

RESOLUTION NO. 2018-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA DENYING THE APPEAL BY ROD BISHARAT AND AFFIRMING THE PLANNING COMMISSION'S APPROVAL OF DESIGN REVIEW PERMIT DR15-0037 AND CONDITIONAL USE PERMIT CUP15-0023 TO CONSTRUCT A 2,380 SQUARE-FOOT AUTOMATED CARWASH BUILDING WITH VACUUM STATIONS ON A 0.55 ACRE SITE LOCATED AT 495 TELEGRAPH CANYON ROAD, SUBJECT TO THE CONDITIONS CONTAINED THEREIN

WHEREAS, the parcel of land which is the subject matter of this Resolution is depicted in Exhibit "A," attached hereto and incorporated herein by this reference, and for the purpose of general description consists of 0.55 acres located at 495 Telegraph Canyon Road, as identified in County Assessor Records as Assessor's Parcel Numbers 639-080-68-00 (Project Site); and

WHEREAS, on December 15, 2015 duly verified applications requesting approval of Design Review Application DR15-0037 and Conditional Use Permit Application CUP15-0023 were filed with the City of Chula Vista Development Services Department by Gene Cipparone Architect, Inc., (Applicant); and

WHEREAS, said Applicant requests approval of Design Review Permit DR17-0037 and Conditional Use Permit CUP15-0023 to construct a 2,380 square-foot automated carwash building with vacuum stations with associated parking and landscaping (Project) on the Project Site; and

WHEREAS, a hearing time and place was set by the Planning Commission for consideration of the Project and notice of said 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 Project Site, at least ten (10) days prior to the hearing; and

WHEREAS, the duly called and noticed public hearing on the Project was held before the Planning Commission of the City of Chula Vista on January 10, 2018 in the Council Chambers, 276 Fourth Avenue, at 6:00 p.m. to hear public testimony and staffs' presentation; and

WHEREAS, the Planning Commission on said date reviewed the Project for compliance with the California Environmental Quality Act (CEQA) and determined that the Project qualifies for a Categorical Exemption pursuant to Section 15332 of the State CEQA Guidelines; and

WHEREAS, on January 18, 2018, Rod Bisharat filed an appeal of the Planning Commission's Decision to approve Design Review Permit DR17-0015 and Conditional Use Permit CUP15-0023 (the "Appeal"); 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 September 18, 2018 at 5:00 p.m. in the Council Chambers, 276 Fourth Avenue.

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) Sections 19.14.588.B and 19.14.130, the Appeal that is the subject of this Resolution is hereby denied and the decision of the Planning Commission to adopt the Addendum and approve the Project is hereby affirmed, with findings as follows:

I. ENVIRONMENTAL REVIEW

That the City Council of the City of Chula Vista, in the exercise of its independent judgment, as set forth in the record of its proceedings, considered the Preliminary Environmental Review of the Project conducted by the Director of Development Services for compliance with the California Environmental Quality Act (CEQA), and has determined that the Project qualifies for a Categorical Exemption pursuant to Section 15332 of the State CEQA Guidelines and that the record of proceedings provides no evidence that a Section 15300.2 Exception to said Section 15332 Categorical Exemption exists.

II. CONFORMANCE WITH CHULA VISTA MUNICIPAL CODE

That the City Council of the City of Chula Vista, in the exercise of its independent judgment, as set forth in the record of its proceedings does hereby adopt all findings made by the Planning Commission contained in Design Review Permit Resolution DR15-0037 and Conditional Use Permit Resolution CUP15-0023 for the Project, attached hereto and incorporated herein by this reference, as if said findings were their own.

BE IT FURTHER RESOLVED that the City Council of the City of Chula Vista does hereby find and determine that the Appeal that is the subject of this Resolution is hereby DENIED and that the determination of the Planning Commission is hereby AFFIRMED, in accordance with the applicable development standards, regulation and guidelines of the Chula Vista Municipal Code and the Conditions of Approval specified in Planning Commission Resolutions DR17-0037 and CUP15-0023 dated January 10, 2018, attached hereto and incorporated herein by this reference (Exhibit "B"), as may be modified hereby.

Presented by:

Approved as to form by:

Kelly Broughton, FASLA
Director of Development Services

Glen R. Googins
City Attorney