

RESOLUTION NO. PCC-13-004

RESOLUTION OF THE CITY OF CHULA VISTA PLANNING COMMISSION ADOPTING MITIGATED NEGATIVE DECLARATION IS-13-002 AND RESOLUTION PCC-13-004, APPROVING A CONDITIONAL USE PERMIT FOR A MASTER PLAN FOR THE CHURCH OF JOY AND LUTHERAN HIGH SCHOOL, WHICH WILL CONSIST OF TWO PHASES OF DEVELOPMENT OVER A 4-8 YEAR PERIOD. PHASE 1: TWO-STORY 17,000 SQUARE-FOOT GYM AND MULTI-PURPOSE FIELD WITH BLEACHERS FOR 380 SPECTATORS; PHASE 2: TWO-STORY 24,000 SQUARE-FOOT CLASSROOM AND ADMINISTRATION BUILDING. THE SCHOOL WILL HAVE A MAXIMUM NUMBER OF 350 STUDENTS AND A TOTAL OF 170 PARKING SPACES.

WHEREAS, on February 19, 2013, a duly verified application for a Conditional Use Permit was filed with the City of Chula Vista Development Services Department by Lord Architecture Inc. (Applicant); and

WHEREAS, the application requests approval of a Conditional Use Permit for the Master Plan for the Church of Joy and Lutheran High School, which will consist of two phases of development over a 4-8 year period on approximately 8.43 acres (Project); and

WHEREAS, the area of land which is the subject of this Resolution is an existing parcel located at 810 Buena Vista Way (Project Site); and

WHEREAS, the Development Services Director has reviewed the proposed project for compliance with the California Environmental Quality Act and has conducted an Initial Study, IS-13-002, in accordance with the California Environmental Quality Act. Based upon the results of the Initial Study, the Development Services Director has determined that the project could result in significant effects on the environment. However, revisions to the project made by or agreed to by the applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; therefore, the Development Services Director has prepared a Mitigated Negative Declaration, IS-13-002 and associated Mitigation Monitoring and Reporting Program; and

WHEREAS, the Director of Development Services set the time and place for a hearing on the Conditional Use Permit application, and notice of the hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the City, and its mailing to property owners and residents within 500 feet of the exterior boundaries of the property at least 10 days prior to the hearing; and

WHEREAS, the hearing was held at the time and place as advertised, namely August 13, 2014 at 6:00 p.m. in the Council Chambers, 276 Fourth Avenue, before the Planning Commission and the hearing was thereafter closed.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Chula Vista does hereby find and determine as follows:

I. CERTIFICATION OF COMPLIANCE WITH CEQA

The Planning Commission does hereby find that the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (IS-13-002) has been prepared in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the Environmental Review Procedures of the City of Chula Vista, and that all documents are on file in the Chula Vista Planning Department and with the Secretary therefore, said documents constituting the record of these proceedings.

II. INDEPENDENT JUDGEMENT OF PLANNING COMMISSION

The Planning Commission does hereby find that in the exercise of its independent review and judgment and in consideration of any comments received during the public review process, and finding on the basis of the whole record before it that there is no substantial evidence that the proposed project will have a significant effect on the environment, the Planning Commission hereby adopts the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (IS-13-002) in the form presented.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Chula Vista hereby makes the following findings:

III. FINDINGS

- 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 the community.**

This proposal will provide both religious and educational services for the surrounding residents. Further expansion of the private school will assist in meeting the growing needs of the community. The provision of these services in proximity to nearby residents contributes to the general well-being of the neighborhood and community.

- 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 proposed church and school will not result in any negative impacts to health, safety or general welfare. The use will be subject to meeting all health, safety and general welfare standards and regulations set forth by the City of Chula Vista. The church and school uses are consistent with the types of quasi public uses that are allowed within the Planned Community Public Quasi zone. According to the traffic study, the proposed uses would generate an additional 714 Average Daily Trips (ADT's) to the site once the final phase is

completed compared to the current traffic generated by the existing church and school. No significant traffic impacts will be created as a result of the proposed project.

