CITY OF CHULA VISTA

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") to modify an existing wireless telecommunications facility on an existing industrial building as further described below:

Date:	**May 28, 2024**
Applicant:	**AT&T Mobility**
Project Number:	**CUP22-0030**
Project Location:	**796 Energy Way (APN: 644-181-11)**
Project Planner:	**Arturo Ortuño**

The Applicant requests to renew and modify the CUP for an existing façade-mounted wireless telecommunication facility consisting of 12 panel antennas, 15 remote radio units (RRUs), and a 200-square foot equipment enclosure located in the southwest corner of the property. The proposed modifications include removing three (3) existing panel antennas and installing three (3) sets of two (2) stacked antennas and other associated equipment ("Project"). New antennas and associated equipment will be painted to match the existing antennas and industrial building. No ground-level improvements are proposed as part of the Project.

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 modifying an existing wireless telecommunication facility on an existing structure; thus, 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 to provide a service or facility that will contribute to the general wellbeing of the neighborhood or the community.

The use will enhance public convenience by continuing to provide essential communication and increased wireless service in the area. It will not interfere with any existing activities or conveniences of the public, as it will be located on an existing structure and will contribute to the general wellbeing of the community by ensuring uninterrupted cellular service.

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.

This permit 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 the conditions of approval contained herein, including compliance with all applicable regulations and standards specified in the City's Wireless Telecommunications Facilities Ordinance (CVMC 19.89) and all other City zoning and building regulations.

Granting this permit will not adversely affect the General Plan of the City or the adopted plan of any governmental 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(s).

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves CUP22-0030 as described above, subject to the following conditions. These 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 the approved plans for CUP22-0030, which include a site plan, equipment plan, elevations, and photo simulations on file in the Development Services Department. The Project shall also maintain compliance with the conditions contained herein and Title 19 of the CVMC.

2. A fire extinguisher shall be provided adjacent to the equipment cabinet at all times, per Fire Department regulations.

3. Approval of this permit shall not waive the Applicant's responsibility to comply with all applicable provisions of Title 19 of the CVMC and other applicable City ordinances in effect at the time of building permit issuance or the approval of this permit.

4. 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.

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. 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 or their designee 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 Applicant 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 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 and Property Owner 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.

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 a 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 (May 28, 2034), at which time the Zoning Administrator may review this use for compliance with the conditions of approval and any 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 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 indicates that the Applicant and Property Owner have each read, understood, and agree 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'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.

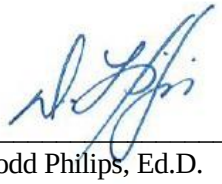
_____ _____

Jeff VanderVeen Date
for AT&T Mobility (Applicant)

_____ _____

Mark Ralph Date
for Harness Properties, LLC (Property Owner)

APPROVED BY THE ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA, CALIFORNIA, this 28th day of May 2024.



_____

D. Todd Philips, Ed.D.
Zoning Administrator