutting properties is comprised of an existing 652 square-foot, single family residence located at 619 Morrison Street, an existing 5,441 square-foot church

facility located at 4168 Market Street, and an existing 730 square-foot church and child care center/preschool office building located at 4196 Market Street.

The Neighborhood Element of the Southeastern San Diego Community Plan identifies the project location within the Neighborhood of Mount Hope with a mixture of residential, industrial, commercial, and cemetery uses. Specifically, the site is located within the low density residential area (5-10 du/ac.) and the commercial area along Market Street, east of Boundary Street, with a variety of neighborhood commercial uses including churches, a beauty shop, and small markets. The proposed expansion of the child care center/preschool into a single family residence and the continued operation of the church facility development are consistent with the aforementioned recommended land uses and will not adversely affect the Southeastern San Diego Community Plan, the General Plan, or other applicable plans adopted by City Council.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The project site is located at 619 Morrison Street, 4168 Market Street, and 4196 Market Street within the Subdistricts I and II of Mount Hope Planned District Ordinance in the Southeastern San Diego Community Plan area. The total 0.68-acre child care center/preschool and church facility development with abutting properties is comprised of an existing 652 square-foot, single family residence located at 619 Morrison Street, an existing 5,441 square-foot church facility located at 4168 Market Street, and an existing 730 square-foot church and child care center/preschool office building located at 4196 Market Street.

The development's site fencing includes deviations that are allowed with a Neighborhood Development Permit for the existing 7'-2" high, solid concrete wall fencing along the northern property line of 619 Morrison Street; the existing 7'-2" high, solid wood fencing along the eastern property line of 619 Morrison Street; and the existing 6'-0" high, combination walls, constructed as a 3'-7" high solid wall with 2'-5" high open rail fencing on top, along the three properties and fronting Morrison Street and 42nd Street.

The permit prepared for this project includes various conditions and exhibits of approval relevant to achieving compliance with the regulations of the Land Development Code in effect for the project site; and such conditions have been determined by the decision-maker as necessary to avoid adverse impacts upon the health, safety, and general welfare of the persons residing, working, or attending in the area. These conditions include standards which pertain to number of students and operational hours. Furthermore, the City's Environmental Analysis Section has reviewed the proposed use of the existing facility and has determined this action is exempt from California Environmental Quality Act. Therefore, the expanded child care center/preschool and continued church facility uses with the fencing as installed would not have a significant impact on public health, safety, and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code. The project site is located at 619 Morrison Street, 4168 Market Street, and 4196 Market Street within the Subdistricts I and II of Mount Hope Planned District Ordinance in the Southeastern San Diego Community Plan area. The total 0.68-acre child care center/preschool and church facility development with abutting properties is comprised of an existing 652 square-foot, single family residence located at 619 Morrison Street, an existing 5,441

square-foot church facility located at 4168 Market Street, and an existing 730 square-foot church and child care center/preschool office building located at 4196 Market Street.

The development's site fencing shall comply with the SDMC fence regulations, including the deviations that are allowed with a Neighborhood Development Permit. Pursuant to the SDMC sec. 142.0310(d), fences located in required side yards and required rear yards are permitted up to 9 feet in height. Any portion of the fence above 6 feet in height shall be an open fence. The existing 7'-2" height, solid concrete wall fencing along the northern property line of 619 Morrison Street and the existing 7'-2" height, solid wood fencing along the eastern property line of 619 Morrison Street deviate from the open fence requirement. However, the existing 7'-2" high solid fences on the property primarily surround the child care center/preschool children's playground area and provides direct acoustic benefits for the adjoining neighbors as well as a safe and secure environment for the children during supervised outdoor recreation activities.

Also, pursuant to the SDMC sec. 142.0310(c)(3)(A), within the front or street side property line, an open fence is permitted on top of a solid fence, provided that the solid fence and any chain link fence do not each exceed 3 feet in height and the total height does not exceed 6 feet. The existing 6'-0" high combination fencing with a bottom 3"-7" solid wall that fronts both Morrison Street and 42nd Street deviate from the 3 feet height requirement; however, the existing fencing provides for a safe and secure environment for the children by providing a solid height barrier to deter the 2 to 5 year old children from leaving the premises unsupervised and extending their bodies beyond the perimeter fencing, but allowing an openness to the child care center/preschool and church yard areas.

