ZONING ADMINISTRATOR
NOTICE OF DECISION

Date:	July 5, 2012
Applicant:	High Tech Research Center at Eastlake, L.P.
Case No.:	PCC-11-081
Address:	861 Harold Place, Chula Vista, Ca.
A.P.N.:	595-710-08-00
Project Planner:	Richard Zumwalt, A.I.C.P., Associate Planner

Notice is hereby given that on July 5, 2012, the Zoning Administrator considered Conditional Use Permit Application PCC-11-081 filed by High Tech Research Center at Eastlake, L.P. (HTRCE, "Applicant"), at 861 Harold Place, Chula Vista, Ca. ("Project Site"). The Project Site is zoned "Business Center-1" (BC-1) Planned Community District Regulation by the Eastlake Business Center Sectional Planning Area (SPA), and has a General Plan designation of Limited Industrial (IL). The Property is owned by High Tech Research Center at Eastlake, L.P. ("Property Owner"). The proposed Project is more specifically described below:

The Applicant requests approval of a Conditional Use Permit to allow future recreational, physical training and therapy, instructional studios, service uses, and retail uses which are accessory to the principal permitted use. The businesses will be located in an existing multi-tenant light industrial/office complex supporting three buildings with a total floor area of 55,312 square feet, and 142 parking spaces ("Project") The project site is three acres in size, and is located in the HTRCE Center at 861 Harold Place in the Eastlake Planned Community Pursuant to Sections IV.1.H of the Eastlake Business Center Planned Community District Regulations, the proposed uses are permitted upon approval of a Conditional Use Permit.

The Director of Development Services has reviewed the proposed 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. The proposed project consists of negligible or no expansion of an existing use. Thus, no further environmental review is required.

The Zoning Administrator, under the provisions of Section 19.14.030.A of the Chula Vista Municipal Code and Section IV.1.H of the Eastlake Business Center Planned Community District Regulations, has been able to make the Conditional Use Permit findings as required by CVMC Section 19.14.080:

That the proposed use at this location is necessary or desirable and will contribute to the general well being of the neighborhood or the community.

The proposed uses are necessary or desirable because the project site is located in a light industrial/office area that contains similar types of service businesses, and approval of this project will enable the applicant to provide similar valuable services to the

community, including recreational, physical training and therapy, instructional studios, service uses, and retail uses which are accessory to the principal permitted use. Approval of this Conditional Use Permit will also allow the business to operate more efficiently by streamlining the development permit approval process for future tenants.

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.

This finding is met because a condition of approval has been included in the Conditional Use Permit that requires that future tenants obtain approval of a Building Permit in compliance with applicable sections of the California Building and Fire codes. All project-related activities will be conducted indoors and will not adversely affect adjacent businesses or properties. Project-related activities such as parking have been conditioned so they will not adversely affect operation of the adjacent businesses. The Project site is located in a multi-tenant light industrial complex that contains a total of 142 parking spaces, including of which 48 are assigned to individual suites, and 94 are shared. Of these 94 shared parking spaces, 48 are reserved for special events for 2 of the existing tenants. However, these parking spaces are available to other tenants when special events are not occurring. The project has been conditioned to require that new projects submitted in reliance on this CUP will require a parking analysis, to determine if adequate parking exists to support the future businesses, prior to issuance of each individual building permit. The parking analysis must show that the proposed future project will comply with the minimum parking requirement established by the Eastlake Business Center Sectional Planning Area (SPA) Planned Community District Regulations (zoning). Thus, adequate parking will be available to serve the project, and customers and employees' parked vehicles will not adversely affect other tenants and adjacent properties.

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

This finding is met because the granting of this Conditional Use Permit is conditioned to require the Applicant and Property Owner to fulfill its conditions of approval and to comply with all applicable regulations and standards specified in the Municipal Code, and the California Building, Fire and other applicable codes, for such use. These conditions will be enforced through building plan review, inspections prior to occupancy of the use and subsequent operation of the business. Furthermore, the conditions of this permit are approximately in proportion to the nature and extent of the impact created by the project in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the project. The project will comply with all regulations and conditions specified in the Zoning Code for uses established under PCC-11-081.

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. This finding is met because the operation of the Project, as approved by a Conditional Use Permit pursuant to the Eastlake Business Center Sectional Planning Area (SPA) Plan, is consistent with Limited Industrial (IL) permitted land uses. Thus, the proposed project is consistent with the Limited Industrial (IL) General Plan land use designation and will not adversely affect implementation of the General Plan.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-11-081 as described above subject to the following conditions:

The following conditions shall apply to the Project Site, the Property Owner or successor-in-interest, and future building permits applicants for individual suites ("Applicant"). The Applicant shall satisfy these conditions prior to issuance of the building permit for each individual suites, or at the timeframe specified in the condition. Upon completion, the Applicant shall remain in compliance with the conditions as long as the Project relies upon this approval:

PLANNING DIVISION

1. The Project Site shall be developed and maintained in accordance with the PCC-11-081 approved plans submitted March 12, 2012, which include site plans and floor plans on file in the Planning Division, and subject to the conditions contained herein, and the Zoning Ordinance (Title 19).

