



Staff Report

Agenda Item No. D-2

To: City of Imperial Planning Commission

From: Lisa Tylenda, Planner

Date: December 11, 2019

Item: Variance-VAR (19-06) Deviation from ordained "Parking Requirements" for the addition of a 9000 square-foot gymnasium.

Applicant:	Valley Christian Church
Project Location:	431 West Wall Road; Imperial, CA 92251
APN:	064-432-001
Zoning:	R-A (Residential Apartments)
General Plan:	Residential
Environmental:	CEQA Categorical Exemptions: 15301(e.) and 15303(a.).
Recommendation:	Planning Commission to review Variance request.

Background:

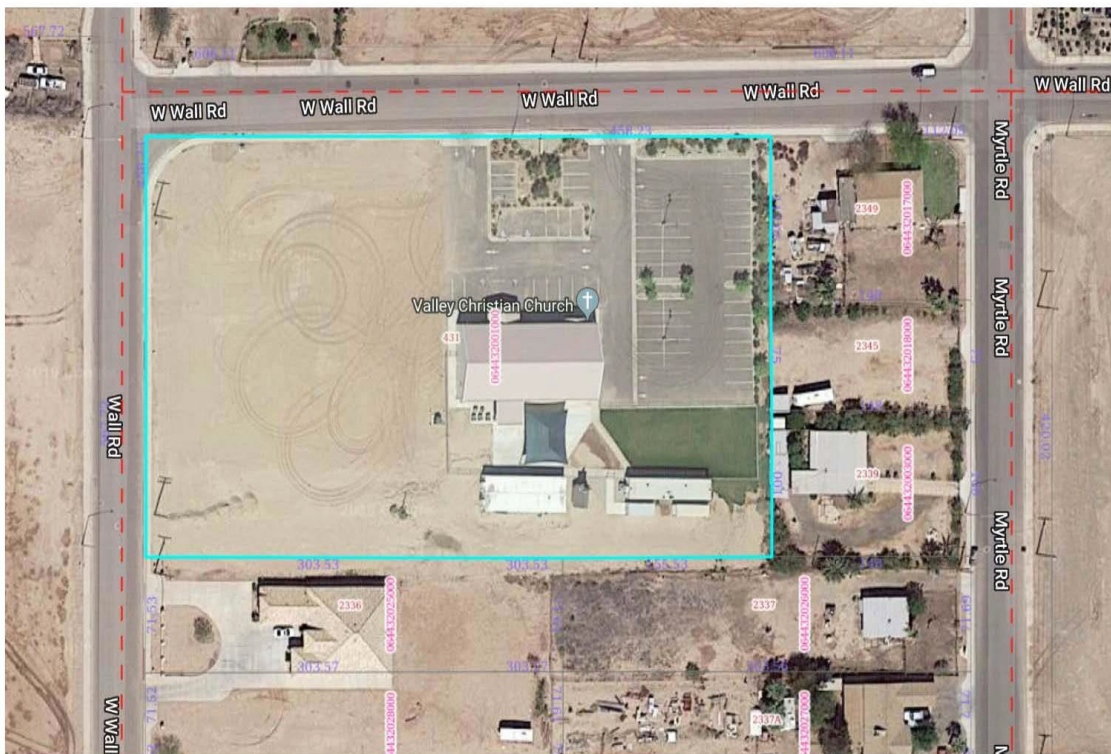
The applicant is requesting a Variance Permit to allow for deviation from the City of Imperials' "Parking Requirements" Section 24.13.130 of the zoning code regarding "off-street parking requirements" calls for churches and places of assembly to provide one (1) parking space for every forty-five (45) square-feet of floor area. Valley Christian Church is proposing to add a new 9000 square-foot gymnasium on the same parcel as the existing church. The addition of the new building/gymnasium triggers parking requirements. Currently, there are sixty-five (65) existing parking spaces being provided by the church use. The applicant would like to not have to provide any further parking and utilize the already existing parking provided by the church use. The applicant states on the Planning Application, that both buildings will not be utilized at the same time allowing for the parking to be used by either building separately.

Parking Calculations:

The existing Church is 5,000 square-feet. The parking ordinance for the City of Imperial calls there be either 1 space for every 3 fixed seats or 1 space every 45 square-feet where there are no fixed seats in a church or place of assembly. For the existing church, based on a square-footage calculation, there should be 111 parking spaces. There are only 65 existing parking spaces currently provided for the existing church building. For the proposed new construction of a 9000 square-foot gymnasium building addition, there should be 200 additional parking spaces provided per the City ordinance.

Section 24.19.400 et seq. of the Imperial Zoning Ordinance allows for variances from development standards “only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.”

