

DATE ISSUED: October 6, 2006

REPORT NO. PC-06-203

ATTENTION: **Planning Commission, Agenda of October 12, 2006**

SUBJECT: LINDA VISTA SECOND BAPTIST CHURCH – 44257.
PROCESS NUMBER 4.

**OWNER/
APPLICANT:** Linda Vista Second Baptist Church/
John Pyjar, Dominy and Associates Architects
(Attachment 10)

SUMMARY

Issue(s): Should the Planning Commission approve the Linda Vista Second Baptist Church Project?

Staff Recommendation:

1. **CERTIFY** Negative Declaration Project No. 44257; and
2. **APPROVE** Conditional Use Permit No. 129903(Amending CUP No. 6953) ,
Planned Development Permit No. 129904and Variance No. 339564 .

Community Planning Group Recommendation: On April 24, 2006, the Linda Vista Community Planning Group voted 12-0-0to recomme nd approval of the project subject to City requirements. See the Discussion Section for a full explanation.

Environmental Review: A Negative Declaration LDR No. 44257 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines.

Fiscal Impact Statement: None with this action. All costs associated with the processing of this project are paid by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: The Linda Vista Community Plan designates the site for low density residential development, at a density range of 5-9 dwelling units per acre. Development of the 0.24 acre church-owned site could yield a minimum of one unit and a maximum of two units. The proposed project is the reconstruction of an existing church facility that has been located on the property since 1952. Redevelopment of the site with a new church structure will not result in the creation of additional housing units, nor result in the loss of any existing housing in the community.

BACKGROUND

The site is located in the Chesterton Residential Neighborhood 2/Subarea of the Linda Vista Community Plan and is zoned RS-1-7, Single-Family Residential (Attachment 1). The 0.24 acre site, addressed as 2706 Korink Avenue, is located at the southwesterly corner of Korink Avenue and Manson Street (Attachment 2), south of Mesa College Drive, west of Linda Vista Road and north of Genesee Avenue (Attachment 3). This area was originally subdivided in 1927 and subsequently acquired by the United States Navy. The neighborhood is generally known in the community as the Chesterton Navy Housing Complex, and has been developed with single-family Navy housing.

In July of 1952, the Navy deeded the 0.24 acre site to the Linda Vista Second Baptist Church. The sale of this Navy-owned land was to accommodate anticipated development of the site with the existing church and educational/fellowship hall building. The Navy continues to own the 0.96 acre property surrounding the church property .

In November of 1952, the City approved Conditional Use Permit (CUP) No. 6953 for construction of the existing two story, 9,903 square-foot church, educational building and fellowship hall on the 0.24 acre parcel (Attachment 4). The approval included variances to allow 35 required off-street parking spaces to be located off-site on the adjacent Navy-owned property, and a reduced street side setback of five feet where 15 feet was required adjacent to the Manson Street public right-of-way. The continued use of the adjacent Navy-owned land for vehicular access and required off-street parking for the church is maintained through a "License for Nonfederal Use of Real Property" (License), Attachment 5. This License, or agreement, authorizes use of the Navy-owned property by the church, and has been renewed on an annual basis since 1954 .

DISCUSSION

Project Description:

The project (Attachment 6) proposes to demolish the existing 9,903 square foot, two story building due to age and structural deficiencies, which make upgrading and reuse of the building impractical. Redevelopment of the 0.24 acre site includes construction of a 21,955 square foot, two story church, with a basement to be used as a fellowship hall. This facility is larger due to the increase in size and needs of the church congregation.

The proposed building includes an 8,010 square foot main level, a 4,300 square foot upper level with balcony, 2,060 square feet of usable basement and 7,585 square feet of phantom floor area. Phantom floor area is unusable space located above or below the actual floors within a building, and under certain circumstances is included in the calculation of gross floor area (Land Development Code Section 113.0234(b) (4)). The main level accommodates the sanctuary with 235 fixed seats, an infant's cry-room, classrooms and restrooms. The upper level includes offices, restrooms, classrooms and storage area. The basement level includes a lobby, fellowship hall, classrooms and kitchen.

