

**RESOLUTION NO. 2024-56**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
CORONADO, CALIFORNIA, APPROVING A MAJOR SPECIAL  
USE PERMIT TO ALLOW FOR THE SHARED USE OF A  
SCHOOL IN AN EXISTING RELIGIOUS ASSEMBLY BUILDING,  
AND DETERMINING THAT THE PROJECT IS CATEGORICALLY  
EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY  
ACT GUIDELINES SECTION 15303(C) LOCATED AT 1123  
EIGHTH AVENUE IN THE R-3 ZONE**

WHEREAS, the City has been requested to approve a Major Special Use Permit to allow for the shared use of a school at an existing legal, nonconforming church, located at 1123 Eighth Street in accordance with Chapters 86.55 and 86.70 of the Coronado Municipal Code; and

WHEREAS, on August 23, 2023, Kevin Rugee, Architect, Inc. (the “Applicant”) applied to the City of Coronado for a Major Special Use Permit (PC 2023-07) and Coastal Development Permit (CP 2023-05) to allow the shared use of a school (My Montessori School Coronado) at an existing church (First Christ Church of Scientist) located at 1123 Eighth Street, a parcel located in the Multi-Family Residential (R-3) Zone. My Montessori School Coronado and First Christ Church of Scientist are hereafter referred to collectively as OWNER; and

WHEREAS, the proposed project contemplates the shared use of a school at an existing legal, nonconforming church, located at 1123 Eighth Street; and

WHEREAS, on August 13, 2024, the Planning Commission of the City of Coronado did, pursuant to Section 66854 of the California Government Code, hold a Public Hearing on the Major Special Use Permit and Coastal Development Permit, at which time all persons desiring to be heard were heard at said hearing; and

WHEREAS, on September 17, 2024, the City Council of the City of Coronado held a properly noticed public hearing, at which time all persons desiring to be heard were heard at said hearing; and

WHEREAS, the proposed use and improvements will not cause significant environmental damage or substantially or unavoidably injure fish or wildlife or their habitat, and the project is categorically exempt pursuant to State of California CEQA Guidelines Section 15303 (c) pertaining to New Construction or Conversion of Small Structures; and

WHEREAS, the proposed use, as conditioned, does comply with all the policies, goals, and standards of the City of Coronado’s adopted Local Coastal Program and Coronado Municipal Code, and will not impact access to or along the coast or damage coastal resources; and

WHEREAS, evidence was submitted and considered, including without limitation:

- 1) Plans provided dated March 25, 2024;
- 2) Written information submitted with the application forms;
- 3) Oral testimony from staff, owner, applicant and the public were made a part of the public record at said public hearing;
- 4) A Planning Commission staff report on the applications dated August 13, 2024, which is incorporated by this reference as though fully set forth;
- 5) A City Council staff report on the applications dated September 17, 2024, which is incorporated by this reference as though fully set forth; and
- 6) Additional written documentation.

NOW, THEREFORE, BE IT RESOLVED that the City of Coronado hereby approves the Major Special Use Permit based on the recommended findings and conditions of approval of the Planning Commission at their August 13, 2024 hearing and included below;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Coronado that the project is hereby determined to be categorically exempt from the requirements of CEQA under Class 3 of the State CEQA Guidelines Section 15303 (14 CCR §15303) pertaining to New Construction or Conversion of Small Structures and that such determination is based on the following findings, which are hereby made:

1. The proposed project does not involve the use of hazardous substances.
2. The project, located in an urbanized area, does not exceed 10,000 square feet in floor area.
3. The project has all necessary public services and facilities available.
4. The area surrounding the project is not environmentally sensitive.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Coronado approve said Major Special Use Permit (PC 2023-07) with conditions based on the following findings:

1. *Is the use as proposed detrimental to the health, safety, or general welfare of persons residing or working in the vicinity?*

The proposed project to include the shared use of a school at an existing church will not adversely affect the health, safety, or general welfare of persons residing or working in the vicinity as conditioned. The First Church of Christ Scientist is considered a legal, nonconforming use because the church was built in the 1920's without a Major Special Use Permit (MSUP). and has been in existence for more than 100 years. No parking exists within the property, therefore church attendees and staff either walk to the site or park on nearby streets.

