



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 a Conditional Use Permit (“CUP”) for a wireless telecommunication facility as described below:

Date:	January 16, 2025
Applicant:	MD7, LLC
Project Number:	CUP23-0028
Project Location:	Southeast Corner of East Palomar Street and Nacion Avenue (APN: 620-050-60)
Project Planner:	Valeria Tarka

The proposal consists of installing a new wireless telecommunications facility with six (6) antennas and receivers onto an existing steel pole, as well as alterations to an existing equipment shelter (“Project”). All antennas are designed to match the color of the steel pole they are mounted to. The existing ground-level equipment and wireless telecommunications facility attached to a nearby lattice tower, approved under PCC-14-070, will be removed as a part of this scope of work.

The approximately 0.75-acre site is owned by San Diego Gas & Electric Company (“Property Owner”) and is zoned Single-Family Residence (R-1), with an OS (Open Space) designation in the General Plan.

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. Therefore, 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”), 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 public convenience by supporting essential communication and increased wireless service in the area. The equipment will be located on an existing steel pole and will use an existing equipment enclosure. It will not interfere with any existing activities or conveniences of the public as it will replace a previously approved wireless facility on the property and will contribute to the general wellbeing of the community by ensuring uninterrupted cellular service for the surrounding area.

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 proposed use will ensure continued access to clear and reliable wireless communications that can continue to function in the event of an emergency or natural disaster, enhance the general

health, safety, and welfare of the citizens of Chula Vista, and will not adversely impact persons or property in the vicinity.

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

The proposed use will continue to be compliant 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 conditions and comply with all applicable regulations and standards specified in the City's Wireless Telecommunications Facilities Ordinance (CVMC 19.89) for such use. The conditions of this permit are in approximate proportion to the nature and extent of the impacts created by the use in that the conditions imposed are directly related to the size and impacts of the use.

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

The integration of cellular facilities with existing uses helps to achieve General Plan Objective PFS 24.2, which encourages siting and design techniques that minimize community impacts, such as using architectural features or details that blend with the surrounding area. This permit will allow the use to continue and allow for equipment upgrades.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit CUP23-0028 as described above, subject to the following conditions. These ongoing conditions shall apply to the Project for as long as it relies upon this approval:

1. The Applicant shall maintain the Project in accordance with CVMC Title 19, the conditions contained herein, and the approved plans for CUP23-0028, which include a site plan and architectural elevations on file with the Development Services Department.
2. All equipment associated with the previously approved wireless telecommunication facility shall be removed from the lattice tower and the equipment shelter as indicated on the approved site plan prior to the final inspection.
3. Approval of this permit shall not waive compliance with all applicable provisions of CVMC Title 19 and all other applicable City ordinances in effect at the time of building permit issuance.
4. 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.
5. The Applicant shall cooperate with telecommunications companies in co-locating additional antennas on the subject property, provided said co-locators have received a permit from the City for such use at the Project Location. The Applicant shall exercise good faith in co-locating with other communications companies and sharing the permitted site, provided such shared use does not give rise to a substantial technical-level or quality-of-service impairment of the permitted use (as opposed to a competitive conflict or financial burden). In the event a dispute arises as to whether the Applicant has exercised good faith in accommodating other users, the City may require a third-party technical study at the expense of the Applicant.

6. Within 90 days of cessation of the business operations and use of the antennas, the Applicant shall submit a substitute user to the satisfaction of the Director of Development Services and/or remove the Project and all associated equipment from the Project site. If the facility is removed, the Applicant shall restore the Project site to its original condition. Any changes to this permit shall require a modification to be reviewed by the Zoning Administrator.
7. The Property Owner and Applicant shall and do 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 on the Project site. The Property Owner and Applicant shall acknowledge their agreement to this provision by executing a copy of this permit where indicated below. The Property Owner's and Applicant's compliance with this provision shall be binding on any and all of the Property Owner's and Applicant'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 permit.
9. 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.
10. This permit may be reviewed 10 years from the date of approval (January 16, 2035), 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 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.

Harold Thomas Jr.
for MD7 LLC (Applicant)

Date

Brian Niemela
for San Diego Gas & Electric Company (Property Owner)

Date

APPROVED BY THE ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA, CALIFORNIA, this
16th day of January 2025.



D. Todd Philips, Ed.D.
Zoning Administrator