

DATE ISSUED: November 9, 2006 **REPORT NO. PC-06-285**

ATTENTION: **Planning Commission, Agenda of November 16, 2006**

SUBJECT: GRACE CHURCH - PROJECT NO. 96089
PROCESS THREE APPEAL

OWNER Sunhala Enterprises, LLC, James L. McMillan (Attachment 11)

APPLICANT: Grace Church of North County

SUMMARY

Issue(s): Should the Planning Commission approve or deny an appeal of the Hearing Officer's approval of a Conditional Use Permit to allow an 18,800 square foot church use within an existing 23,193 square foot building?

Staff Recommendations:

1. **CERTIFY** Negative Declaration No. 96089;
2. **DENY** the appeal and **APPROVE** Conditional Use Permit No. 311661

Community Planning Group Recommendation: On June 15, 2006, the Rancho Bernardo Community Planning Board voted to deny the project by a vote of 15-3-0 with no conditions (Attachment 10).

Environmental Review: Negative Declaration No. 96089 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines.

Fiscal Impact Statement: All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: The proposed project is located on a site identified as Industrial in the Rancho Bernardo Community Plan. No residential units are proposed as part of this project.

BACKGROUND

The project site is 7.17 acres located at 10966 Via Frontera in the IP-2-1 Zone within the Rancho Bernardo Community Plan (Attachment 1). The project site is designated as Industrial. The project site is surrounded by properties zoned IP-2-1 and IL-2-1 and are designated Industrial within the Rancho Bernardo Community Plan (Attachment 2). The surrounding properties are developed with industrial buildings with associated parking and landscaping (Attachments 2 and 3).

The site is currently developed with a two-story, 23,193 square-foot building with associated parking and landscaping. The topography of the site is relatively flat with the grade slightly increasing in the northwestern portion of the site. The overall site has a grade differential of approximately 10 feet that is relatively flat with slopes in the northwestern portion of the site. The Conditional Use Permit is required within the IP-2-1 Zone for the proposed use as a church within the existing Industrial Park.

On September 20, 2006, the Hearing Officer reviewed the proposed project and staff's recommendation of approving a five year limited term Conditional Use Permit. The Hearing Officer approved a Conditional Use Permit for a limited term of seven years.

DISCUSSION

Project Description:

The project proposes a Conditional Use Permit to allow an 18,800 square foot church use within an existing 23,193 square foot building on an existing 7.17 acre site. The existing building elevations are decorative stone pebble concrete panels, roll-up doors, large store front doors, windows and glass doors. The Conditional Use Permit proposes to remove two existing roll up doors and replace with glass doors and windows to match the existing exterior of the building. The Conditional Use Permit would allow the church use to occupy the site for a limited term of seven years (Condition No. 9, Attachment 7).

Community Plan Analysis:

The Rancho Bernardo Community Plan (Plan) designates the project site for Industrial use. The Industrial land use designation is intended to accommodate a mixture of research and development, manufacturing and ancillary industrial activities commensurate with modern electronics and advanced technologies. Policies of the Plan strongly support the preservation of an adequate supply of industrial land and protection from encroachment of non-industrial uses.

The Strategic Framework Element (SFE) of the General Plan also provides policy recommendations relating to future growth of the City. Specific to this proposal are its policies regarding Economic Prosperity and Regionalism. The efficient use of employment lands, identification of underutilized employment lands that could intensify where transit exists or is planned and the increase of middle-income employment opportunities are key strategies to increase economic prosperity. In order to increase middle-income employment opportunities, the SFE encourages the preservation of middle-income employment uses including manufacturing, research & development, distribution, and wholesale trade by limiting or excluding multiple tenant office uses and corporate headquarters that do not have a research and development or manufacturing component.

Given the identified concerns of both the Rancho Bernardo Community Plan and the Strategic Framework Element of the General Plan, regarding the preservation of industrial land, a Conditional Use Permit with a limited term could be supported by staff. This recommendation is consistent with past staff recommendations regarding Conditional Use Permit's in industrially-designated lands. As the church would occupy an existing industrial building for a limited term of seven years, the use would be considered temporary and would therefore not adversely affect the Progress Guide and General Plan and the Rancho Bernardo Community Plan. City staff considers a longer or indefinite term for the requested Conditional Use Permit as a permanent use, which would conflict with the Plan's Industrial Element policies regarding preservation of industrial lands. Due to these conflicts, such a request would adversely affect the adopted Plan and cannot be supported by City Staff. Therefore, it is determined that the staff recommended limited term Conditional Use Permit will not adversely impact the Plan because of the temporary nature of the use.

