



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: December 9, 2010 **REPORT NO. PC-10-107**

ATTENTION: **Planning Commission, Agenda of December 16, 2010**

SUBJECT: **THE BISHOP'S SCHOOL LIBRARY - PROJECT NO. 197212.
PROCESS 3**

REFERENCE: **Report to the Hearing Officer, dated October 20, 2010, Report No. HO-10-108.**

**OWNER/
APPLICANT:** **The Bishop's School
Mr. Doug Patterson, Architect / Agent.**

SUMMARY

Issue: Should the Planning Commission uphold the approval by the Hearing Officer of a Variance to increase the maximum building height by 2 feet and 1 inch, from 30 feet to 32 feet and 1 inch, as measured under the La Jolla Planned District regulations for a previously approved Library and Learning Center at The Bishop's School within the La Jolla Community Plan area?

Staff Recommendation: DENY the appeal and APPROVE Variance No. 697993.

Community Planning Group Recommendation: The La Jolla Community Planning Association voted 8-5-1 to recommend denial of the project at their meeting of September 2, 2010 (ATTACHMENT 12). They felt that the required findings for either a Planned Development Permit or a Variance could not be made in the affirmative.

Environmental Review: A Mitigated Negative Declaration (Project No. 6162) had previously been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines and a Mitigation, Monitoring and Reporting Program (MMRP) has and would continue to be implemented to reduce the potential impacts to Historical Resources (Archaeology), and Paleontology Resources to a level below significance. Mitigated Negative Declaration, Project No. 6162, was certified by the City Council on March 23, 2004. This proposed Variance request was found to be consistent by the Environmental Analysis Section with the previous Environmental

Document.

Fiscal Impact Statement: All costs associated with processing of this application are paid for by the applicant.

Code Enforcement Impact: None.

Housing Impact Statement: There is no impact on Housing. This project site is located on a developed private school site within Zones 5 and 6 of the La Jolla Planned District, which is designated as School Land Use by the La Jolla Community Plan.

BACKGROUND

The project site is currently developed with an existing private school, under a master plan, Project No. 6162, updated and approved by City Council on March 23, 2004 (ATTACHMENT 11). The Master Plan allows for an approximately 313,916 gross square foot multi-building educational facility located on a 9.96-acre property. Part of that approval was for a new two-story Library and Learning Center to total approximately 20,000 square feet of floor area. The school was originally built in 1909, and was designed by architect Irving Gill with many of the existing structures on site historic in nature. Scripps Hall is the original building and is designated as Historic Site No. 324.

The project site is located at 7607 La Jolla Boulevard, within Zones 5 and 6 of the La Jolla Planned District, Coastal (non-appealable) Overlay Zone, Coastal Height Limitation, Residential Tandem Parking, and Transit Area Overlay Zones within the La Jolla Community Plan area. A Variance is required by Land Development Code Section 126.0803, for the proposed increase in building height from the maximum allowed 30 feet to 32 feet 1 inch as measured under the La Jolla Planned District.

DISCUSSION

Project Description:

The project proposes a variance to increase the allowed building height from 30 feet to 32 feet 1 inch, as measured under the La Jolla Planned District Ordinance, for a previously approved two-story Library and Learning Center. The Library and Learning Center building is to be located in a pre-existing bowl shaped portion of the campus, and is challenged by existing storm water drainage conditions. This building site is the lowest portion of the school campus property, lower than surrounding properties. The school campus is situated in the lower or downstream convergence of the natural drainage for a larger, approximate one square mile watershed within the La Jolla area. The campus property is situated on the site of a former stream course, which was channeled and buried more than fifty years ago, known as the Ravina Drain that eventually discharges into the Pacific Ocean a few blocks away. As a result of the former stream course, the property currently has a large drainage easement, which traverses the property from north to south in close proximity to the Library and Learning Center building site.

In order to provide a drainage solution around the building, the first floor or entry level elevation must be located at a minimum elevation of 72.9 feet above mean sea level (ATTACHMENT 8). This determination was based on the review of a Hydrology Study prepared for this project by RBF Consulting, dated March 2010. This will resolve the drainage condition and will protect the building from water intrusion by creating a positive drainage release point below the proposed first floor or entry level.

Height Measurement

The table below illustrates how this project’s design is measured for height under the two height requirements in effect for this property.

	Height – La Jolla PDO	Coastal – “Prop D” Height
Regulation	30 ft. max.	30 ft. max.
Proposed	32 ft. 1 inch	27 ft. 11 3/4 inches

The first floor or entry level elevation point of 72.9 feet above mean sea level would be the Datum Point for height measurement under the Coastal Height Limit (Proposition D), and the height limit would be 30 feet above that, or elevation 102.9 feet above mean sea level. The proposed building façade (with the requested Variance) will be approximately 28 feet above the Datum Point, which is compliance with the Coastal Height Limit (Proposition D) and conforming to the Coastal Height Limitation Overlay Zone.

The pre-existing grade, before being raised to solve the drainage issue, is at elevation 68.8 feet above mean sea level. If the building were limited to 30 feet above that, in strict conformance with the zoning regulations of the La Jolla Planned District Ordinance, the building height could not be greater than elevation 98.8 feet above mean sea level. That would result in a building height between the drainage solution elevation point or first floor, to the top of building at only 25.9 feet.