(An aerial photo of the project site is shown below)



Required Findings:

For the Planning Commission to approve a variance, all of these findings must be made:

1. Special circumstances apply to the property. These can be its size, shape, topography, location, or surrounding structures. You must explain how these circumstances deprive your property of the privileges enjoyed by other property in the neighborhood which is zoned the same, and;

2. The variance will meet the intent of the zoning on the parcel, and will not be detrimental to public health, safety, and welfare, and not be detrimental to other property in the neighborhood; and,
3. The variance will not be a grant of special privilege in the neighborhood, and will not allow you to build in a way that would not be allowed for someone else.
4. The granting of the Variance or its modifications will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated; and
5. The granting of this Variance does not allow a use or activity which is not otherwise expressly authorized by the zoning regulation governing the parcel of property.
6. That granting the Variance or its modification will not be incompatible with the City of Imperial General Plan.

The applicant has provided justification for the required findings. Please see below:

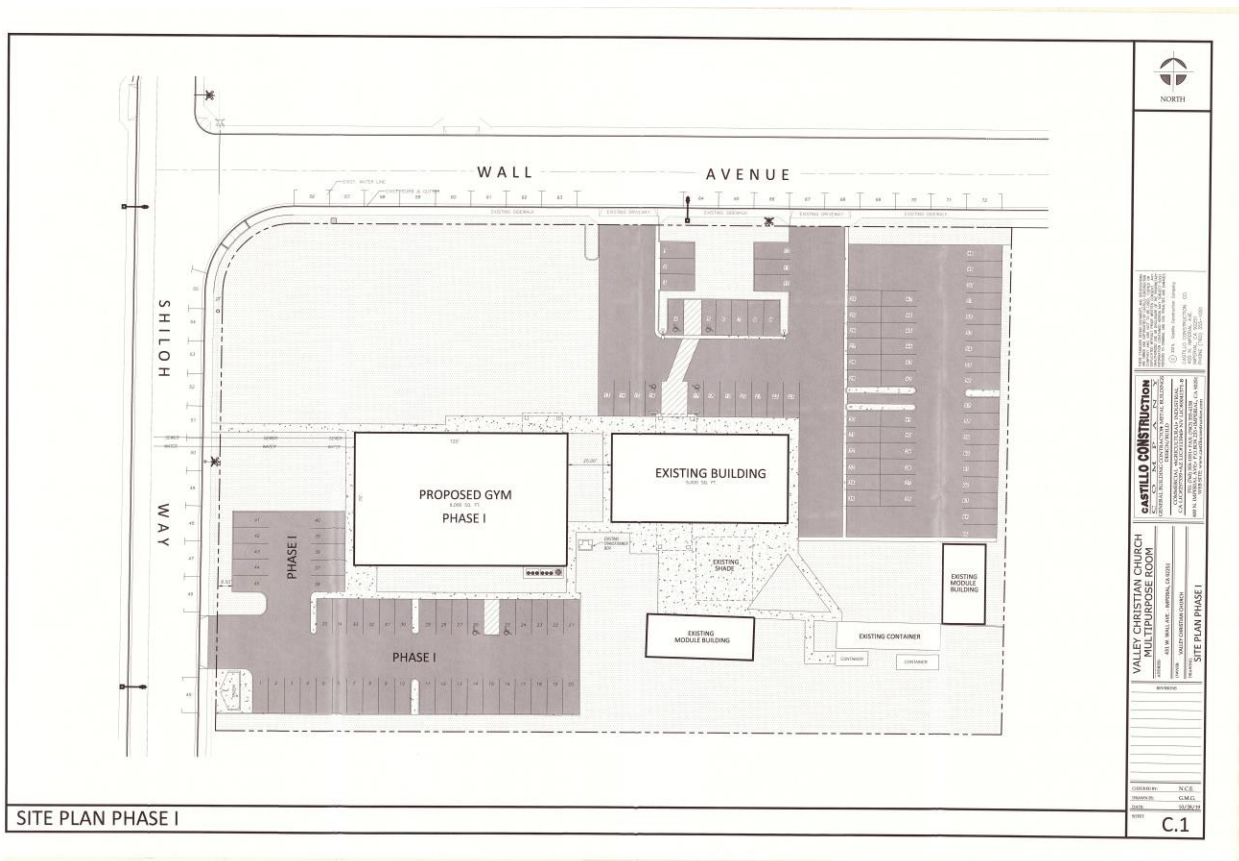
Findings/Questions:

