



**ZONING ADMINISTRATOR
NOTICE OF DECISION**

Date: January 13, 2016
Applicant: Rancho Vista Covenant Church
Case No.: PCC-15-014
Address: 2088 Otay Lakes Road, Suites 101 & 201
Project Planner: Harold Phelps, AICP

Notice is hereby given that on January 13, 2016 the Zoning Administrator considered Conditional Use Permit (CUP) application PCC-15-014, filed by the Rancho Vista Covenant Church ("Applicant"). The Applicant requests to establish the Rancho Vista Church within an existing building in the Eastlake Professional Center ("Project"). The Project is located at 2088 Otay Lakes Road, Suites 101 & 201 ("Project Site"). The Eastlake Professional Center is owned and managed by Pathfinder Otay Holdings, LLC, and the business condominium Suites 101 & 201 will be owned by the Rancho Vista Church ("Property Owner"). The Project Site is zoned Professional & Administrative (PA) in the Eastlake II Sectional Planning Area (SPA) Plan. The General Plan Land Use Designation is Professional & Office. The Project is more specifically described as follows:

The Rancho Vista Covenant Church will utilize two suites within a two-story building providing approximately 7,000-square feet of gross floor area. The suites will provide for a lobby, auditorium and restrooms on the first floor, and classrooms, a nursery, an office and counseling space on the second floor. The 1,330-square foot auditorium will be utilized on Sundays only from 7:00 a.m. to 10:00 p.m. and provide a seating capacity for up to 150 persons, which requires 43 parking spaces in accordance with Chula Vista Municipal Code (CVMC) Section 19.62.050 (9). Suites 101 & 201 have an allotment of 26 parking spaces for small group meetings, bible study, and general administrative uses Monday through Saturday. An additional 20 parking spaces will provide 46 parking spaces to exceed the 43 parking spaces required on Sundays and are made available by a Parking Agreement signed and approved by the Eastlake Professional Center Owners Association managed by Pathfinder Otay Holdings, LLC. This Conditional Use Permit will be valid for three (3) years.

The Project has been reviewed for compliance with the California Environmental Quality Act (CEQA), and it has been determined that the Project qualifies for a Class 1 categorical exemption pursuant to Section 15301 (existing facilities) in accordance with the State CEQA Guidelines. No further environmental review is required.

The Zoning Administrator, under the provisions of CVMC Section 19.14.030.A.2 and CVMC Section 19.14.080, has been able to make the findings for approval of this conditional use permit based upon the following findings of facts:

- 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.

Note: 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.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-15-014, as described above, subject to the following conditions of approval in Sections I, II and III:

I. The following conditions of approval shall be satisfied prior to issuance of the building permit for the project:

1. The Property Owner and the Applicant shall execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy on the lines provided below, said execution indicating that the Property Owner and Applicant have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 days 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 Representative

Date

Signature of Authorized Property Owner

Date

Building Division Condition:

2. The Applicant shall comply with the current edition of the California Building Code (CBC), California Mechanical Code (CMC), California Plumbing Code (CPC), California Electrical Code (CEC), California Fire Code (CFC), California Energy Code, and the Green Building Ordinance (CVMC 15.12) and all other locally adopted City and state requirements.

II. The following conditions shall be satisfied prior to occupancy:

Fire Department Conditions:

3. The proposed church use requires a change of occupancy through the building permit process prior to occupancy of the building for church assembly use.

III. The following on-going conditions shall apply to the subject property as long as it relies upon this approval.

4. The Applicant shall maintain the Project in accordance with the approved plans for PCC-15-014 date stamped on January 13, 2016, which includes a site plan, floor plan and elevations on file in the Planning Division, the conditions contained herein, Title 19, and the Eastlake II SPA Plan.
5. Church worship services shall only be held on Sundays, between 7 a.m. to 10 p.m. The Project must maintain 26 required parking spaces for non-worship service activities Monday through Saturday. In addition, via an approved Parking Agreement between the Applicant and the Eastlake Professional Center Owners Association, the provision of an additional 20 parking spaces must be provided and be in full force and effect concurrently with this subject Conditional Use Permit. The Applicant shall submit the subject Parking Agreement to the City Planning Division which will be retained on file in order to meet the required parking for church worship services on Sunday. The Applicant hereby acknowledges and agrees that if the required additional 20 parking spaces cannot be maintained for the Project, that this subject Conditional Use Permit may be revoked.
6. Approval of this Conditional Use Permit shall not waive compliance with any sections of Title 19 (Zoning) of the Municipal Code nor any other applicable City Ordinances in effect at the time of building permit issuance.
7. This Conditional Use Permit authorizes only the uses specified in the application for PCC-15-014, which is for small group meetings, bible study, and general administrative uses Monday through Saturday, and a church assembly-type use on Sundays in an auditorium that provides a seating capacity for up to 150 persons.

8. This Conditional Use Permit shall expire in three years on January 13, 2019 unless a request for extension is approved by the Zoning Administrator. Any new use or modification/expansion of uses authorized under PCC-15-014 shall be subject to the review and approval of the Zoning Administrator.
9. The Applicant/Operator shall and does hereby agree to indemnify, protect, defend and hold harmless City, its Council members, officers, employees, agents and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorneys' fees (collectively, "liabilities") incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein. Applicant/Operator shall acknowledge their agreement to this provision by executing a copy of this conditional use permit where indicated, above. Applicant's/Operator's compliance with this provision is an express condition of this conditional use permit and this provision shall be binding on any and all of Applicant's/Operator's successors and assigns.
10. This Conditional Use Permit shall become void and ineffective if not utilized or extended within the time allotted in Section 19.14.260 of the Municipal Code.
11. Any violations of the terms and conditions of this permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit.
12. If any of the foregoing conditions fails 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. Applicant or a successor in interest gains no vested rights by the City's approval of this conditional use permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 13th day of January 2016.



Michael Walker, Zoning Administrator