The location of the proposed Library and Learning Center Building has some flexibility within the multi building campus design. However, with a vast majority of the campus built out under the school’s master plan that flexibility is fairly limited. In 2004, when the master plan was updated and approved by City Council, this two-story Library and Learning Center design was conceptual in nature and the conflict between the drainage constraints and the 30 foot height limit as measured under the Planned District Ordinance was not apparent. It was not until the applicant began construction design that the drainage-height conflict was discovered. The same drainage constraints exist within this general open area on the site plan of the proposed Library and Learning Center building.

The drainage constraints coupled with the structure’s ceiling to floor height requirements, which vary from 8 feet to 9 feet 2 inches, push the top of the building over the allowed La Jolla Planned District’s Height measurement, creating a unique set of circumstances and unique hardship for this property owner. Also the school’s campus contains a number of older buildings dating back to the 1909 to 1920 era that are historic in nature, previously conforming with respect to building height and well above the 30 foot height limit. So the proposed building height at 32 feet 1 inch

will not be out of character or inconsistent with existing development surrounding the proposed building.

Community Plan Analysis:

The project is located in an area designated as Schools and Medium Density Residential (15-30 dwelling units per acre) by the La Jolla Community Plan and Local Coastal Program. The existing conditional use permit allows for the school use to be consistent with these land use designations of the plan.

Appeal Issues:

On October 20, 2010, the Hearing Officer heard and approved this project. Two appeals were received during the appeal period. The following is a list of issues raised by the appeals followed by staff's response:

1. The finding cannot be made for a Variance (This general issue is raised on both appeals). No special conditions or circumstances. Existing conditions are the result of the applicant's development of the property. No circumstances or conditions that would deprive reasonable use: Variance is requested to support a particular architectural design. Alternate designs are available that would allow reasonable use and conform to the zoning. Not in harmony with the general purpose and intent of the regulation: The 30-foot height limit is the cornerstone of the coastal zone as well as the planned district.

Staff Response:

The variance findings were made in the affirmative, based on the review of a submitted hydrology report and understanding that the property's drainage issue is due to a larger off-site watershed draining on to the project site. The project site is situated on a former stream course, which was channeled and buried more than fifty years ago, known as the Ravina Drain. The Ravina drainage basin is a neighborhood or regional drainage issue not just isolated to the subject property. Due to this drainage issue the foundation needs to be elevated making the design of any two story building with a basement within this area difficult. Approval of this variance will not result in a structure that exceeds the 30 foot coastal height limit.

2. Factual Error. The applicant stated that the project passed the 30-foot height under the La Jolla Planned District Ordinance.

Staff Response:

The proposed project does not comply with the 30-foot height limit as measured under the La Jolla Planned District. That is the reason why the applicant is requesting the Variance. The project does however meet the 30-foot coastal height limit.

3. The applicant states that the project "passes" under Proposition D, the height limit

initiative passed by the people and upheld by the US Supreme Court- 1972 provided that the SDMC is set aside. SD City Attorney Memorandum of Law, August 12, 2004 (ATTACHMENT 10) clearly states that the SDMC measurement section 113.0270(a), (b) is a supplement to Proposition D, cannot be set aside and is, in fact, inseparable from the people's referendum of 1970.

Staff Response:

The proposed project complies with the Proposition D height limit. The applicant is not proposing a variance to the Proposition D Height Limit. Both height measurements apply at this location and the applicant's request for a variance to the zoning height limit is not prohibited. This requested Variance can be approved if the decision maker believes that the findings can be made in the affirmative.

4. Contrary to #1 of the variances findings requirements Section 126.0805, each of the "special circumstances" cited by the applicant have resulted from the applicant's own acts. Furthermore the applicant currently possesses a valid building permit approved by the community and the City. The changes made to this plan/permit by the applicant do not constitute "Special Circumstances".

Staff Response:

The full background and history of the Ravina Drain is not clear. However, the drain involves a multitude of properties, beyond the Bishop School site. It was not solely constructed by the Bishop's School. Based on the submitted hydrology study the drainage toward the subject site is from an approximate one square mile of watershed from properties to the east. The proposed Library and Learning Center Building was approved as part of the master plan, discretionary approval in 2004. However, no ministerial building permit submittal or approval has occurred for this subject building.

5. Findings that there is drainage and special topological grade problems at this building site that justify a variance are not valid. See hand written memo by Bob Collins after a site visit.

Staff Response:

The drainage problem would not be apparent through a site visit. Mild to moderate amounts of rain fall has not been the problem at this site. What have been problematic are heavy rains which result in flash flooding. Staff's view is based on the review of a submitted hydrology report and understanding that the properties drainage issue is due to a larger off-site watershed draining on to the project site.

6. The six (6) year old MND is invalid due to the unknown effects on the Coastal Zone stated goal of preserving San Diego's coastline. Variance findings this weak would set a 36-year precedent to allow buildings in the entire coastal zone to be of an unknown height amount greater than 30 feet. This is contrary to the intent of people's referendum known

6. The six (6) year old MND is invalid due to the unknown effects on the Coastal Zone stated goal of preserving San Diego's coastline. Variance findings this weak would set a 36-year precedent to allow buildings in the entire coastal zone to be of an unknown height amount greater than 30 feet. This is contrary to the intent of people's referendum known as Proposition D of 1972.