1. That there are exceptional or extraordinary circumstances applying to the property (size, shape, topography, location or surroundings) or the intended use of the property, and because of this, the strict application of the zoning ordinance deprives the property of privileges enjoyed by other properties in the vicinity under identical zoning classification; and
NO
2. That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;
Valley Christian Church uses its current sanctuary on Sunday Mornings only from 10am-12pm. The proposed building will not be used concurrently with the existing sanctuary. We request a variance for ALL of the parking. The monies used to build the proposed multi-purpose building are donated and adding the cost of a parking lot will add an additional 110k-150k to the project. If this amount is added the project will not be feasible.
3. That granting the variance or its modifications will not be materially detrimental to the public health, safety of welfare or injurious to the property of improvement in such vicinity and zone in which the property is located; and
Granting of the variance will not no effect on the surrounding areas

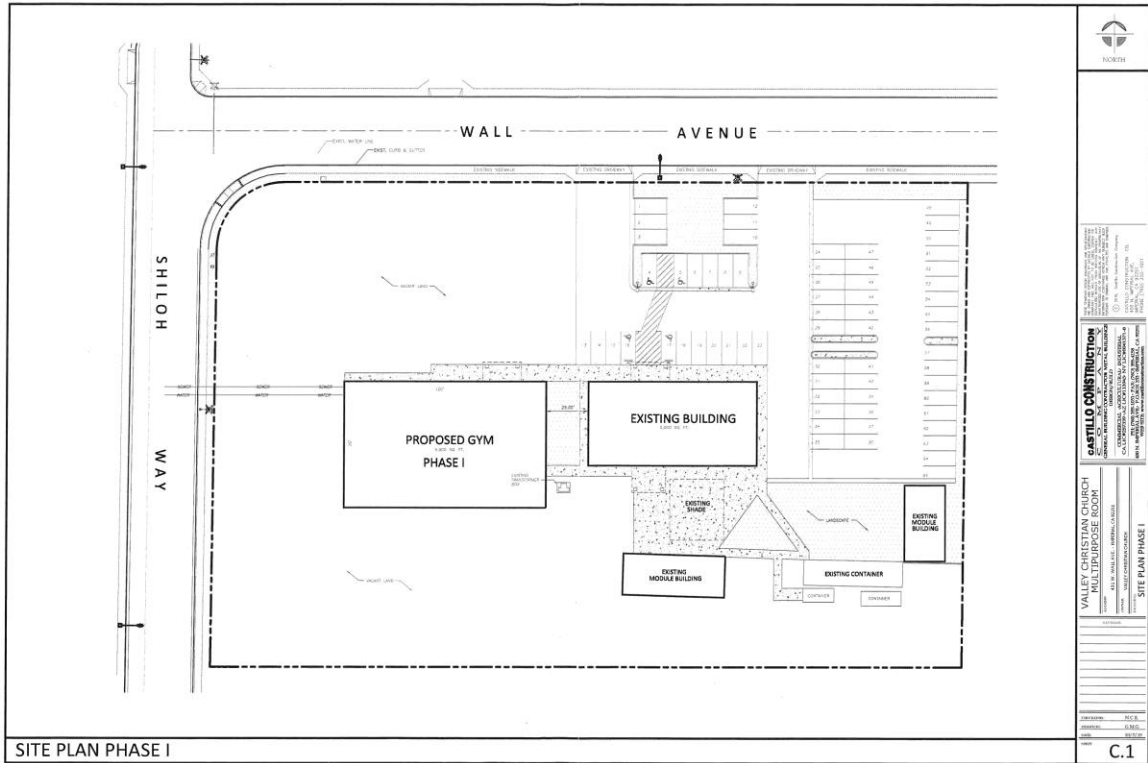
4. The granting of this variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated; and
NO
5. The granting of this variance does not allow a use or activity which is not otherwise expressly authorized by the zoning regulation governing the parcel of property. **NO**
6. That granting the variance or its modification will not be incompatible with the City of Imperial General Plan. **NO**

Proposed Site Plans for Valley Christian Gymnasium Addition:

1. Site Plan with proposed additional parking:



2. Site Plan with no additional parking:



Environmental:

The project is Categorically Exempt from the California Environmental Quality Act via the following categorical exemptions: 15301(e) and 15303(a).

Recommendation:

Staff recommends that the Planning Commission conduct a public hearing as required by Section 24.19.425 of the Imperial Zoning Ordinance.

