

RESOLUTION NO. 2016-

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA DENYING THE APPEAL AND
AFFIRMING THE ZONING ADMINISTRATOR'S
DECISION GRANTING APPROVAL OF CONDITIONAL
USE PERMIT (PCC-15-014) FOR THE RANCHO VISTA
COVENANT CHURCH, LOCATED AT 2088 OTAY LAKES
ROAD, SUITES 101 & 201**

WHEREAS, the parcel of land which is the subject matter of this Resolution is depicted in Exhibit "1," attached hereto and incorporated herein by this reference, and for the purpose of general description consists of a condominium office building located at 2088 Otay Lakes Road, Suites 101 & 201, APN 595-070-73-11, (Project Site); and

WHEREAS, on August 25, 2015, a duly verified application requesting approval of a Conditional Use Permit was filed with the City of Chula Vista Development Services Department by Pastor John Rose for the Rancho Vista Covenant Church (Applicant); and

WHEREAS, said Applicant requested approval of a Conditional Use Permit to allow the Applicant to remodel the office building for church use, including an assembly area for Sunday worship services (Project) on said Project Site; and

WHEREAS, notice of Zoning Administrator consideration of the Project was given by its mailing to property owners within 500 feet of the exterior boundary of the Project Site at least 10 days prior to the decision; and

WHEREAS, the Zoning Administrator considered all reports and evidence, and on January 13, 2016, approved Conditional Use Permit PCC-15-014, in accordance with the findings and subject to the conditions contained in the Final Notice of Decision for PCC-15-014; and

WHEREAS, Frank Carrillo filed an appeal of the Zoning Administrator's Decision to Approve Conditional Use Permit PCC-15-014 on February 1, 2016; and

WHEREAS, the City Clerk set the time and place for the public hearing on the appeal; and notice of said hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the City, its mailing to property owners within 500 feet of the exterior boundary of the Project Site at least 10 days prior to the hearing; and

WHEREAS, the Chula Vista City Council held a duly noticed public hearing to consider said appeal at the time and place as advertised, namely April 5, 2016, at 5:00 p.m. in the Council Chambers, 276 Fourth Avenue; and

WHEREAS, the Director of Development Services has reviewed the proposed Project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Class 1 Categorical Exemption pursuant to 15301 (Existing Facilities) of

the State CEQA Guidelines. The Project qualifies for a Class 1 Categorical Exemption because the Project proposes remodeling of an existing commercial building involving negligible or no expansion of the existing commercial use. Thus, no further environmental review is required.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Chula Vista does hereby find and determine that under the provisions of Chula Vista Municipal Code (CVMC) Section 19.14.100, the appeal of Conditional Use Permit PCC-15-014 is hereby DENIED based upon the Findings of Fact made by the Zoning Administrator, under the provisions of CVMC Section 19.14.030.A.2 and CVMC Section 19.14.080, for approving the Conditional Use Permit Notice of Decision, noted as follows:

1. *That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or community.*

As an assembly-type use, the church will be located convenient to Chula Vista residents living in nearby neighborhoods and contribute to the general well-being of the surrounding communities. The Rancho Vista Covenant Church will occupy floor space within the existing building Monday through Saturday for small group meetings, bible study, and general administrative uses, but assembly for worship services will only be offered on Sundays.

2. *That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.*

The Church will be located in an existing 7,000-square foot building (2088 Otay Lakes Road Suites 101 & 201) that includes a 1,330-square foot auditorium that can provide seating for up to 150 people on Sundays. Suites 101 & 201 are allocated 26 parking spaces in the adjacent business center parking lot, and an additional 20 parking spaces have been allocated for church use on Sundays via an agreement with the Eastlake Professional Center Owners Association, for a total of 46 parking spaces. Although not all of the parking spaces for the center are allocated to the Project, there are a total of 230 parking spaces provided in the Eastlake Business Center, and most tenants will be closed on Sundays. In addition, since most tenants are closed on Sundays, there will be minimal to no adverse impacts to the other tenants of the business center related to traffic and noise on Sundays. For these reasons, the proposed use will not adversely impact the operation of adjacent businesses and will not be detrimental to the health, safety, and welfare of the persons, property and improvements in the vicinity.

3. *That the use will comply with the regulations and conditions specified in the code for such use.*

In accordance with CVMC Section 19.62.050 (9), churches are required to provide one parking space per each 3.5 seats in the auditorium. Therefore, the Project is required to provide 43 parking spaces based on a seating capacity of up to 150 seats. As noted above,

the center has allocated 26 parking spaces to the suites and an additional 20 parking spaces are available for church use on Sundays via the above noted parking agreement, for a total of 46 parking spaces. The property has a total of 230 on-site parking spaces available for all tenants. The remaining 184 parking spaces within the business center are sufficient for the other tenants who may conduct business on Sunday.

The approval of this Conditional Use Permit is contingent on the Applicant's and Property Owner's commitment to satisfy all conditions of approval and to comply with all applicable regulations and standards specified in the CVMC. The Applicant has committed to implement and satisfy all conditions of approval for the proposed use, and will comply with all applicable CVMC regulations.

4. *That the granting of the Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.*

Assembly-type uses are allowed with a Conditional Use Permit in the Professional and Administrative (PA) zone in accordance with the Eastlake II SPA Plan District Regulations, consistent with the Professional & Office General Plan Land Use Designation.

As a Conditional Use Permit, the Project is subject to review for compliance with conditions of approval related to any adverse impacts such as noise related to assembly-type activities or inadequate parking. The Conditional Use Permit will expire and require renewal after a period of three (3) years as a condition of approval. Thus, the approval will not affect the long range goals and objectives of the General Plan for Professional & Office land uses and the Eastlake II SPA Plan Professional and Administrative (PA) zone.

While Religious Institution uses are identified as not permitted in the Professional and Administrative zone of the Eastlake II SPA Plan, federal law (the Religious Land Use and Institutionalized Persons Act) generally requires that Religious Institutions be permitted in zones that allow other assembly type uses under a similar permitting process. Many assembly type uses are permitted in the PA zone (and include, but are not limited to, nurseries, day care schools, YMCA, YWCA, libraries and educational institutions) with the approval of an administrative Conditional Use Permit, and under federal law, Religious Institutions should be subject to the same regulations.

BE IT FURTHER RESOLVED to avoid the preemptive force of U.S.C. 2000cc, pursuant to the authority contained in U.S.C. 2000-3(e), the City Council of the City of Chula Vista does hereby find and determine that the Project is exempt from Chapter II, Section III.4 (C)(8) of the Eastlake II Sectional Planning Area (SPA) Plan, as to the "Not Permitted" Land Use District designation. Notwithstanding the foregoing, the City Council also finds and determines that all remaining portions of Chapter II, Section III.4 of the Eastlake II SPA Plan are hereby retained in full force and effect as to approval of the Project via the approved Conditional Use Permit (CUP).

BE IT FURTHER RESOLVED that the City Council of the City of Chula Vista does hereby find and determine that the determination of the Zoning Administrator is hereby AFFIRMED, in accordance with the applicable Conditional Use Permit Findings of Fact and the Conditions of Approval specified in the Zoning Administrator Final Notice of Decision dated January 13, 2016, attached hereto and incorporated herein by this reference (Exhibit "2").

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CHULA VISTA, CALIFORNIA, this 5th day of April, 2016, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Presented by:

Approved as to form by:

Kelly Broughton, FASLA
Director of Development Services

Glen R. Googins
City Attorney