



**ZONING ADMINISTRATOR
NOTICE OF DECISION**

Date: July 29, 2019
Applicant: Evelyn Huitron
Case No: CUP18-0036
Address: 260 Fifth Avenue, Chula Vista, CA.
(APN 567-080-2300)
Project Planner: Genevieve Hernandez, Associate Planner

Notice is hereby given that on July 29, 2019 the Zoning Administrator considered Conditional Use Permit (CUP) application CUP19-0036 filed by Evelyn Huitron (“Applicant”). The Applicant requests approval to allow a child care center in an existing residential dwelling (“Project”). The Project is located within an existing single-family dwelling at 260 Fifth Avenue (“Project Site”). The Project Site is owned by Self Discovery Inc. (“Property Owner”). The Project site is located within the Apartment Residential (R3) Zone and has a General Plan designation of Multi-family Residential (RM). The Project is described as follows:

The Project is a remodel of an existing single-family dwelling to function as a commercial child care center and will be named Young Angels Center. The Center is similar to a day nursery, as defined in Chula Vista Municipal Code (CVMC) 19.04.064, that offers before and after school care programs for children ages five through twelve. The Center’s hours are from 5:30 am to 6:30 pm, Monday through Friday, and will be operated by three employees who will care for and a maximum of up to 30 children on site at any given time. The remodel includes adding a new bathroom, 214 square foot game/activity room, and ADA compliant ramps at the front and rear of the Center.

Pursuant to section Chula Vista Municipal Code section 19.28.040, and CVMC 19.04.064, day nurseries and all other types of group day care programs are permitted subject to the approval of a Conditional Use Permit.

The Development Services Director has reviewed the 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 Section 15301 (Existing Facilities) of the State CEQA Guidelines because there are no proposed exterior changes or expansion of the existing facility. No further environmental review is required.

The Zoning Administrator, under the provisions of Sections 19.14.030 (A) of the Chula Vista Municipal Code has been able to make the findings for approval of this Conditional Use Permit as required by CVMC Section 19.14.080:

- 1. That the proposed use at this location is necessary or desirable and will provide a service or facility which will contribute to the general well-being of the neighborhood or community.**

The child care center benefits the community by providing a safe and accessible location for a needed before and after-school child care program and day care services. The Center is located within a multifamily residential designation that allows multiple types of day nursery uses including child care centers. The Center's programs will be conducted at a convenient and accessible location that contains upgrades necessary to support the use including ADA compliant restrooms and three onsite parking spaces (including 1 ADA accessible space) to accommodate employee off-street parking. The Applicant has also secured an access agreement with the property owner of 510 Davidson Street.

- 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 child care center use will comply with applicable sections of the California Building and Fire codes. The use will be conducted entirely indoors with the exception of the outdoor open space play area at the rear of the property and will not disturb adjacent properties or businesses. The use is located within a 2,283 square-foot structure, on an 8,853 square-foot lot. The use will have a maximum of three employees during hours of operation, Monday through Friday from 5:30 am to 6:30 pm, with a maximum of 30 children at any given time. Three parking spaces are allocated to meet the standards of one space per every employee on site.

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

The use complies with all regulations and conditions specified in the Chula Vista Municipal Code. The required parking for this use meets current standards and the use will adhere to the Performance Standards set forth in CVMC 19.66.10 through 19.66.240. The conditions of this CUP are in proportion to the nature and extent of the impact created by the use in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the use. The approval of this CUP is contingent on the Applicant's and Property Owner's commitment to satisfy all conditions of approval for the proposed use, and will comply with all applicable Chula Vista Municipal Code regulations.

- 4. 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 Project, as approved by this CUP pursuant to the Chula Vista Municipal Code, is consistent with permitted land uses and will not adversely affect implementation of the General Plan. The General Plan designates the site as Multi-family Residential (RM). Approving the child care center use will not alter the land use pattern of the General Plan.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit CUP18-0036, 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.

II. The following on-going conditions shall apply to the Project as long as it relies upon this approval.

3. The Applicant shall maintain the Project in accordance with the approved plans for CUP18-0036 stamped July 29, 2019, which includes a site plan, floor plan and elevations.
4. Approval of this Conditional Use Permit shall not waive compliance with any sections of Title 19 (Zoning) of the Municipal Code, or any other applicable City Ordinances in effect at the time of building permit issuance.
5. This Conditional Use Permit authorizes only the use specified in the application for CUP18-0036. 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.
6. This Conditional Use Permit shall become void if not used or extended within three years of the effective 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 Conditional Use Permit to be reviewed by the City for additional conditions or revocation.
7. The Applicant/Operator's shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, 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, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/Operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated above. The Applicant/Operator's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant/Operator's successors and assigns.
8. Any violations of the terms and conditions of this permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this Conditional Use Permit.
9. 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 from their violation.

Applicant or 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 29th day of July 2019.



Michael W. Walker,
Zoning Administrator