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

The proposed use is located in a Planned Community Public Quasi zone, which allows the operation of a church and school, subject to issuance of a Conditional Use Permit. The church and school will comply with required development and operating regulations, including setback standards and parking requirements contained in the Chula Vista Municipal Code (Municipal Code).

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 government agency.

The project site is designated and zoned for Planned Community Public Quasi zone uses in the 2005 General Plan. The operation of a church and school use at this location is consistent with the stated policies of the General Plan. This Conditional Use Permit is in compliance with the General Plan policy of providing adequate public and semi-public uses within all areas of the city. Therefore, the use, as proposed, is consistent with the General Plan and the Planned Community Public Quasi zone.

BE IT FURTHER RESOLVED that the Planning Commission, based on the findings above, hereby approves the Conditional Use Permit subject to the following conditions:

IV. The following shall be accomplished to the satisfaction of the Development Services Director, or designee, prior to issuance of building permits, unless otherwise specified:

Planning Division

1. The site shall be developed and maintained in accordance with the approved plans, which include site plans, floor plan, and elevation plan on file in the Planning Division, the conditions contained herein, and Title 19.
2. Prior to, or in conjunction with the issuance of the first building permit, the Applicant shall pay all applicable fees, including any unpaid balances of permit processing fees for deposit account DQ-1717.
3. Prior to issuance of building permits, the Applicant shall obtain approval of DRC-13-03 to allow the design of the proposed gymnasium.
4. Prior to issuance of building permits for Phase 2, the Applicant shall obtain approval of ZAV-14-01 to allow the proposed increase in height of the sloped keystone retaining wall above the allowable 9-ft. to a maximum height of 16.8-ft.

5. Prior to issuance of building permits for Phase 2, the Applicant shall obtain approval of a Design Review permit for the classroom building.
 6. Applicant shall implement, to the satisfaction of the Development Services Director, the mitigation measures identified in the Mitigated Negative Declaration (IS-08-008) and Mitigation Monitoring and Reporting Program.
 7. Only activities associated with the church and school shall take place entirely within the site, unless a Promotional Event Permit is approved by the Development Services Director, or designee.
 8. Maximum sanctuary seating shall continue not to exceed 283 persons. The hours of operation shall be Sunday from 8:00 a.m. to 2:00 p.m. During the evenings, bible studies, youth group, and choir/music practice will operate from 6:00 p.m. to 9:00 p.m. Occasional weddings and funerals shall occur on Saturday from 12:00 p.m. to 4:00 p.m. and funerals during the weekday from 10:00 a.m. to 12:00 p.m. The church's office hours will operate during the weekday from 8:00 a.m. to 4:00 p.m.
 9. The school shall not exceed 150 students during Phase 1. The school shall not exceed a maximum of 350 students during Phase 2. The hours of operation shall be Monday through Friday from 7:00 a.m. to 4:00 p.m.
 10. The modular buildings will be removed after the classroom buildings are constructed in Phase 2.
 11. The gymnasium will operate during weekdays from Monday through Friday from 7:40 a.m. to 10:00 p.m. during the school year for PE classes, athletic practices, and events.
 12. The multi-use field will operate weekdays from Monday through Saturday from 7:40 a.m. to 10:00 p.m. during the school year for PE classes, athletic practices, and events. No activities shall occur after 10:00 p.m. on the multi-use field.
 13. The Zoning Administrator shall have the authority to approve modifications to the hours of operation and total number of students attending the school in accordance with Municipal Code regulations.
 14. At no time shall the multi-use field or school hold functions when the Sunday church services are in use during the weekend hours of operation due to parking requirements. Nor shall main church services take place when the multi-use field or school is in use during the weekday hours of operation.
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Land Development Division/Landscape Architecture Division