The aforementioned proposed deviations with the increase in height are necessary for the health and safety of the persons and specifically the children on the property. Therefore, the proposed development will continue to comply with the applicable regulations of the Land Development Code, including the above noted allowable deviations pursuant to the Land Development Code.

Conditional Use Permit – Section 126.0305

(a) The proposed development will not adversely affect the applicable land use Plan. The project site is located at 619 Morrison Street, 4168 Market Street, and 4196 Market Street within the Subdistricts I and II of Mount Hope Planned District Ordinance in the Southeastern San Diego Community Plan area. The total 0.68-acre child care center/preschool and church facility development with abutting properties is comprised of an existing 652 square-foot, single family residence located at 619 Morrison Street, an existing 5,441 square-foot church facility located at 4168 Market Street, and an existing 730 square-foot church and child care center/preschool office building located at 4196 Market Street.

The Neighborhood Element of the Southeastern San Diego Community Plan identifies the project location within the Neighborhood of Mount Hope with a mixture of residential, industrial, commercial, and cemetery uses. Specifically, the site is located within the low density residential area (5-10 du/ac.) and the commercial area along Market Street, east of Boundary Street, with a variety of neighborhood commercial uses including churches, a beauty shop, and small markets. The proposed expansion of the child care center/preschool into a single family residence and the continued operation of the church facility development are consistent with the aforementioned

recommended land uses and will not adversely affect the Southeastern San Diego Community Plan, the General Plan, or other applicable plans adopted by City Council.

(b) The proposed development will not be detrimental to the public health, safety, and welfare. The project site is located at 619 Morrison Street, 4168 Market Street, and 4196 Market Street within the Subdistricts I and II of Mount Hope Planned District Ordinance in the Southeastern San Diego Community Plan area. The total 0.68-acre child care center/preschool and church facility development with abutting properties is comprised of an existing 652 square-foot, single family residence located at 619 Morrison Street, an existing 5,441 square-foot church facility located at 4168 Market Street, and an existing 730 square-foot church and child care center/preschool office building located at 4196 Market Street.

The permit prepared for this project includes various conditions and exhibits of approval relevant to achieving compliance with the regulations of the Land Development Code in effect for the project site; and such conditions have been determined by the decision-maker as necessary to avoid adverse impacts upon the health, safety, and general welfare of the persons residing, working, or attending in the area. These conditions include standards which pertain to number of students, operational hours, noise attenuation, and off street parking required. Furthermore, the City's Environmental Analysis Section has reviewed the proposed use of the existing facility and has determined this action is exempt from California Environmental Quality Act. Therefore, the expanded child care center/preschool and continued church facility uses would not have a significant impact on public health, safety, and welfare.

(c) The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code. The project site is located at 619 Morrison Street, 4168 Market Street, and 4196 Market Street within the Subdistricts I and II of Mount Hope Planned District Ordinance in the Southeastern San Diego Community Plan area. The total 0.68-acre child care center/preschool and church facility development with abutting properties is comprised of an existing 652 square-foot, single family residence located at 619 Morrison Street, an existing 5,441 square-foot church facility located at 4168 Market Street, and an existing 730 square-foot church and child care center/preschool office building located at 4196 Market Street.

The proposed expansion of the child care center/preschool into a single family residence and the continued operation of the church facility development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code and as noted in the above Neighborhood Development Permit findings.

(d) The proposed use is appropriate at the proposed location. The project site is located at 619 Morrison Street, 4168 Market Street, and 4196 Market Street within the Subdistricts I and II of Mount Hope Planned District Ordinance in the Southeastern San Diego Community Plan area. The total 0.68-acre child care center/preschool and church facility development with abutting properties is comprised of an existing 652 square-foot, single family residence located at 619 Morrison Street, an existing 5,441 square-foot church facility located at 4168 Market Street, and an existing 730 square-foot church and child care center/preschool office building located at 4196 Market Street.

Attachment 6

The proposed expansion of the child care center/preschool use into a single family residence and the continued operation of the church facility development shall be compatible with the existing and planned land use on adjoining properties and shall not constitute a disruptive element to the neighborhood and community. The surrounding area is characterized by a mix of commercial uses, low density multi-family and single family residential development. The expanded child care center and continued church facility shall continue to serve the community, is compatible with the surrounding land uses, and appropriate at the proposed location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Neighborhood Development Permit No. 1097662 and Conditional Use Permit No. 838246 is hereby GRANTED by the Hearing Officer to the referenced Owners/Permittees, in the form, exhibits, terms and conditions as set forth in Neighborhood Development Permit No. 1097662 and Conditional Use Permit No. 838246, a copy of which is attached hereto and made a part hereof.