RESOLUTION PC2019-18

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL APPROVING A THE DEVIATION OF THE ORDAINED PARKING REQUIREMENTS FOR THE ADDITION OF A 9000 SQUARE-FOOT GYMNASIUM ADDITION LOCATED AT 431 WEST WALL ROAD; IMPERIAL, CA 92251 AND ADOPTION OF CEQA CATEGORICAL EXEMPTION 15301 (E) AND 15305 (A).
APN#: 064-432-001**

WHEREAS, Valley Christian Church submitted a request for a Variance for the deviation of the ordained development standards regarding parking requirements; and

WHEREAS, a duly notified public hearing was held by the Planning Commission during an adjourned meeting on December 11, 2019 and;

WHEREAS, upon hearing and considering all testimony and arguments, analyzing the information submitted by staff and considering any written comment received, the Planning Commission considered all facts relating to the request for a Variance.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Imperial as follows:

- A) That the foregoing recitations are true and correct; and
- B) The project has been reviewed in accordance with the requirements set forth by the City of Imperial for implementation of the California Environmental Quality Act; and
- C) Installation and alteration of the property and deviation from the setback requirements are ministerial and therefore exempt from the California Environmental Quality Act via the following categorical exemptions: 15301(e.) and 15303(a.).
- D) There are no sensitive resources located within the area of the project or adjacent to the area of the project so as to be significantly impacted by the project; and
- E) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES** Variance-**VAR 19-06** for Valley Christian Church for the deviation of the “parking” requirements allowing the church to utilize the existing parking for the gymnasium instead of providing the required additional 200 parking spaces , to allow the development of a 9000 square-foot gymnasium building with the following findings:

1. That there are exceptional or extraordinary circumstances applying to the property (size, shape, topography, location or surroundings) or the intended use of the property, and because of this, the strict application of the zoning ordinance deprives the property of privileges enjoyed by other properties in the vicinity under identical zoning classification; and
2. That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;
3. That granting the variance or its modifications will not be materially detrimental to the public health, safety of welfare or injurious to the property or improvement in such vicinity and zone in which the property is located; and
4. The granting of this variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated; and
5. The granting of this variance does not allow a use or activity which is not otherwise expressly authorized by the zoning regulation governing the parcel of property.
6. That granting the variance or its modification will not be incompatible with the City of Imperial General Plan.

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this December 11, 2019.

Planning Commission Chairman

ATTEST:

Planning Secretary

**RESOLUTION PC 2019-18
CONDITIONS OF APPROVAL**

For

**Variance Permit #VAR 19-06
Valley Christian Church
431 West Wall Road
APN#: 064-432-001
Imperial, CA 92251**

1. A building permit from the City of Imperials' Community Development Department must be obtained after variance approval along with any required development and/or construction plans required and payment of processing fees as well.
2. Applicant shall not hold the City of Imperial or any of its employees responsible for any incidents regarding this Variance Permit.
3. The provisions of this Variance Permit are to run with the land/project and shall bind the current and future owner(s) successor(s) in interest, assignee(s) and/or transferor(s) of said project.
4. The proprietor/owner shall be responsible for the removal of all graffiti from the property within 72 hours of its appearance on the property.
5. The proprietor/owner shall be responsible for maintaining the locations where the expansion is located and adjacent areas free of litter at all times.
6. Applicant shall comply with all local, State and Federal laws, regulations, rules, ordinances, and standards as they pertain to this project, whether specified herein or not. Where conflicts occur, the most stringent shall apply.
7. The conditional approval of the Variance Permit shall not constitute the waiver of any requirement of the City's Ordinances or regulations, except where a condition set forth herein specifically provides for a waiver.
8. The Applicant shall pay all impact and capacity fees as required by the city.
9. Applicant must obtain an approved Building Permit from the Community Development Department within 6 month of approval of the Variance Permit. If the applicant does not obtain and approved Building Permit from the Community Development Department, the Variance Permit becomes null and void based on the final date of approval of the Variance Permit.
10. If the Community Development Department finds and determines that the Permittee or successor-in-interest has not complied or cannot comply with the terms and conditions of the Variance, or the Planning/Building Department determines that the permitted

activities constitute a nuisance, the City shall provide Permittee with notice and opportunity to comply with the enforcement or abatement order. If after receipt of the order (1) Permittee fails to comply, and/or (2) Permittee cannot comply with the conditions set forth in the Variance, then the matter shall be referred to the Planning Commission for permit modification, suspension, or termination, or to the appropriate enforcement authority.

11. As between the City and the Permittee, any violation of this permit may be a "nuisance per se". The City may enforce the terms and conditions of this permit in accordance with its Codified Ordinances and/or State law. The provisions of this paragraph shall not apply to any claim of nuisance per se brought by a third party.
12. Permittee shall not be permitted to maintain a "nuisance", which is anything which: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and/or (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and/or (3) occurs during or as a result of the approved project.