



**ZONING ADMINISTRATOR
NOTICE OF DECISION**

NOTICE IS HEREBY GIVEN THAT THE ZONING ADMINISTRATOR FOR THE CITY OF CHULA VISTA considered a Conditional Use Permit ("CUP") application for sales of beer and wine at a micro-brewery and restaurant within the BC-4 (Business Center Core) district of the Eastlake II Sectional Planning Area ("SPA") as described below:

Date:	November 30, 2023
Applicant:	CL Capital, Inc.
Project Number:	CUP23-0013
Project Location:	2428 Fenton Street, Suite 100 (APN: 595-711-20-01)
Project Planner:	Mathew Sterling

The Applicant requests approval for beer and wine sales for on-site consumption at a proposed micro-brewery located within the BC-4 district of the Eastlake II SPA ("Project"). The subject property is owned by JJAB Real Estate Holding Company, LLC ("Property Owner") and is designated in the General Plan for Limited Industrial (IL) use. The proposed restaurant occupies 8,877 square feet of ground-floor industrial condominium space on the Project Site.

The BC-4 district permits modern light industrial, administrative, and service uses. Per the SPA plan, an administrative CUP is required to serve alcohol in restaurants.

The Director of Development Services has reviewed the proposed Project for compliance with the California Environmental Quality Act ("CEQA") and determined that the Project qualifies for a categorical exemption pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines. No further environmental review is required.

The Zoning Administrator, under the provisions of Chula Vista Municipal Code ("CVMC") Section 19.14.030(A), as well as the applicable provisions of the Eastlake II SPA plan, makes the following findings as required by CVMC Section 19.14.080:

The proposed use at this location is necessary or desirable and will contribute to the general wellbeing of the neighborhood or the community.

The proposed sale of beer and wine will complement the proposed restaurant by allowing patrons the option of purchasing alcohol to be served with their meal(s). The use will provide a desirable service that is generally associated with co-restaurants and micro-breweries and is convenient to the surrounding residents.

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, nor will it be injurious to property or improvements in the vicinity.

The proposed use will not adversely affect the general wellbeing of the neighborhood or the community, as the alcoholic beverages will be purchased and consumed on-site with meals. The Project will comply with applicable sections of the California Building and Fire codes, and the hours of operation, including the sale

of alcoholic beverages, will be limited to 6:00 AM to 12:00 AM each day of the week. Additionally, the Chula Vista Police Department will monitor the license obtained from the California Department of Alcoholic Beverage Control (ABC).

The proposed use will comply with the regulations and conditions specified in the Eastlake II SPA plan and the CVMC for such use.

The Project will adhere to the performance standards set forth in CVMC Chapter 19.66. In compliance with the Eastlake II SPA Plan Planned Community District regulations, the parking requirement will be satisfied with off-street parking provided within the industrial condominium site. Additionally, the proposed conditions of this permit are in proportion to the nature and extent of the impact(s) 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(s) of the use. 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 regulations.

Granting this conditional use will not adversely affect the General Plan of the City or the adopted plan of any government agency.

The Project, as proposed, is consistent with other uses permitted in the BC-4 district and will not adversely affect implementation of the General Plan. The General Plan designates the site IL. Allowing the sale of beer and wine in a restaurant would not alter the existing land use pattern nor the designations of the General Plan.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit CUP23-0013 as described above, subject to the following conditions:

Police Department

1. Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 6:00 AM and 12:00 AM each day of the week.
2. Entertainment provided shall not be audible beyond the area under the control of the licensee(s) as depicted on the most recently certified ABC-257.
3. The use of amplified systems or devices inside the premises shall not be audible beyond the area of the licensee's control.
4. No restaurant and/or brewery employee under the age of 21 shall sell or deliver alcoholic beverages to patrons.

Planning Division

5. The Applicant shall maintain the Project in accordance with the approved plans for CUP23-0013, which include a site plan and floor plans on file in the Development Services Department. The Project shall also maintain compliance with the conditions contained herein and Title 19 of the CVMC.

6. Approval of this permit shall not waive the Applicant's responsibility to comply with all sections of Title 19 of the CVMC and all other applicable City ordinances in effect at the time of building permit issuance or the approval of this permit.
7. The Applicant shall execute this permit only as the authorized use. Any new use or modification/expansion of uses shall be subject to review and approval by the Zoning Administrator.
8. The Applicant/Representative and Property Owner shall and do hereby agree to timely indemnify, protect, defend, and hold harmless the 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) the City's approval and issuance of this permit and (b) the City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and the Applicant/Representative shall acknowledge their agreement to this provision by executing a copy of this permit where indicated below. The Applicant/Representative's and Property Owner's compliance with this provision is an express condition of this permit and shall be binding on any and all of the Applicant/Representative's successors and assigns.
9. If any of the foregoing conditions fail to be met, 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. Neither the Applicant nor a successor in interest gains vested rights by the City's approval of this permit.
10. 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 permit.
11. The Applicant/Representative and Property Owner shall execute this document by making a true copy and signing 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 shall indicate the Applicant/Representative's and Property Owner's desire that the Project and corresponding application(s) for building permits and/or business license(s) be held in abeyance without approval.

Marco Polo Cortes
for CL Capital, Inc.

Date

Juan Jose Arellano
for JJAB Real Estate Holding Company, LLC

Date

APPROVED BY THE ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA, CALIFORNIA, this
30th day of November 2023.



D. Todd Philips
Zoning Administrator