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 water tank in an Open Space (OS2) zone of the Rancho Del Rey Sectional Planning Area ("SPA") III as described below:

Date:	**June 15, 2023**
Applicant:	**AT&T**
Project Number:	**CUP22-0035**
Project Location:	**996 E H Street (APN: 640-050-33)**
Project Planner:	**Arturo Ortuño**

The Applicant requests to modify the existing façade-mounted facility consisting of 12 panel antennas, 15 remote radio units (RRUs), and one (1) equipment cabinet ("Project"). The proposed modifications include relocating existing antennas and installing three (3) sets of two (2) stacked antennas and other associated equipment. New antennas and associated equipment will be painted to match the existing water tank. 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 continue to provide public convenience by providing 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.

The use will be implemented in compliance with the City's Wireless Telecommunications Facilities Ordinance 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.

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 CUP22-0035 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 CUP22-0035, which include a site plan, equipment plan, elevations, and photo simulations on file with 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 Project shall not waive the Applicant's responsibility to comply with all sections 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 facility, 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 Location. If the facility is removed, the Applicant shall restore the Project Location 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 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 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 fail to be met, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail 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. The Applicant or a successor in interest gains no vested rights by the City's approval of this permit.

10. This permit shall expire June 15, 2033, 10 years from the date of this approval. The Applicant may request an extension 30 days prior to the expiration of this permit. The Zoning Administrator shall review this use for compliance with the conditions of approval and any applicable codes and regulations and shall determine, in consultation with the Applicant, whether the Project shall be modified from its original approval, denied, or extended.

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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Jeff VanderVeen
for AT&T

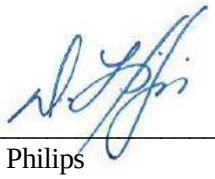
Date

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Jose Martinez
for Otay Water District

Date

APPROVED BY THE ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA, CALIFORNIA, this 15th day of June 2023.



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D. Todd Philips
Zoning Administrator