



ZONING ADMINISTRATOR NOTICE OF DECISION

Date: July 8, 2019
Applicant: Pastor Olando Harris
Case No: CUP18-0025
Address: 1595 Jayken Way, Chula Vista, CA
(APN 622-230-34)
Project Planner: Oscar Romero, Assistant Planner

Notice is hereby given that on July 8, 2019 the Zoning Administrator considered Conditional Use Permit (CUP) application CUP18-0025 filed by Pastor Olando Harris (“Applicant”). The Applicant requests approval to allow a church use within an existing building (“Project”). The Project is located on the east side of the intersection between Main Street and Jayken Way, at 1595 Jayken Way, Chula Vista, CA (“Project Site”). The Project Site is owned by Pastor Olando Harris Senior and is zoned Limited Industrial (IL), and has a General Plan Designation of Limited Industrial (IL).

The church use will occupy an existing 5,997 square-foot building and add 300 square-feet of the entrance area to allow for a new entry and lobby for a total of 6,297 square feet. The use provides weekday uses and weekend parking ratio’s. Weekday use includes counseling and administrative office use at 1 space/300 square feet (10 spaces) for an area of 3,000 square-feet. Weekend parking for the church are based on the number of fixed seats; a ratio of 1 parking space/3.5 fixed seats for a total of 16 spaces. The church will operate Sunday through Friday to include weekday operations from 10:00 am to 2:00 pm and 6:00 pm to 10:00 pm with a total of 3 employees on site. The weekend will mainly consist of Sunday worship services from 10 am to 3 pm.

Pursuant to the Chula Vista Municipal Code Land Use Matrix, “Permitted and Conditional Uses”, a church is an Unclassified Use and permitted subject to the administrative approval of a Conditional Use Permit.

The Development Services Director has reviewed the 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. Thus, no further environmental review is required.

The Zoning Administrator, under the provisions of Sections 19.14.030 (A) of the Chula Vista Municipal Code, has been able to make the findings for approval of this Conditional Use Permit as required by CVMC Section 19.14.080:

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

The church use will provide local families a convenient place of worship and services provided by the church including counseling and religious services for members of all ages, which provides a significant benefit to the surrounding community. The use will be conducted at a convenient and accessible location that contains the amenities necessary to support the use, such as parking accommodation for the congregation on-site, and convenient access to the shopping center with restaurants within a quarter of a mile. Additionally, approval of the CUP will limit the operation for a period of five years.

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 facility has been designed and conditioned to avoid potential health, safety and noise impacts to nearby residents and businesses. The church will provide a convenient place of worship for citizens residing on the west side of Chula Vista, and the location is necessary and desirable because the Project site is conveniently located adjacent to an existing residential community. The church will use 16 parking stalls, which will not impact adjacent properties or businesses. The church will operate Sunday through Friday with two, 4 hour periods, from 10:00 am to 2:00 pm and 6 pm to 10 pm. The church will have approximately 3 employees on site at any given time during non-worship hours. Sunday worship services will be from 10 am to 3 pm. Additionally, the use is granted for a 5 year period and will comply with all applicable building and fire codes.

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

The church is located in an area zoned Limited Industrial (IL) which allows the use under CVMC 19.54 Unclassified Uses by approval of a Conditional Use Permit. The church use complies with all regulations and conditions specified in the Chula Vista Municipal Code under 19.58.110. The required parking for this use meets current standards, and the operation will not significantly affect the number of spaces currently required within the entire area. The conditions of this Conditional Use Permit are in proportion to the nature and extent of the impact created by the use in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the use. This Conditional Use Permit approval is contingent on the Applicant's and Property Owner's commitment to satisfy all conditions of approval for the church use, and will comply with all applicable Chula Vista Municipal Code regulations.

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

The General Plan designates the site as Limited Industrial. Church uses are permitted as Unclassified Uses Limited Industrial (IL) zone, upon approval of a Conditional Use Permit. The Project has been conditioned to minimize all potential adverse impacts to the site and surrounding area. This finding is met because the operation of the Project, as approved by this Conditional Use Permit pursuant to the Chula Vista Municipal Code, is consistent with Limited

Industrial (IL) permitted land uses and will not adversely affect implementation of the General Plan. This is temporary use and is conditioned to expire in five years.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit CUP18-0025, as described above subject to the following conditions of approval:

I. Prior to the issuance of building permits and/or the approval by the City of Chula Vista for the use of the subject property in reliance upon this approval, the Applicant shall satisfy the following requirement:

1. The Property Owner or Authorized Representative/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 the Authorized Representative/Applicant have each read, understood and agreed to the conditions and land use operation modifications contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department within 30 days. Failure to return the signed true copy of this document prior to submittal for building permits to the Development Services Department shall indicate the Property Owner and Authorized Representative /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 Applicant

Date

Printed Name of Applicant

Signature of Authorized Property Owner

Date

Printed Name of Property Owner

Building Division Condition:

2. The Applicant shall provide a note on the cover sheet of building plans indicating this Project will comply with 2016 California Building Code, 2016 California Energy Code,

2016 California Fire Code, 2016 California Electrical Code, 2016 California Plumbing Code, 2016 California Mechanical Code, and 2016 California Green Standards Code as adopted and amended by the State of California and the City of Chula Vista.

Fire Prevention Division Condition:

3. The Applicant shall apply for required building permits for a change in occupancy use. Permits shall comply with current applicable codes and requirements, including but not limited to: the current California edition of Building Code (CBC), Fire Code (CFC), as adopted and amended by the City of Chula Vista.

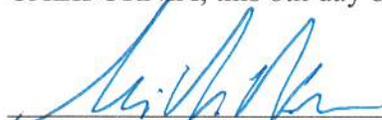
II. The following on-going conditions shall apply to the Project as long as it relies upon this approval.

4. The Applicant shall maintain the Project in accordance with the approved plans for CUP18-0025 stamped July 8, 2019, which includes a site plan, floor plan and elevations.
5. 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.
6. This Conditional Use Permit authorizes only the use specified in the application for CUP18-0025. Any new use, modification or expansion of the use, or activities not authorized under this Conditional Use Permit, shall be subject to the review and approval of the Zoning Administrator.
7. This Conditional Use Permit shall become void if not used or extended within 3 years of the effective date thereof in accordance with Section 19.14.260 of the Chula Vista Municipal Code. Failure to comply with the any conditions of approval shall cause this permit to be reviewed by the City for additional conditions or revocation.
8. Approval of this Conditional Use Permit shall be for a period of 5 years, with an expiration date of July 8, 2024. The Applicant may request an extension of time from the Zoning Administrator prior to permit expiration. The Zoning Administrator shall review this Conditional Use Permit for compliance with the conditions of approval, and shall determine, in consultation with the Applicant, whether the Project shall be modified from its original approval.
9. The Applicant/Operator's shall and does hereby 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, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and

Applicant/Operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated above. The Applicant/Operator's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant/Operator's successors and assigns.

10. Any violations of the terms and conditions of this Conditional Use Permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit.
11. 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 from their violation. Applicant or 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 8th day of July, 2019.



Michael W. Walker
Zoning Administrator