Staff Response:

City Staff have determined that the difference between the originally approved building (30') and this proposed building (32' 1") are negligible, and there are no new impacts created by this proposal. This proposal is consistent with the Certified Mitigated Negative Declaration No. 6162. Each Variance request is evaluated on its own merit on a case by case basis and would not set a precedent. As stated earlier, this proposal complies with the 30 foot Proposition D Height Limit.

7. Other drainage problems encountered since the MND for the "master plan" of six (6) years ago indicate a faulty MND that needs to be upgraded.

Staff Response:

Mitigated Negative Declaration, Project No. 6162, did include the analysis of a submitted Hydrology Report. The drainage problem is not a new problem, and only became more apparent to the architect as a result of analyzing more detailed building design and topographic information.

Conclusion:

Staff has reviewed the request for a Variance for the proposed increase in height to the Library and Learning Center and found the project to be in conformance with all the applicable sections of the San Diego Municipal Code regulating development within the La Jolla Planned District, except for the building height measurement. Staff believes that there is a unique topographic hardship and unique set of circumstances and that the required findings can be supported, and therefore recommends the Planning Commission deny the appeal and uphold the approval by the Hearing Officer.

ALTERNATIVE

1. **Deny the appeal and Approve Variance No. 697993, with modifications.**
2. **Approve the appeal and Deny Variance No. 697993, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



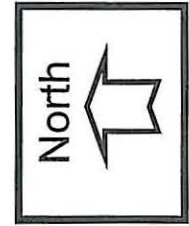
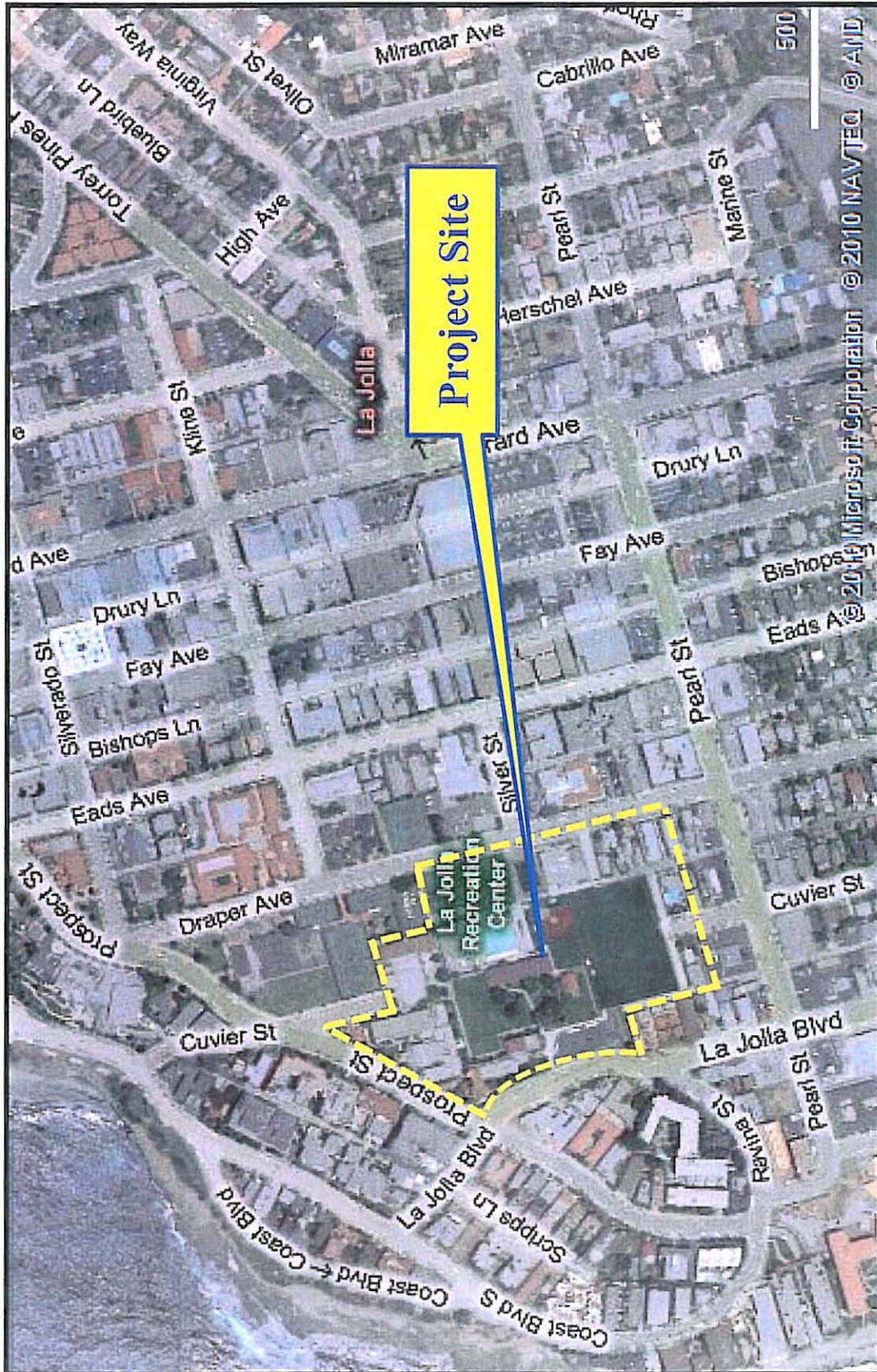
Mike Westlake
Program Manager
Development Services Department



Glenn Gargas
Development Services Department

Attachments:

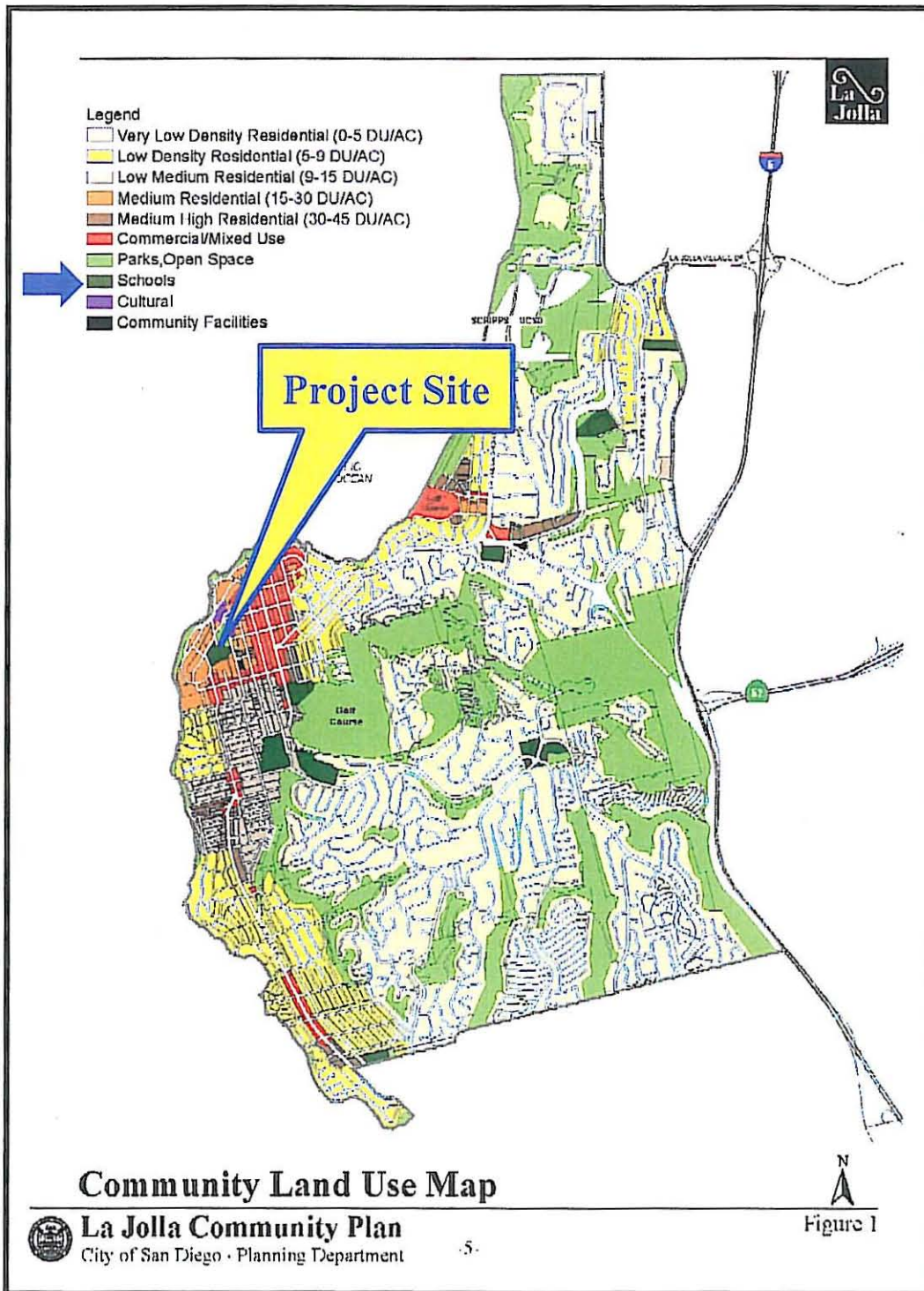
1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft Permit Resolution with Findings
6. Draft Permit with Conditions
7. Project Site Plan
8. Project Plans
9. Copy of Appeals
10. Copy of Memorandum of Law, August 12, 2004
11. Copy of Recorded Permit
12. Community Planning Group Recommendation
13. Ownership Disclosure Statement
14. Project Chronology



Aerial Photo

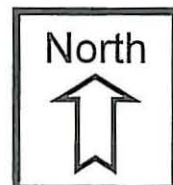
**THE BISHOP'S SCHOOL LIBRARY – 7606 LA JOLLA BOULEVARD
PROJECT NO. 197212**





Land Use Map

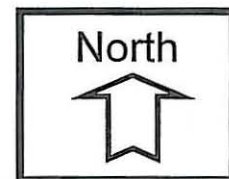
THE BISHOP'S SCHOOL LIBRARY - 7606 LA JOLLA BOULEVARD - PROJECT NO. 197212 La Jolla