15. The Applicant shall be required to pay Land Development Fees based on the final approved building plans for the project.
 - Sewer Connection and Capacity Fee
 - Traffic Signal Fee
 - Public Facilities Development Impact Fees (PFDIF)
 - Eastern Transportation Development Impact Fees (ETDIF)
 - Other Engineering Fees as applicable in accordance with the Master Fee Schedule

 16. The Applicant shall be required to pay additional deposits or fees in accordance with the City Subdivision Manual, and Master Fee Schedule with the submittal of the following items:
 - a. Grading Plans
 - b. Street Improvement Plans
 - c. Construction Permit

 17. Prior to the approval of the building permit, the Applicant shall submit duplicate copies of all commercial, industrial or multifamily Projects in digital format, such as (DXF) graphic file, on a CD or through e-mail based on California State Plane Coordinate System (NAD 83, Zone 6) in accordance with the City's Guidelines for Digital Submittal. DXF file shall include a utility plan showing any and all proposed sewer or storm drain on site.

 18. All driveways shall conform to the City of Chula Vista's sight distance requirements in accordance with Section 18.16.220 of the Municipal Code. Also, landscaping, street furniture, or signs shall not obstruct the visibility of driver at the street intersections or driveways.

 19. Proposed Fire Access Road(s) shall meet H-20 Loading requirements or shall be designed for a Traffic Index (T.I.) of 5.

 20. Prior to building permit approval, the Applicant shall clearly show the existing and proposed sanitary sewer lines and how the site will connect to the City's public sewage system. No sewer lines will be allowed to be located under existing or proposed buildings. The Applicant shall indicate whether sewer lines are private or public.

 21. Prior to building permit approval, the Applicant shall clearly show the existing storm drain across the site. No storm drain will be allowed to be located under the existing or proposed buildings. The Applicant shall indicate whether the existing storm drain is public or private. If public, the Applicant shall show public easement locations and widths on the grading plans.
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22. The Applicant shall obtain a Land Development Permit prior to beginning any earthwork activities at the site and before issuance of Building Permits in accordance with Municipal Code Title 15.05. The Applicant shall submit Grading Plans in conformance with the City's Subdivision Manual and the City's Development Storm Water Manual requirements, including, but not limited to the following:
 - a. Grading Plans shall be prepared by a Registered Civil Engineer and approved by the City Engineer.
 - b. Drainage Study and Geotechnical/Soils Investigations are required with the first submittal of Grading Plans. The Drainage Study shall calculate the Pre-Development and Post-Development flows and show how downstream properties and storm drain facilities are impacted. Design shall incorporate detention of storm water runoff if Post-Development flows exceed Pre-Development flows; analysis shall include flows from 2 yr, 10 yr, and 50 yr return frequency storms.
 - c. Drainage study shall also demonstrate that no property damage will occur during the 100-year storm event.
 - d. Drainage study shall show any offsite flows.
 - e. All onsite drainage facilities shall be private.
 - f. Any offsite work will require Letters of Permission from the property owner(s).

23. The Applicant shall provide 2 copies of the following technical reports with the 1st submittal of grading plans:
 - a. Drainage study
 - b. Water Quality Technical Report (WQTR)
 - c. Geotechnical Report

24. The Applicant shall submit Improvement Plans in conformance with the City's Subdivision Manual and a Construction Permit will be required prior to issuance of any Building Permits. The Improvement Plans shall include but not be limited to:
 - a. Removal and replacement of any broken or damaged curb, gutter, and sidewalk per SDRSD G-2, and G-7 along the project's frontage to the satisfaction of the City Engineer. Sidewalks shall be designed and constructed with proper transitions to existing conditions.
 - b. Additional asphalt paving for the replacement of the existing curb, gutter and sidewalk.
 - c. Removal and replacement of existing driveway(s) meeting design standards as shown in Chula Vista Construction Standard CVCS-1A. Current Driveway(s) shall be replaced, if it does not meet the City of Chula Vista Design Standards/ADA Standards, or if existing driveway is cracked or broken. Dedication of R/W as needed in order for driveway to comply with (American Disability Act) ADA requirements.