The proposal to allow My Montessori School Coronado to use the church space outside of church hours will not be detrimental to those in the vicinity, as there is no expansion or alterations to the existing buildings. Based on the seating within the building, the church's use would require as many as 31 parking spaces. Because the church is currently legally operating without a use

permit, they could elect to add additional services or activities throughout the week without any review or approval from the City, thereby potentially displacing more street parking. Meanwhile, the school only requires two on-street parking spaces for their employees, which is far fewer than the church parking. In addition, the school is required to receive approval of an MSUP, which will have ongoing conditions of approval placed on the property, thereby ensuring compliance of such things as: number of students/employees, hours and days of operation, and noise. Therefore, this proposed shared use of a school within the existing church will allow the City to regulate the use and impact more than it can currently and it would not be detrimental to those in the vicinity.

*2. Is the use as proposed injurious to property or improvements in the vicinity?*

The use, as proposed, will not be injurious to property or improvements in the vicinity, as the use of a church already exists, and the shared use of a school does not require any improvements since adequate facilities exist. No additions or alterations are proposed. Additionally, conditions are imposed on the project to minimize potential impacts on the adjacent properties.

*3. Is the use as proposed consistent with the General Plan, any applicable specific plan, or a zoning regulation?*

The existing church is considered legal, nonconforming, as the use requires an approved MSUP to operate in the R-3 Zone. The First Church of Christ Scientist was established at this location about 100 years ago and continues to provide a service which will contribute to the general well-being of the community. The applicant proposes to allow My Montessori School Coronado to use the church space during non-church hours, which requires an approved MSUP. With approval of the MSUP the proposed use would be consistent with the General Plan and Zoning Ordinance.

*4. Will the location or operating characteristics of the proposed use be incompatible with, or will adversely affect or will be materially detrimental to impacted uses, residences, buildings, structures or natural resources?*

The location and operating characteristics of the existing church with the shared use of a school will continue to be compatible with and will not adversely affect or be materially detrimental to impacted uses, residences, buildings, structures, or natural resources, since adequate public facilities, services and utilities exist to serve the proposed use. Conditions have been placed on the project to ensure that potential impacts are properly mitigated and the school use will not be incompatible with surrounding uses, residences, buildings, structures, or natural resources.

*5. Are there inadequate public facilities, services and utilities to serve the proposed use?*

No; public facilities, services, and utilities are adequate to serve the existing church and proposed shared school use since the church has been established since the 1920's and the use would be located within an existing building.

*6. Is there a harmful effect upon a desirable neighborhood character?*

The First Church of Christ Scientist has been a part of Coronado's built environment since the 1920's. The proposed shared use of a school was reviewed, and conditions have been added to reduce any potential harmful effect of the project on the surrounding area. Conditions such as: the number of students, no outdoor amplification, and hours of operation are in place to reduce any such impacts. Therefore, approval of this project will not produce a harmful effect on a desirable neighborhood character.

*7. Does the capacity and physical character of surrounding streets have the ability to safely accommodate traffic that will be generated by the proposed use?*

The project is not forecast to result in a significant change in traffic conditions along the surrounding roadways or intersections since the use of a church already exists. There are no onsite parking spaces for the church, so attendees and employees of the church must park on the surrounding streets and walk to the property. The shared use of a school within the church property is not expected to generate significantly higher volumes of either traffic or parking since the number of parking spaces required for the school is significantly less than what the church can currently displace. In addition, the times when the church and school are in operation are offset, which will help reduce additional impacts to traffic and parking. Finally, no additions to the building are proposed to increase the number of students or congregation.

Vehicle traffic associated with the proposed use in the R-3 Zone can be accommodated along both C Avenue and Eighth Street, each of which is designated as a Local Street with existing average daily trips (ADTs) at this site of approximately 1,500. The shared use of a school will add a minimal number of additional ADTs which will be spread out since the drop off/pick up times for students are staggered between 7:30 A.M. and 8:45 A.M. Therefore, the proposed changes will not impact the streets' ability to safely accommodate traffic generated by this use.

*8. Is the site suitable for the type or intensity of use which is proposed?*

The site is suitable for the proposed type and intensity of use since the use of a church already exists on the site and has for approximately 100 years, is served by all required utilities, can be accessed by two streets (C Avenue and Eighth Street) and is also accessible by foot, bicycle, or bus. The shared use of a school within the church property will not significantly increase the intensity of use since no additions or alterations to the building or property are required. Because onsite parking does not exist, church attendees and employees must park on the nearby streets. The parking spaces required for the subject school is two (one for every two employees) whereas the existing church could require up to 31 parking spaces. Furthermore, because there is no existing use permit for the church, the church could elect to add additional services and events without any review or approval from the City, possibly causing a greater impact than what is proposed with the MSUP of the school. Therefore, the site is suitable for the type and intensity of the shared use of a school, and it will not result in any additional impacts.