2. The Property Owner and Applicant or authorized representative 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 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. 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's and 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 Property Owner Date

_____ _____

Signature of Applicant or Authorized Representative Date

3. The Applicants for subsequent building permits shall apply for and obtain a sign permit for any required site/business identification signs from the Development Services Department in accordance with the Chula Vista Municipal Code Chapter 19.60.

4. Prior to issuance of any future building permits proposing establishment of a new or expanded use or business, the Applicant shall submit a parking analysis in a form acceptable to the Director of Development Services, to determine the availability of parking for the proposed business, including the following:

   a. Proposed hours of operation;
   b. Proposed parking for the individual use or business;
   c. Required parking for the individual use or business pursuant to the Eastlake Business Center Planned Community District Regulations (Zoning);
   d. A letter from the Property Owner stating the proposed parking will be available during the hours of operation to serve the use or business;
   e. Off-site parking or on-street parking shall not qualify as approved parking unless the Development Services Direct determines that such parking is consistent with the Eastlake Business Center Planned Community District Regulations and Zoning Ordinance.

BUILDING DIVISION

5. The Applicant shall apply for required building permits. Permits shall comply with applicable codes and requirements, including but not limited to the 2010 California Building Code (CBC) and Ca. Handicapped Accessibility requirements, 2010 California Mechanical Code, 2010 California Plumbing Code, 2010 California Electrical Code, 2010 Fire Code, 2008 California Energy Code, and 2010 California Green Building Standards, as adopted and amended by the State of California and City of Chula Vista.

6. The Applicant for future Tenant Improvements for assembly occupancies shall ensure the Project is designed by an Architect or Engineer licensed by the State of California (California Business and Professional Code 5536.1, 6735).

7. The Applicant for future Tenant Improvements shall provide a Building Code Data Legend on the title (first) sheet of the building plans, including code information for each proposed space or building:

   a. Occupancy Group Classification CBC Ch.3;
   b. Type of Construction; CBC Ch. 6;
   c. Type of fire sprinklered (Full 13, 13 R, 13D, not sprinklered), CBC Ch. 9.

8. The Applicant shall provide a Building Permit Site Plan for each improvement that shall show distances to the property lines and assumed property lines between the buildings.

9. The Applicant shall provide plans showing exterior walls and exterior wall openings that have a fire resistance rating per CBC T-601, T-602 and Ch. 7, respectively. The exterior wall ratings may require modifications with the tenant improvements.

10. The Applicant shall provide plans showing proposed and allowable floor area per CBC Table 503. The allowable area may need to be revised with Assembly, Hazardous, or Educational occupancies. Provide area calculations to include the basic area and increases. The allowable area will need to be re-established with each tenant improvement. If the building is not sprinklered, a new system may be required to subdivide the existing building

11. The Applicant shall provide plans showing that area separation walls are required if the building does not satisfy the non-separated use requirements of the building code.

FIRE DEPARTMENT

12. The Applicant shall submit and obtain approval of building plans that comply with the 2010 Fire Code for any modification to the individual suites, including tenant improvements, to the City of Chula Vista.

13. If there are any modifications to the sprinkler system, or the fire alarm system, a deferred submittal to the Fire Department will be required, prior to any modifications.

Upon certification by the Development Services Department for occupancy or establishment of use allowed by this Conditional Use Permit, the following conditions shall apply:

14. This Conditional Use Permit authorizes only the uses specified in the application for PCC-11-081, including recreational uses, physical training and therapy, instructional studios, service uses, and retail uses which are accessory to the principal permitted use. Other similar uses that the Development Services Director determines are in substantial conformance with the approved uses listed above, may also be permitted. 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.

15. The business shall be operated in compliance with the Performance Standards, CVMC Chapters 19.66 and Performance Standards and Noise Control, Chapter 19.68.

16. All project-related uses shall be conducted indoors.

17. Approval of this Project shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.

18. This permit shall become void if not used or extended within three years of the affective 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.

19. 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 for their violation. The applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.

20. Applicant and his/her successors in interest agree to defend, indemnify and hold harmless the City and its agents, officers and employees, from any claim, action or proceeding against the City, or its agents, officers or employees, to attack, set aside, void or annul any approval by the City, including approval by its Planning Commission, City Council or any approval by its agents, officers, or employees with regard to this Conditional Use Permit, provided the City promptly notifies the Applicant of any claim, action or proceeding and on the further condition that the City fully cooperates in the defense.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA, CALIFORNIA, this 5th day of July, 2012.

Miguel Z. Tapia for

Mary Ladiana,
Zoning Administrator

cc High Tech Research Center at Eastlake, L.P; Attn: Wolf Bielas, 2505 Windward Way, Chula Vista, Ca. 91914
Ivan Rubio, 2195 Lago Madero, Chula Vista, Ca. 91914
Craig Ruiz, Principal Economic Development Specialist
Lou El Khazen, Building Division

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