



**STAFF REPORT**  
**11/2/2022**

**TO:** Planning Commission Chair and Commissioners

**FROM:** Eva Lara, Planning Technician

**SUBJECT:** Church of the Americas

**SPECIFICS:** Conditional Use Permit 356 to allow a Church in an existing 2,760 sq. ft. commercial building on a 0.17-acre property at 51678 Cesar Chavez Street (APN 778-131-004).

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**STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission adopt Resolution No. PC2022-25 approving Conditional Use Permit (CUP) No. 356 with the findings and conditions in the staff report.

**BACKGROUND:**

The applicant, Werclein Aguilar, has submitted an application to open a Christian Church at the property located at 51678 Cesar Chavez Street. The building was built prior to 1974 and has been modified since. The building has been unoccupied for several years. In 2015, however, there was an active code enforcement case regarding operation of an illegal dispensary in the building which has ceased operation and was brought into compliance in 2017. Due to the building vacancy the property has been subject to trespassing and littering. Mr. Aguilar would like to open up a small church of approximately 15 members at services and plans to aid the homeless around the area.

**DISCUSSION/ANALYSIS:**

The applicant, Werclein Aguilar, submitted a CUP request to operate a church in an existing 2,760 square foot commercial building located at 51678 Cesar Chavez Street. The service hours at the location would be from 7:00 p.m. to 9:30 p.m. Tuesday, Wednesday and Sunday. Access into building space is from the existing northerly parking area adjacent to Cesar Chavez Street. There are two point of access along the northerly building elevation. The street facing elevations have doors and windows that were sealed shut and no longer provide access. Although staff believes the building is in need of exterior façade improvements and it's prime location on the Cesar Chavez Street corridor, the applicant does not propose any new tenant improvements interior to the building or external building improvements.

A CUP approval is required for a church (C.M.C. Section 17.74.010), due to unique characteristics that may be incompatible with surrounding uses. The Planning Commission must make findings that the proposed use is consistent with the General Plan, is compatible with the surrounding neighborhood, has adequate vehicular access, and will not cause any adverse effects upon the vicinity.

#### Environmental Setting:

The subject site is located on a 0.17-acre lot in the C-G Commercial General zone near the intersection of Cesar Chavez Street and Cairo Street. Land uses adjacent to the center include the following:

North: C-G, General Commercial – Restaurant (Domino’s Pizza)  
South: C-G, CV Industrial building (unoccupied)  
East: R-S, Residential Single-Family neighborhood  
West: Cesar Chavez Street and C-G, General Commercial – Retail and restaurant businesses

#### Parking and Circulation:

The parking pavement was resurfaced in 2012 along with the exterior and interior of the building. The vehicular access to the property is from the rear alleyway off Cairo Street. There are 24 existing parking spaces and 2 ADA parking spaces in the parking lot. The minimum spaces required for the church is 6 parking spaces based on the parking-space per unfixed-seat ratio ([Chapter 17.54 – Off-Street Parking and Loading](#)). The landscape areas along the perimeter of the parking lot are currently lacking any landscape improvements and are out of compliance with City parking code standards. A condition of approval has been added to ensure that the landscape area is improved with groundcover, shrubs and trees and properly maintained in association with the operation of the CUP. The City alleyway to the rear of the building is currently in a poor condition and needs improvement.

#### General Plan Consistency and Zoning Code Compliance:

The subject site has a General Plan land use designation of Neighborhood Center and the current zoning is C-G (General Commercial) which is consistent with the General Plan. The proposed church is permitted in the C-G zone with approval of a CUP. The parking lot landscaping is currently out of compliance with the Zoning Ordinance and is required to be improved and maintained.

#### Conditional Use Permit Findings:

In order to grant the CUP, the Planning Commission must make findings as specified in Zoning Ordinance Section 17.74.020B in the affirmative. The five required findings are as follows:

1. The proposed use will not be in conflict with, but will be in harmony with and in accordance with the objectives of the general plan and C-G (General Commercial) zone.
2. The proposed use will be located, operated and maintained to be compatible with the existing or intended character of the general vicinity and shall not change the essential character of the same area.
3. Consideration is to be given to harmony in scale, bulk, coverage and density, to the availability of public facilities and utilities, to harmful effect, if any, upon desirable neighborhood character, to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the development.
4. Where the proposed use may be potentially hazardous or disturbing to existing or reasonably expected neighboring uses, it must be justified by the common public interest as a benefit to the community as a whole.
5. The proposed use will include vehicular approaches to the property designed for reasonable minimal interference with traffic on surrounding public streets or roads.

Any of the above findings that cannot be made in the affirmative can be sufficient to deny the proposed CUP. In addition to the required findings, all land uses must show compliance with minimum development standards of the Municipal Code, including parking and landscaping regulations, signage, and trash enclosure requirements.

#### **ENVIRONMENTAL REVIEW:**

This project was found to be categorically exempt from environmental review pursuant to the California Environmental Quality Act (CEQA Section 15301 – Operation and Conversion of Existing Private Structures). There are no tenant improvements involved with the proposed operation.

#### **ALTERNATIVES:**

- 1) Adopt Resolution No. PC2022-25 approving CUP No. 356 with the findings and conditions of approval.
- 2) Deny CUP No. 256 to not permit the operation of the proposed church at the subject site.
- 3) Continue this item and provide staff and the applicant with direction.

#### **RECOMMENDATION**

Based on the analysis contained herein, staff is recommending that the Planning Commission approve alternative #1.

Attachments:

1. Resolution No. PC2022-25  
Exhibit A – Conditions of Approval
2. Vicinity Map
3. Site Plan
4. Photos