



Development Services Department

ZONING ADMINISTRATOR NOTICE OF DECISION

NOTICE IS HEREBY GIVEN THAT THE ZONING ADMINISTRATOR FOR THE CITY OF CHULA VISTA considered an application for Design Review (“DR”) and a Conditional Use Permit (“CUP”) for modifications to an existing building to establish a minor automobile maintenance and repair shop, as further described below:

Date:	November 7, 2024
Applicant:	Isidro Ochoa
Project Number:	DR23-0012 and CUP23-0014
Project Location:	165 Broadway (565-240-02 and 565-240-03)
Project Planner:	Valeria Tarka

The Applicant proposes to add a roof-covered structure and reconfigure the interior floor plan at the location above for the establishment of a minor automobile maintenance and repair shop (“Project”). Other building alterations include increasing the parapet wall height and adding a solid wall along the easterly property line. The approximately 0.15-acre site is owned by Dan E. Paiz (“Property Owner”) and is in the C-3 (Broadway North) subdistrict of the Urban Core Specific Plan (“UCSP”) area, with a General Plan designation of MUR (Mixed Use Residential).

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. No further environmental review is required.

The Zoning Administrator, under the provisions of Chula Vista Municipal Code (“CVMC”) 19.14.030(A), 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 use will provide an automotive service for the public that is regulated through conditions of approval.

Such use will not, under the circumstances of this 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 use will be subject to all health, safety, and general welfare standards and regulations set forth by the City of Chula Vista and other applicable agencies. The Property Owner and tenants will comply with the City’s regulations by conducting repair operations inside fully enclosed buildings. Additionally, the Project will add to the aesthetic value of the community through the addition of a trash enclosure and a screening wall.

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

The use is required to comply with the City's development criteria for such use and with all other City zoning and building regulations. Further, this permit will require the Applicant and Property Owner to fulfill the conditions of approval and comply with all applicable regulations and standards specified in the CVMC, UCSP, California Building Code ("CBC"), California Fire Code ("CFC"), and applicable ordinances.

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

The proposed use is allowed within this subdistrict with a Conditional Use Permit and is consistent with the General Plan, as the mixed-use residential designation allows for commercial uses.

Further, the Zoning Administrator, under the provisions of CVMC 19.14.582 (B), makes the following findings as required by CVMC 19.14.593:

The proposed project is consistent with the City of Chula Vista's General Plan, CVMC Title 19, and the UCSP.

The use of the site for minor auto repair is consistent with the General Plan's designation for mixed use residential as it allows for commercial uses. The Project is consistent with the UCSP's C-3 subdistrict, which allows the use of minor auto repair with a Conditional Use Permit. Furthermore, the modification to the building's interior and exterior will improve the aesthetic and functional use of the site to conform to the rules and regulations set forth within the UCSP and the CVMC. Additionally, the Project proposes to add increased screening along the easterly property line with a six-foot-tall concrete masonry unit (CMU) wall.

The proposed project is consistent with the design requirements and recommendations contained in the UCSP Development Design Guidelines.

The Project proposes to modify an existing building. Therefore, not all aspects of the existing building may meet the requirements of the UCSP's Development Design Guidelines. However, the Project proposes to add a trash enclosure and increase the height of the parapet wall to more closely align with the Design Guidelines.

The project would not adversely affect the health, safety, or general welfare of the community.

The Project will be subject to all health, safety, and general welfare standards and regulations set forth by the City of Chula Vista and other applicable agencies. The Property Owner and tenants will comply with the City's regulations by conducting repair operations inside fully enclosed buildings.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit CUP23-0014 and Design Review DR23-0012 as described above, subject to the following conditions. Unless stated otherwise, these conditions must be met prior to the issuance of a building permit for the Project. Additional requirements may be imposed at the time of development, depending upon the plans submitted for review:

Planning

1. The Applicant shall maintain the Project in accordance with the approved plans for CUP23-0014 and DR23-0012, which include site plans, floor plans, and elevations on file in the Development Services Department, as well as with the conditions contained herein, CVMC Title 19, and the UCSP.
2. In accordance with Chapter VI, Section H.1 of the USCP, all uses within the C-3 subdistrict shall be conducted wholly within a completely enclosed building, and outdoor storage is not permitted.
3. The hours of operation shall be limited to between 8:30 AM and 6:00 PM Monday through Friday and 8:30 AM and 4:00 PM Saturday. The Zoning Administrator shall have the authority to approve modifications to the hours of operation in accordance with the CVMC.
4. A graffiti-resistant treatment shall be specified for all wall and building surfaces to a minimum of 10 feet above finished grade. This shall be noted on any building and wall plans and shall be reviewed and approved prior to the issuance of building permits. Additionally, the Project shall conform to CVMC 9.20.035 and CVMC 9.20.055 regarding graffiti control or as approved by the Director of Development Services.
5. All roof appurtenances, including air conditioners and other roof-mounted equipment and/or projections, shall be shielded from view and the sound buffered from adjacent properties and streets as required by the Director of Development Services. Such screening shall be architecturally integrated with the building design.
6. The Applicant shall obtain a sign permit from the Development Services Department for each proposed sign. Signs shall comply with all applicable requirements of the CVMC and the UCSP Development Design Guidelines.
7. Buildings shall be designed to minimize energy consumption, in compliance with California Building Energy Efficiency Standards, Title 24, Parts 6 and 11.
8. Approval of this permit shall not waive compliance with all applicable provisions of Title 19 of the CVMC and all other applicable City ordinances in effect at the time of building permit issuance.
9. The Applicant shall execute this permit only as the authorized use. Any new use or modification/expansion of uses shall be subject to the review and approval of the Zoning Administrator.
10. 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 any successor in interest gains any vested rights from the City's approval of this permit.

Land Development

11. The Applicant shall comply with all requirements and guidelines of the CVMC; the Chula Vista Subdivision Manual; the City's Design and Construction Standards; the Development Storm Water Manual for Development and Redevelopment Projects; the City of Chula Vista Grading Ordinance (No. 1797); and the Subdivision Map Act.
12. The following fees will be required based on the Final Building Plans submitted.

Please see reference to fee schedule at: [City of Chula Vista Fee Schedule](#)

 - a. Sewer Connection and Capacity Fees
 - b. Public Facilities Development Impact Fees (PFDIF)
 - c. Transportation Development Impact Fees (TDIF)
 - d. Other Engineering Fees as applicable per the City's Master Fee Schedule.
13. Prior to the final building inspection, the infrastructure serving the Project shall be constructed and fully operational to the satisfaction of the Director of Development Services.
14. The Applicant shall deposit any applicable fees in accordance with the Master Fee Schedule for any required submittals per the Subdivision Manual and CVMC.
15. The Applicant shall submit an improvement plan and obtain a construction permit for any proposed work in the public right-of-way.
16. As part of the first City permit, the Applicant shall construct the existing driveway to current City standards and ensure that it is compliant with the Americans with Disabilities Act ("ADA"). The plans for said permit must include a note indicating that the driveway will be constructed per Chula Vista Standard Drawing GSI-01.
17. Removal and replacement of any broken curb, gutter, and sidewalk fronting the property shall be completed per San Diego Regional Standard Drawings ("SDRSD") G-02 and G-07 as determined by Public Works inspectors. Sidewalk(s) shall be designed and constructed with proper transitions to existing conditions.
18. Any utilities trenching and restoration shall be completed per Chula Vista Standard Drawing GSI-03.
19. Separate permits for other public utilities (gas, electric, water, cable, telephone) shall be required as necessary.
20. Prior to the issuance of any City permit for the Project, the Applicant shall identify, process, and obtain any other required permit(s) from affected agencies and/or jurisdictions.

