CITY OF
CHULA VISTA

ZONING ADMINISTRATOR
NOTICE OF DECISION

Date:	**February 26, 2019**
Applicant:	**Jerry Ibarra**
Case No.:	**CUP18-0029**
Address:	**870 Third Ave**
Project Planner:	**Genevieve Hernandez**

Notice is hereby given that on February 26, 2019 the Zoning Administrator considered Conditional Use Permit (CUP) application CUP18-0029 filed by Jerry Ibarra ("Applicant"). The Applicant requests a CUP to establish a small recycling collection center, ("Project"). The Project is located at 870 Third Avenue ("Project Site"). The property is owned by Third and L LLC ("Property Owner"). The Project Site is located in the C-1 Third Avenue South (Neighborhood Transition Combining District) land use district within the Urban Core Specific Plan (UCSP) and is designated as Commercial Retail (CR) by the General Plan. The Project is more specifically described as follows:

The Project consists of the establishment and operation of a small recycling collection center as an accessory use to the existing shopping center located at 870 Third Avenue. The small recycling collection center will be used to collect recyclable items that qualify for CRV (California Redemption Value) and will consist of one metal shipping container, which will occupy a 170 square foot area located at the parking lot on the south end of an existing 61,500 sq. ft. commercial building. The Project Site contains several buildings occupied by commercial businesses. The small recycling center will be open Monday through Saturday 8:30 a.m. to 4:00 p.m., and Sunday 8:30 a.m. to 3:00 p.m., and will close for the day during residential trash collection for the route adjacent to the Project Site (in this case Wednesday). The small collection center will be attended by one employee on site at any given time.

Planning staff has reviewed the Project for compliance with the California Environmental Quality Act (CEQA) and has 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. 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, has conditionally approved said request based upon the following findings of facts as required by CVMC Section 19.14.080:

1. **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 community.**

   The proposed Project is desirable because it will increase public convenience by providing an essential service necessary for the development of recycling efforts in the area. The Project will be integrated into the existing commercial development and will not interfere with any activities or conveniences of the general public. The Project's location is

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit CUP18-0029, as described above subject to the following conditions of approval:

I. Prior to the issuance of building permits and/or the approval by the City of Chula Vista for the use of the subject property in reliance upon this approval, the Applicant shall satisfy the following requirement:

1. The Property Owner or Authorized Representative/Applicant 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 Authorized Representative/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 within 30 days. 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 and Authorized Representative /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 Applicant Date

_____

Printed Name of Applicant

_____ _____

Signature of Authorized Property Owner Date

_____

Printed Name of Property Owner

Building Division Condition:

2. The Applicant shall provide a note on the cover sheet indicating this Project will comply with 2016 California Building Code, 2016 California Energy Code, 2016 California Fire Code, 2016 California Electrical Code, 2016 California Plumbing Code, 2016 California Mechanical Code, and 2016 California Green Standards Code as adopted and amended by the State of California and the City of Chula Vista.

Land Development/Engineering Conditions:

14. If the Applicant is required to obtain a building permit for required site improvements that exceed $50,000 and will be required to process a construction permit to construct missing, or damaged street improvements along the frontage of the property. These street improvements include, but are not limited to the following:

    - Removal and replacement of any broken curb, gutter or sidewalk as determined by the City Engineer.
    - All sidewalks, pedestrian ramps, and driveways that do not comply with the City of Chula Vista's Design Standards and ADA requirements.

Economic Development Department/Environmental Services Section Conditions:

15. The Applicant shall adhere to the following general recycling center conditions to the satisfaction of the Environmental Services Program Manager:

    a. Every Applicant shall maintain a written record and make an annual report of refuse, recyclables purchased, received or collected to the Environmental Services Program Manager. The report shall be made on a form acceptable to the Program Manager and include but not be limited to: characterization by material types, tonnage, destination (processing, end use or disposal) and total customers. The report shall be delivered to the Program Manager no more than 30 days following the end of the calendar year. The report may be cumulative for all Chula Vista sites the Applicant may operate.

    b. Applicant shall maintain a written record of transactions for a minimum of five (5) years and make such records available, onsite, during regular business hours, with two business days' notice by the City's Program Manager. The transaction record shall include but not be limited to: characterization by material type weight, total customers and jurisdiction of the customers.

    c. Applicant will pay for or take for free all recyclable materials and will not require or accept payment to receive materials from its customers.

    d. Applicant will not accept nor pick up mixed waste materials, garbage, rubbish or refuse as defined in the Chula Vista Municipal Code Sections 8.24 and 8.25. The facility is being permitted as a recycling facility only and not a waste processing or transfer station. The total amount of waste generated at the facility may not exceed 10% of the monthly volumes.

    e. Applicant shall maintain sanitary premises at all times, shall contract with the City's franchise agent (Republic Services (619) 421-9400) for removing, conveying and disposing of non-recyclable wastes generated at the facility and maintain a waste receptacle for use by Applicant's customers during all operating hours. Onsite compactors are for densifying recyclable materials and not for trash service.

Best Management Practices (BMPs) and prohibit the discharge of pollutants to the storm drainage system. The Applicant shall implement liquid waste and spill response control measures at the facility by providing a liquid waste receptacle for residents to discard excess waste from bottles, cans, and other recyclable materials. All collected liquid waste should be disposed of properly. The Applicant shall keep spill response materials on hand such as dry absorbent material, brooms, and dust pans. Before the close of business each working day, the Applicant shall sweep the facility, clean up any staining caused by spills, and dispose of all trash. The Applicant shall implement good housekeeping measures at the facility and provide training to all employees regarding storm water pollution prevention.

m. The Applicant is required to maintain certification as a Recycling Center Certified Operators with California's Department of Resources Recycling and Recovery (CalRecycle) and abide by the following rules:

•Keep your certificate posted at your recycling center and/or processing facility.
•Post the certification sign or decal as required.
•Post prices paid for all materials accepted and hours of operation as required.
•Accept all beverage container types indicated on your application.
•Properly inspect all materials you accept and redeem.
•Keep proper receipts and logs of material accepted and redeemed.
•If you move or change the ownership, you must request to decertify in writing and submit a new application to the Division to recertify.
•Closing your business requires a written request to decertify. Your request must include the effective date of decertification.

The requirements listed above do not cover every aspect of the law. It is the responsibility of the operator to read and understand the statute and all applicable regulations. Failure to comply with the statute and/or regulations may result in fines and possible civil penalties. If you need clarification, please call the Certification Section at (916) 324-8598.

16. The Applicant shall ensure that employees supervise the recycling collection center during all hours of operation.

17. The Applicant shall strictly enforce standard policy that the recycling collection center and the immediate surrounding area are kept free of trash and debris.

18. The Applicant shall ensure that all recycling materials are inside the building, and no recyclables or other items are stored outside the building.

19. The Applicant is required to implement Best Management Practices (BMPs) to the maximum extent practicable to prevent the discharge of pollutants into storm drain systems. City inspectors may require additional BMPs if selected BMPs are determined to be inadequate or ineffective.

26. Any violations of the terms and conditions of this Conditional Use Permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit.

27. If any of the foregoing conditions fails 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. Applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA, CALIFORNIA, this 26th day of February 2019.

Michael Walker
Zoning Administrator