Tim Daly
Development Project Manager
Development Services

Adopted on: March 6, 2013

Job Order No. 24001611

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24001611

Neighborhood Development Permit No. 1097662
Conditional Use Permit No. 838246
LITTLE LAMB LAND PRESCHOOL AND VISIONS OF GOD CHURCH
PROJECT NO. 234061
Amendment to Conditional Use Permit No. 89-0789
Hearing Officer

This Neighborhood Development Permit No. 1097662 and Conditional Use Permit No. 838246, an amendment to Conditional Use Permit No. 89-0789 is granted by the Hearing Officer of the City of San Diego to James B. Harrison and Sylvia Harrison, Husband and Wife as Community Property, and Vision of God Christian Ministries, a California Non-profit Corporation, Owners and Permittees, pursuant to San Diego Municipal Code [SDMC] section 126.0205 and 126.0305. The 0.68-acre site is located at 619 Morrison Street, 4168 Market Street, and 4196 Market Street within the Subdistricts I and II of Mount Hope Planned District Ordinance and Airport Influence Area Overlay Zones of the Southeastern San Diego Community Plan. The project site is legally described as Lots 20, 21, 22, 23, 24, 25, and 26 in Block 5 of Morrison's Marscene Park, Map 1844, filed in the Office of the County Recorder of San Diego County, July 10, 1925.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owners/Permittees to operate a child care center/preschool and church facility within an existing single family residence and church building described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated March 6, 2013, on file in the Development Services Department.

The project shall include:

- a. Operating a child care center/preschool facility for sixty (60) children, ages 2 to 5 years old, within an existing 652 square-foot, single family residence at 619 Morrison Street and existing 5,441 square-foot church facility at 4168 Market Street;

- b. Operate a church use within an existing 5,441 square-foot, single story building at 4168 Market Street;
- c. 730 square-foot church and child care center/preschool office building at 4196 Market Street;
- d. All property fencing consistent with the SDMC regulations and including fence deviations allowed with a Neighborhood Development Permit for the existing 7' - 2" height, solid concrete wall fencing along the northern property line of 619 Morrison Street; the existing 7'-2" height, solid wood fencing along the eastern property line of 619 Morrison Street; and the existing 6'-0" height, combination walls, constructed as a 3'-7" height solid wall with 2'-5" height open rail fencing on top, along the three properties and fronting Morrison Street and 42nd Street;
- e. Landscaping (planting, irrigation and landscape related improvements);
- f. Off-street parking; and
- g. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by March 20, 2016.
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 Owner/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. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.

4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The 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 Owner/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.).
7. The Owner/Permittee shall secure all necessary construction permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited 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 were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If 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.

10. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or

obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

11. This permit shall supersede Conditional Use Permit No. 89-0789 and all conditions of approval.

LANDSCAPE REQUIREMENTS:

12. Prior to issuance of any building permits, complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan.

13. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity.

14. Consistent with the Mount Hope Planned District Ordinance, Subdistrict I, the parcel lot at 619 Morrison Street shall provide 40 percent of the required front yard to be landscaped.

15. Consistent with the Mount Hope Planned District Ordinance, Subdistrict II, the parcel lots at 4168 and 4196 Market Street shall provide required landscaping upon 10 percent of the overall lot.

AIRPORT REQUIREMENTS:

16. Prior to the issuance of any construction permits, certificate of occupancy, or pre-school operations, the Owner/Permittee shall grant an avigation easement to the San Diego County Regional Airport Authority as the operator of the San Diego International Airport for the purposes of aircraft operations, noise and other effects caused by the operation of aircraft, and for structure height if the same would interfere with the intended use of the easement. The Owner/Permittee shall use the avigation easement form provided by the San Diego County Regional Airport Authority.

17. Prior to submitting any construction plans to the City for review, the Owner/Permittee shall place a note on all construction plans indicating that an avigation easement has been granted across the property to the airport operator. The note shall include the County Recorder's recording number for the avigation easement.

18. Prior to issuance of any certificate of occupancy or preschool operations, the Owner/Permittee shall sound attenuate any child care/preschool use facilities to 45 dB CNEL interior noise level.