Project Location Map

THE BISHOP 'S SCHOOL LIBRARY – 7606 LA JOLLA BOULEVARD
PROJECT NO. 197212



PROJECT DATA SHEET

PROJECT NAME:	The Bishop's School Library	
PROJECT DESCRIPTION:	Variance request to increase the building height from 30 feet to 32 feet 1 inch as measured under the La Jolla Planned District Ordinance.	
COMMUNITY PLAN AREA:	La Jolla	
DISCRETIONARY ACTIONS:	Variance	
COMMUNITY PLAN LAND USE DESIGNATION:	Schools & Medium Density Residential (15 to 30 dwelling units per acre).	
<u>ZONING INFORMATION:</u>		
ZONE: Zones 5 & 6 of the La Jolla Planned District Ordinance HEIGHT LIMIT: 30-Foot maximum height limit. LOT SIZE: 2,500 square-foot minimum lot size. FLOOR AREA RATIO: Zone 5 - 1.5 maximum / Zone 6 – No restriction. FRONT SETBACK: 15 feet. SIDE SETBACK: 7 feet. STREETSIDE SETBACK: 10 feet. REAR SETBACK: 10 feet. PARKING: 193 parking spaces required.		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Cultural Center-Family Residential; Zone 5A La Jolla PDO & 0P-1-1.	Art Center and Recreation Facility
SOUTH:	Multi-Family Residential; Zones 4 & 6 La Jolla PDO.	Multi-Family Residential
EAST:	Multi-Family Residential; Zones 5 & 6 La Jolla PDO .	Multi-Family Residential
WEST:	Multi-Family Residential; Zone 5	Multi-Family Residential

ATTACHMENT 4

	La Jolla PDO.	
DEVIATIONS OR VARIANCES REQUESTED:	Variance request to increase the building height from 30 feet to 32 feet 1 inch as measured under the La Jolla Planned District Ordinance	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On September 2, 2010, the La Jolla Community Planning Association voted (8-5-1) to deny this project.	

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: 24000389

VARIANCE NO. 697993
THE BISHOP'S SCHOOL LIBRARY - PROJECT NO. 197212 (MMRP)
PLANNING COMMISSION

This Variance No. 697993 is granted by the Planning Commission of the City of San Diego to The Bishop's School, a California Corporation, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0803. The 9.96-acre site is located at 7607 La Jolla Boulevard, in Zone 5 and 6 of the La Jolla Planned District Ordinance, Coastal (non-appealable) Overlay Zone, Coastal Height Limitation Overlay Zone, Residential Tandem Parking Overlay Zone, Transit Area Overlay Zone and within the La Jolla Community Plan area. The project site is legally described as: Lots 1-10, 12, 13, 36, 37 and 41-46, Block 12, La Jolla Park, Map No. 352, Lots 1, 25-37, Block 13, La Jolla Park, Map No. 352, Lots 1-24, Block 18, La Jolla Park, Map No. 352, and Lot 1-20, Block 19, La Jolla Park, Map No. 352.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for a variance to building height for a previously approved library and learning center described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated December 16, 2010, on file in the Development Services Department.

The project shall include:

- a. A Variance to increase the maximum building height by 2 feet and 1 inch, from 30 feet to 32 feet and 1 inch high as measured under the La Jolla Planned District regulations for the Manchester Library & Learning Center, approved under Project No. 6162.
- b. Existing landscaping (planting, irrigation and landscape related improvements);
- c. Existing off-street parking;

- d. 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.
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. Coastal Development Permit No. 10728, Site Development Permit No. 10727, Special Use Permit No. 10729 and Planned Development Permit No. 80680, Project No. 6162, and as previously amended by Project No. 147307, shall remain in effect except where superseded by this permit for the Library and Learning Center onsite.
5. 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.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. 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.).

8. The Owner/Permittee shall secure all necessary building 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.

9. 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.

10. 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.

11. 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.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] for Mitigated Negative Declaration No. 6162 shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

13. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration, No. 6162, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration, No. 6162, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Historical Resources (Archaeology)
Paleontological Resources

ENGINEERING REQUIREMENTS:

15. The proposed project must comply with all engineering conditions of PDP/CDP/SUP and SDP for Project No. 6162.

PLANNING/DESIGN REQUIREMENTS:

16. Owner/Permittee shall maintain a minimum of 193 off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." 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.

17. 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.

18. 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.

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 Planning Commission of the City of San Diego on December 16, 2010, by Resolution No. _____.

PLANNING COMMISSION RESOLUTION NO. ____
VARIANCE NO. 697993
THE BISHOP SCHOOL LIBRARY - PROJECT NO. 197212 (MMRP)

WHEREAS, The Bishop's School, a California Corporation, Owner/Permittee, filed an application with the City of San Diego requesting a Variance, to increase the allowed building height for a Library and Learning Center Building previously approved under Project No. 6162 (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 697993, on portions of a 9.96 acre property;

WHEREAS, the project site is located at 7607 La Jolla Boulevard in Zone 5 and 6 of the La Jolla Planned District of the La Jolla;

WHEREAS, the project site is legally described as Lots 1-10, 12, 13, 36, 37 and 41-46, Block 12, La Jolla Park, Map No. 352, Lots 1, 25-37, Block 13, La Jolla Park, Map No. 352, Lots 1-24, Block 18, La Jolla Park, Map No. 352, and Lot 1-20, Block 19, La Jolla Park, Map No. 352;

WHEREAS, the City of San Diego as Lead Agency under CEQA has reviewed and considered Mitigated Negative Declaration No. 6162 prepared for the original project, dated February 18, 2004 and certified by the City Council on March 23, 2004 by Resolution No. R-298992. Pursuant to Section 15162 of the State CEQA Guidelines, the project changes do not result in new significant environmental effects beyond those cover in the previously certified MND which warrant additional environmental review.

