ZONING ADMINISTRATOR
NOTICE OF DECISION

Date:	**January 9, 2023**
Applicant:	**Naomi Urbina**
Case Number:	**CUP22-0040**
Address:	**1930 Avenida Escaya, Suites 103 & 105 (APN: 644-061-08)**
Project Planner:	**Arturo Ortuño**

Notice is hereby given that on January 9, 2023, the Zoning Administrator considered Conditional Use Permit (CUP) application CUP22-0040, filed by Naomi Urbina ("Applicant"). The Applicant requests permission to operate a 2,446-square foot veterinary clinic within an existing mixed-use building ("Project"). The Project is located at 1930 Avenida Escaya, Suites 103 and 105 ("Project Site"), on the southwestern corner of Heritage Road and Avenida Escaya. The Project Site is owned by Village of Escaya Mixed Use, LLC ("Property Owner"). The Project Site is in the Mixed Use 1 (MU-1) zone of the Otay Ranch Village 3 Sectional Planning Area (SPA) Plan and is designated as Mixed Use (MU) in the Chula Vista General Plan. The Project is more specifically described as follows:

The proposed veterinary clinic use will occupy two suites of an existing three-story mixed-use building. Site improvements are limited to interior tenant modifications to provide a lab and pharmacy area, offices, exam rooms as well as surgery, x-ray, and dental rooms. The proposed clinic will provide veterinary services for household pets, primarily dogs and cats. Services will include wellness, outpatient sick treatment, surgeries including spaying and neutering, and dental cleaning. Overnight services will not be provided. The proposed vet clinic will operate Monday through Sunday from 7 AM to 7 PM. The proposed clinic will have a total of five full-time employees and a maximum of four employees at the Project Site during normal business hours.

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 the interior of an existing building; 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 Section 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.***
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> The proposed veterinary clinic use will help achieve the purpose of the MU-1 zone by "providing areas for office uses, retail stores, and service establishments offering commodities and services required by residents of the village or adjacent villages." The proposed use will address an unmet need in the community and enhance access to quality pet care for Escaya residents.
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> ***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.***
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> The proposed veterinary clinic use has been designed and conditioned to avoid potential health, safety, and noise impacts to nearby residents and businesses. The proposed use will

not include an indoor kennel or overnight services, therefore reducing the risk of a noise impact. The proposed clinic will occupy existing suites within a mixed-use building and use existing off-street parking, resulting in no significant impacts to parking demand or traffic.

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

The proposed veterinary clinic is located within the MU-1 zone, which allows "veterinary office and/or animal hospital" with approval of a CUP. The proposed use complies with all applicable regulations and conditions specified in the Otay Ranch Village 3 SPA Plan and the CVMC.

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

Approval of the proposed veterinary clinic helps to achieve General Plan Land Use and Transportation (LUT) Policy 5.1 by "promoting mixed-use development, where appropriate, to ensure a pedestrian-friendly environment that has opportunities for housing; jobs; childcare; shopping; entertainment; parks; and recreation and more physical activity."

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit CUP22-0040 as described above, subject to the following conditions:

1. The Applicant shall maintain the Project in accordance with the approved plans for CUP22-0040, which include a site plan and floor plans 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. Approval of this permit 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.

3. The Project shall comply with performance standards found in the Otay Ranch Village 3 Planned Community District Regulations.

4. Proposed signage shall require a separate permit and shall comply with the Shops at Escaya Planned Sign Program (PSP19-0004).

5. 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.

6. 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.

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. 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.

9. This permit shall become void if not used or extended within three years of the effective date (January 9, 2026) thereof in accordance with CVMC Section 19.14.260. Failure to comply with the conditions of approval shall cause this permit to be reviewed by the City for additional conditions or revocation.

10. 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.

_____ _____
Signature of Applicant Date

_____
Printed Name of Applicant

_____ _____
Signature of Authorized Property Owner Date

_____
Printed Name of Authorized Property Owner

APPROVED BY THE ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA, CALIFORNIA, this 9th day of January 2023.

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D. Todd Philips
Zoning Administrator