PLANNING/DESIGN REQUIREMENTS:

19. Owner/Permittee shall maintain a minimum of thirty (30) off-street parking spaces, including one disabled/accessible space, upon the three properties at all times in the approximate locations shown on the approved Exhibit "A." A total of thirty-two (32) off-street parking spaces are being provided. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

20. Owner/Permittee shall limited the hours of playground use from 11:00 am to 12:00 pm and 3:00 pm to 4:30 pm, Monday through Friday to achieve the acceptable noise limits of 57.5 db(A), excluding airport noise levels.

21. A topographical survey conforming to the provisions of the SDMC 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 Owner/Permittee.

22. All signs associated with this development shall be consistent with sign criteria established by the City-wide sign regulations.

23. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

TRANSPORTATION REQUIREMENTS

24. Prior to the issuance of any construction permits, certificate of occupancy, or operation of the preschool, a Shared Parking Agreement is required for the total thirty (30) parking spaces within 600 feet of the subject property. Fifteen (15) parking spaces shall be maintained at 4196 Market Street, thirteen (13) parking spaces shall be maintained at 4168 Market Street, and two (2) spaces shall be maintained at 619 Morrison Street, in the approximate location shown in Exhibit "A," satisfactory to the City Engineer.

25. The required off-street parking spaces shall be provided for the exclusive use of the Little Lamb Land Preschool between 6:15 AM and 6:00 PM, Monday through Friday. No concurrent church use and child care center/preschool use shall be allowed.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed

on this permit are fully completed and all required ministerial permits have been issued and received final inspection.

- 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 development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on March 6, 2013 and *[Approved Resolution Number]*.

Permit Type/PTS Approval No.:
Date of Approval:

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Tim Daly
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

**James B. Harrison or Sylvia Harrison,
Husband and Wife as Community
Property
Owner/Permittee**

By _____
NAME
TITLE

**Vision of God Christian Ministries,
A California Non-profit Corporation
Owner/Permittee**

By _____
NAME
TITLE

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

NOTICE OF EXEMPTION

TO: RECORDER/COUNTY CLERK
 P.O. Box 1750, MS A-33
 1600 PACIFIC HWY, ROOM 260
 SAN DIEGO, CA 92101-2422

FROM: CITY OF SAN DIEGO
 DEVELOPMENT SERVICES DEPARTMENT
 1222 FIRST AVENUE, MS 501
 SAN DIEGO, CA 92101

____ OFFICE OF PLANNING AND RESEARCH
 1400 TENTH STREET, ROOM 121
 SACRAMENTO, CA 95814

PROJECT No.: 234061

PROJECT TITLE: LITTLE LAMB LAND PRESCHOOL

PROJECT LOCATION-SPECIFIC: The religious facility is located on three-parcels, and is addressed at 4168 and 4196 Market Street and 619 Morrison Street, San Diego, California 92102

PROJECT LOCATION-CITY/COUNTY: San Diego/San Diego

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: The project proposes a Neighborhood Development Permit (NDP) and Conditional Use Permit (CUP) to amend CUP No. 89-0789 to allow for a proposed child care center in an existing single-family residence for an existing church facility, and preschool uses on a 6,100 square-foot site. The proposed child care center would be located at 619 Morrison Street. The existing church, and pre-school uses is located at 4168 Market Street, and a church office is located at 4196 Market Street.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: James Harrison (Agent), Visions of God (Firm), San Diego, CA 92102, (619) 818-7706

EXEMPT STATUS: (CHECK ONE)

- MINISTERIAL (SEC. 21080(b)(1); 15268);
 DECLARED EMERGENCY (SEC. 21080(b)(3); 15269(a));
 EMERGENCY PROJECT (SEC. 21080(b)(4); 15269 (b)(c))
 CATEGORICAL EXEMPTION: CEQA EXEMPTION 15332-(IN-FILL DEVELOPMENT PROJECTS)
 STATUTORY EXEMPTIONS:

REASONS WHY PROJECT IS EXEMPT: The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment. The project meets the criteria set forth in CEQA Section 15332. The project's proposal for a child care center for an existing religious facility would be consistent with the existing land use designation (residential), and all applicable general plan policies as well as with applicable zoning designation and regulations. The proposed development occurs within city limits on a project site of no more than five acres and is substantially surrounded by urban uses. The project site has no value as habitat for endangered, rare or threatened species. The project would not result in any significant effects related to air quality, noise, traffic or water quality. The site can be adequately serviced by all required utilities and public services. In addition; the exceptions listed in CEQA Section 15300.2 would not apply.