WHEREAS, on October 20, 2010, the Hearing Officer of the City of San Diego considered and approved Variance No. 697993 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on December 16, 2010, the Planning Commission of the City of San Diego on an appeal from the Hearing Officer's decision considered Variance No. 697993 pursuant to the Land Development Code of the City of San Diego;

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

That the Planning Commission adopts the following written Findings, dated October 20, 2010.

FINDINGS:

Variance - Section 126.0805

1. **There are special circumstances or conditions applying to the land or premises for which the variance is sought that are peculiar to the land or premises and do not apply generally to the land or premises in the neighborhood, and these conditions have not resulted from any act of the applicant after the adoption of the applicable zone regulations.**

The project proposes a variance to increase the allowed building height from 30 feet to 32 feet 1 inch, as measured under the La Jolla Planned District Ordinance, for a previously approved two-story Library and Learning Center. The Library and Learning Center building is to be located in a pre-existing bowl shaped portion of the campus, and is challenged by normal storm water

drainage conditions. This building site is the lowest portion of the school campus property, lower than surrounding properties and the campus is situated in the lower or downstream convergence of the natural drainage for an approximate one square mile watershed within the La Jolla area. The campus property is situated on the site of a former stream course, which was channeled and buried more than fifty years ago, known as the Ravina Drain. As a result of the former stream course, the property has a large drainage easement, which traverses the property from north to south in close proximity to the Library and Learning Center building site, and eventually discharging into the Pacific Ocean a few blocks away.

In order to provide a minimal drainage solution around the building, the first floor or entry level elevation must be located at a minimum elevation of 72.9 feet above mean sea level as determined by the City's LDR-Engineering Section of Development Services Department. The Engineering Section's determination was based on the review of a Hydrology Study prepared for this project by RBF Consulting, dated March 2010. This will resolve the drainage condition and will protect the building from water intrusion by creating a positive drainage release point below the desired first floor or entry level. Both the Project's Architect and the City's Engineering Section concur with this drainage solution and the resulting elevation point for the first floor or entry level.

The pre-existing grade, before being raised to solve the drainage solution is at elevation 68.8 feet above mean sea level. If the building were limited to 30 feet above that, in strict conformance with the zoning regulations of the La Jolla Planned District Ordinance, the building height could not be greater than elevation 98.8 feet above mean sea level. That would result in a building height between the drainage solution elevation point or first floor, to the top of building at only 25.9 feet.

The location of the proposed Library and Learning Center Building has some flexibility within the multi building campus design. However, with a vast majority of the campus built out under the school's master plan along with the historic nature of some of the existing buildings that flexibility is fairly limited. In 2004, when the master plan was updated and approved by City Council, this two-story Library and Learning Center design was conceptual in nature and the conflict between the drainage constraints and the 30 foot height limit as measured under the Planned District Ordinance was not apparent. It was not until the applicant began construction design that the drainage-height conflict was discovered. The same drainage constraints exist within this general open area on the site plan of the proposed Library and Learning Center building. So the drainage constraints coupled with the ceiling to floor height requirements of 8 feet to 9 feet 2 inches for a Library Building push the top of the building over the allowed La Jolla Planned District's Height measurement, creating a unique set of circumstances and unique hardship for this property owner. Also the school's campus contains a number of older buildings dating back to the 1910 – 1920 era that are historic in nature, previously conforming with respect to building height and well above the 30 foot height limit. So the proposed building height at 32 feet 1 inch will not be out of character or inconsistent with existing development surrounding the proposed building.

- 2. The circumstances or conditions are such that the strict application of the regulations of the Land Development Code would deprive the applicant of reasonable use of the land or premises and the variance granted by the City is the minimum variance that will permit the reasonable use of the land or premises.**

The project proposes a variance to increase the allowed building height from 30 feet to 32 feet 1 inch, as measured under the La Jolla Planned District Ordinance, for a previously approved two-story Library and Learning Center. The Library and Learning Center building is to be located in a pre-existing bowl shaped portion of the campus, and is challenged by normal storm water drainage conditions. This building site is the lowest portion of the school campus property, lower than surrounding properties and the school campus is situated in the lower or downstream convergence of the natural drainage for a larger, approximate one square mile, watershed within the La Jolla area.

The property owner is requesting an additional 2 feet 1 inch in building height for the second floor, which comprises approximately 39% of the footprint, which would allow a 9.4 foot floor to ceiling height for the first floor and approximately 8 feet floor to ceiling height for the second floor. Originally the property owner requested a variance to building height of approximately four feet. Through revisions to the building design the property owner was able to reduce the requested variance amount down to 2 feet 1 inch.

The Master Plan for the campus, as approved by the City Council in 2004, contemplated a library learning center at this location on the campus, with two stories above ground plus a basement. If the zoning height were strictly applied, and the height of the building restricted to 25.9 feet above the drainage-safe grade, the second level of the project would have to be eliminated because the ceiling height would be so low (less than 7 feet 6 inches) as to be infeasible under applicable building codes. Without the Variance, the building would not be able to accommodate a second floor consistent, and thus deprive the School of the ability to fulfill the Master Plan.

Given the need to have the entry level at an elevation high enough to avoid the water intrusion problem, this Variance of 2 feet 1 inch is the minimum needed to allow the interior spaces to be designed with acceptable ceiling heights for academic and library uses.

