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") application to sell beer and wine for on-site and off-site consumption at a new café located within an existing mixed-use building in the MU ("Mixed Use") district of the Otay Ranch Village 11 Sectional Planning Area ("SPA") as described below:

Date:	**March 13, 2026**
Applicant:	**WSZ Family, Inc.**
Project Number:	**CUP23-0026**
Project Location:	**2170 Birch Road, Suite 1101 (APN: 643-770-02-44)**
Project Planner:	**Hector Salgado**

The Applicant requests to sell beer and wine for on-site and off-site consumption at a new cafe located within an existing mixed-use building ("Project"). The subject property is owned by WSZ Family, Inc ("Property Owner") and is designated in the General Plan as MUR (Mixed-Use Residential). The proposed tenant will occupy 858 square feet of ground-floor commercial space in the mixed-use building.

The MU district within Otay Ranch Village 11 permits eating establishments with sale of alcohol for on-site consumption with a CUP.

ENVIRONMENTAL REVIEW

The Project was reviewed 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.

HOUSING IMPACT

Neither the subject property nor any portion thereof was identified in the General Plan's Housing Element to accommodate a portion of the City's allocation toward addressing regional housing needs, and the Project does not propose to add additional units to the City's existing housing stock. There is no net loss of housing capacity toward the City's regional allocation resulting from the Project.

The ZONING ADMINISTRATOR, under the provisions of Section 19.14.030(A) of the Chula Vista Municipal Code ("CVMC"), as well as the applicable provisions of the Otay Ranch Village 11 SPA Plan, 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 sale of beer and wine will complement the mixed-use building by allowing patrons the option of purchasing beer and wine to complement the food served at the café. The use will provide a desirable service that is generally associated with the mixed-use environment. With the conditions of approval, the proposed use will not adversely affect the general wellbeing of the neighborhood or the community.

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.

The Project will comply with applicable sections of the California Building and Fire codes, and the hours of operation will be limited to between 11:00 AM and 9:00 PM seven days a week. Additionally, the license will be regulated by the California Department of Alcoholic Beverage Control (ABC).

The proposed use will comply with the regulations and conditions specified in the Otay Ranch Village 11 SPA Plan and the CVMC for such use.

The Project will adhere to the performance standards set forth in CVMC 19.66. Pursuant Section II.3.4.5 of the Otay Ranch Village 11 SPA Plan, the sale of alcohol is permitted with a CUP. The proposed conditions of this CUP are in proportion to the nature and extent of the impact(s) created by the use in that the conditions imposed are directly related to, and of a nature and scope related to, the size and impact(s) 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 Project, as proposed, is consistent with uses permitted in accordance with the Otay Ranch Village 11 SPA Plan and will not adversely affect implementation of the General Plan. The General Plan designates the site as MUR. Allowing the sale of wine and spirits would not alter the existing land use pattern or the designations of the General Plan.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit CUP23-0026 as described above, subject to the following conditions:

1. Prior to reliance of this conditional use permit, the applicant shall obtain all necessary licenses by the California Alcoholic Beverage Control (ABC).
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2. The quarterly gross sales of alcoholic beverages shall not exceed the quarterly gross sales of food during the same period. The licensee shall at all times maintain records, which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Development Services Department on demand.

3. Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 11:00 AM and 9:00 PM each day of the week.

4. The use of any amplifying system or device is prohibited on any future patio area, and the use of any such system or device inside the premises shall not be audible outside the premises.

5. The Applicant shall maintain the Project in accordance with the approved plans for CUP23-0026, 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.

6. Upon approval of this Project, the Applicant may choose to file the California Environmental Quality Act (CEQA) Notice of Exemption (NOE) in the Office of the Recorder for the County of San Diego (County).

Filing the NOE with the County reduces the statute of limitations for legal challenges on the project's CEQA NOE determination from 180 days to 35 days. If the applicant chooses to file the NOE with the County, the applicant shall immediately return a copy of the recorded NOE to the Development Services Department for upload to the State Clearinghouse of the California Office of Land Use and Climate Innovation.

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

8. 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.

9. The Applicant/Representative and Property Owner shall and do hereby agree to 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 herein, and the Applicant/Representative shall acknowledge their agreement to this provision by executing a copy of this permit where indicated below. The Applicant/Representative's 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/Representative's successors and assigns.

10. 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. Neither the Applicant nor a successor in interest gains vested rights by the City's approval of this permit.

11. 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.

12. 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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Wathik Zori Date
for WSZ Family, Inc

Applicant/Property Owner

APPROVED BY THE ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA, CALIFORNIA, this 13th day of March 2026.

Anna Colamussi

Anna Colamussi
Deputy Director of Development Services/Zoning Administrator