LEAD AGENCY CONTACT PERSON: Rhonda Benally

TELEPHONE: (619) 446-5468

IF FILED BY APPLICANT:

1. ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.
2. HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBLIC AGENCY APPROVING THE PROJECT?
 YES NO

IT IS HEREBY CERTIFIED THAT THE CITY OF SAN DIEGO HAS DETERMINED THE ABOVE ACTIVITY TO BE EXEMPT FROM CEQA

Mark McPherson AICP/Senior Planner
 SIGNATURE/TITLE

SEPTEMBER 26, 2012
 DATE

CHECK ONE:

- SIGNED BY LEAD AGENCY
 SIGNED BY APPLICANT

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:

SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY

ATTACHMENT 9

P.O. BOX 82776, SAN DIEGO, CA 92138-2776
619.400.2400 WWW.SAN.ORG

September 24, 2012

Mr. Tim Daly
City of San Diego
Development Services Department
1222 First Avenue
San Diego, CA 92101

Re: *Airport Land Use Commission Consistency Determination – 619 Morrison Street, City of San Diego; Expansion of Existing Day Care Center; APN 546-072-10; San Diego International Airport - Airport Land Use Compatibility Plan – LIN-12-006; Resolution No. 2012-0006 ALUC*

Dear Mr. Daly:

This letter is to notify the City of San Diego (“City”) of the September 6, 2012, consistency determination that was made by the San Diego County Regional Airport Authority (“Authority” or “SDCRAA”), acting in its capacity as the San Diego County Airport Land Use Commission (“ALUC”), for the referenced project. The ALUC has determined that the proposed project is **conditionally consistent** with the San Diego International Airport (“SDIA”) Airport Land Use Compatibility Plan (“ALUCP”). A copy of Resolution 2012-0006 ALUC, approved by the ALUC on September 6, 2012, and memorializing the consistency determination, is enclosed for your information.

The ALUC’s determination that the 619 Morrison Street project is **conditionally consistent** with the SDIA ALUCP was made consistent with the ALUC Policies and the State Aeronautics Act provisions (Cal. Pub. Util. Code §21670-21679.5), and was based on numerous facts and findings, including those summarized below:

- (1) The proposed project involves the use of an existing building for day care to supplement an adjoining structure occupied by the existing day care center.
- (2) The proposed project is located within the 60-65 dB CNEL noise contour. The ALUCP identifies day care uses located within the 60-65 dB CNEL noise contour as compatible with airport uses, provided that the structures are sound attenuated to 45 dB CNEL interior noise level and that an aviation easement is recorded with the County Recorder. Therefore, as a condition of project approval, the structure must be sound attenuated to 45 dB CNEL interior noise level and an aviation easement must be recorded with the County Recorder.
- (3) The proposed project is located outside the City of San Diego AAOZ.
- (4) The proposed project is located outside the RPZs.
- (5) Therefore, if the proposed project contains the above-required conditions, the proposed project would be consistent with the SDIA ALUCP.



SAN DIEGO
INTERNATIONAL
AIRPORT

Mr. Daly
Page 2

(6) This ALUC action is not a "project" as defined by the California Environmental Quality Act (CEQA) Pub. Res. Code Section 21065; and is not a "development" as defined by the California Coastal Act Pub. Res. Code Section 30106.

Please contact Mr. Ed Gowens at (619) 400-2244 if you have any questions regarding the issues addressed in this letter.

Very truly yours,



Thella F. Bowens
President/CEO

TFB/EG

Enclosures: Resolution 2012-0006 ALUC

cc: Amy Gonzalez, SDCRAA, General Counsel
Ron Bolyard, Caltrans, Division of Aeronautics
Chris Schmidt, Caltrans, District 11
Tait Galloway, City of San Diego, Development Services Department

RESOLUTION NO. 2012-0006 ALUC

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR SAN DIEGO COUNTY, MAKING THE DETERMINATION THAT THE PROPOSED PROJECT: EXPANSION OF EXISTING DAY CARE CENTER AT 619 MORRISON STREET, CITY OF SAN DIEGO, IS CONDITIONALLY CONSISTENT WITH THE SAN DIEGO INTERNATIONAL AIRPORT - AIRPORT LAND USE COMPATIBILITY PLAN.