The project, if permitted with the Variance, will result in a learning center and classrooms of a size consistent with the Master Plan, and sufficient to meet the needs of the School. Also the school's campus contains a number of older buildings dating back to the 1910 – 1920 era that are historic in nature, previously conforming with respect to building height and well above the 30 foot height limit. So the proposed building height at 32 feet 1 inch will not be out of character or inconsistent with existing development surrounding the proposed building.

3. The granting of the variance will be in harmony with the general purpose and intent of the regulations and will not be detrimental to the public health, safety, or welfare.

The project proposes a variance to increase the allowed building height from 30 feet to 32 feet 1 inch, as measured under the La Jolla Planned District Ordinance, for a previously approved two-story Library and Learning Center. The Library and Learning Center building is to be located in a pre-existing bowl shaped portion of the campus, and is challenged by normal storm water drainage conditions. Approval of the Variance will be in harmony with the general purpose and intent of the regulations, as it is limited in size and scope and applies only to this school use on the campus in the Cultural Zone. Approval of the Variance for an increase in building height will not be detrimental to the public health, safety, and welfare. One of the main reasons that the property owner requested a Variance was due to the design solution to address an on-site drainage

issue, which in itself is a public health and safety issue. The proposed project will be located 100 feet to 120 feet from the nearest public right-of-way.

The project is not within any of the established public view corridors identified by the La Jolla/La Jolla Shores Local Coastal Plan. For aesthetic reasons, the second floor of the building, which is the area for the requested variance, is stepped back from the first level. At this proposed height, it will be less visible than would be a fully conforming building which is not stepped back in design.

The proposed project is a library and learning center, which is replacing the existing library uses currently contained in an antiquated eighty year old building, in portions of such building which were originally designed as a women's dormitory and sitting room and not as a library. The new library and learning center is an essential need for advancing The Bishop's School's education mission.

For the School's Master Plan update and expansion approval in 2004, A Mitigated Negative Declaration, Project No. 6162 was prepared which identified potential impacts to Historical Resources (Archaeology) and Paleontological Resources. Mitigation measures were incorporated into the project which reduced the potential impacts to a level below significant. No further adverse impacts to public health, safety, and welfare were identified by this environmental document. This proposed Variance to building height was reviewed by the Environmental Analysis Section and they determined that this proposed project is consistent with that previous Environmental Document, Mitigated Negative Declaration, Project No. 6162.

4. **The granting of the variance will not adversely affect the applicable land use plan. If the variance is being sought in conjunction with any proposed coastal development, the required finding shall specify that granting of the variance conforms with, and is adequate to carry out, the provisions of the certified land use plan.**

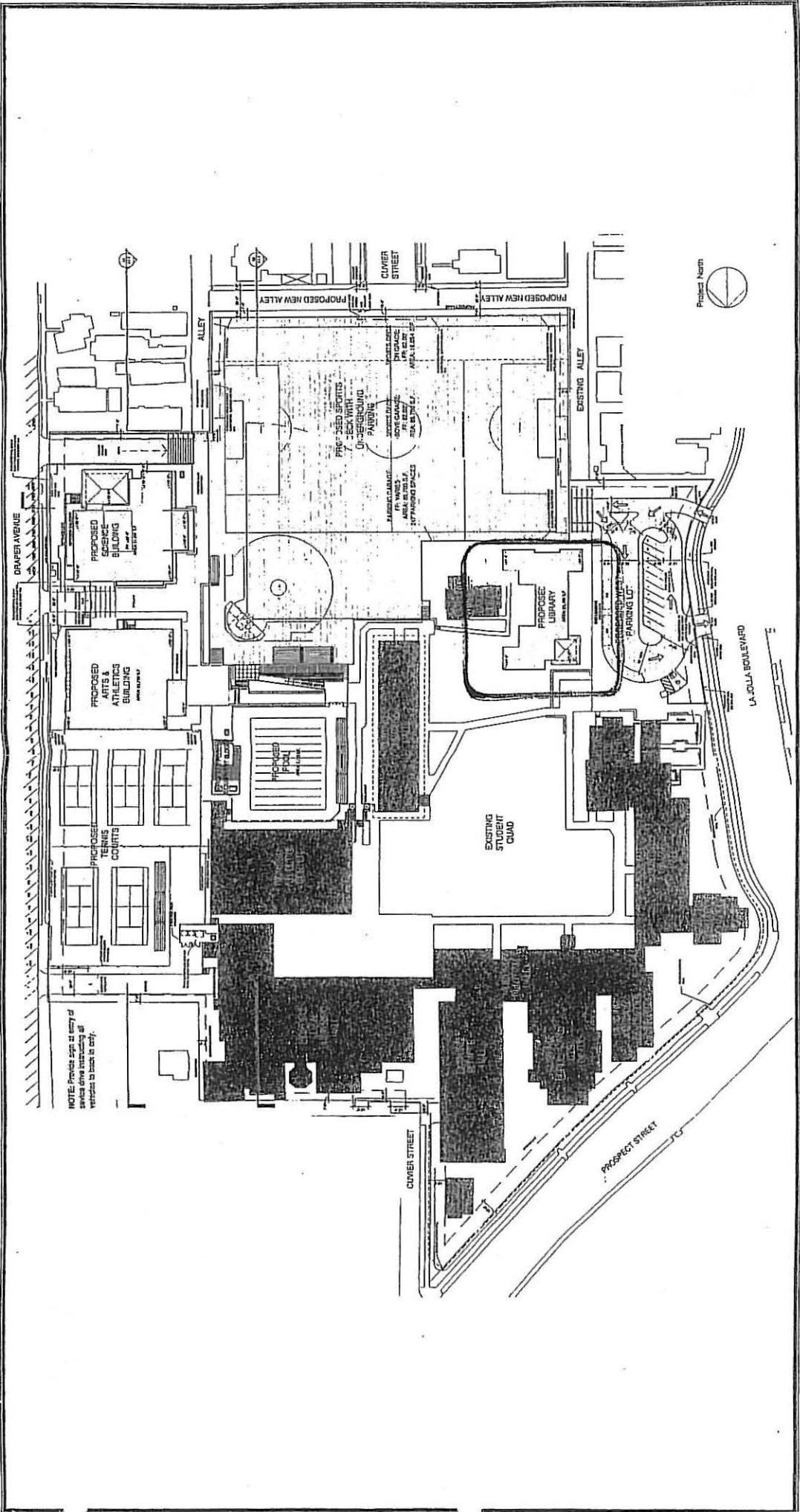
Other than the single Variance request for building height, the project will comply with all of the other development regulations, specifically those of Zones 5 and 6 of the La Jolla Planned District, the Coastal Zone Overlay and the Coastal Height Limitation Overlay Zone. The Variance will solely to allow for an additional 2 feet 1 inch in building height over not more than 39% of the building footprint. Granting the Variance will conform with and is adequate to carry out the provisions of the certified land use plan. The proposed project is located in an area identified as Schools and Medium Density (15-30 DU/acre) Residential in the La Jolla Community Plan (LJCP) and is consistent with that land use designation by virtue of the CUP application/amendment. The project uses as a private school use was fully contemplated in the land use plan and will not adversely affect the land use plan.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Variance No. 697993 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 697993, a copy of which is attached hereto and made a part hereof.