Areas of earthwork required to construct the proposed project are located on both the church and the adjacent Navy-owned properties. This area comprises 24,073 square-feet, or 46%, of the combined properties. The proposed earthwork includes 1,230 cubic yards of cut and 600 cubic yards of fill with the remaining 630 cubic yards to be exported off-site. Of the 1,230 cubic yards of cut, 1,210 cubic yards is required to excavate for the basement of the church building and is located on the church property. The remaining 20 cubic yards is located on the Navy-owned property and includes finish work to accommodate the surface parking area and site landscaping.

One hundred three off-street parking spaces are provided on the Navy-owned property adjacent to the site, for use by the church. These spaces are proposed to be maintained through an annual renewal of the License. Due to the limited availability of off-street parking, simultaneous use of the sanctuary and fellowship hall uses would be prohibited by the permit (Attachment 7, Condition 27).

Community Plan Analysis:

The Linda Vista Community Plan designates the subject property for low-density residential development, at a density range of 5-9 dwelling units per acre. The site is located within the Chesterton Neighborhood of Linda Vista, where the Chesterton Navy Housing Complex comprises the area. Most of the neighborhood is developed with single-family homes at a density of less than five units per acre.

The Linda Vista Community Plan calls for new development within single family residential areas to have building envelopes that relate to the lot size to ensure that the bulk of new development does not overwhelm established neighborhoods. The project's design, including building siting, massing, and scale have been designed to meet these objectives of the community plan. The proposed church structure has been designed to relate to the neighboring single family structures in form, height, scale and design. A lower ridge roof has been added to the single story line along the north and east elevations to pick-up the roof lines of the neighboring single story homes. The south elevation also has a ridge line at the single story level, and the proposed sloped roof maintains the residential character of the surrounding neighborhood. The colors and materials for the proposed church are compatible with the color and materials scheme for the Chesterton Neighborhood, based on the recommendations in the Chesterton Comprehensive Neighborhood Plan.

A policy goal of the Linda Vista Community Plan is for developments to be well-landscaped to enhance the appearance of the community. In conformance with the recommendations for landscape design in the community plan, the Landscape Concept Plan introduces trees, shrubs, and groundcover at the street yard, where the project site borders adjacent properties and along the building facade as a way to enhance the overall appearance of the project. Additional landscaping along the project edges provides a buffer between the church property and adjacent sites. The plant materials are consistent with the recommendations of the Linda Vista Community Plan and the Chesterton Comprehensive Neighborhood Plan for tree and shrub species.

The request for a variance to exceed the allowable floor area ratio and deviations to height and setback requirements can be supported due to unusual circumstances which include the constrained configuration, location of the parcel and ownership by the federal government of the surrounding land. The overall architectural and landscape plan for the reconstructed church facility has been designed to be compatible with the existing character of the Chesterton Neighborhood of Linda Vista. The proposed project, variance and the requested deviations would not adversely affect the community plan.

Required Approvals:

A Conditional Use Permit (CUP) is required to modify the existing church use located within a single-family residential zone and to amend the existing permit. A Planned Development Permit (PDP) is required for deviations to exceed the maximum height limit of the zone, to allow required off-street parking spaces to be located on the adjacent Navy-owned property, and to allow reduced setbacks. A variance is required to exceed the maximum gross floor area of the RS-1-7zone.

Conditional Use Permit

The Land Development Code (LDC) permits church uses with approval of a Conditional Use Permit (CUP). The purpose of the CUP procedures is: “to establish a review process for development of uses that may be desirable under appropriate circumstances, but are not permitted by right in the zone. The intent is to review these uses on a case-by-case basis to determine whether and under what conditions the use may be approved at a given site, and that each use is developed so as to fully protect the health, safety and welfare of the community” [SDMC §126.0301]. Development s proposed through a CUP must be consistent with Municipal Code findings which require that the project not adversely affect the adopted land use plan for the area; not be detrimental to the public health, safety, and welfare; comply with applicable regulations of the Land Development Code; and be appropriate for the proposed location.

The CUP proposes to demolish the existing church building and redevelop the site with a larger church and education building. Redevelopment of the site is intended to replace the aged and deteriorating building and to accommodate a larger congregation. Staff review has determined that the project is supportable with conditions. These conditions are included in the draft permit (Attachment 7) and include yet are not limited to: maintaining required off-street parking spaces; installation of site landscaping including street trees; limitations on the simultaneous use of the

church and educational building; and allowing child care during church services or functions. Staff has determined that the proposed development is consistent with the purpose and intent of the Land Development Code pertaining to Conditional Use Permits and can be supported.

