



Development Services Department

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 modification of an existing wireless telecommunications facility mounted on the roof of an existing building as further described below:

Date:	February 26, 2025
Applicant:	MD7, LLC for T-Mobile
Project Number:	CUP24-0018
Project Location:	1090 Apache Drive (APN: 642-050-16)
Project Planner:	Mathew Sterling

The Applicant proposes to remove three (3) antennas, relocate three (3) antennas, and install three (3) antennas above the roofline of the building, in addition to making alterations to existing ground equipment (“Project”). The Project will be installed on the southern, eastern, and northeastern portions of the building near Telegraph Canyon Road and Apache Drive. The proposed antennas will be painted to match the color of the building and the existing antennas.

The subject property is owned by Pacific Bell Telephone Company (“Property Owner”) and is zoned Planned Community (PC), with a designation of Open Space (OS) in the Chula Vista 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. 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 to provide a service or facility that will contribute to the general wellbeing of the neighborhood or the community.

The use will continue to support public convenience by providing essential communication and increased wireless service in the area. The Project will modify existing roof-mounted antennas painted to match the building, which will not create any new visual impacts. In addition, the alterations to the associated ground equipment will not create any new visual impacts. The proposed use will not interfere with any existing activities or conveniences of the public and will continue to aid in the general wellbeing of the community by providing uninterrupted wireless service for nearby communities.

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 ensure continued access to clear and reliable wireless communications, which can continue to function in the event of an emergency or natural disaster and may help to enhance the general health, safety, and welfare of the citizens of Chula Vista.

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

Approval of this CUP will require the Applicant and/or Property Owner to fulfill conditions of approval, including compliance with all applicable regulations and standards specified in the City's Wireless Telecommunications Facilities Ordinance (CVMC 19.89) for the use. The use will be implemented in compliance with the associated development criteria and all other City zoning and building regulations.

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

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.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit CUP24-0018 as described above, subject to the following conditions:

1. The Applicant shall maintain the Project in accordance with the approved plans for CUP24-0018, which include a site plan and architectural elevations on file with the Development Services Department. The Project shall also maintain compliance with the conditions contained herein and CVMC Title 19.
2. 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.
3. 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.
4. 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 telecommunications 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.
5. 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
6. 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.

7. The City reserves the right to review this permit and its approved use if, at any time, it has cause to believe that the use is out of compliance with this permit. Should the use be deemed noncompliant, the Zoning Administrator shall review this permit and determine, in consultation with the Property Owner, whether the permit must be modified from its original approval or revoked, or whether a new permit is required. If a new permit is required, the Zoning Administrator shall determine the timeline for review. Such review shall not result from changes to the applicable standards and regulations in effect at the time of this permit's issuance.
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 by the City's approval of this permit.
10. The Applicant/Representative and Property Owner shall execute this document by making a true copy and signing the original 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 for building/grading permits and/or business license be held in abeyance without approval.

Richie Glidden
for MD7, LLC (Applicant)

Date

Julie Overman
for Pacific Bell Telephone Company
(Property Owner)

Date

APPROVED BY THE ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA, CALIFORNIA, this 26th
day of February 2025.

A handwritten signature in blue ink, appearing to read "D. Philips", is written over a horizontal line.

D. Todd Philips, Ed.D.
Zoning Administrator