21. Any improvements in the public right-of-way beyond the Project limits shall be designed and constructed as not to interfere with adjacent businesses, as approved by the City Engineer.
22. Prior to beginning any earthwork activities at the site and prior to the issuance of a building permit, if the combined volume of the cut and fill is more than 250 cubic yards, and/or the cut or fill depth is more than three feet, the Applicant shall submit grading plans to the Land Development Division for processing, reviewing, and permitting in accordance with CVMC 15.04. Plans shall be in conformance with the City's Subdivision Manual and the City's current Best Management Practices ("BMP") Design Manual.
23. Prior to the issuance of any permit, the Applicant shall provide technical reports (e.g., geotechnical, drainage, and any other required report) for review and approval.
24. Construction stormwater BMPs shall be implemented on the Project site prior to construction.
25. The following applies to any retaining wall on the site:
 - a. All retaining walls shall be noted on the submitted grading permit plans, including a detailed wall profile.
 - b. Structural wall calculations are required if walls are not built per SDRSD or Chula Vista Standard Drawing GRD-05.
 - c. Retaining walls that will be part of a building wall must be approved as part of the building permit for the Project.
 - d. Retaining walls around trash bins (if any) shall be noted on the grading plans and called out per standard.
 - e. Retaining wall drains shall tie into the drainage system.
26. If necessary, the Applicant shall coordinate and obtain any approvals from the Sweetwater Authority District prior to the issuance of any City permit.
27. The onsite sewer and storm drain system shall be private. All sewer laterals and storm drains shall be privately maintained from each building unit to the City-maintained public facilities.
28. All proposed sidewalks, walkways, pedestrian ramps, and accessible parking, if any, shall be designed to meet Chula Vista design standards, ADA standards, and Title 24 standards, as applicable.
29. Any proposed private water and fire line structures shall be submitted on the building plan and permitted by the Building Services Division and the Fire Department.
30. Any proposed fire access roads and driveways shall meet H-20 loading requirements or shall be designed for a Traffic Index (T.I.) of 5.
31. Any proposed trash enclosure shall be a covered trash enclosure and meet the requirements of the City's current BMP Design Manual Fact Sheet (SC-Q).
32. The Applicant shall obtain an encroachment permit for any private facilities within public rights-of-way and/or City easements.

Environmental Services

33. Prior to issuance of any building permit for the Project, the Applicant shall comply with the construction and demolition debris recycling requirements as set forth in CVMC 8.25.095, including submittal of a Waste Management Report and possible payment of a Performance Deposit.

Fire

34. The Applicant shall apply for and receive approval for all required construction permits prior to any construction.
35. The Project's design shall be in accordance with CA Title 24 (Building Standards) and City of Chula Vista Fire Ordinances.

Building

36. The bollards shown on the approved site plan in front of the repair bays shall be permanent and nonremovable, and access to the accessible parking stall must be maintained while the repair shop is operating as discussed in CBC 11B-108.

The following ongoing conditions shall apply to the Project Site for as long as it relies upon this approval:

1. Approval of this Project shall not waive compliance with any provisions of the CVMC nor any other applicable laws and regulations in effect at the time of building permit issuance.
2. CUP23-0014 may be reviewed 10 years from the date of approval (November 7, 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.
3. The Applicant and Property Owner shall and do hereby agree to fully and timely indemnify, reimburse, protect, defend, and hold harmless the City, its City Council members, Planning Commission members, officers, employees, and representatives from and against any and all liabilities, losses, damages, demands, claims, and costs, including any costs and expenses to prepare the administrative record for any challenge to the Project approvals and/or compiling a response to a Public Records Act request(s) to provide the record of proceedings materials for the Project, the City's costs to retain its own defense counsel to defend any challenge to any Project-related approvals, court costs and attorney 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 shall acknowledge their agreement to this provision by executing a copy of this permit where indicated below. The Applicant 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/operator's successors and assigns.
4. The Applicant shall comply with all requirements and guidelines of the City of Chula Vista General Plan, the UCSP, the Chula Vista Landscape Manual, the Chula Vista Design Plan, and the Non-Renewable

Energy Conservation Plan as amended from time to time, unless specifically modified by the appropriate department head with the approval of the City Manager.

5. This permit shall expire if not utilized within three years of the approval date or the end of any appeal period unless the Applicant initiates an extension prior to expiration of the permit in accordance with CVMC 19.14.600.
6. All of the terms, covenants, and conditions contained herein shall be binding upon and inure to the benefit of the heirs, successors, assigns and representatives of the Applicant as to any or all of the property.
7. 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.
8. 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 of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the Project and corresponding application(s) for building/grading permits and/or business license(s) be held in abeyance without approval.

Isidro Ochoa (Applicant)

Date

Dan E. Paiz (Property Owner)

Date

APPROVED BY THE ZONING ADMINISTRATOR FOR THE CITY OF CHULA VISTA, CALIFORNIA, this
7th day of November 2024.



Scott D. Donaghe
Zoning Administrator