WHEREAS, the Board of the San Diego County Regional Airport Authority, acting in its capacity as the Airport Land Use Commission (ALUC) for San Diego County, pursuant to Section 21670.3 of the Public Utilities Code, was requested by the City of San Diego to determine the consistency of a proposed development project: Expansion of Existing Day Care Center at 619 Morrison Street, City of San Diego, which is located within the Airport Influence Area (AIA) for the San Diego International Airport (SDIA) Airport Land Use Compatibility Plan (ALUCP), originally adopted in 1992 and amended in 1994 and 2004; and

WHEREAS, the plans submitted to the ALUC for the proposed project indicate that it would involve the use of an existing building for day care to supplement an adjoining structure occupied by the existing day care center; and

WHEREAS, the proposed project would be located within the 60-65 decibel (dB) Community Noise Equivalent Level (CNEL) noise contour, and the ALUCP identifies day care uses located within the 60-65 dB CNEL noise contour as compatible with airport uses, provided that the residences are sound attenuated to 45 dB CNEL interior noise level, and that an aviation easement is recorded with the County Recorder; and

WHEREAS, the proposed project is located outside the City of San Diego Airport Approach Overlay Zone (AAOZ); and

WHEREAS, the proposed project is located outside the Runway Protection Zones (RPZs); and

WHEREAS, the ALUC has considered the information provided by staff, including information in the staff report and other relevant material regarding the project; and

WHEREAS, the ALUC has provided an opportunity for the City of San Diego and interested members of the public to present information regarding this matter;

Resolution No. 2012-0006 ALUC
Page 2 of 3

NOW, THEREFORE, BE IT RESOLVED that the ALUC determines that the proposed project: Expansion of Existing Day Care Center at 619 Morrison Street, City of San Diego, is conditionally consistent with the SDIA ALUCP, which was originally adopted in 1992 and amended in 1994 and 2004, based upon the following facts and findings:

- (1) The proposed project involves the use of an existing building for day care to supplement an adjoining structure occupied by the existing day care center.
- (2) The proposed project is located within the 60-65 dB CNEL noise contour. The ALUCP identifies day care uses located within the 60-65 dB CNEL noise contour as compatible with airport uses, provided that the structures are sound attenuated to 45 dB CNEL interior noise level and that an avigation easement is recorded with the County Recorder. Therefore, as a condition of project approval, the structure must be sound attenuated to 45 dB CNEL interior noise level and an avigation easement must be recorded with the County Recorder.
- (3) The proposed project is located outside the City of San Diego AAOZ.
- (4) The proposed project is located outside the RPZs.
- (5) Therefore, if the proposed project contains the above-required conditions, the proposed project would be consistent with the SDIA ALUCP.

BE IT FURTHER RESOLVED that this ALUC determination is not a "project" as defined by the California Environmental Quality Act (CEQA), Pub. Res. Code Section 21065, and is not a "development" as defined by the California Coastal Act, Pub. Res. Code Section 30106.

Resolution No. 2012-0006 ALUC
Page 3 of 3

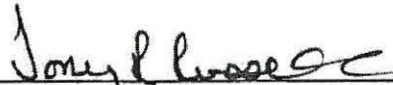
PASSED, ADOPTED AND APPROVED by the ALUC for San Diego County at a special meeting this 6th day of September, 2012, by the following vote:

AYES: Commissioners: Boland, Desmond, Gleason, Hubbs, Robinson, Smisek, Young

NOES: Commissioners: None

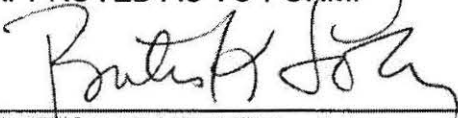
ABSENT: Commissioners: Cox, Panknin

ATTEST:



TONY R. RUSSELL
DIRECTOR, CORPORATE SERVICES/
AUTHORITY CLERK

APPROVED AS TO FORM:



BRETON K. LOBNER
GENERAL COUNSEL



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101

THE CITY OF SAN DIEGO

Community Planning Committee Distribution Form Part 2

Project Name: Little Lamb Preschool		Project Number: Project No. 234061	Distribution Date: 11/19/2012
Project Scope/Location: Application to amend existing CUP 89-0789 for existing church and preschool at 4168 Market Street –also expand to adjacent property to the north, 619 Morrison and also 4196 Market Street office Project Manager is Tim Daly, Development Services. Presentation by Dr.James Harrison.			
Applicant Name: Dr. James Harrison		Applicant Phone Number: (619) 818-7706	
Project Manager: Tim Daly	Phone Number: (619) 446-5356	Fax Number: (619) 446-5245	E-mail Address:
Committee Recommendations (To be completed for Initial Review):			
<input type="checkbox"/> Vote to Approve	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Approve With Conditions Listed Below	Members Yes	Members No	Members Abstain
<input checked="" type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below	Members Yes 8	Members No 0	Members Abstain 0
<input type="checkbox"/> Vote to Deny	Members Yes	Members No	Members Abstain
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			<input type="checkbox"/> Continued
CONDITIONS: Please see attached.			
NAME: Maria Riveroll		TITLE: Chair	
SIGNATURE:		DATE: 11/19/2012	
<i>Attach Additional Pages If Necessary.</i>		Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101	
Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services . Upon request, this information is available in alternative formats for persons with disabilities.			

Conditions for approval of Little Lamb Preschool

Southeastern San Diego Planning Group meeting of November 19, 2012.

Recommendation of support with the following conditions:

1. All PTS issues are cleared.
2. Mount Hope Planned District Ordinance Standards are met for landscaping, walls and fencing.
3. SDPD Recommendations are implemented.
4. All bathroom and kitchen fans shall be 2 times the City Standard for air exhaust.
5. Remodeling of the gas station building at the corner of 42nd and Market must meet City Code.



THE CITY OF SAN DIEGO

City of San Diego
Development Services
 1222 First Ave., MS-302
 San Diego, CA 92101
 (619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit
 Variance Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment • Other _____

Project Title

Child Care Center Annex

Project No. For City Use Only

234061

Project Address:

619 Morrison Street, San Diego Calif 92102

Part I - To be completed when property is held by Individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached Yes No

Name of Individual (type or print):

James B. Harrison

 Owner Tenant/Lessee Redevelopment Agency

Street Address:

619 Morrison Street, San Diego Calif 92102

City/State/Zip:

San Diego Calif 92102

Phone No:

619 818-7706

Fax No:

619 527-4691

Signature :

James B. Harrison

Date:

11-15-2010

Name of Individual (type or print):

 Owner Tenant/Lessee Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

 Owner Tenant/Lessee Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

 Owner Tenant/Lessee Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

RECORDING REQUESTED BY
Corinthian Title Company

DOC

ATTACHMENT
2009-0033388



JAN 23, 2009 4:11 PM

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
DAVID L. BUTLER, COUNTY RECORDER
FEES: 183.35
DC: DC

PAGES: 1



RECORDING REQUESTED BY:
~~People's Escrow, Inc.~~
Order No.
Escrow No. 2564-LG
Parcel No. 546-072-10-00

AND WHEN RECORDED MAIL TO:

JAMES B. HARRISON
619 MORRISON STREET
SAN DIEGO, CA 92102 10055

SPACE ABOVE THIS LINE FOR RECORDER'S USE

37896-AD

GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S) THAT DOCUMENTARY TRANSFER TAX IS \$174.35

- computed on full value of property conveyed, or
- computed on full value less liens or encumbrances remaining at the time of sale.
- unincorporated area: San Diego, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
Maurilio Velazquez, a married man, as his sole and separate property
Maurilio Velazquez, a married man as his sole and separate property
hereby GRANT(S) to **James B. Harrison and Sylvia Harrison, Husband And Wife As Community Property
with the Rights of Survivorship**

the following described real property in the County of **San Diego**, State of California:

LOTS TWENTY AND TWENTY-ONE IN BLOCK FIVE OF MORRISON'S MARSCENE PARK, ACCORDING
TO MAP THEREOF NO. 1844, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY,
JULY 10, 1925.
APN:546-072-10-00

Date January 20, 2009

Maurilio Velazquez

STATE OF CALIFORNIA

COUNTY OF San Diego S.S.