Planned Development Permit

The LDC provides a review process to allow consideration of development which does not comply with the relevant development regulations of the zone in which the site is located through a Planned Development Permit (PDP) approved by the Planning Commission. The purpose of a PDP is “to establish a review process for development that allows an applicant to request greater flexibility from the strict application of the regulations than would be allowed through a deviation process. The intent is to encourage imaginative and innovative planning, to assure that the development achieves the purpose and intent of the applicable land use plan and that it would be preferable to what would be achieved by strict conformance with the regulations” [SDMC §126.0601].

The application proposes deviations from development regulations of the RS-1-7 Zone as follows: 1) Deviate from the maximum 30 foot height limit of the underlying single-family zone to observe a maximum building height of 47'-0" with the cross to observe 53'-0"; 2) Deviate from the minimum 4'-0" side and 13'-0" rear yard setbacks to allow the building to observe 0'-0" side and rear yard setbacks; and 3) Deviate from the requirement that off-street parking spaces be provided on-site to allow all required spaces to be provided on the adjacent Navy owned land.

Height –

The Land Development Code allows a maximum structure height of 30 feet in the single-family residential zones [SDMC §131.0431]. The proposed redevelopment of the site with the new church building and spire proposes to deviate from this requirement, and would instead observe a maximum height of 47'-0" and 53'-0" respectively.

Churches commonly include structures which are by their very nature and purpose intended to be large, recognizable symbols in the community. Church uses serve a desired need in the community as meetinghouses and gathering places for large assemblages of people. These structures typically utilize unique architectural features that exceed height limitations so as to achieve a building which is recognizable and stands out in the community. These features include tall, voluminous structures which strive to minimize the distinction between floor and ceiling. Their architectural space is similar to an auditorium intended to serve the material and functional needs of the congregation. These needs include appropriate acoustics and visual features to house large numbers of people for short durations, to gather, worship, and provide fellowship with others.

Setbacks –

The Land Development Code §131.0443 requires that development conform to specific setbacks which are intended to provide separation between structures. Separation between structures allows for the provision of landscaping, hardscape, parking, and consideration of public health

and safety concerns, by allowing and providing for light and air, and for access by fire, police and other emergency personnel. The proposed redevelopment of the site with the new church building proposes to deviate from the side and rear yard setback requirements. These deviations would allow zero-foot setbacks within both side yards and the rear yard where four feet and 13 feet respectively are required. When the site on which the church building is to be constructed is considered together with the surrounding Navy-owned property, the actual setbacks vary from approximately 108 feet to 30 feet for the interior side and street side yards respectively, and 44 feet for the rear yard. These setbacks exceed Land Development Code requirements. Because use of the Navy land is restricted to the provision of surface parking spaces, landscape and hardscape to serve the church use, the effect of the reduced setbacks is minimized. Therefore, staff can support the deviation.

On-Site Parking –

The Land Development Code §142.0530 regulates required off-street parking for nonresidential uses. Staff review of the proposed development determined that if both the sanctuary and fellowship hall were to be used concurrently, a minimum of 202 off-street parking spaces would be required. However, with a condition that only one of the two proposed facilities will operate at any one time, a minimum of 103 off-street parking spaces would be required. The Applicant has agreed to restrict their use of the site to one of these two functions at any time (Attachment 7, Condition 27).

The Land Development Code §142.0510 requires off-street parking spaces be provided on-site. The project proposes to deviate from this requirement and provide all required off-street parking spaces on the adjacent Navy-owned property. Providing these off-site spaces would be maintained through a “License for Nonfederal Use of Real Property” (License), a condition of the City’s permit. This License authorizes use of the Navy-owned property by the church for vehicular access and parking. The License has been renewed on an annual basis since the church was constructed on the site in 1954. Conditions have been added to the draft permit (Attachment 7, Condition 29 a, b, and c,) to ensure the continued availability of these parking spaces. These conditions are required should the License not be renewed.