On September 20, 2006, the Hearing Officer approved a Conditional Use Permit for a limited term of seven years. As shown in the below table and in Attachment 13, a variety of proposed uses have been approved with Conditional Use Permit's within the Industrial land use designation within the Rancho Bernardo Community Plan.

Table 1 - Conditional Use Permit's Issued within the Industrial land use designation within the Rancho Bernardo Community Plan

Proposed Use with a Conditional Use Permit	Date of CUP	Time Limitation	Project Location	Land Use Designation	Expired (Y/N)
Medical Facility (Sharp Rees Stealy)	05/18/1999	30 years	16950 Via Tazon	Industrial	N
Ner Tamid Synagogue	11/19/1997	7 years	16770 W. Bernardo Dr.	Industrial	Y
Health Care Facility (Personally Fit)	03/19/1998	4 years	11501 Rancho Bernardo Road	Industrial	Y

Personally Fit – Amendment to CUP approved 03/19/1998	03/06/2003	7 years	11501 Rancho Bernardo Road	Industrial	N
Green Valley Church	11/19/1997	5 years	11501 Rancho Bernardo Road	Industrial	Y
Green Valley Church – Amendment to CUP approved 11/19/1997	07/13/2003	10 years	11501 Rancho Bernardo Road	Industrial	N
Gymnastics School (Gymniny Kids Inc.)	07/02/1992	7 years	11501 Rancho Bernardo Road	Industrial	Y
Harvest Church	10/23/1993	7 years	16701 W. Bernardo Dr.	Industrial	Y

Environmental Analysis:

The City of San Diego conducted an Initial Study and determined that the proposed church use within an existing building does not have a significant effect on the environment. A Negative Declaration No. 96089 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines.

Community Planning Group Recommendation:

The Rancho Bernardo Community Planning Board (Board) considered the project on June 15, 2006 and voted 15-3-0 to deny the project because the proposed use is inconsistent with the adopted Community Plan land use designation (Attachment 10). Discussion at the meeting was focused on the preservation of industrial lands for industrial uses within this community and to not allow a church within this industrial park.

Appeal Issue:

The appellant, Jim Denton, Chair of the Rancho Bernardo Community Planning Board, filed an appeal on September 26, 2006 (Attachment 9). The main issue identified in the written appeal to the Planning Commission is related to the land use designation and language within the adopted Rancho Bernardo Community Plan. The Rancho Bernardo Community Planning Board denied the proposed project due to the use being inconsistent with the land use designation. Page 33 of the Community Plan states: “The industrial parks in Rancho Bernardo contribute significant acreage to the total industrial market for technology-based industry in the North City area. As a result, these industrially designated lands should be protected from encroachment by non-industrial uses. Some encroachment has already occurred in the vicinity of West Bernardo Court. No further erosion of the industrially-designated areas should be permitted” (Attachment 14).

Staff reviewed the project for consistency with the adopted Rancho Bernardo Community Plan. The project site is designated as Industrial in the Rancho Bernardo Community Plan. The Industrial land use designation is intended to accommodate a mixture of research and development, manufacturing and ancillary industrial activities commensurate with modern electronics and advanced technologies. Policies of the Rancho Bernardo Community Plan strongly support the preservation of an adequate supply of industrial land and protection from encroachment from non-industrial uses.

Given the identified concerns of the Rancho Bernardo Community Plan regarding the preservation of industrial land, a Conditional Use Permit with a limited term not to exceed seven years could be supported by staff. The church would occupy an existing industrial building for a limited term; the use would be temporary and would therefore not adversely affect the community plan.

Conclusion:

Staff has reviewed and has determined that the requested Conditional Use Permit complies with all the applicable sections of the Municipal Code and that the required findings can be made to support the project for a term of seven (7) years (Attachment 8). The Rancho Bernardo Community Planning Board voted to deny the project. Staff has reviewed the project and prepared Negative Declaration No. 96089 in accordance with State of California Environmental Quality Act (CEQA) Guidelines.

ALTERNATIVES

1. **Deny the Appeal and Approve Conditional Use Permit No. 311661 with modifications.**
2. **Approve the Appeal and Deny Conditional Use Permit No. 311661 if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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Program Manager
Development Services Department

Laura C. Black
Development Project Manager
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MW/LCB

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Site Plan
6. Project Plans
7. Draft Permit with Conditions
8. Draft Resolution with Findings
9. Copy of Appeal
10. Community Planning Group Recommendation, June 15, 2006
11. Ownership Disclosure Statement
12. Project Chronology
13. Aerial Photograph of Conditional Use Permit's issued in Industrial area
14. Pages 31-33 from the Rancho Bernardo Community Plan (Adopted 1978, Amended 1988, Amended 1989, Amended 1997)