



## Development Services Department

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### 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 the sale of beer and wine at an indoor karting center within the VC-5 (Village Center) district of the Eastlake II Sectional Planning Area ("SPA") as further described below:

<b>Date:</b>	<b>May 31, 2024</b>
<b>Applicant:</b>	<b>K1 Speed, Inc.</b>
<b>Project Number:</b>	<b>CUP24-0005</b>
<b>Project Location:</b>	<b>881 District Place (APN: 595-711-16)</b>
<b>Project Planner:</b>	<b>Mathew Sterling</b>

The Applicant requests approval for beer and wine sales for on-site consumption at the restaurant of an existing K1 Speed Indoor Karting facility ("Project"). The subject property is owned by Eastlake Design District, LLC ("Property Owner") and is designated in the Chula Vista General Plan as Retail Commercial (CR). The existing restaurant occupies a portion of the ground-floor commercial entertainment space on the Project Site; the Project does not propose any changes to the restaurant footprint.

The VC-5 district permits office, retail stores, service establishments, and wholesale businesses. In accordance with the Eastlake II SPA plan, an administrative CUP is required to serve alcoholic beverages 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 Class 1 Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines. The Project consists of beer and wine sales at an existing restaurant within an existing industrial building. No further environmental review is required.

The Zoning Administrator, under the provisions of Section 19.14.030(A) of the Chula Vista Municipal Code ("CVMC"), as well as the applicable provisions of the Eastlake II SPA plan, makes the following findings as required by CVMC 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 existing restaurant by allowing patrons the option of purchasing alcohol to be served with their meal(s) after, or in lieu of, kart racing. The use will provide a desirable service that is generally associated with restaurants contained within commercial entertainment uses and is convenient for the business patrons.

***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. The Applicant's business operations prevent on-site drinking prior to kart racing. 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 from 10:00 AM to 10:00 PM, Sunday through Thursday, and from 10:00 AM to 12:00 AM, Friday through Saturday. 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 19.66. 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 permit 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 VC-5 district and will not adversely affect implementation of the General Plan. The General Plan designates the site as CR. Allowing the sale of beer and wine at an existing restaurant of an indoor karting center 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 CUP24-0005 as described above, subject to the following conditions:**

**Police Department**

1. The use of any amplifying system or devices shall be contained inside the premises and shall not be audible outside the premises.
2. Sales, service, and consumption of alcoholic beverages shall be permitted only between the hours of 10:00 AM and 10:00 PM, Sunday through Thursday, and between 10:00 AM and 12:00 AM, Friday through Saturday.
3. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.

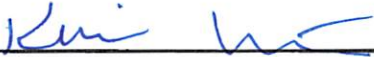
**Planning Division**

4. The Applicant shall maintain the Project in accordance with the approved plans for CUP24-0005, 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.
5. 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.
6. 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.

- 7. The Applicant/Representative and Property Owner shall and do hereby agree to fully and 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.
- 8. If any of the foregoing conditions fails to be met, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fails 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.
- 9. 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.
- 10. This permit may be reviewed 10 years from the date of approval (May 31, 2034), at which time the Zoning Administrator may review this use for compliance with the conditions of approval and applicable codes and regulations and may determine, in consultation with the Applicant, whether the Project shall be modified from its original approval or revoked, or whether another review shall be necessary for the Project. If such review is required, the Zoning Administrator shall determine the timeline for review.
- 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.

  
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David Danglard  
for K1 Speed, Inc.

6/3/24  
Date

  
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Kellie Vogt  
for Eastlake Design District, LLC

6/4/24  
Date

APPROVED BY THE ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA, CALIFORNIA, this  
31st day of April 2024.



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D. Todd Phillips, Ed.D.  
Zoning Administrator