Should the License not be renewed, or the church not acquire the Navy-owned property, draft permit conditions require the church to obtain a Shared Parking Agreement (Attachment 7, Condition 29 b and c). Land Development Code §142.0545 provides that required off-street parking spaces may be maintained off-site in the vicinity, with approval of a Shared Parking Agreement. Should the church not be able to secure a shared parking agreement to maintain required off-street parking, draft permit conditions require the initiation of proceedings to revoke the CUP (Attachment 7, Condition 29 c). The Applicant has reviewed and accepts these conditions.

Variance

The LDC provides a process to allow applicants to request a variance to: “provide relief for cases in which, because of special circumstances applicable to the property including size, shape, topography, location or surroundings, the strict application of the development regulations would

deprive the property of privileges enjoyed by other properties in the vicinity and under the same land use designation and zone” [SDMC §126.0801]. The application proposes a variance from the maximum gross floor area ratio of the RS-1-7 Zone.

The single-family zone contains the most restrictive development regulations of the LDC when compared to commercial and industrial zones. To permit churches in residential zones, many times deviations and/or variances are required. While a PDP may be used to deviate from many of the development regulations of the zone, it may not be used to deviate from the maximum gross floor area ratio. Relief from the maximum gross floor area requirement requires the review and approval of a variance.

Land Development Code §131.0446 allows a maximum gross floor area of 0.54 to be developed on the 0.24 acre site, and would allow a maximum 5,608 square-foot structure to be built. The 21,955 square foot building as proposed would result in a gross floor area of 2.11. The LDC measures actual and phantom floor area. The ratio of 2.11 is due in a large part to the substantial area of phantom floor area proposed by the church design. For many church sanctuaries a large, voluminous space is a functional and necessary element of the design. The LDC does not differentiate between real floor area and phantom floor area. When the surrounding 0.96 acre Navy property used by the church is considered together with the 0.24 acre church parcel, the LDC would allow a maximum gross floor area ratio of 0.45 to be developed on the site. This combined larger parcel area would permit a maximum 23,614 square-foot structure to be built. The church structure is 21,955 square-feet, 1,659 square-feet less than the maximum which would be allowed. Because the church and Navy properties are tied together by this permit and the License, staff can support the requested Variance for floor area ratio.

Staff review has determined that redevelopment of the site with a new church and education building is in conformance with the purpose and intent of the requested discretionary actions. Considering the development history of the site and the proposed project, together with the unique site constraints and Navy License, staff supports the project with the conditions contained in the draft permit included as Attachment 7.

Community Planning Group Recommendation:

On April 24, 2006, the Linda Vista Community Planning Group voted 12-0-0 to recommend approval of the application subject to City requirements as noted in the final Negative Declaration document dated April 18, 2006. The comments included reference to the Transportation and Circulation Section (Section IV) of the document. A copy of their recommendation is included as Attachment 9.

CONCLUSION

The application proposes replacing a deteriorating 52-year old church building in an established single-family residential neighborhood with a new church facility. Due to its age and structural deficiencies the building no longer meets the needs of the congregation. Although the proposed church building requires deviations and a variance, the new development will maintain a similar building footprint. Adequate parking spaces are provided and are required to be maintained for

the duration of the use. Considering the proposed development in context with the surrounding Navy-owned property, bulk and scale impacts are minimized and the project is compatible in scale with the surrounding residential development.

Redevelopment of the church site would improve the property and continue to provide a local facility to meet the needs of the community. The site and the adjacent parking area are proposed to be landscaped to current standards. Street trees will be provided along public rights-of-way. The structure will meet all relevant development standards, as allowed through the discretionary permit process. The church has operated in this location for many years and been an asset within the neighborhood and surrounding community. Draft conditions of approval have been prepared for the project (Attachment 7). Findings required to approve the project are included in the draft resolution (Attachment 8).

ALTERNATIVES

1. **Approve** Conditional Use Permit No. 129903, Planned Development Permit No. 129904 and Variance No. 339564 **with modifications.**
2. **Deny** Conditional Use Permit No. 129903, Planned Development Permit No. 129904, and Variance No. 339564 **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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Program Manager
Development Services Department

William C. Tripp
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Development Services Department

WESTLAKE/WCT
Attachments:

1. Community Plan Land Use Map
2. Aerial Photograph
3. Project Location Map
4. Copy of Recorded Permit/Resolution
5. Copy of License
6. Project Plan(s)
7. Draft Permit with Conditions
8. Draft Resolution with Findings
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement
11. Project Chronology
12. Project Data Sheet