CITY OF
CHULA VISTA

# ZONING ADMINISTRATOR
## NOTICE OF DECISION

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| **Date:** | **August 3, 2010** |
| **Applicant:** | **Total Combat Paintball** |
| **Case No.:** | **PCC-10-038** |
| **Address:** | **2015 Birch Road** |
| **Project Planner:** | **Michael W. Walker** |

Notice is hereby given that on August 3, 2010 the Zoning Administrator considered Conditional Use Permit (CUP) application PCC-10-038, filed by Diana Campo, owner of Total Combat Paintball ("Applicant"). The Applicant requests to establish an outdoor paintball arena on a vacant area of land ("Project"). The Project site is located at 2015 Birch Road ("Project Site") owned by Otay Ranch Town Center ("Property Owner"). The General Plan and Otay Ranch General Development Plan (GDP) land use designation for the Project Site is Freeway Commercial (FWC) with a Freeway Commercial (FC-1) zone pursuant to the Freeway Commercial Sectional Planning Area (SPA) Plan Planned Community (PC) District Regulations. The Project is more specifically described as follows:

The Project is an outdoor paintball inflatable arena and a 400 square foot kiosk set-up for a variety of paintball activities. The area of the arena measures 150 ft x 200 ft with 16 feet tall walls that include netting to allow spectators to watch the activities. The arena is fully inflatable and is not intended to be a permanent structure. The arena is located on a vacant area, approximately 500 feet west of the 125 Toll Road, and surrounded by parking lots at the northwest section on the premises of the Otay Ranch Town Center. The kiosk already exists and is located approximately 350 south of the arena. The paintball field will be available for use Wednesdays through Sundays each week from 9 am to sunset. Up to six employees will operate the facility that can accommodate up to 25 players at a time to compete in teams or individually. There is sufficient parking adjacent to the arena available for patrons and employees. This Conditional Use Permit will be valid for five (5) years.

The Freeway Commercial SPA Plan PC District Regulations allows for a "Commercial Recreation Facility" not otherwise listed in the land use table subject to Chapter 19.58 of the Zoning Code for unclassified uses such as amusement or entertainment facilities through a Conditional Use Permit approved by the Planning Commission. However, pursuant to Section VI.B (1)(a), ("Administrative Procedures, Conditional Uses and Variances," Zoning Administrator Actions), the Zoning Administrator is authorized to issue Conditional Use Permits that do not involve the construction of new buildings or other substantial structural improvements. Therefore, the Conditional Use Permit does not require a public hearing approval by the Planning Commission and is only subject to a Zoning Administrator approval unless appealed.

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 3 categorical exemption pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the State CEQA Guidelines. No further environmental review is necessary.

The Zoning Administrator has approved said request based upon the following findings of fact as required by CVMC Section 19 14.080 for Conditional Use Permits:

**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 the community.**

The use will provide a public amenity that is desirable to the immediate commercial retail center as well as neighboring residential villages in the vicinity and visitors to the City in general. The use has the potential to create an event atmosphere, attracting more patrons, and to bring new business tenants associated with the paintball industry, thereby potentially bringing more foot traffic contributing to the overall commercial vitality of the Otay Ranch Town Center.

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 use includes a 150 ft. x 200 ft. inflatable paintball arena to accommodate a variety of paintball games on a portion of the paved parking field on the northwest side of the Otay Ranch Town Center. It has been determined that the operation of the use is within the context of the center, and it's location in the northwest section of the center's property boundaries will not affect the public's health, safety or general welfare, or be a detriment to other land uses in the vicinity.

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

   Approval of the use requires compliance with all conditions, and applicable codes and regulations as part of the occupancy of the facility and the approved site plan for the Otay Ranch Town Center. The Applicant has committed to implement and satisfy all conditions of approval for the proposed use.

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

   This Conditional Use Permit issuance is in compliance with the General Plan, the Zoning Ordinance and the Otay Ranch Freeway Commercial Sectional Planning Area (SPA). It will not alter the land use patterns set forth in any of these adopted planning documents noted above.

Approval of PCC-10-038 is conditioned upon the following:

I. **Prior to the issuance of any permits required by the City of Chula Vista for the use of the subject property in reliance upon this approval, the applicant shall satisfy the following requirements:**

   A. The Applicant/Representative and Property Owner shall execute this document by making a true copy and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner 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 of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval.

_____ _____
Signature of Applicant/Authorized Representative Date

_____ _____
Signature of Property Owner/representative Date

**Building Conditions:**

1. The Applicant shall comply with the 2007 California Building Code (CBC), California Mechanical Code (CMC), California Plumbing Code (CPC), California Electrical Code (CEC), California Fire Code (CFC), 2008 California Energy Code, the Green Building Ordinance (CVMC 15.12) and all other locally adopted City and state requirements.

2. The Applicant shall obtain separate building permits for the inflatable arena and the kiosk.

**Fire Condition:**

3. The Applicant shall ensure any props that may be used inside the arena, must have a flammable rating, and be approved by the Fire department.

**Planning Condition:**

4. The Applicant shall provide recycling containers for standard recyclables. A Waste Management and Recycling plan shall be prepared for review and approval by the Environmental Services Department.

**II. Prior to use or occupancy of the property in reliance on this approval, the following requirements shall be met:**

**Fire Condition:**

5. The Applicant shall provide two fire extinguishers. Mount the fire extinguishers in an all weather box, and put one fire extinguisher by the fans, and one by the exit.

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

6. The Applicant shall maintain the Project in accordance with the approved plans for PCC-10-038 date stamped on August 3, 2010, which includes a site plan and elevations on file

in the Planning Division, the conditions contained herein, Title 19, and the Otay Ranch Freeway Commercial Sectional Planning Area (SPA) Plan.

7. The Applicant shall execute this conditional use permit as the authorized use only. Any new use or modification/expansion of the use shall be subject to the review and approval of the Zoning Administrator.

8. This conditional use permit shall become void and ineffective if not utilized within three years from the effective date thereof, in accordance with Section 19.14.260 of the Municipal Code. Failure to comply with any conditions of approval shall cause this permit to be reviewed by the City for additional conditions or revocation.

9. This conditional use permit shall expire on August 3, 2015, five (5) years from the date of this Zoning Administrator approval. The Applicant may request an extension in writing 30 days prior to expiration date from this conditional use permit approval. The Zoning Administrator shall review this use for compliance with the conditions of approval and any applicable codes and regulation, and shall determine, in consultation with the Applicant, whether the Project shall be modified from its original approval, denied or extended.

10. If any issues arise as a result of the operation or its location in the parking lot so as to adversely affect or be detrimental to the health, safety or general welfare of persons parking or shopping in the vicinity or be injurious to the property or improvements in the vicinity, the City reserves the right to revoke or modify the conditional use permit if necessary in order to remedy or address any adverse affects detrimental to health, safety or general welfare.

11. The Applicant/Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its elected officials, 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 and (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/Property Owner shall acknowledge their agreement to this provision by signing Condition I-A of the conditional use permit. Compliance with this provision shall be binding on any and all successors and assigns.

12. 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 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. Failure by the Applicant or successor to satisfy the conditions of this conditional use permit may also result in the imposition of civil or criminal penalties.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA, CALIFORNIA, this 3rd day of August 2010.

Mary Ladrana
Zoning Administrator