- d. Removal and replacement of existing pedestrian ramp on the corner of H Street and Buena Vista Way per Chula Vista Construction Standard CVCS-25. Current pedestrian ramp shall be replaced, if it does not meet the City of Chula Vista Design Standards/ADA Standards, or if existing pedestrian ramp is cracked or broken.
 - e. Relocation of a 100-watt City standard street light per CVCS-6, 7, 9, & 11 at the project property line along East H Street. The City Traffic Engineer shall approve the street light location.
 - f. Street widening with installation of full half width street improvements on East H Street including curb, gutter, sidewalk, driveway approaches, AC paving, ADA pedestrian ramp and street lights per Chula Vista Design Standards. Street improvements on East H Street require a centerline to curb width of 12-ft. to match existing improvements, including extension of left turn pocket from east bound East H Street to north bound Buena Vista Way.
 - g. Traffic signal standard on East H Street may need to be relocated and upgraded as determined and approved by the City Engineer, or designee.
 - h. Relocate and replace the existing pull boxes on and the conduits servicing the Traffic Signal Standard to meet City standards.
25. The onsite sewer and storm drain system shall be private. All sewer laterals and storm drains shall be privately maintained from each building unit to the City-maintained public facilities.
26. All proposed sidewalks, walkways, pedestrian ramps, and disabled parking shall be designed to meet the City of Chula Vista Design Standards, ADA Standards, and Title 24 standards, as applicable.
27. All utilities serving the subject property and existing utilities located within or adjacent to the subject property shall be under grounded in accordance with the Chula Vista Municipal Code Section. Further, all new utilities serving the subject property shall be under grounded prior to the issuance of Building Permits.

Fire Department

28. This project will require a fire flow of 3,500 gallons per minute for a 3-hour duration (at 20psi). This fire flow is based on Phase one, 17,000 square feet V-A construction.
29. Prior to the approval of any building permit, the Applicant shall provide a water flow letter from the applicable water agency having jurisdiction indicating fire flow is available to serve this project.
30. Prior to approval of any building permit, the Applicant shall provide a water supply analysis (technical report) to the Chula Vista Fire Department for review and approval. This report shall be a node to node analysis using the Hazen-Williams formula. The analysis shall show that the required fire flow is available at the

hydrants and that simultaneously, the sprinkler demand is available at the most demand sprinkler riser.

31. Fire hydrants shall be located not greater than 300 feet apart. Based upon the minimum required fire flow, hydrant spacing minimum of 4 hydrants are required to serve this project. Prior to building permit approval, the Applicant shall show all fire hydrants required to serve this Project on the building permit plans.
32. Prior to any construction, all Fire Department access and water supply must be installed.
33. Buildings shall be provided with two Knox appliances.
 - Provide a Knox Vault at the main entrance to the building
 - Provide a Knox Box at the fire control room
34. The buildings shall be addressed in accordance with the following criteria:
 - 0-50 ft. from the building to the face of the curb = 6-inches in height with a 1-inch stroke
 - 51-150 ft. from the building to the face of the curb = 10-inches in height with a 1 ½-inch stroke
 - 151 ft. from the building to the face of the curb = 16-inches in height with a 2-inch stroke
35. Prior to occupancy, the Project is to be protected throughout by an approved automatic fire sprinkler system and an approved fire alarm system (automatic, manual, fire flow monitoring).
36. The Applicant shall provide one fire extinguisher for every 3000 square feet and 75 feet of travel in any direction.

Public Works, Environmental Division

37. Prior to the approval of the building permit, the Applicant shall develop and submit a "Recycling and Solid Waste Management Plan" to the Conservation Coordinator for review and approval as a part of the permit process. The plan shall demonstrate those steps the Applicant will take to comply with the Municipal Code, including but not limited to Section's 8.24, 8.25, and 19.58.340 and meet the State mandate to reduce or divert at least 50% of the waste generated by the residential developments. The Applicant shall contract with the City's franchise hauler throughout the construction and occupancy phase of the project. The "Recycling and Solid Waste Management Plan" features shall be identified on the building plans.
38. Prior to the approval of any building permit, the Applicant shall submit the required performance deposit fee.