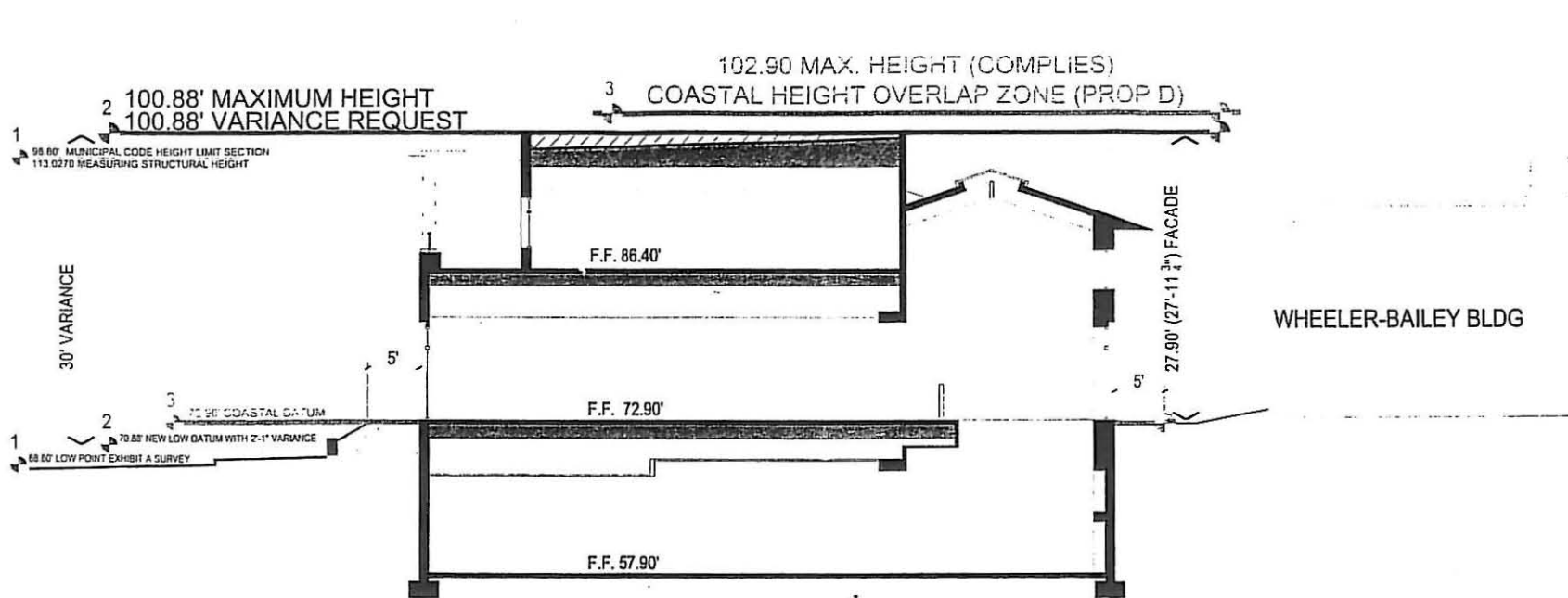
Glenn R. Gargas, AICP
Development Project Manager
Development Services

Adopted on: December 16, 2010

Job Order No. 24000389



The Bishop's School



PROPOSED VARIANCE GRADES AND ELEVATIONS

Delaware Wilson Rodriguez Dierker



The Bishop's School
Manchester Library & Learning Center

VIEW TO NORTH
SCALE: 3/8" = 1'-0"
PROPOSED NEW
SECTION/ELEVATION