9. *Is there any harmful effect upon the environmental quality and natural resources of the City?*

The proposed use will not have a significant effect on the environment as it will be located within the existing building and the MSUP was found to be exempt from CEQA pursuant to State CEQA Guidelines Section 15303(c).

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Coronado approves the Major Special Use Permit subject to the following conditions:

**Standard Conditions of Approval:**

1. The OWNER shall conduct the permitted use so as not to cause a public nuisance.
2. The OWNER, at all times during the effective period of this permit, shall obtain and maintain in valid force and effect, each and every license and permit required by a governmental agency for the operation of all authorized activity, to include without limitation a valid business license from the City of Coronado.
3. Unless the OWNER commences the activity authorized by this permit, or obtains an extension, this permit shall expire two years after the date of approval.
4. In the event that the OWNER does not meet any of the conditions of this permit, the City may cause a noticed hearing to be set before the City Council to determine why the City of Coronado should not revoke this permit.
5. Upon a showing of public necessity demonstrated at a noticed hearing, the City of Coronado, acting through the City Council, may add, amend, or delete conditions and regulations contained in this permit.
6. The OWNER shall not intensify the permitted uses beyond that which is specifically described in this permit, nothing in this permit authorizes the OWNER to exceed the intensity of these permitted uses.
7. The OWNER shall defend, indemnify, and hold harmless the City and its officials, agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its officials, agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval or any environmental document or decision in connection therewith. The City will promptly notify the OWNER of any claim, action, or proceeding. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, the OWNER shall pay all of the costs related thereto, including without limitation reasonable attorney's fees

and costs. In the event of a disagreement between the City and OWNER regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the OWNER shall not be required to pay or perform any settlement unless such settlement is approved by the OWNER.

**Additional Conditions of Approval:**

8. The Coastal Development Permit is contingent upon City Council approval of a Major Special Use Permit for the proposed project or use (or of some modified version of the proposed project or use that is substantially similar to that reviewed by the Planning Commission).

9. The Coastal Development Permit shall be valid coterminous with the Major Special Use Permit.

10. No amplified sound is permitted on the exterior of the property for the use of the school. If the OWNER desires to add amplification (including TVs or sound systems) a Modification to this MSUP is required.

11. Nothing in this permit shall relieve the OWNER from complying with the conditions and regulations generally imposed upon activities similar in nature to the activity authorized by this permit, including the requirement for encroachment permits.

12. This permit is a covenant running with the subject property and shall be binding upon the property OWNER and permittee and any successor or successors, and the interest of any successor shall be subject to each and every condition set out in the permit and all referenced documents.

13. No change, modifications, or alterations such as but not limited to: an increase of floor area, reconstruction or replacement of buildings, and the addition of other land uses shall be made unless appropriate applications for the amendment of this permit have been granted by the City of Coronado.

14. OWNER shall be responsible for the exterior maintenance of all structures, equipment, pavement and hardscape on the subject property.

15. In the event that My Montessori School Coronado is terminated or inactive for 120 consecutive days or if it is inactive for more than 180 days during the preceding 365 days, the OWNER shall resume use solely as a church/religious assembly.

16. The hours of operation for My Montessori School Coronado are 7:30 A.M. to 4:00 P.M. At no time shall the My Montessori School of Coronado and First Church of Christ Scientist be in operation simultaneously. This includes, but is not limited to, special events, such as weddings, fundraisers, potlucks, dances, etc., which may occur outside normal operational hours.

17. OWNER shall obtain approval from the City of Coronado Historic Review Commission prior to making any on-site exterior changes or additions to any structure or site required as conditions of this MSUP or desired by OWNER.

18. OWNER shall enter into and maintain a current "Right of Entry Agreement" with the City in a form provided by the City prior to the school's proposed use of Spreckels Park.

19. OWNER shall not increase the number of students or employees increase to a level that requires more than two parking spaces (pursuant to Section 86.58.030) without filing and receiving a Modification to the MSUP.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Coronado as follows:

1. That the above recitations are true.

PASSED, ADOPTED, AND APPROVED by the City Council of the City of Coronado, California, at a regular meeting thereof this Seventeenth day of September, 2024, by the following vote to wit:

**AYES:**

**NAYS:**

**ABSTAIN:**

**ABSENT:**

APPROVED:

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RICHARD BAILEY, Mayor of the  
City of Coronado, California

ATTEST:

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KELSEA HOLIAN, City Clerk of the  
City of Coronado, California