On January 23, 2009, before me, Jovanna Delgado, Notary Public
personally appeared **Maurilio Velazquez** who proved to me on the basis of satisfactory evidence to be the person(s)
whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the
same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s),
or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF
PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature (Seal)





RECORDING REQUESTED BY

APR 20, 2006 10:42 AM

WHEN RECORDED MAIL TO AND MAIL TAX STATEMENTS TO

4555

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY J. SMITH COUNTY RECORDER
FEES 9.00
DC DC
PAGES 1

NAME Visions of GOD Christian Fellowship
ADDRESS 4168 Market Street
CITY San Diego Calif
STATE & ZIP 92102



2006-0276252

Above Space for Recorder's Use Only

GRANT DEED

TITLE ORDER NO. _____ ESCROW NO. _____ APN NO. _____
THE UNDERSIGNED GRANTOR(S) DECLARE(S) Transfer to religious
DOCUMENTARY TRANSFER TAX is \$ 0 wholly owned CITY TAX \$ 0
9 computed on full value of property conveyed, or
9 computed on full value less value of liens or encumbrances remaining at time of sale,
9 Unincorporated area: 9 City of _____, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

James B. Harrison - Husband and Wife joint tenants,
Sylvia Harrison
hereby GRANT(s) to
Visions of GOD Christian Fellowship

the following described real property in the County of San Diego State of California:

All of lots 22, 23, and 24, Block 5 of Morrison's Marscene Park, in the city of San Diego, County of San Diego, State of California, according to Map thereof No. 1844 filed in the office of the County Recorder of San Diego County, July 10, 1925. Parcel No: 546-072-0.

Dated April 20, 2006

James B. Harrison
James B. Harrison
Sylvia Harrison
Sylvia Harrison

STATE OF CALIFORNIA }
COUNTY OF San Diego } s.s.

On 4/20/06 before me, DORIS KUGLER, Notary Public
(here insert name and title of the officer), personally appeared JAMES B. HARRISON &
SYLVIA HARRISON

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature [Handwritten Signature]



MAIL TAX STATEMENTS TO ADDRESS AS SHOWN ABOVE

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL THIS DEED AND, UNLESS OTHERWISE PROVIDED BELONG TO THE TAX STATEMENT TO:

VISIONS OF GOD CHRISTIAN MINISTRIES
PASTOR JAMES HARRISON
3688 HELIX STREET
SPRING VALLEY, CA 91977

Title Order No. 73711003584 Escrow No.

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Grant Deed

THE UNDERSIGNED GRANTOR (S) DECLARE (S)

DOCUMENTARY TRANSFER TAX IS \$ 242.00
unincorporated area City of SAN DIEGO

Parcel No. 546-072-13-00
 computed on full value of interest or property conveyed, or
 computed on full value less value of liens or encumbrances remaining at time of sale, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

HOME BANK OF CALIFORNIA

hereby GRANT(S) to VISIONS OF GOD CHRISTIAN MINISTRIES,

the following described real property in the CITY OF SAN DIEGO
county of SAN DIEGO, state of California

SEE EXHIBIT 'A' ATTACHED HERETO AND MADE A PART HEREOF CONSISTING
OF ONE PAGE


Dated 4-21-11

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

On APRIL 21 2011 before me,

JENNIFER LYNN SOTO, NOTARY PUBLIC
(here insert name and title of the officer)

, personally appeared BOB J. BRAY


HOME BANK OF CALIFORNIA
BY: BOB J. BRAY, E.V.P.

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the state of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature 

(This area for official notarial seal)



MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE; IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE

Name

Street Address

City & State

DEVELOPMENT SERVICES
Project Chronology
Little Lamb Land Preschool - PTS# 234061

Date	Action	Description	City Review Time	Applicant Response
5/2/11	First Submittal	Project Deemed Complete		
5/24/11	First Assessment Letter		22 days	
10/24/11	Second Submittal			153 days
11/22/11	Second Assessment Letter		28 days	
6/22/12	Third Submittal			213 days
7/17/12	Third Assessment Letter		25 days	
8/14/12	Fourth Submittal			28 days
9/17/12	Fourth Assessment Letter		34 days	
9/26/12	Fifth Submittal			9 days
10/11/12	Fifth Assessment Letter		15 days	
10/22/12	Sixth Submittal			11 days
1/24/13	Issues Resolved			94 days
3/6/13	HO Hearing		41 days	
TOTAL STAFF TIME			165 days	
TOTAL APPLICANT TIME				508 days
TOTAL PROJECT RUNNING TIME		From Deemed Complete to Hearing Officer	1 year 10 months 4 days	