- V. The following on-going conditions shall apply to the Project Site as long as it relies on this approval:
1. The site shall be developed and maintained in accordance with the approved plans, which include site plans, floor plan, and elevation plan on file in the Planning Division, the conditions contained herein, and Title 19.
 2. Approval of the Conditional Use Permit shall not waive compliance with any sections of Title 19 of the Municipal Code, and any other applicable laws and regulations in effect at the time of building permit issuance.
 3. The Property Owner and Applicant shall and do agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit and (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated on the Project Site. The Property Owner and Applicant shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated below. The Property Owner's and Applicant's compliance with this provision shall be binding on any and all of the Property Owner's and Applicant's successors and assigns.
 4. This Conditional Use Permit shall become void and ineffective if not utilized within three years from the effective date thereof, in accordance with Section 19.14.260 of the Municipal Code. Failure to comply with any conditions of approval shall cause this permit to be reviewed by the City for additional conditions or revocation.

VI. EXECUTION OF RESOLUTION OF APPROVAL

The Property Owner and Applicant shall execute this document signing on the lines provided below, indicating that the Property Owner and Applicant have each read, understood and agreed to the conditions contained herein, and will implement the same. Upon execution, this document shall be recorded with the County Recorder of the County of San Diego. Failure to sign the document shall indicate the Property Owner/Applicant's desire that the Project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.



Signature of Property Owner

8.14.14

Date



Signature of Applicant

8.14.14

Date

VII. GOVERNMENT CODE SECTION 66020(d)(1), NOTICE

Pursuant to Government Code Section 66020(d)(1), NOTICE IS HEREBY GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and failure to follow timely this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition. The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this Project; and it does not apply to any fees, dedication, reservations, or other exactions which have been given notice similar to this, nor does it revive challenges to any fees for which the statute of limitations has previously expired.

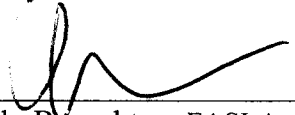
VIII. CONSEQUENCE OF FAILURE OF CONDITIONS

If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Failure to satisfy the conditions of this permit may also result in the imposition of civil or criminal penalties.

IX. INVALIDITY; AUTOMATIC REVOCATION

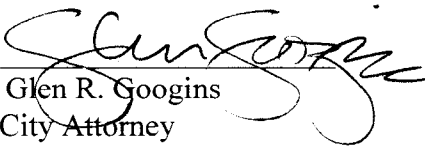
It is the intention of the Planning Commission that its adoption of this Resolution is dependent upon the enforceability of each and every term, provision and condition herein stated; and that in the event that any one or more terms, provisions or conditions are determined by a Court of competent jurisdiction to be invalid, illegal or unenforceable, this resolution and the permit shall be deemed to be automatically revoked and of no further force and effect.

Presented by:



Kelly Broughton, FASLA
Director of Development Services

Approved as to form by:



Glen R. Googins
City Attorney

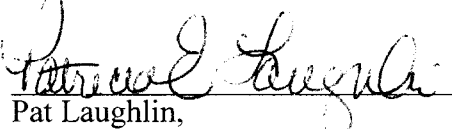
PASSED AND APPROVED BY THE PLANNING COMMISSION OF THE CITY OF
CHULA VISTA, CALIFORNIA, this 13th day of August 2014, by the following vote, to-wit:

AYES: Anaya, Fragomeno, Liuag, Moctezuma, Vinson and Chair Calvo
NOES:
ABSENT: Nava
ABSTAIN:



Yolanda Calvo, Chair

ATTEST:



Pat Laughlin,
Board Secretary